



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-third session

Summary record of the 1796th meeting

Held at the Palais Wilson, Geneva, on Monday, 3 June 2013, at 10 a.m.

Chairperson: Ms. Sandberg
later: Ms. Wijemanne (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Solemn declaration by the newly elected members of the Committee *(continued)*

1. **Ms. Parsi** solemnly declared that she would perform her duties and exercise her powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously.

Ms. Wijemanne, Vice-Chairperson, took the Chair.

Consideration of reports of States parties *(continued)*

Second, third and fourth periodic reports of Israel (CRC/C/ISR/2-4; CRC/C/ISR/Q/2-4 and Add.1)

2. *At the invitation of the Chairperson, the delegation of Israel took places at the Committee table.*

3. **Mr. Manor** (Israel) said that the periodic report was the product of a broad collaborative effort by different government ministries and bodies and had been drawn up with input from non-governmental organizations (NGOs), which actively participated in public debate and promoted awareness and sensitivity to human rights through education and their promotion of legislative proposals.

4. One issue that was of relevance to Israel's implementation of the Convention was the Israeli-Palestinian situation. That issue was a pressing one, especially in the light of the uncertain, complex and volatile situation prevailing in the Middle East since the advent of the Arab Spring. In recent years, devastating attacks originating in Gaza, the West Bank and even Sinai had been carried out on Israeli citizens, which had had an impact on Israel's implementation of the Convention. It was the Government's sincere hope that the conflict would be resolved in a respectful and mutually beneficial manner through good-faith negotiations.

5. The primary duty of the State of Israel, as for any State, was to protect its citizens, and many of the country's resources had had to be directed to such protection. Israel endeavoured to strike a balance, addressing those challenges while complying with its international obligations, including those undertaken pursuant to the seven core human rights treaties and the two Optional Protocols to the Convention on the Rights of the Child. As a democratic and responsible member of the international community, Israel understood that it must impose restraints on its own actions. In attempting to strike such a balance, the legislative, judicial and executive branches had shown genuine concern for ensuring the protection of human rights.

6. The aim of the Israeli delegation in the present proceedings was to ensure a fruitful and productive dialogue with the Committee. Thus, irrespective of Israel's legal position, the delegation would make its best effort to answer questions regarding the plight of children both in Israel and in the West Bank and the Gaza Strip. However, the Committee should note that the relevant data and statistics for the territories were not available to the delegation. They should be sought from the Palestinians who independently legislated in areas related to children's rights, both in Gaza and in the West Bank.

7. Israel had always carried out social policies aimed at ensuring the rights of all children, regardless of their ethnic or religious background, including children from the more vulnerable segments of society, and it had stepped up its efforts in that sense since the submission of the previous report. Since its inception, the State had passed laws providing for national medical insurance, free education, monthly allowances for children with disabilities and many other social services, including a basic welfare network. Israeli

society was open and dynamic. The Israeli media and courts were both empowered and willing to intervene and to affect public debate and policy.

8. In the past three years Israel had amended some laws and enacted several new legislative acts. The Legal Capacity and Guardianship Law of 1962 had been amended to make possible more complete contact between minors and their parents regardless of the type of relationship the parents had between themselves and to allow grandparents to file requests to connect with their grandchildren. The amendment also made it possible for the courts to permit contact with grandparents when it was in the best interests of the child. Laws governing maternity leave had been amended to extend benefits to adoptive and foster parents. The rules of civil procedure had been amended so as to gradually introduce the hearing of children in family courts until 2014, when it would be the rule, and following a long trial period, another amendment had been adopted allowing young persons in conflict with the law to be subject to alternative procedures rather than indictment.

9. The judiciary had heard many cases in which it had defended the rights of the child. In 2012 the Supreme Court had upheld the rights of children of asylum seekers in Elat who had previously been denied permission to take part in the regular education system. In 2011 it had ruled that the Ministry of Education must take concrete steps to promote the right to education of children in the eastern neighbourhoods of Jerusalem and must pay for alternative arrangements until the services were effectively available. In all such cases, the Israeli courts referred explicitly to the Convention on the Rights of the Child.

10. The executive branch too had taken measures to enhance and protect the rights of the child. An educational and professional reform programme at elementary and junior high schools had been introduced in 2008 with the aim of strengthening the position of teachers, providing equal opportunities to all pupils, encouraging educational achievement, improving the school environment and expanding the authority of principals. Another initiative aimed to promote educational achievement and strengthen the position of teachers in high schools. The legal aid branch of the Ministry of Justice provided assistance to minors having to take part in hearings on alimony, custody, visitation rights and adoption. Legal aid was also provided to minors who were not residents, for example in connection with child kidnapping, child alimony and other civil issues.

11. **Ms. Sandberg** (Country Rapporteur) commended the progress made, especially the work of the Rotlevy Committee on Children and the Law, which had made constructive proposals. The Committee considered that the State party must respect the rights of all children under its jurisdiction. It would thus point out possible shortcomings to help to find remedies. The Committee was aware that Israel was not ready to recognize its responsibility to ensure the rights of the child in the occupied Palestinian territory, but it had a duty to raise that question. The International Court of Justice had ruled in 2004 that the territory was to be considered as occupied, that Israel had the status of an occupying power, that the Convention on the Rights of the Child was applicable and that children in the territory were within the State's jurisdiction. That position had in 2009 been confirmed by the Office of the United Nations High Commissioner for Human Rights. It was regrettable that the State of Israel had said in its written replies to the list of issues that it would not answer questions related to the territory. In any event, it was the Committee's duty to ask about the violation of the rights of all children under the State's jurisdiction.

12. The report stated that the Convention did not have the status of a law, but that it was nonetheless often cited as a basis for judicial decisions and as a source of interpretation. Did it have the same status as other United Nations human rights treaties? The position of such instruments could only be strengthened if they were fully incorporated in the domestic legislation. The Committee and the Rotlevy Committee too had called for the adoption of a comprehensive children's code incorporating the provisions of the Convention. Was such an initiative currently under consideration? In its previous concluding observations, the

Committee had also recommended the establishment of a specific centralized body for coordination of the implementation of the Convention. The report mentioned the documentation produced by the Office of the State Comptroller in that regard, but that agency did not meet the need for a centralized coordinating body. Was the Government aware of the importance of coordination? Had it taken steps to draw up a comprehensive national policy or plan of action on children's rights, as recommended in the Committee's previous concluding observations? The Committee had also called for the establishment of systematic human rights training of all professionals working with children, but there was no information on that topic in the State party's report.

13. The Committee would be interested to hear whether a pilot programme for the participation of children in family courts that had originated in Hefa had been extended to other parts of the country. It would also like to know if there were plans to replicate the participation of children in decision-making relating to medical procedures that had been tried at the Hadassah Medical Center. The report stated that proceedings involving conversion, adoption or commitment to psychiatric hospitals required the consent of the child, but it also said that children who were unaware that their adoptive parents were not their natural parents did not need to be told of their situation. That policy was at variance with the Convention's provisions on the right to be heard and the right to identity. Under Israeli law, the courts did not need to hear the views of the child if doing so would cause harm. In the Committee's view, the child's right to be heard should be undeniable and must be upheld by the courts.

14. The Committee had heard that youth representatives were permitted to take part in parliamentary debates and in local authorities' committees. The delegation should describe the procedures involved and inform the Committee whether that participation was ensured in accordance with a particular law. Were the adults who worked with such representatives trained in how to interact with children? Corporal punishment was prohibited in all settings, yet the Committee had heard that it was still accepted widely in society and that it was used on children in schools and in detention as a disciplinary tactic. Had the Government undertaken any awareness-raising activities to curb such practices?

15. **Mr. Nogueira Neto** (Country Rapporteur) asked whether it was possible to make up for the lack of data on persons under 18 living in the occupied Palestinian territory. Could the delegation give examples of how such information was used to draw up policies to protect the rights of children from the most vulnerable groups? The delegation should also provide information on steps taken to disseminate information on the Convention and on its implementation procedures in all languages, including for illiterate children. The Committee on the Elimination of Racial Discrimination had referred to a host of discriminatory laws in its concluding observations issued in 2012. How did such laws affect Palestinian, Arab Israeli, Bedouin and Ethiopian children? Would the State party amend its laws so that all children, including Palestinians, enjoyed the rights afforded by the Convention, without any discrimination? The Committee required additional information on violence committed against children, in particular in contexts of torture or cruel treatment. What measures did the Government adopt to prevent, prohibit and eliminate such practices?

16. **Ms. Herczog**, noting that Israel had in 1996 been the first country to legalize surrogacy and that surrogate motherhood had become quite widespread in the State party, said that Israeli legislation still did not provide a complete legal framework for the practice. Homosexual couples often travelled to other countries to have children with surrogate mothers, which had implications for the identity of the children. In addition, in cases of surrogacy, the non-biological parents, i.e., the partners of the donors, were subjected to a rigorous and complicated procedure that had no clear aim. The fact that the birth mother was living overseas, and that strict secrecy was observed as to her identity, affected the

right of the child to identity. How did the Government provide the persons involved with the necessary support?

17. A relatively high percentage of children in Israel were born through in vitro fertilization. How were such children able to enjoy the right to identity? Were their parents given counselling and support to prepare them to talk with the children about their status? Lastly, what happened when problems arose and, for example, the surrogacy or in vitro fertilization was refused by the parents?

18. **Mr. Madi** said that the Committee had received information that the children of migrants were not issued with official birth certificates, but were instead given a copy of a handwritten birth notification that did not have a personal identification number and did not even include the name of the father. It was reported that families that insisted on the inclusion of the father's name had to pay nearly \$2,000 for a DNA test. The cost of hospitalization had to be covered by the migrants, and if they were unable to pay, the birth notification could be denied.

19. The Committee had received numerous reports of the torture, extrajudicial killings and injury of children by the Israel Defence Forces in Gaza and the West Bank. Delays at checkpoints had produced a series of serious problems, including deliveries at road blocks, miscarriages and even the death of mothers. There had also been documented reports of Israeli soldiers using Palestinian children as human shields. In the five years from 2007 to 2012, nearly 430 Palestinian children had been killed and over 2,000 had been injured in Gaza, and there had been numerous reports of shots taken by the armed forces at children collecting supplies or fishing near the border. On numerous occasions, the Israel Defence Forces reportedly did nothing to stop settlers who harassed and shot at Palestinian children as they walked to school. Over 90 per cent of such cases were never tried. The delegation should explain to the Committee what instructions were given to the armed forces to prevent such attacks.

20. **Ms. Aidoo**, noting that the State party had a vibrant economy, asked what measures existed to protect children's rights, particularly in the private sector. Israeli settlements were not merely political and security undertakings, but also economic enterprises. What measures were taken prior to demolition and the construction of new settlements to protect children's rights, to assess the impact of such economic activities on children and to mitigate any harm caused in the process?

21. The Committee was concerned about the prevalence of violence against children, particularly sexual violence and child abuse. According to the information available, the majority of victims were girls, and the abuse mostly occurred outside of the family environment, namely within the community. Apart from the provision of medical and psychosocial treatment in assistance centres, what measures was the State party taking to prevent violence that took place in the community, outside the school system? The report lacked information on legal proceedings, penalties and sentences handed down against the perpetrators of such acts.

22. **Mr. Kotrane** requested further information on the ratification of international instruments, particularly the Convention for the Protection of All Persons from Enforced Disappearances and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Israel had yet to ratify any of the optional protocols relating to the submission of individual complaints or communications. In view of the recent adoption of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, he wished to know whether the State party was considering accession.

23. After its consideration of the State party's report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the

Committee had recommended that the State party ratify the two Additional Protocols to the Geneva Conventions, the Rome Statute of the International Criminal Court and the Convention on Cluster Munitions. He enquired as to progress made in that regard. Noting that the State party's report contained no information on the situation in the occupied Palestinian territory, he recalled the positions taken by the Committee and other treaty bodies and the advisory opinion of the International Court of Justice, which had concluded that the State was still bound by human rights law and humanitarian law and the corresponding obligations, as it exercised effective control over the territories.

24. While he noted that the decisions issued by the Supreme Court in 2011 and 2012 were in accordance with international human rights law, he nevertheless had the impression that the Convention was still not applied directly within the State, and no direct reference was made to it in national laws. Were judges and other officials aware of the provisions of the Convention, and was training provided to all the relevant stakeholders?

25. The Committee had expressed its profound regret concerning the plight of children killed and injured during the armed conflicts in 2002 and 2009. Attacks on children in the occupied Syrian Golan and in Gaza, including on children collecting building materials near the border, had had a devastating effect. The Committee had also received reports of torture and ill-treatment in detention centres. The State party had failed to respond to the questions posed by the Committee in 2010 and had instead merely referred to its response regarding the rights of children outside the territory of the State of Israel.

26. **Mr. Mezmur** said that the best interests of the child needed to be the primary consideration in all legislative and policy decisions affecting children. Although a range of measures had been taken by the Government, the current system still fell short of recognizing the principle as a primary consideration. What measures were being taken to address that problem? The State party promoted the participation of children, but did such participation include non-resident and non-citizen children? Were citizens able to invoke the Convention on the Rights of the Child, and if so, how? With regard to birth registration, he asked why the State party did not simply issue birth certificates to all children born in the State of Israel.

27. **Mr. Cardona Llorens** expressed concern regarding the issue of marriage. Although attempts had been made to raise the legal minimum age for marriage to 18, it currently remained at 17. Did the practice of early marriage exist? What efforts were made to prevent early or forced marriages? He asked whether the age of majority was the same in the State of Israel as in the occupied Palestinian territory. Were there any plans to raise the age of criminal responsibility?

28. With regard to children's civil and political rights, the Committee had received reports that from the age of 14 children could be placed in chains, and the police were authorized to handcuff children from the age of 12. The Committee was of the opinion that handcuffing or chaining the hands or feet of children amounted to torture, especially in the case of young children.

29. **The Chairperson** expressed concern regarding reports that female Ethiopian-Jewish immigrants had been subjected to certain contraception procedures and had not been informed of the implications.

30. **Ms. Sandberg** enquired as to the status of the independent monitoring mechanism, and progress made with regard to appointing a children's ombudsman, as recommended by the Rotlevy Committee. It was important to ensure independent monitoring of the implementation of the Convention. She asked to what extent civil society had been involved in drafting the State party report. Had Palestinian NGOs and human rights organizations taken part? The delegation should provide information on problems allegedly faced by foreign nationals obtaining work visas to work for such NGOs. There were also

reports of the authorities exerting pressure on NGOs that cooperated with United Nations fact-finding missions.

31. Noting the serious complications that could result from the circumcision of boys and the possible harmful impact of the practice, she asked whether the State party intended to carry out a study on that subject.

32. **Mr. Segal** (Israel) said that if the State ratified a Convention, the courts and the legislative system were obliged to respect its provisions. However, the Convention did not technically become part of domestic law until the relevant legislation was enacted. It could therefore not be invoked directly.

33. The Rotlevy Committee had proposed two approaches, namely either adopting a single code on children's rights or articulating each of the rights of the child in specific laws. The latter was the approach currently being followed by the Government. Therefore, although there was no general code referring to the Convention, its provisions and principles featured in various pieces of legislation dealing with specific issues.

34. An example of how the best interests of the child were given precedence in legislation was provided by the law on adoption. It specifically referred to the best interests of the child and provided a definition of the term. The rights, needs and interests of the child were to be taken into consideration by courts of social services, as were measures to maintain stability in the child's life. In the context of adoption law, children also had the right to express their opinions and feelings and were to be consulted during the adoption process.

35. The statement made to the parliament by the Office of the State Comptroller was important, in that it stipulated what action the Government should take if coordination was required between various government institutions. Committees were established to resolve problems. If a committee could not agree on a course of action, then the matter was brought before the Prime Minister. The State Comptroller's Office had a special unit to deal with complaints from the public and a unit to handle complaints submitted by children. In order to make it more accessible to children, the institution had branches throughout the country, not just in Jerusalem. The Rotlevy Committee had made no specific recommendations for the establishment of a national institution for the rights of the child.

36. **Mr. Kotrane** said that the Committee did not require States to introduce a general code on children's rights. A range of different laws could be passed to adapt the national legislation to bring it into line with the Convention. He asked the State party's opinion concerning the interpretation of the best interests of the child. For example, how was the principle applied with regard to paternity? The national legislation clearly upheld the principle, but it needed to be observed by all State bodies, not merely the judiciary, and should provide the basis for all political and administrative decisions affecting children.

37. **Ms. Sandberg** asked whether the best interests of the child were considered as the decisive factor in the context of the law on adoption and whether the State Comptroller also fulfilled the role of Ombudsman.

38. **Mr. Segal** (Israel) said that once a convention had been ratified, all State and government institutions — not only the courts — were required to respect it, and it had the same status as a law. All institutions had to comply with the rulings of the Supreme Court. Article 1 of the law on adoption explicitly referred to the best interests of the child, stating that it was the decisive factor in the adoption process, and article 1 (a) provided a definition of the term. The State Comptroller also fulfilled the role of Ombudsman. The Comptroller published reports on the Government's activities and also other publications, such as a recent report on immigration to Israel, at the parliament's request.

39. With regard to the creation of a national institution, the United Nations Children's Fund in Israel had requested that the matter should be discussed in the Knesset. The Rotlevy Committee had merely indicated that the issue should be given consideration. Two private bills had been submitted on the matter and a committee had been established with a view to drafting a paper to present to the parliament. The philosophy behind the committee's paper was "by the children, for the children", namely to ensure that not only would there be a system in place to monitor and coordinate the implementation of the Convention, but that children would be heard and involved in the decision-making process. The future of the bill lay with the new Government, which would decide how best to proceed.

40. In court cases dealing with child and family matters, all children had the right to appear before the court if their interests were involved. Alternatively, they could speak to a special unit of social workers who would then represent them. The scheme had been through a pilot phase and was currently in the process of being implemented in all family courts. In religious courts, special units of social workers were also being introduced.

41. Under the new law on genetic information, children over 14 had the right to be heard and consulted as to whether they consented to genetic testing. In principle, under Israeli law it was the court that decided whether a specific child should be heard or not, on a case-by-case basis, as all children were different.

42. **Ms. Sandberg** expressed concern that children would not be heard in adoption proceedings if they were not aware that they had been adopted. Could children therefore be left with the false impression that they were living with their biological families? Noting that the views of children over 14 years of age were heard regarding genetic testing, she asked whether younger children were heard regarding other matters, such as adoption.

43. **Ms. Herczog** indicated that it was important to ensure the informed consent of children, for example in adoption cases, and asked how that was done. Was the public aware of the importance of the right of such children to identity?

44. **Ms. Weigler** (Israel) said that, except in very rare cases, an adoption order was not issued unless the child was aware of the adoption process. By law, all children from the age of 9 could participate in court hearings to the extent that they were able to do so. The court had to be convinced that the child wished to be adopted. The adoption authorities encouraged adoptive parents to tell children they were adopted and to discuss the matter freely with them. With regard to identity, children had the right to request access to their adoption files when they reached the age of 18. A specially-appointed social worker then decided whether to provide information permitting the identification of the child's biological parents and made a decision concerning contact, based on the relevant information. Before children were placed for adoption, families received comprehensive information regarding their biological backgrounds.

45. **Mr. Segal** (Israel) said that, as one of the first countries to legalize surrogacy, Israel had been leading efforts to establish a legal framework for international surrogacy arrangements that took account of the need to fight trafficking in children and the abuse of women. Although the international community was not yet ready to move forward, Israel would continue to work with States that had effective verification mechanisms and were thus in a position to guarantee that children born to surrogates had not been trafficked and that surrogate mothers entered into such agreements of their own free will and were duly remunerated. In line with international trends, Israel would be amending its legislation on in vitro fertilization to give children the right to know their biological identity.

46. **Ms. Khazova** asked how procedures differed in cases where the surrogate was also the genetic mother and the risk of arrangements akin to the sale of children was therefore greater.

47. **Ms. Herczog** asked for more information on the State party's position on surrogacy for gay couples. Why were their rights different from those of heterosexual couples?

48. **Mr. Segal** (Israel) said that arrangements in which the surrogate was also the genetic mother were prohibited and that in vitro fertilization was a legal prerequisite for all surrogacy agreements. The right of homosexual couples to be parents was recognized by law, and legislative reforms were envisaged to ensure that they had access to surrogacy on an equal footing with heterosexual couples.

49. In cases of divorce, under Israeli law both parents had the same rights and duties in respect of their children, irrespective of genetic link. No distinction was made between natural children, adoptive children and children born through surrogacy or other forms of assisted conception.

50. **Mr. Zemet** (Israel) said that Israel was not responsible for the Convention's implementation in the Gaza Strip and the West Bank, due to both legal considerations and the practical reality on the ground. In application of treaty law and the Vienna Convention on the Law of Treaties, the Convention and other human rights instruments were territorially bound and did not apply, and were not intended to apply, to areas beyond a country's national territory. While recognizing some possible convergence or practical overlap between human rights law and the law of armed conflict, the Israeli Government considered that the two systems of law, codified in separate instruments, remained distinct and applicable in different circumstances. The Palestinian population was subject to the protection of the law of armed conflict. Also, in practical terms, Israel had removed over 8,500 civilians, as well as military forces and installations, from the Gaza Strip since the start of the disengagement initiative in 2005. A Hamas-led terrorist administration committed to violence and the destruction of Israel had since taken control. Israel thus clearly no longer had effective control in that territory in the sense envisaged in the relevant legal instruments. In the West Bank, meanwhile, in implementation of various agreements, over 95 per cent of the population fell under Palestinian and not Israeli jurisdiction.

51. Since the conflict had erupted in 2000, minors had frequently been involved in the armed struggle and participated in terrorist attacks against Israeli citizens. In that situation, the Israeli authorities had been obliged to use criminal law and legal measures to maintain peace and security and protect human life, but significant efforts were always made to guarantee that minors were given just and fair treatment, in accordance with international standards. Unfortunately, because most of the juvenile offenders who were arrested and stood trial were driven by ideological factors, they were often encouraged and supported by their parents and other adults. In some cases they offended precisely so that they could be sent to prison and treated as heroes. In such circumstances, the lack of cooperation with parents and the Palestinian authorities reduced the possibility of using alternatives to detention.

52. However, in 2008 an interministerial committee had been established to examine legislative proposals to enhance the rights of minors in the specific circumstances and, despite the unique obstacles to law enforcement, significant improvements had been made. As part of the reform package, in 2012 the age of majority had been raised from 16 to 18; in 2009 a specialized military court for juveniles had been established in the West Bank, ensuring that minors were no longer indicted and tried alongside adults; the statute of limitations for offences committed by minors in the West Bank had been shortened to one year, except in the case of very serious offences; since 2009 court welfare officers had been empowered to request background reports on the family and financial situations of all juvenile offenders prior to sentencing; courts were empowered to order the parents' presence during proceedings; cases involving juveniles were fast-tracked, resulting in a 45 per cent reduction in trial periods since 2008; and children under 14 years of age could be detained for no more than 24 hours, and children under 16 years no more than 48 hours,

before being brought before a judge. Those limits could be extended only in exceptional circumstances.

53. All Israeli forces were instructed to use shackles only in cases of operational necessity and, in such cases, to do so without inflicting pain or injury.

54. **Mr. Cardona Llorens** asked whether the shackling of minors was expressly prohibited by law. If the use of shackles was regulated solely by internal instructions, how did the Government ensure that they were not used abusively?

55. **Ms. Sandberg** asked how compliance with the new legal provisions, such as those governing the maximum length of pretrial detention, was guaranteed and whether there was a monitoring or complaints mechanism.

56. **Ms. Oviedo Fierro** asked what situation might constitute the “exceptional circumstances” to which Mr. Zemet had referred.

57. **Mr. Zemet** (Israel) said that the regulations governing the use of shackles were set out in an operational instruction that did not have force of law. However, military policy precluded the unnecessary use of shackles. Special circumstances might apply if the offences were especially serious or there was a risk of the detainee escaping.

58. **Mr. Khair** (Israel) said that various mechanisms were available for reporting grievances against prison staff, including wrongful use of force. Complaints could be submitted to the prison director, the relevant district court, the prison wardens’ investigation unit or the prison Ombudsman. Alternatively, prisoners could request an interview with a member of the team of official visitors established by the Ministry of Public Security and composed of lawyers from the Ministry of Justice, who were authorized to inspect prisons at any time.

59. **Mr. Keidar** (Israel) said that there had been dramatic changes in the Gaza Strip since the Committee had issued its previous concluding observations (CRC/C/15/Add.195). Israel no longer had effective control and was no longer bound by the rules of belligerent occupation. Hamas had taken control in 2007. Since then, attacks against Israeli citizens and infrastructures had escalated dramatically, especially in adjacent towns. Israel had a right and an obligation to use military force to protect itself against that violence, but its actions were guided always by the principles of distinction and proportionality. The Israel Defence Forces also went to great lengths to ensure that humanitarian aid reached the Palestinian population. There were no limitations on the entry of goods.

60. Despite the many precautions taken, it had to be acknowledged that military operations inevitably resulted in civilian deaths and damage to persons and property. However, damage and injury did not mean that violations of international humanitarian law had occurred. Furthermore, any allegations of illegal conduct on the part of the military were taken extremely seriously and duly investigated, prompting criminal charges where necessary. The Military Advocate General and the military courts ensured the availability of thorough and effective mechanisms for investigating alleged violations of the law of armed conflict.

61. **Ms. Sandberg** expressed a number of concerns about the situation of the Palestinian people: the continuing demolition of Palestinian homes and the displacement of Palestinian families; the strict conditions that limited the possibility of unification for the large number of families who had been forced to live apart because, for example, one of the parents was Palestinian; the fact that children were prevented from moving from Gaza to the West Bank unless they were under 16 years old, even if they had lost both parents and had no relatives to take care of them in Gaza; the poverty increasingly evident among Palestinian children; and the State party’s plans to transfer the Bedouin population from the area near the Ma’ale

Adumim settlement and to evict Palestinians from 11 communities in the Southern Hebron Governorate so that the area could be used for military training.

62. Although asylum-seeking children were excluded from the mandatory 3-year period of detention established under the 2012 law, according to reports, they were nonetheless detained for unacceptably long periods, even if they had been victims of torture, exploitation or trafficking. Reports also indicated that minors were detained in harsh conditions in overcrowded centres where they were not always separated from adults; that 19 boys in detention had attempted suicide; that asylum interviews were akin to police interrogations; that only one out of several thousand asylum applications had been granted in the previous year; and that Israel did not respect the non-refoulement principle. She would like to know what the State party was doing to address all those shortcomings.

63. **Mr. Nogueira Neto** asked how the justice system ensured adequate protection for children who were victims or witnesses of criminal offences, including offences against the sexual inviolability of minors, and whether special procedures were in place for the questioning of minors with the participation of social workers and other childcare professionals.

64. **Mr. Kotrane** said that children under 18 years old should not under any circumstances be required to appear before a military jurisdiction and should always be heard in children's courts. The fact that minors under 16 years old could be sentenced to 20 years of imprisonment for simple acts such as throwing stones and that those between 16 and 18 years of age were tried as adults was also a source of concern. He would like to know whether the State party had conducted any research into the ongoing practice of using children as human shields, whether any soldiers had been disciplined for using minors as sources of intelligence and whether legislation had been enacted to prohibit such practices, as previously recommended by the Committee. Lastly, he asked whether the State party had legislated to give Israeli courts extraterritorial jurisdiction for war crimes.

65. **Mr. Cardona Llorens**, turning to the issue of disabilities, said that the measures outlined in the report all concerned assistance and services for children. He would have liked to read about efforts to promote inclusion by changing social attitudes and the environment. Were inclusive education policies being implemented in schools? How did the authorities ensure that the interests of the child, rather than the parents, were the paramount consideration in education decisions, and what was being done to improve access to public spaces such as parks?

66. **Ms. Herczog** expressed concern about the large number of children who continued to be deprived of a family environment. Despite efforts to reduce institutionalization, less than 25 per cent of children in the care system lived with foster families, which was well below the average for Western countries. What was being done to reduce the number of children living in residential care homes? What assistance was available to facilitate their social integration when they left the care system?

The meeting rose at 1.05 p.m.