

STATE PARTY EXAMINATION OF ISRAEL'S SECOND, THIRD AND FOURTH PERIODIC REPORT

63RD SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

27 MAY – 14 JUNE 2013

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Israel ratified the Convention on the Rights of the Child (CRC) on 3 October 1991. On Monday 3 June 2013, the Committee on the Rights of the Child (the Committee) examined the combined second, third and fourth combined periodic report of Israel. It was last examined on 2 October 2002.

Israel ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (OPAC) on 18 July 2005. It was last examined under OPAC on 19 January 2010. This review covered Israel's integrated report on CRC and OPAC.

Opening Comments

The delegation of Israel was led by H.E. Mr Eviatar Manor, Ambassador and Permanent Representative of Israel to the UN. He was supported by representatives from the Ministry for Justice, the Ministry of Health, the Ministry of Social Welfare, the Ministry of Education, the Ministry of Interior, the Ministry of Foreign Affairs, the Israeli Defence Forces and representatives of the Permanent Mission of Israel to the UN in Geneva.

Mr Manor was glad to present Israel's efforts to fulfil its obligations under the CRC, as well as to share achievements and remaining challenges. Israel highly valued the treaty body system, respected the advice of treaty bodies and gave regular consideration to their recommendations when elaborating policies and laws. The State report had been prepared in collaboration with various governmental ministries and agencies, as well as non-

governmental organisations. The latter also participated in public debates and legislative proposals.

Mr Manor addressed the Israeli-Palestinian situation, indicating that the negotiation of a solution remained a priority for Israel. The Arab Spring in the Middle East had given rise to optimism, although its outcome, between democracy and extremism, remained uncertain. Israel still experienced attacks against its citizens but hoped that the conflict would be resolved in order to bring peace and prosperity in the region. Because of these challenges, many resources had been put in the protection of basic rights of citizens, and Israel endeavoured to ensure a balance between the need to address security challenges while respecting its international obligations, especially regarding the rights of the child. Israel would remain committed to fulfilling its obligations under the seven core human rights treaties that it had ratified. Data was not available on children living in the territories of Gaza and the West Bank, which were under the control of the Palestinian Authority, which legislated independently.

The head of delegation acknowledged that despite progress that reflected the importance given to child rights protection, work remained to be done, especially concerning the rights of children belonging to vulnerable groups. Since 2002, significant progress had been made to uphold the rights of children from all religious and ethnic backgrounds, and the government strived to promote the ideas enshrined in the CRC in Israel's basic laws. Mr Manor mentioned in particular the good welfare system that was in place and briefly listed recent measures adopted, including in the areas of adoption and alternative care, juvenile justice and education. He insisted on the crucial role played by the Israeli courts in the protection of children's rights. The Supreme Court had recently decided against a lower court on the integration of asylum seekers into the mainstream education system and had explicitly referred to the CRC in its decision.

Mr Manor looked forward to a fruitful dialogue with the Committee in the presentation of the implementation of the CRC.

Ms Sandberg, the Country Rapporteur, commended the State for the progresses achieved to date and welcomed the interesting legislative proposals of the Rotlevi Committee. She recalled that the Committee would not judge the State but instead provide expert input for the improvement of the situation of children within the State's jurisdiction. She added that the Committee followed the interpretation of the International Court of Justice, according to which Israel had the status of occupying power over Palestinian territories, which therefore fell under Israel's jurisdiction for the application of international treaties.

General Measures of Implementation

Legislation

The Committee noted that the CRC did not have the status of law in Israel and asked whether the State would transpose its provisions into national law. The Committee observed that the CRC was regularly referred to in judicial decisions, especially by the Supreme Court, but was not directly applied as such. It asked whether its provisions could be invoked in court. The delegation indicated that courts and legislation were bound by the content of a convention ratified by Israel, including rabbinic and sharia courts. However, until an international convention was legislated, it could not be applied directly in national court proceedings.

The Committee asked whether the State would adopt a comprehensive law or code that would integrate all aspects of child rights. The delegation answered that the Rotlevi Committee had examined two options to legislate in the area of child rights: the drafting of a general code, or the adoption of one law for each provision of the CRC. The Rotlevi Committee had decided that the second option would be best, thus the legislative process would continue in order to include each right of the child in its own individual law.

The Committee asked whether the State would ratify the international human rights treaties and their respective optional protocols that had not yet been ratified. The Committee mentioned in particular the Convention on the Rights of Migrant Workers and their Families, as well as the third Optional Protocol to the CRC on a communications procedure and the two Optional Protocols to the Geneva Conventions, as well as the Rome Statute of the International Criminal Court.

The Committee recalled that according to international law and the position of the International Court of Justice, Israel had effective control over Palestinian territories and those territories therefore fell under Israel's jurisdiction for the application of international treaties. The delegation indicated that according to the interpretation of the laws of treaties and the Vienna Convention, international conventions were not intended to be applied beyond the national territory; while there was a recognised connection between human rights treaties and the laws of armed conflicts, Israel considered that they remained distinct and international humanitarian law only would apply to the Palestinian territories, which were not in a legal vacuum. In addition, after the disengagement initiatives of 2005 and the dismantling of Israeli administration in the Palestinian territories, Israel did not have effective control over Gaza. In the West Bank, the majority of Palestinians fell under the Palestinian jurisdiction.

Data

The Committee asked for details about the use of data in the elaboration of policies that would ensure implementation of the CRC, including for children in the most vulnerable situations.

Ombudsman

The Committee asked about the intention of the State to establish an Ombudsperson for children, as had been recommended by the Rotlevi Committee. The delegation indicated that there was a special unit within the office of the State Controller that received complaints and this office contained a special unit for complaints from children. The State Controller had offices all over the country to ensure accessibility of the mechanism, to children. The State Controller had the function of an Ombudsperson as it also presented reports to the State; its last report had addressed the issue of immigrant persons in Israel. The establishment of a national institution for the rights of the child was still under discussion. If adopted, such an institution would not only coordinate the implementation of the CRC but would also ensure the meaningful participation of children in all matters affecting them.

Coordination and monitoring

The Committee asked whether there was any coordination mechanism or body between central and local levels of the government for the implementation of the CRC and OPAC. The Committee asserted that the mandate of the State Controller mentioned in the State report may not be sufficient for effective coordination. The delegation explained that the State

Controller had a major role in terms of coordination since it expressed how the government should act when coordination was needed. Some internal committees had also been set up to ensure cooperation among relevant ministries. If no agreement could be found, the matter would be referred to the Prime Minister for consideration.

Civil society

The Committee asked about collaboration with non-governmental organisations, and whether those working in the Palestinian territories were perceived negatively by the State. It was also concerned by the difficulty for foreigners to be issued work permits to work in international organisations.

Dissemination and training

The Committee asked whether all professionals working in child rights were appropriately trained on child rights issues, including judges, lawyers, teachers and police officers. The delegation answered that a pilot project had established special units of social workers within the courts to which the child could speak instead of appearing before the judge. This project would be gradually implemented in all courts throughout the country.

The Committee also asked whether the CRC and OPAC had been disseminated in the country. The delegation answered that the CRC appeared on the website of the Ministry of Interior and that all international conventions formed part of the national education curriculum. A joint inter-ministerial team existed for the implementation of Concluding Observations of all treaty bodies, which had led to several concrete changes in the legislation.

Definition of the Child

The Committee asked whether early or forced marriages were conducted among ultraorthodox Jewish families, as well as migrants. The Committee also asked whether the minimum age of marriage was different between Israel and the occupied territories.

General Principles

Non-discrimination

The Committee asked whether Israel would respond to the call of the international community to amend discriminatory laws and ensure that all children, including Palestinian, Ethiopian, Arab Israeli and Bedouin children could enjoy all the rights recognised under the CRC and OPAC. The delegation answered that in the education system, the law prohibited schools from having more than 50 per cent of children from the same ethnic background to avoid discrimination and ensure integration.

Best interest of the child

The Committee recalled that the right of the child to have its best interest given primary consideration in matters affecting it should be taken into consideration in all legislation and policy measures. It observed that the right was still not upheld as a primary consideration and asked what measures would be taken to comply with this obligation under the CRC. The delegation indicated that the right concerning the best interest of the child was recognised in the law as the decisive consideration for all decisions affecting a child. For instance, the

adoption law set out what the best interest of the child meant in the context of adoption, including the need for the child to have a consistent care environment and not be moved from one family to another. The delegation assured the Committee that a convention ratified by the State obliged the whole system, including all relevant professionals, to engage accordingly, not only the courts. In addition, a court decision recognising the best interest of the child as the primary consideration to take into account in children cases had to be followed by all institutions.

Right to life, survival and development

The Committee was concerned by the reported extrajudicial killings of Palestinian children by Israeli Defence Forces, as well as the use of children as human shield. It asked whether Israeli soldiers were given instructions to shoot at Palestinian children found near the border between Israel and Palestinian Territories and whether investigations and prosecution of perpetrators had been carried out. The Committee mentioned its declaration from 2009 on the devastating effects on Palestinian children of military operations in Gaza, recalling that the rights of the child should be respected even in times of conflict.

The delegation indicated that since 2000, Israel had been involved in an armed conflict with Palestinian terrorist groups, in which some minors had taken part. This required some legal measures to protect the security of Israel, but also to protect minors brought to trial; minors received a fair trial according to international standards. However, because Palestinians controlled 95 per cent of the Palestinian population, there were obstacles to law enforcement in those territories, and attempted arrests could result in clashes and casualties. Despite the situation, Israel strived to protect the rights of minors by amending relevant military procedures and through court decisions.

The delegation insisted on the fact that Israeli forces were instructed not to shoot at minors, except in case of necessity. The Israeli army was bound by International Humanitarian Law, including the principles of proportionality and distinction. National Armed Forces were prohibited to shoot at civilians and, when it could not be avoided, all efforts were made to prevent collateral casualties. Military and extraction operations were carried out in consultation with a military chief medical officer in order to proceed without harming children. The delegation indicated that allegations of wrongful conduct by the Israeli armed forces were taken very seriously; investigations and prosecutions were carried out and the State was committed to fully investigate and punish them. Effective mechanisms were available to carry out investigations, including independent military courts. Complaints could be initiated by a variety of parties including non-governmental organisations or the media.

The delegation added that the use of children as human shields was prohibited by orders and regulations, international law and the Israel Supreme Court and any violation was being investigated and followed by criminal proceedings. Training was important to minimise the possibility of illegal acts, at all levels of command. However, there were obstacles when investigations were carried out, since allegations were usually made in a general manner, without names of the victims or details; in those cases, investigations could not be carried out.

The Committee also asked whether the State took any measures to prevent settlers from attacking Palestinian children, and whether investigations of such cases and prosecution of perpetrators were carried out. The delegation stated that violence by settlers was prohibited and that investigations were carried out as and when such situations arose. An inter-ministerial team had been created to conduct research on ideological crimes and regional

departments monitored right-wing activists, which had led to a court decision against those groups. Efforts had been made to prevent violent incidents between both communities; however, similarly to complaints against the armed forces, law enforcement in those cases could be challenging, as complaints were sometimes not filed immediately after the event and it was difficult to access information and receive complete complaints that could be followed up on.

The Committee was concerned by violence against Palestinian children near the security fence. The delegation indicated that security measures were implemented to protect Israel from attacks, while taking into account the needs of the population and the necessity to minimise harm caused to the population in general and children in particular.

The Committee remarked that pregnant Palestinian women regularly experienced delays at checkpoints, which had resulted in deliveries occurring outside of health facilities and therefore cases of miscarriages or death of the mother and/or child. It asked whether permits were necessary for medical transfers from Palestinian territories to Jerusalem and Jordan, and if the family could accompany the patient concerned.

The delegation explained that positive developments had taken place in this regard, including the removal of some checkpoints; there were no restrictions to circulate within the West Bank. The delegation was not aware of recent cases of pregnant Palestinian women experiencing delays at checkpoints and explained that there were clear orders and training of professionals to ensure that urgent medical cases could go through checkpoints, since the restriction of movement was applied in combination with other rights. Regarding permits for medical transfers, the delegation indicated that a permit could be required to go through the bridge leading to Jordan as there were severe security risks, but that no permit was required as a general rule. Israel had the right to regulate entry to its territory; therefore permits were required to enter Jerusalem from the West bank. For medical transfers, a normal request had to be filed to ensure that it was authentic.

Inhuman and degrading treatment

The Committee was also concerned by the fact that children could be chained or shackled when arrested for the commission of an offence. The delegation indicated that operational instructions of the Israeli Defence Forces prohibited the shackling of children, unless exceptional circumstances and risks, which also depended on the seriousness of the offence.

Respect for the views of the child and child participation

The Committee welcomed the pilot project carried out in Haifa within family courts, as well as the recognition of the need for the consent of the child in medical procedures. It asked whether those practices would be extended to the whole country.

The Committee asked about the right of the child to be heard in adoption procedures and particularly on the participation of children in court hearings when they were not aware of their adoption situation. The delegation indicated that the best interest of the child applied in the context of adoption procedures and that the child was able to express his or her feelings. Children could be heard in court from the age of nine years old. The delegation stated that an adoption order could not be issued unless the child knew that he or she would be adopted, except in exceptional cases. Parents were encouraged to let the child know about the adoption and adoption was a matter freely discussed among children themselves and in schools.

The Committee asked for more details about the participation of children at the Knesset, and especially if this participation was a practice enshrined in the law. It also asked about the recent law according to which youth representatives be represented on local authority committees and whether people interacting with children received specific training on how to listen to children and ensure their views were taken into account. The Committee also asked whether the laws that provided opportunities for child participation ensured the participation of non-citizen and non-resident children in Israel.

Civil Rights and Freedoms

Right to identity

The Committee observed that surrogacy was a widespread practice in Israel, which had been one of the first countries to legalise it. It asked whether the State would legislate on the right to identity of children born of surrogacy and their right to information on their origins, including for children of same-sex couples and those adopted from abroad. The Committee also asked whether the law made a distinction between traditional surrogacy where the surrogate mother was the biological mother of the child, and full surrogacy, where the woman carrying the child was not the biological mother.

The delegation answered that Israel had initiated a process of drafting an international convention on inter-country surrogacy. The proposal had been presented at the Hague Conference and a discussion around it would take place in 2014. The child born by surrogacy was currently recognised as the child of his or her biological parents, whoever they may be, if this provision was included in the agreement between the concerned parties. The woman carrying the child could give her consent to be identified as the biological mother, or decide to keep the child. An international convention would ensure that no trafficking could take place within the practice. The delegation also indicated that legislation would be developed for surrogacy by same-sex couples.

The Committee asked about the respect of the right to identify of children born from In Vitro Fertilisation (IVF) procedures and adopted children, and whether the child had access to information about the identity. The delegation answered that the child could request, at the age of 18, to access the file to find out about the identity and origins. In addition, adoptive parents received detailed information on the biological family of the child at the time of the adoption and could inform the child about the identity and origins during the childhood. IVF was currently still anonymous; however, the Rotlevi Committee had recommended providing both anonymous and non-anonymous procedures; therefore, the anonymity rule would change soon.

Corporal Punishment

The Committee welcomed the prohibition of corporal punishment in all settings and asked whether it included all forms of violence, including slight punishments. The Committee also asked whether corporal punishment was practiced in child detention facilities. The delegation indicated that all forms of corporal punishment were prohibited in school settings.

Birth registration

The Committee was concerned that children born of migrant parents in Israel were not provided with a proper birth certificate but rather an unofficial document where the name of

the father did not appear. In addition, the cost of identification of the father seemed to be at the charge of the parents, which could result in the denial of a birth certificate. The Committee asked whether a birth certificate could still be issued without granting Israeli nationality to those children. The delegation answered that children born in Israel to foreign parents received a birth confirmation only, which could be used to identify the mother, the child, and the date of the birth.

Sexual abuse

The Committee commended the State for the various laws and policies adopted in the area of sexual violence and abuse; however, the Committee was concerned about the prevalence of cases of sexual abuse, mostly against girls. It asked what prevention measures were being taken, as well as for information on investigation and prosecution of perpetrators. The delegation indicated that eight centres for sexually abused children had been established. More of these centres would be opened in 2013 throughout the country, including one centre specifically for Bedouin children. All expenses were at the charge of the State and of some private foundations.

Family Environment and Alternative Care

Alternative care

The Committee welcomed numerous achievements in providing alternative care asked what services existed for the prevention of the placement of children out of home. The delegation indicated that services provided to maintain children at home had doubled. After-school centres where children were provided with hot meals and support for homework had been created; parents could also receive guidance and family therapy within those centres. In Arab communities, the identification of children at risk was on-going and a national programme run by the Ministry of Social Affairs had been elaborated to reduce these risks and would be implemented in numerous localities.

The Committee was concerned by the high number of children in residential care compared to children in foster care, especially regarding disabled children. It also asked about measures taken to facilitate reunification and reintegration of children in their families and in the society. The delegation admitted that the ratio between children in residential and foster care had to be challenged. Family structures were increasingly recognised as the best solution for children without parental care and an increasing number of children with disabilities were being placed in foster families. The budget to recruit foster families had also increased.

Standard of living

The Committee was concerned about the impact of demolitions and displacement on children and about the increasing poverty of Palestinian children. Concerning the planning and zoning laws in the West Bank, the delegation explained that many rights and obligations had been transferred to the Palestinian authorities regarding zones A and B. In area C, the planning and zoning was aimed at upholding order. As such, the issue of illegal construction was being addressed by the relevant administration. There was a right to appeal administrative decisions of demolition before the high courts of justice and the actual demolition only took place after the completion of all administrative steps, including prior notice. Many authorisations of construction had been granted for zones A and B and legal constructions were not at risk of demolition.

Deprivation of family life

The Committee was concerned about the strict conditions to enter Israel for noncitizens, which had an impact on family reunification. The delegation explained that permits for reunification were not granted anymore for security reasons linked to risks of terrorism. Exceptions were granted for reasons relating to work, medical treatments, or for a minor whose parents resided legally in Israel. Permits that had already been granted before the adoption of the new law would not be upgraded. However, in 2012, a juvenile court decision recognised the right to family reunification, which demonstrated that issue was very delicate as the balance between the requirements of a democratic State and the need of security had to be carefully determined.

Basic Health and Welfare

Children with disabilities

The Committee commended the State for progress made on assistance and services provided to children with disabilities; however, it was concerned that less had been achieved for inclusive education, including the modification of curricula, as well as adaptation of policies and buildings. It asked whether the best interest of the child was always taken into account or whether the best interest of the parents prevailed. The delegation indicated that a five-year programme had been elaborated to make all Israeli schools accessible to children with disabilities, and half of the children with disabilities were currently studying in mainstream schools. The delegation admitted that schools were not totally inclusive but the State was making significant efforts in that direction. Education of children with disabilities was paid for by the State up to age 21 to facilitate fuller integration into society.

Social services

The Committee asked to what extent social services were privatised. The delegation answered that the government could either act directly or through private services regulated by the State. Social services were available to all children and there was no connection between the availability of services and the different levels of child poverty.

Sanitation

The Committee was concerned about the restriction of the use of land water, as well as water shortages and the unequal distribution of resources in regions where Arab Bedouins lived. The delegation indicated that the same rights and water supplies applied in Bedouin towns as in other parts of Israel; however, many Bedouins chose to live outside of towns, where living conditions were sub-standard. Authorities had attempted to provide these communities with the same level of services, even in illegal villages; however, it was difficult to reach the remote towns.

Breastfeeding

The Committee was concerned that female employees were being prevented from taking certain professional positions because of the lack of policies to facilitate breastfeeding. The Committee also asked whether there was a law or code that regulated the marketing of infant feeding formula. The delegation indicated that the Ministry of Health had introduced more flexibility concerning breastfeeding and regulations would be amended to achieve the target levels of breastfeeding. There were measures in place to enforce the International Code on

Marketing of Breast Milk Substitutes in the relevant industries and advertising sector. The supervision procedures on breast milk substitutes were stricter and formula was only provided free of charge to for mothers living with HIV.

Harmful practices

The Committee was concerned by complications that could arise from certain kinds of circumcision and asked whether the State intended to carry out a study on the impact of these specific forms of circumcision on the health and wellbeing of boys. The delegation explained that male circumcision was part of the Jewish religion and did not pose medical risks. Minor complications represented less than five per cent of cases, and two or three cases of major complications were detected each year. Circumcision was carried out on a voluntary basis. In addition, most of the circumcisers were trained physicians and there were procedures to supervise the carrying out of the procedure.

Adolescent health

The Committee was concerned by the rates of suicide and psychological issues among adolescents, particularly girls, and asked whether counselling and other support mechanisms were available to them. It also asked whether information on reproductive health was provided free of charge and confidentially to adolescents.

Education, Leisure and Cultural Activities

Content of curricula

The Committee asked to what extent human rights education was taught in schools. The delegation answered that the CRC was disseminated to all schools in Israel. Special programmes were elaborated with the collaboration of the National Committee of UNICEF in Israel, including on the prevention of violence. Educational programmes taught children about the importance of dialogue among people of different religious and ethnic backgrounds. Sports and other activities were used to promote tolerance and understanding, as well as to raise awareness about the end of the conflict. A few schools in Israel had both Jewish and non-Jewish children and were leading schools in the matter. There was also collaboration with Palestinians on peace education.

The Committee was also concerned that all reference to Palestinian culture and the existence of the Palestinian people had been removed from Israeli textbooks and asked how the State was meeting its obligation under the right of the child to access information and establish cultural identity. The delegation answered that the only content removed from Palestinian textbooks was content negating the existence of the State of Israel.

Discrimination in education

The Committee was concerned about the poor quality of education of for children belonging to minority groups and the shortage of classrooms in East Jerusalem and in Palestinian territories, as reported by the State Controller. The delegation indicated that the Ministry of Education treated every child equally regardless of ethnicity or religion. A programme to address the gaps in education service delivery in East Jerusalem had been created in 2008; as a result, many new classrooms would open. The delegation acknowledged that discrimination was a pressing issue. The Ministry of Education had closed five schools attended exclusively

by Ethiopian children, as the law prohibited schools to have more than 50 per cent of students of the same minority to avoid segregation and discrimination. A specific budget was set aside for the education of Ethiopian children. In the Arab sectors, classes were provided in several languages, including English and Arab.

Costs of education and budget for education

The Committee asked about the practice of the collection of fees by teachers despite the policy of free education. The delegation stated that several measures had been taken to put an end to corruption by teachers requesting fees, including closure of classes in schools that took fees without authorisation. The Committee asked about clarification on budget allocation for children, including in the area of education, especially given the disparity between the Arab and non-Arab localities.

Special Protection Measures

Juvenile justice

The Committee asked whether there were complaints mechanisms and other measures in place to monitor the implementation of instructions on the arrest and detention of Palestinian children who had committed an offence, in line with CRC and OPAC. The delegation indicated that all detainees, including children, had access to a complaints mechanism, for instance in cases of the wrongful use of force. Detainees could file a petition to the court, to the prison services and to the State Controller. Judges and the Attorney General visited detention centres in their jurisdictions, which they could access at any time. Detainees could also request an interview with external visitors present for the purposes of monitoring.

The Committee asked whether children under the age of 18 could appear before military courts and, if it was the case, what measures would be taken so that children would only be judged within a juvenile court. The Committee was also concerned by the fact that children above the age of 16 could be sentenced as adults.

The Committee asked whether child victims were protected within the justice system and whether the system involved social workers and child-friendly procedures. The Committee welcomed measures taken to protect victims of offences listed in the law but asked whether victims of offences not listed in the legislation would also benefit from the same level of protection. The delegation recognised that child victims and witnesses of crimes were particularly vulnerable and procedures had to be adapted to their specific situation, including investigations by specifically trained professionals. The testimony of children was admissible before a court of law but needed corroborative evidence to be used by the prosecution. Child victims and witnesses could testify themselves, except in case of potential harm, on the basis of a report presented to the court on the harm that testifying could cause to the child. After the release of the perpetrator, an injunction prohibiting him or her from approaching the victim would be issued, unless the perpetrator was also a minor.

Asylum seekers

The Committee was concerned that girls were being detained with female adults and that asylum-seeking children were being detained for long periods, including in the Saharonim detention centre. It asked whether measures would be taken to improve the conditions of detention and whether procedures would be made more child-friendly, in line with the CRC.

The Committee was also concerned that the principle of non-refoulement was not respected and by the format of asylum interviews, which had even been criticised by Israeli courts.

The delegation indicated that a large number of immigrants had arrived in Israel since 2006, due to the unique location of the country. The creation of a regional strategy to address the matter had not occurred due to the complex relations between Israel and its neighbouring countries. The principle of non-refoulement was applied strictly and people, including minors, were granted temporary protection, which included access to health care, education and work. Given the history of the Jewish people as refugees or descendants of refugees, a high regard was given to asylum seekers. Israel had been one of the first countries to ratify the 1951 Refugee Convention and all asylum procedures were monitored by the United Nations High Commissioner for Refugees (UNHCR) in Israel.

The delegation added that there were currently no minors being held in detention pending deportation. Regarding the detention facility of Saharonim near the Egyptian border, the delegation explained that services provided within the centre included medical, dental, translation and social services; detainees received three meals a day, education services and some kindergartens were also available. In the Matan detention centre for unaccompanied minors, the basic needs of minors were also fulfilled, including education by staff with appropriate training, and meetings with a psychologist. The stay in those centres was a temporary solution and only eight minors were currently being held there.

In the detention facility of Ben Gourion airport, all services were provided so that the basic needs of people were met. Unaccompanied minors were not detained with adults and met with a social worker and a border commissioner within 24 hours following their arrival. The border commissioner analysed each case to determine whether the child would be placed in detention; an education centre; with a foster family if he or she was below 16 years old; in a specific institution if the child had a disability; and for each case the history, physical and psychological state of the child would be taken into account. In any procedure, the best interest of the child was the main preoccupation. All unaccompanied minors were provided with translation services and girls were detained separately from boys.

The Committee asked for comments on the deportation of Sudanese children back to their country of origin where they could face danger, including recruitment into non-state armed groups. It was also concerned by the arrest of children of migrant workers, along with their mothers. The delegation explained that when deporting people to Sudan, the government of Israel always checked the situation in the Destination State to ensure that return was safe; as a result, some children were not returned to Sudan because a risk had been identified by the State.

The Committee enquired about the procedure for a child when his or her parents were deported and especially whether the child was deported with them or not. The delegation indicated that the government body taking the decision to deport the parents was usually asked to reconsider the case to take into account the presence of children. In some cases, the child was deported with the parents; in other cases, it was decided that it was in the best interest of the child to remain in Israel.

The Committee asked whether non-Jewish immigrants had access to social welfare and education services. The delegation indicated that children without residence status could access school if staying in Israel for at least three months. Social workers were in charge of providing support to migrant children in a situation of risk, for instance sexual violence or

abandonment. Policies on this issue would be amended to enhance the protection of minors without legal status after the publication of a report of the State Controller on this issue, followed by a discussion within the Knesset Committee on the Rights of the Child. Ministers concerned would draft a programme to address the gaps identified and present it to the Knesset within three months.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)

The Committee asked whether provisions on the enrolment of children in the army and non-State armed groups had been included in the legislation, so that it could be judged by courts.

Concluding Remarks

Ms Sandberg thanked the delegation of Israel for the fruitful dialogue and its willingness to answer questions. She acknowledged that the positions of the State were differed in some parts from those of the Committee. The legislation of Israel seemed adequate; however the Committee was concerned about their application on the ground. There were still significant issues to be addressed to ensure the rights of children belonging to minority groups, as well as immigrant children and those living in the Occupied Palestinian territories; Ms Sandberg insisted on the importance of education and awareness-raising in this regard.

Mr Manor indicated that the dialogue had demonstrated the commitment of Israel to the full implementation of the CRC and the rights of the child. Israel would do its best to improve the realisation of the rights of the child and to consider the comments of the Committee in this regard. He thanked the Committee for its comments and recalled that the future wellbeing of children was, and would continue to be, the common purpose of all.