



# Convention on the Rights of the Child

Distr.: General  
4 July 2013

Original: English

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## Committee on the Rights of the Child

### Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013)

1. The Committee considered the combined second to fourth periodic reports of Israel (CRC/C/ISR/2-4) at its 1796 and 1797 meetings (see CRC/C/SR. 1796 and 1797), held on 3 June 2013, and adopted the following concluding observations at its 1815th meeting, held on 14 June 2013.

#### I. Introduction

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party and the written replies to its list of issues (CRC/C/ISR/Q/2-4/Add.1), and expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. The Committee however considers that the State party's persistent refusal to provide information and data and to respond to the Committee's written questions on children living in the Occupied Palestinian Territory (hereafter OPT), including East Jerusalem and the Occupied Syrian Golan Heights, greatly affects the adequacy of the reporting process and the State's accountability for the implementation of the Convention. The Committee urges the State party to comply with the advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the OPT (I.C.J report 2004, para. 163 (3) A.) and to abide by its obligations to ensure the full application of the Convention in Israel and in the OPT, including the West Bank, the Gaza Strip as well as in the Occupied Syrian Golan heights.

#### II. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes the adoption of the following legislative measures:

(a) The Amendment No. 14 to the Youth (Trial, Punishment and Modes of Treatment) Law No. 5731-1971 of July 2009 which gives priority to rehabilitation treatment over punishment of children accused and/or convicted of committing a crime and prohibits detention of children below 14 years without a court order;

(b) The Assistance to Sex Violence Minor Crime Victims' Law No. 5769-2008 which establishes the right for a child victim of sexual violence to receive immediate assistance in crisis centre;

(c) The 2006 and 2007 amendments to the Employment Law No. 5714-1954 which extend the maternity leave from twelve to fourteen weeks;

(d) The 2002 Registration of Information on the Influence of Legislation on the Child's Right Law No. 5762;

(e) The 2002 amendment to the Special Education Law No. 5758-1998 which gives priority to the placement of children with disabilities in a regular education facility and increases the budget for this purpose;

(f) The Compulsory Education (Physical Violence Reporting Rules) Regulations No. 5770-2009.

5. The Committee notes as positive the ratification of the Convention on the Rights of Persons with Disabilities, in September 2012.

6. The Committee further welcomes the following institutional and policy measures:

(a) The Child Friendly Initiative (CFCI) which aims to integrate children's rights in policies, programmes and budgets at municipal level;

(b) The Ofek Hadash (New Horizon) reform of 2008 and the Oz Betmura (courage for change) reform, both aiming at changing and improving the education system;

(c) The Arabic language education programmes in pre-school, elementary school and high school for improving the Arab populations' language skills;

(d) The programme "Tsila" creating afternoon centres for the ages 3-9 in pre-schools and elementary schools with extracurricular and social education in small groups, aimed at reducing the gap between socio-economic levels, as recommended by the Trajtenberg Committee.

### **III. Factors and difficulties impeding the implementation of the Convention**

7. The Committee takes into account the national security concerns of the State party. The Committee however emphasizes that the illegal long-lasting occupation of Palestinian territory and the Syrian Golan Heights, the continued expansion of unlawful settlements and construction of the Wall into the West Bank as well as land confiscation, destruction of houses and livelihood of Palestinians constitute severe and continuous violations of the rights of Palestinian children and their families, feed the cycle of humiliation and violence and jeopardize a peaceful and stable future for all children of the region. The Committee urges the State party to end the occupation of the OPT and the Syrian Golan Heights, to withdraw all settlements illegally established which present, as observed by the United Nations Secretary General (A/67/375, para. 47) an existential threat to the viability of a future Palestinian State, and to cease the transfer of its population into the Occupied Syrian Golan Heights.

### **IV. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **The Committee's previous recommendations**

8. The Committee regrets that the State party has consistently failed to provide information on the follow-up to the Committee's recommendations relating to children

living in the OPT contained in the concluding observations on the State party's initial reports under both the Convention and the Optional Protocol on children and armed conflict (CRC/C/15/Add.195, paras. 27 (a), 37, and 62, 2002, and CRC/C/OPAC/ISR/CO/1, paras. 11, 17, 35 and 38, 2010). The Committee also regrets that a number of the Committee's concluding observations of 2002 on the State party's initial report under the Convention have not been addressed.

9. **The Committee urges the State party to implement as a matter of utmost priority its recommendations relating to children living in the OPT contained in the concluding observations on the State party's initial reports under both the Convention and the Optional Protocol on children and armed conflict. The Committee also recommends that the State party take all necessary measures to address those recommendations that have not been implemented or not sufficiently implemented and, in particular, reiterates its recommendations to the State party to:**

(a) **Establish a central mechanism for intersectoral coordination and cooperation at and between the national and local levels of government (para. 13 (a)) as also recommended in 2003 by the Israeli Rotlevy Committee for investigation of the basic principles in the field of children, law and legislation implementation;**

(b) **Collect data on all persons under 18 years for all areas covered by the Convention, including children in the most disadvantaged situations and use this data to assess progress and design policies to implement the Convention (para. 15 (a) and (b));**

(c) **Strengthen and expand its programme for the dissemination of information on the Convention and its implementation in all official languages among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education (para. 23 (a));**

(d) **Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel) (para. 23 (b));**

10. **In light of its previous recommendation (para. 13 (b)), the Committee also encourages the State party to prepare a comprehensive policy on children and, on the basis of that policy, to develop a strategy with the necessary elements for its application, which is provided with sufficient human, financial and technical resources.**

#### **Legal status of the Convention**

11. The Committee takes note of the information provided by the delegation during the interactive dialogue about the progressive incorporation of the principles and provisions of the Convention into its domestic legal system. The Committee is however concerned that this process is yet to be completed, a situation which affects the justiciability of children's rights in the State party.

12. **The Committee recommends that the State party accelerate the integration process of the rights and principles and provisions of the Convention into its domestic legal system to ensure the justiciability of all children's rights.**

#### **Allocation of resources**

13. The Committee regrets that insufficient information has been provided by the State party on the resources allocated for the implementation of the Convention, on the impact on

children of its budgetary decisions and on the specific budgetary allocations for the provision of critical social services to children, including those in the most vulnerable situations. The Committee is also concerned that the average spending per child in the Arab localities is estimated to be more than a third lower than in Jewish localities and that the State party fails to take into account the unequal level of resources provided to the two health systems to explain the persistent disparities in relation to health indicators between the Arab and Jewish children.

14. **The Committee urges the State party to:**

(a) **Utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources for children throughout the budget, thus providing visibility to the investment on children and allowing impact assessments on how investments in any sector may serve to fulfil children's rights;**

(b) **Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability by local authorities;**

(c) **Ensure that budgetary allocations, including budgetary allocation for the health sector, no longer discriminate against Arab Israeli families and their children, and define strategic budgetary lines for children in disadvantaged or vulnerable situations, in particular Bedouin, Palestinian, Arab Israeli children, as well as children of migrant workers and asylum seekers.**

#### **Independent monitoring**

15. While acknowledging the role of the State Comptroller, the Committee expresses concern that limited progress has been made by the State party since its previous recommendation (CRC/C/15/Add.195, para. 17) to establish an independent mechanism with the mandate to regularly monitor and evaluate progress under the Convention as recommended by the Rotlevy and Peretz committees.

16. **The Committee draws attention to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child and recommends that the State party accelerate the process for the establishment of an Ombudsperson for children in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) to monitor and evaluate progress in the implementation of the Convention at the national and local levels and to deal with complaints from children in a child-sensitive and expeditious manner.**

#### **Cooperation with civil society**

17. The Committee regrets that limited information was provided on the involvement of civil society in the elaboration of the State party's report and that non-governmental organizations are not systematically involved in planning policies and laws for children as acknowledged by the State party in its report. The Committee also expresses concern that Palestinian non-governmental organizations and international human rights organizations working in the OPT are increasingly perceived as a threat to national security and are subject to, among others, harassment, arrest and denial of work permits. It is further concerned about the denial of work permits to foreign nationals working for humanitarian organizations in the OPT and about the tightened control of foreign funding of non-governmental organizations when they cooperate with United Nations fact-finding missions.

18. **The Committee urges the State party to systematically involve communities as well as civil society, including non-governmental organizations and children's organizations, in the planning, implementation, monitoring and evaluation of policies,**

plans and programmes related to child rights. The Committee also urges the State party to take concrete steps to build a climate of trust and cooperation with civil society and to engage in a constant dialogue with civil society actors, including those which monitor the child rights situation in the OPT with a view to formulating and implementing strategies for the protection and promotion of the rights of all children without discrimination. The Committee further recommends that the State party ensure that non- governmental organizations can solicit, receive and utilize resources for the monitoring and promotion of children's rights.

## **B. Definition of the child (art. 1 of the Convention)**

19. The Committee takes note of Military Order 1676 adopted in September 2011 raising the age of majority in the military courts from 16 to 18 years, in line with the Committee's recommendations under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ISR/CO/1, para. 9). The Committee is however concerned that, to date, this Military Order has not been fully applied in practice.

20. **The Committee urges the State party to ensure that children living in the OPT are considered as children up to the age of 18 years and that they effectively benefit from the full protection under the Convention, in particular, the provisions relating to the administration of juvenile justice.**

## **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

21. While taking note of court decisions on discrimination, the Committee however reiterates its concern (CRC/C/15/Add.195, para. 26) that non-discrimination is not expressly guaranteed under the Basic Laws of the State party. The Committee also expresses concern about the adoption of numerous discriminatory laws over the reporting period as pointed out notably by the Committee on the Elimination of Racial Discrimination (CERD/C/ISR/CO/14-16, paras. 11, 15, 16, 18 and 27, 2012) and which primarily affect Palestinian children, in all aspects of their life, but also Arab Israeli, Bedouin, and Ethiopian children as well as children of migrant workers and asylum seekers. The Committee is deeply concerned that the establishment of separate means of transport and road services as well as the implementation of two separate legal systems and institutions amount to de facto segregation and lead to inequality between Israeli and Palestinian children in the enjoyment of their rights.

22. **The Committee urges the State party to include the prohibition of discrimination and the principle of equality in its Basic Laws and to undertake a comprehensive review of its legislation and policies to ensure that laws that discriminate against non-Jewish children be repealed without delay. The Committee also urges the State party to take immediate measures to prohibit and eradicate policies or practices which severely and disproportionately affect the Palestinian population in the OPT as already recommended by the Committee on the Elimination of Racial Discrimination (CERD/C/ISR/CO/14-16, para. 24) and to ensure that all children living in the OPT enjoy their rights under the Convention without discrimination.**

### **Best interests of the child**

23. The Committee welcomes the numerous measures taken over the reporting period to ensure respect for the right of the child to have his or her best interests taken as a primary consideration, in particular, the 2002 Registration of Information on the Influence of

Legislation on the Child's Right Law which provides for a child rights impact assessment of new legislations. The Committee also welcomes the 2006 and 2008 rulings of the Supreme Court which revoked decisions of Sharia and Rabbinical Courts granting custody of children to their father without taking into consideration the best interests of the children. The Committee is however concerned that the right of children to have their best interests assessed and taken as a primary consideration has not been appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to, and with an impact on children, and that this right can be subject to misinterpretations by some courts as reflected notably in court decisions taken on paternity testing. It is also concerned that the best interests of Palestinian children continue to be disregarded by the State party.

24. **The Committee draws attention to its general comment No.14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to, and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate this to the public, including traditional and religious leaders, and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The Committee also urges the State party to undertake a full impact assessment of its policies on children living in the OPT and ensure that their best interests are fully taken into account in its military governance of the OPT and in the 2002 Anti-Infiltration Law.**

#### **Right to life, survival and development**

25. Referring to its 2010 concluding observations under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ISR/CO/1, para. 10), the Committee reiterates its deepest concern that children on both sides of the conflict continue to be killed and injured, children living in the OPT being disproportionately represented among the victims. The Committee expresses serious concerns that hundreds of Palestinian children have been killed and thousands injured over the reporting period as a result of the State party military operations, especially in Gaza where the State party proceeded to air and naval strikes on densely populated areas with a significant presence of children, thus disregarding the principles of proportionality and distinction. The Committee is deeply concerned about:

(a) Palestinian children being shot by the State party's military near the Gaza border whilst collecting building material to support their families in the reconstruction of their homes, 30 such cases having been reported over the reporting period;

(b) The rise in the number of children from the OPT being subjected to attacks by settlers in the West Bank, four of them having been killed since 2008 and hundreds injured over the reporting period. The Committee notes with concern that in most of the cases Israeli military forces not only fail to intervene to prevent violence and to protect children, but also bring support to those committing violence. The Committee further notes with concern that, in most of the cases, perpetrators are not brought to justice and enjoy full impunity for their crimes;

(c) The devastating impact on the right to life, survival and development of children living in the OPT of the construction of the Wall as well as the Gaza blockade imposed since 2007 which was considered by the International Committee of the Red Cross as a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law.

26. The Committee reiterates its recommendations (CRC/OPAC/ISR/CO/1, para. 11 (a), and CRC/C/15/Add.195, para. 32 (c) and (d)) that the State party take prompt measures to comply with the fundamental principles of proportionality and distinction enshrined in humanitarian law, including the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, put an end to all killings and injuring of children, investigate immediately and effectively all such crimes, bring the perpetrators to justice and take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration. The Committee also urges the State party to:

(a) Take all necessary measures to prevent further incidents of excessive use of force and in particular review all regulations on the use of live ammunitions by security and defence forces as recommended by the High Commissioner for Human Rights (A/HRC/19/20, para. 52);

(b) Clearly and publicly condemn all forms of violence committed by settlers, and send a clear message that these acts will no longer be tolerated. The State party should take immediate measures to ensure public order, prevent further violence and ensure investigation and accountability for all acts of violence committed by settlers against children and for complicity in the perpetration of such violence;

(c) Cease the construction of the Wall in the Occupied Palestinian Territory and fully lift the Gaza blockade, and urgently allow entry of all construction materials necessary for Palestinian families to rebuild homes and civilian infrastructures so as to ensure respect for children's right to housing, education, health, water and sanitation as recommended notably by the Committee on the Elimination of Racial Discrimination (CERD/C/ISR/CO/14-16, para. 26) and in line with Israel's Manual on the Laws of War (1998) which prohibits the conduct of a scorched earth policy "with a view to inflicting starvation or suffering on the civilian population".

#### **Respect for the views of the child**

27. The Committee notes as positive the steps taken to expand to all courts by 2014 the experimental programme initiated in 2007 at the Haifa and Jerusalem Family Matters Courts with the participation of children involved in family matters proceedings as well as the Hadassah University hospital's practice of including children in decision-making on medical treatment and procedures. The Committee is however concerned that:

(a) In proceedings involving conversion, or admission to a psychiatric hospital, courts are not obliged to hear the opinions of the child if it would cause harm to the child, and that derogation to the right of the child to be heard in adoption proceedings is permissible when children are not aware of being adopted. The Committee is further concerned that migrant and asylum-seeking children are rarely heard in proceedings that concern them;

(b) The participation of children in decision-making processes, while receiving increased attention in the State party, is still not a widespread practice and the views of children are not sufficiently solicited or taken into account, especially in public policy decisions.

28. Referring to its general comment No. 12 (2009) on the right of the child to be heard, the Committee reminds the State party that this right applies to all relevant judicial and administrative proceedings affecting the child, without limitation, and that in decisions on adoption, the "best interests" of the child cannot be defined without consideration of the child's views. The Committee recommends that the State party reconsider the limits it has posed on the right of the child to be heard in cases of conversion, admission to a psychiatric hospital or adoption and to take measures to effectively ensure the right of migrant and asylum-seeking children to be heard in

proceedings that concern them. The Committee also recommends that the State party establish clear mechanisms and guidelines for an effective implementation in practice of the right of the child to be heard and ensure that the views of the child are taken into account by policymaking bodies and that children are provided with adequate responses to their proposals.

**D. Civil rights and freedom (arts.7, 8, 13-17, 19 and 37 (a) of the Convention)**

**Birth registration / nationality**

29. The Committee, while noting that Section 6 of the Population Registry Law establishes a duty to notify a registration officer of the Ministry of Interior of every birth that occurs in Israel, expresses concern that:

(a) The ban on the granting of Israeli citizenship to children born of an Israeli parent and a parent from the OPT, the decision of the State party to stop processing residency applications for Palestinian children since 2000 as well as the arbitrary revocation of residency and identity of those living in East Jerusalem have resulted in thousands of unregistered Palestinian children excluded from access to health services, education and any other type of social benefits as well as in thousands of children being prevented from living with their parents;

(b) Children of migrants born in the State party often do not receive an official birth certificate but a hand-written official notification without the father's name being indicated. The Committee is also concerned about information that migrant families who are unable to cover the cost of hospitalization might be denied birth notification, and about reported cases of migrant families who have to pay exorbitant costs for a DNA test in order to have the father's name included in the birth notification. The Committee is further concerned about reported cases of families forced to sign voluntary return declarations to be able to obtain official birth certificates.

**30. The Committee urges the State party to take immediate steps to repeal all legal provisions which result in denying the right of Palestinian children to be registered immediately after birth in violation of article 7, paragraph 1, of the Convention, to acquire a nationality and to be cared for by their parents. To this end, the State party is urged to transfer the population registry to the Palestinian Authority. The Committee also urges the State party to issue free birth certificates indicating the names of both parents to all children of migrants as it is done for Israeli children. The issuance of birth certificates should in no way be made conditional on the signing of "voluntary" return declarations.**

**Right to identity**

31. The Committee is concerned about the provisions of the Adoption of Children Law which allows hiding from a child the fact that he or she has been adopted. The Committee is also concerned about the 2008 reasoning of the Family Matters and District court of Haifa which considered that allowing a paternity test was not in the best interests of the child as it might result in the child being labelled as a "bastard" according to Jewish Halasha.

**32. In the light of article 7 of the Convention, the Committee recommends that the State party ensure, as far as possible, respect for the child's right to know his or her parents' identity in the case of an adopted child or a child born out of wedlock who has not been recognized by either of his or her parents. It also urges the State party to ensure that religious laws be brought in line with the Convention and do not contain derogatory language against children born out of wedlock.**



33. The Committee is concerned that, when regulating surrogate motherhood arrangements, the State party has paid insufficient attention to the rights and interests of children born as a result of assisted reproduction technologies, particularly with the involvement of surrogate mothers.

34. **The Committee recommends that, in the regulation of assisted reproduction technologies, particularly with the involvement of surrogate mothers, the State party ensure respect for the rights of children to have their best interests taken as a primary consideration and to have access to information about their origins. The Committee also recommends that the State party consider providing surrogate mothers and prospective parents with appropriate counselling and support.**

## **E. Violence against children (arts. 19, 37 (a) and 39 of the Convention)**

### **Torture and other cruel or degrading treatment or punishment**

35. The Committee expresses its deepest concern about the reported practice of torture and ill-treatment of Palestinian children arrested, prosecuted and detained by the military and the police, and about the State party's failure to end these practices in spite of repeated concerns expressed by treaty bodies, special procedures mandate holders and United Nations agencies in this respect. The Committee notes with deep concern that children living in the OPT continue to be:

(a) Routinely arrested in the middle of the night by soldiers shouting instructions at the family and taken hand-tied and blindfolded to unknown destination without having the possibility to say good bye to their parents who rarely know where their children are taken;

(b) Systematically subject to physical and verbal violence, humiliation, painful restraints, hooding of the head and face in a sack, threatened with death, physical violence, and sexual assault against themselves or members of their family, restricted access to toilet, food and water. These crimes are perpetrated from the time of arrest, during transfer and interrogation, to obtain a confession but also on an arbitrary basis as testified by several Israeli soldiers as well as during pretrial detention;

(c) Held in solitary confinement, sometimes for months.

36. **The Committee reminds the State party about its unavoidable responsibility to prevent and eradicate torture and ill-treatment of children living in the OPT which are not only a serious violation of article 37 (a) of the Convention on the Rights of the Child but also a grave breach of article 32 of the Fourth Geneva Convention. The Committee strongly urges the State party to:**

(a) **Immediately remove all children from solitary confinement;**

(b) **Launch without delay an independent inquiry into all alleged cases of torture and ill-treatment of Palestinian children. This should include ensuring that at all levels of the chain of command, those who have been ordering, condoning or facilitating these practices be brought to justice and be punished with penalties commensurate with the gravity of their crimes;**

(c) **Take immediate measures to ensure that children living in the OPT are provided with safe and child-friendly complaint mechanisms, including during trials, with regard to the treatment they were subjected to at the time of arrest and subsequent detention;**

(d) **Ensure that relevant judicial authorities are exercising due diligence in investigating and prosecuting acts that amount to torture or other forms of ill-**

treatment, even in the absence of a formal complaint when circumstances cast a doubt about the way confession was obtained;

(e) **Ensure physical and psychological recovery as well as social reintegration assistance to all children living in the OPT who have been victims of torture and ill-treatment.**

#### **Corporal punishment**

37. The Committee welcomes the full prohibition of corporal punishment in all settings in the State party as well as the Compulsory Education (Physical Violence Reporting Rules) Regulations No. 5770-2009 which obliges Principals of educational institutions to report in writing any occurrence of physical violence between an educator and a pupil. The Committee is however concerned about the high proportion of students reporting that they have experienced physical and emotional maltreatment, and that corporal punishment continues to be inflicted on children in detention.

38. **In light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party take effective measures to eliminate corporal punishment and its psychological consequences including through the implementation of public and professional awareness raising programmes including campaigns. The State party should also promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment and establish child-friendly complaints mechanisms.**

#### **Abuse and neglect**

39. The Committee notes as positive the State's appeals against court decisions pronouncing light sanctions for parents abusing and neglecting their children (e.g. Cr.A (Be'er-Sheva) 7161/02 The State of Israel v. Z.Y. (12.2.2003). The Committee also welcomes the 2007 decision of the Jerusalem Magistrate Court (C.C. 3970/98 Yitzhak Goldstein v. The State of Israel (14.01.2007) condemning the Municipality of Tel-Aviv for its failure to remove a child from his home and to protect him from abuse and neglect despite evidence available to the Department of Welfare that the child was mistreated. The Committee however expresses concern about insufficient support and services to promote responsible parenting and the shortage of placement for children at risk which lead some children to be held in detention facilities, as in the case of 153 teenage girls reportedly held in detention facilities awaiting placement in May 2012.

40. **The Committee recommends that the State party strengthen its efforts to protect children from abuse and neglect and to promote positive parenting and take all appropriate measures to increase the number of protective shelters available to children at risk who should benefit from psychosocial assistance and appropriate care. As a matter of priority, the State party should remove all children at risk currently held in detention facilities and place them in appropriate rehabilitation and care facilities.**

#### **Harmful practices**

41. The Committee expresses concern about reported short and long-term complications arising from some traditional male circumcision practices.

42. **The Committee recommends that the State party undertake a study on the short and long-term complications of male circumcision.**

### **Freedom of the child from all forms of violence**

43. The Committee is deeply concerned about the climate of violence in which Palestinian and Israeli children live, especially during explosions caused by rocket attacks, air strikes and shelling. The Committee is also gravely concerned about the psychological violence inflicted on Palestinian children who witness their parents being beaten or humiliated and the demolition of their homes, and about the long-term consequences of this violence on these children.

44. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children and to refrain from adopting and implementing policies that exacerbate rather than diminish violence resulting from the conflict. The Committee further recommends that the State party take into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) **Develop a comprehensive national strategy to prevent and address all forms of violence against children;**

(b) **Adopt a national coordinating framework to address all forms of violence against children;**

(c) **Pay particular attention to and address the racist and gender dimension of violence;**

(d) **Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.**

## **F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

### **Family environment**

45. The Committee welcomes the measures adopted by the State party to provide assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including the provision of income support benefits to families which do not earn the minimum level of income, as well as the 2007 amendment to the Sick Day Payment Law which entitles parents of children with disabilities to additional leave days to care for their children. The Committee is however concerned about the situation of children of asylum seekers, refugees and migrant workers who are left in mass babysitting or alone in apartments or in the streets without any support from social services during the time their parents work outside the home.

46. **The Committee urges the State party to take concrete measures to ensure that social support is provided to all parents who cannot afford private after school programmes for their children and have no choice but to leave their children alone while they work. Special attention should be paid to children in particularly vulnerable situations, such as children of asylum seekers, refugees and migrant workers.**

### **Children deprived of a family environment**

47. While noting the positive efforts made by the State party to accelerate the development of new residential-care models, such as community-based residential settings and group homes in the child's home community, the Committee remains concerned that only a small proportion of children are placed in foster care compared to those placed in residential institutions. The Committee also expresses concern that in 2008, the Israeli

Defence Forces closed down two institutions for children in Hebron without any written instructions and proper alternative plans, evicting 3,192 children and confiscating all clothing, food, stationary and other supplies, as reported by the High Commissioner for Human Rights (A/HRC/8/17, para. 50).

48. **The Committee reiterates its recommendation (CRC/C/15/Add.195, para. 41) that the State party further strengthen the foster care system. The Committee also urges the State party to investigate the responsibilities in the closure of the child institutions in Hebron and ensure that human, financial and technical resources are provided for all evicted children to be sheltered and cared for in appropriate conditions.**

49. The Committee expresses concern that thousands of Palestinian children are deprived of their right to live and grow up in a family environment with both of their parents or with their siblings and that thousands live under the fear of being separated because of the severe restrictions on family reunification under the Citizenship and Entry into Israel Law as amended in 2005 and 2007. The Committee is particularly concerned about the State party's decision to stop processing residency applications for Palestinian children since 2000 and to revoke the residency status of Palestinians living in East Jerusalem. The Committee notes with deep concern that even children who have lost one of their parents are prevented from reuniting with their surviving parent in the West Bank.

50. **The Committee urges the State party to take immediate measures to ensure that all separated Palestinian children are reunited without delay with both of their parents and with their siblings, and that all family members obtain proper registration to avoid any further risk of separation. The State party should revoke the Citizenship and Entry into Israel Law and all policies which are in breach of articles 9 and 10 of the Convention and which prevent family reunification, as previously recommended by the Human Rights Committee (CCPR/C/ISR/CO/3, para.15, 2010), the Committee on the Elimination of Discrimination against Women (CEDAW/C/ISR/CO/5, para. 25, 2011) and the Committee on the Elimination of Racial Discrimination in 2012 (CERD/C/ISR/CO/14-16, para. 18).**

**G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

51. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in September 2012 and the adoption of numerous laws with respect to children with disabilities, in particular the amendment to the Special Education Law No. 5758-1998 and the Rights of Pupils with Learning Disabilities in Secondary Education Facilities Law No. 5768-2008, as well as the measures taken for children with disabilities to receive supplementary tutoring and special psychological and medical services when integrated in regular school. The Committee is however concerned that:

(a) The overwhelming majority of children with disabilities attend special schools or special classes in ordinary schools;

(b) The placement of a child in regular or special schools depends on parental choice and does not result from a procedure which would allow the child to express him/herself and to have his or her best interests assessed and determined;

(c) The resources allocated to the inclusion of children with disabilities in regular schools have been insufficient, especially the number of full time assistants available to support children with disabilities.

52. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) **Reconsider the model of parental choice and establish a formal process, with strict procedural safeguards, designed to assess and determine the best interests of the child with disabilities and ensure that the right of children with disabilities to be heard and have their views taken into account is fully respected in this process;**

(b) **Develop a comprehensive national strategy on children with disabilities with the view to expanding inclusive education to all children who could benefit from it. Particular attention should be paid to children in the most disadvantaged situations, among them children with autism;**

(c) **Ensure the provision of adequate human, financial and technical resources for schools to effectively provide inclusive education for children with disabilities by implementing the so called “funding according to needs” system recommended by the Dorner Committee.**

#### **Health and health services**

53. The Committee welcomes the development of a system of high quality health services for children in the State party. The Committee regrets however the unequal access to these services which mainly affects Bedouin and Arab children as well as children belonging to the Ethiopian Israeli community. Notwithstanding the information provided by the State party during the dialogue, the Committee expresses deep concern that the deteriorated situation of health and health services for children in the OPT noted by the Committee in 2002 considerably worsened over the reporting period due to attacks on hospitals and clinics of Gaza (more than half of them were severely damaged during the operation Cast Lead) and the denial of, and delays in, delivering permits to transfer children or pregnant women to medical facilities outside the OPT which have caused the death of many children and pregnant women over the reporting period. The Committee is also highly concerned about:

(a) The high level of mortality of Bedouin children living in so-called “unrecognized” villages in the Negev who are deprived of basic health services;

(b) Children in the Gaza Strip suffering from blood disorders and sanitation related diseases such as watery diarrhoea and typhoid due to daily exposure to highly contaminated water (12 per cent of child death in Gaza being attributed to the poor quality of water).

54. **In light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee urges the State party to take all necessary measures to ensure that all children enjoy this right without discrimination. The Committee also reiterates its recommendation (CRC/C/15/Add.195, para. 45) that the State party guarantee safe and unconditional access by all children and pregnant women living in the OPT to health services, including emergency medical care, and ensure the availability of adequate medical supplies and trained personnel. This recommendation also applies to Bedouin children in the Negev. The Committee urges the State party to cease its attacks against hospitals and medical facilities and to urgently allow entry into Gaza of all the necessary material for the reconstruction of medical infrastructure and to ensure timely transfer without delay of all children and pregnant mothers in need of medical care outside the OPT. The Committee also urges the State party to adopt immediate measures for the restoration of safe drinking water and adequate sanitation services and ensure unimpeded access of humanitarian agencies which provide those services until the restoration is completed.**

### Adolescent health

55. The Committee is concerned about the high rate of suicide and attempts at suicide among adolescents in the State party, especially among girls.

56. **Referring to its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party undertake an in-depth study of youth suicide and its causes, including a gender perspective, and use this information to develop and implement a national plan of action on youth suicide, in cooperation with child guidance centres, social workers, teachers, health workers and other relevant professionals. The State party should also consider increasing the availability of psychological counselling services and provide adolescents with the support of trained social workers in schools.**

### Standard of living

57. The Committee is concerned that poverty among children has risen over the years, and that one out of three is living under the poverty line or on the edge of it. The Committee is also concerned about the privatization of social services and the limited access to free services, which increase the difficulties that children and their families in need are facing.

58. **The Committee urges the State party to ensure that children and their families living in poverty receive adequate financial support and free, accessible services without discrimination.**

59. In light of its previous concluding observations (CRC/C/15/Add.195, paras. 50 and 51), the Committee remains deeply concerned about the increasing poverty among Palestinian children and the serious violations of their right to an adequate standard of living resulting from the occupation of the Palestinian territories by the State party and about the measures taken to accelerate expansion of Israeli settlements, the construction of the Wall to separate communities and the Gaza blockade. The Committee is particularly concerned about:

(a) Land confiscation, large-scale demolition of Palestinian houses, expulsion of Palestinian and Bedouin families from the homes they have occupied for generations, discriminatory building regulations, especially in the West Bank and East Jerusalem, which continue to result in hundreds of Palestinian families and their children being displaced, homeless or in constant fear of eviction and demolition;

(b) The critical water shortage faced by Palestinian children and their families and by Bedouin children in the Negev due to prohibitions of access to natural resources, restrictions on water utilization and destruction of water services including traditional cistern-based water infrastructure essential for maintaining the Bedouin people's nomadic and agricultural way of life. The Committee is further concerned about the State party authorities' opposition to the creation of waste water treatment facilities in East Jerusalem and to providing access to safe drinking water to Bedouin families and their children living in so-called "unrecognized villages" even in cases where the Supreme Court has ruled that villages should be connected, as in Civil Appeal 9535/06, *Abdullah Abu Musa'ed, et al. v. The Water Commissioner and the Israel Land Administration* (decision delivered 5 June 2011);

(c) Children in the OPT increasingly suffering from chronic malnutrition, a situation which has been gravely exacerbated by the closure of the Gaza Strip and the constraints placed on agencies providing humanitarian aid in Gaza, by the maintenance of severe restrictions on access to agricultural land and the sea and by the destruction and confiscation of means needed for Palestinian livelihood, including the thousands of Palestinian-owned trees, mainly olive trees damaged or uprooted by Israeli settlers and the State authorities.

60. In light of the numerous recommendations addressed to the State party by the United Nations Secretary General, the High Commissioner for Human Rights and various treaty bodies in relation to the right of Palestinian and Bedouin families to an adequate standard of living, the Committee urges the State party to unconditionally commit itself to refrain from any actions that would further deprive Palestinian and Bedouin families of their land and of access to safe drinking water, sanitation and food as well as to allow humanitarian agencies unimpeded access to families and children in need without fear of persecution or other recrimination. The Committee also urges the State party to:

(a) Adopt a moratorium on demolition and evictions until the planning and zoning regime is brought into compliance with applicable international legal standards for areas in the West Bank under its full control, including East Jerusalem, and ensure that Palestinians in the West Bank have access to a fair, effective and participatory planning system;

(b) Restore confiscated land to Bedouin and Palestinian families and their children;

(c) Take immediate measures to ensure the availability of sufficient and safe drinking water and adequate sanitation for Palestinians living in the OPT as already recommended by the Committee on Economic, Social and Cultural Rights (E/C.12/ISR/CO/3, para. 29, 2011);

(d) Review the restrictions placed on Palestinian access to land, sea and livelihood. The State party should also put an end to the impunity enjoyed by settlers who destroy Palestinian livelihood and take active measures to prevent further violence and destruction.

## **H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

### **Education, including vocational training and guidance**

61. The Committee welcomes the 2007 amendment of the Compulsory Education Law which broadens its scope and extends free compulsory education to children between the ages of fifteen and seventeen. The Committee also notes as positive the five-year plan (2011-2016) to reduce the gaps in the education of Bedouin children as well as the agreement reached in the municipality of Eilat whereby children of migrant asylum seekers will eventually be integrated into the regular public schools and not in a separate education frameworks as was previously the case. The Committee is however concerned that:

(a) Collection of tuition fees from parents is widespread, jeopardizing the right to free education enshrined in the Compulsory Education Law;

(b) There is serious discrimination against Bedouin children who are often left without any school available for them or without safe roads and transportation means to schools, as well as against children belonging to the Ethiopian community who are disproportionately placed in special education without proper screening and the identification of their special needs;

(c) Jewish and Arab children continue to be educated in segregated school systems as observed by the Committee on the Elimination of Racial Discrimination (CERD/C/ISR/CO/14-16, para. 11) with lower investment in the education system for Arab children which results in a severe shortage of classrooms, in substandard conditions and quality of teaching, low academic results and high school dropout.

62. The Committee urges the State party to:

(a) **Take the necessary measures to effectively enforce the Compulsory Education Law and ensure that education remains free by discontinuing the practice of requesting that parents pay fees and other non-official contributions for the education of their children;**

(b) **Take active measures to ensure the right to education of Bedouin children and immediately remove Ethiopian children who have been unnecessarily placed in special schools;**

(c) **Put an end to the segregation of Arab and Jewish children in schools and build an education system based on tolerance and understanding among children from all communities;**

(d) **Establish an inclusive education system for all children regardless of individual differences or difficulties, ethnic or cultural background, or socioeconomic status in order to build a society that is genuinely inclusive, that values difference and respects the dignity and equality of all human beings regardless of difference.**

63. The Committee is also concerned that:

(a) 300 educational facilities have been damaged during the operation “Pillar of Defence” of the State party, and that in the West Bank, 32 attacks by the army have been reported since 2009. Palestinian schools were attacked by the State party military or settlers and in some cases used as military outposts or detention centres. Furthermore, children continue to be subject to harassment, threats and violence by the State party’s military and security forces as well as by settlers on their way to and from school as observed notably by the United Nations Secretary General (A/67/375, para.23);

(b) In spite of the construction of new classrooms highlighted by the delegation of the State party during the interactive dialogue, there is a serious school shortage (1000 classrooms lacking in East Jerusalem according to the State Comptroller’s 2009 report) and a state of disrepair of school infrastructure in all the OPT which have led Palestinian children to be deprived of education or to attend classes in tents or caravans in unsuitable and overcrowded conditions. The Committee is further concerned that the State party continues to refuse permits to build new classrooms and orders the demolition of schools, thus further depriving Palestinian and Bedouin children of their right to education;

(c) Due to the Gaza blockade, in 2010, UNRWA was unable to meet the enrolment needs of 40 000 school age children. Additionally, the restrictions on freedom of movement imposed by the wall, closures, checkpoints and permit regimes continue to prevent some Palestinian children from attending schools.

64. The Committee urges the State party to:

(a) **Protect children in the OPT from harassment, intimidation and violence by ensuring that the settlers and security forces are held accountable;**

(b) **Cease attacks against schools and use of schools as outposts and detention centres in the OPT and immediately declare a moratorium on the destruction of schools in the OPT and in the Negev;**

(c) **Remove aggregates, iron bars and cement from the dual use list in order to allow the reconstruction of schools in Gaza, take all the necessary measures to facilitate the construction of temporary schools and prepare as a matter of priority an investment plan to tackle the school shortage in East Jerusalem;**

(d) **Remove all disproportionate restrictions on freedom of movement which prevent Palestinian children from attending schools.**



### **Aims of education**

65. The Committee reiterates its concern that peace education is extremely limited in the State party given the state of conflict and the extensive militarization of the educational system (CRC/C/OPAC/ISR/CO/1, para 26). Notwithstanding the information provided by the delegation of the State party, the Committee is also concerned at the removal of significant information on Palestinian history, heritage, flag and cities from school textbooks distributed in 2011 to all private and public schools in East Jerusalem.

**66. The Committee reiterates its recommendation (CRC/C/OPAC/ISR/CO/1, para. 27) of systematic inclusion of peace education both in the Israeli and Palestinian school system, and again encourages joint initiatives, bringing together both Israeli and Palestinian children, to be undertaken to promote peace education. The Committee also draws the attention to its general comment No. 1 (2001) on the aims of education and reminds the State party of its duty to ensure that Palestinian children are educated with respect to their cultural identity, language and values and therefore urges the State party to cancel the prohibitions of using Palestinian textbooks and curricula.**

### **Early childhood development**

67. The Committee expresses concern that despite the fact that the Compulsory Education Law applies to all children from the age of three, there continue to be a disproportionately low number of Arab children enrolled in early childhood education. The Committee is also concerned that the State party has still not adopted the necessary legal framework for the licensing and supervision of early childhood institutions.

**68. The Committee recommends that the State party adopt a comprehensive national policy for early childhood education and development and ensure that all children have access to high quality early childhood care and education opportunities without discrimination. The Committee also recommends that the State party adopt a legal regulatory framework applicable to early childhood care and education and ensure that all institutions undergo compulsory registration and are supervised based on specified criteria.**

## **I. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

### **Asylum seeking and refugee children and children of migrant workers**

69. The Committee welcomes the creation of a Youth Village in Nitzana in 2011 for unaccompanied children. The Committee also notes as positive the attention that the situation of children without legal status has recently received from the State Comptroller and the Knesset Child Rights Committee. The Committee is however concerned about the increased marginalization of children of asylum seekers and migrant workers as well as unaccompanied children in the State party, who are often left without any support from welfare authorities. The Committee is further concerned that these children are often denied access to day-care centres, education, and health services and therefore stay alone while their parents work outside of their home or are exposed to various forms of exploitation. The Committee also expresses concern about:

(a) The Anti-Infiltration Law enacted in January 2012 which allows for the prolonged detention of children, including child victims of exploitation, torture and trafficking who migrate illegally to the State party;

(b) The rise in arrests since August 2011 of children of migrant workers, including children born in the State party, in extremely stressful conditions such as those

conducted at night. These children and their mothers are then placed in Yahalom detention facility at Ben Gurion International Airport until their deportation, in small cells that are unsuitable for families without the possibility to contact their father or any other family members and without access to health services, social workers or legal counselling;

(c) The conditions of detention of children in Saharonim detention centre which were judged harsh and overcrowded by the Public Defender in his August 2011 report. In 2011, 19 boys attempted suicide in the Matan detention facility of Harera and in the Givon detention facility, girls have been detained together with adults. Child victims of abuse, torture or trafficking are not provided with appropriate psychosocial care and support;

(d) The arrest, imprisonment in harsh conditions and deportation in 2012 of Sudanese children, including children who had been placed in protective care services due to violence and severe neglect by their parents, following arrest and imprisonment of the parents in harsh conditions, causing serious emotional damage to these children.

**70. The Committee draws attention to its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin and reminds the State party that all children involved in or directly affected by international migration are entitled to the enjoyment of their rights, regardless of age, sex, ethnic or national origin and economic or documentation status, in both voluntary and involuntary migration situations, whether accompanied or unaccompanied, on the move or otherwise settled, documented or undocumented or any other situation. The Committee urges the State party to:**

(a) **Guarantee the right for all asylum-seeking children and children of migrant workers to access public schools, boarding schools, kindergartens, nurseries and health services and ensure coordination among responsible government actors with the view to protecting and adequately supporting these children;**

(b) **Develop and enact as a matter of priority a national legal framework to regulate the Israeli asylum procedure, including the principle of non-refoulement, and repeal the provisions of the Anti-Infiltration Law which allow for the prolonged detention of children;**

(c) **Take all appropriate measures to promote physical and psychological recovery, as well as social reintegration of child victims of any form of neglect, exploitation, abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment;**

(d) **Cease with immediate effect the detention of children on the basis of their immigration status;**

(e) **Conduct individual assessments and evaluations of the best interests of the child at all decision stages of the migration process affecting children, and with the involvement of child protection professionals, the judiciary as well as children themselves. Primary consideration should also be given to the best interests of the child in any proceeding resulting in the child's or their parents' detention, return or deportation;**

(f) **Consider ratifying the 1961 Convention on the Reduction of Statelessness, and review nationality legislation and existing procedures to bring them in line with international standards for the prevention and reduction of statelessness.**

#### **Follow up to the Optional Protocol on the involvement of children in armed conflict**

71. The Committee expresses deep concern about the continuous use of Palestinian children as human shields and informants (14 such cases having being reported from January 2010 to 31 March 2013 only) and about the failure of the State party to comply with the ruling of the High Court of Justice in *Adalah et al. v. Commander of the Central*

*Region et al.* (HCJ 3799/02, Judgement of 23 June 2005) as recommended by the Committee in 2010 (CRC/OPAC/ISR/CO/1, para. 25) in this respect. The Committee notes with deep concern that:

(a) The State party's soldiers have used Palestinian children to enter potentially dangerous buildings ahead of them and to stand in front of military vehicles in order to stop the throwing of stones against those vehicles as observed by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (A/HRC/6/17/Add.4, para.48);

(b) Almost all those using children as human shields and informants have remained unpunished and that the soldiers convicted for having forced at gunpoint a nine-year old child to search bags suspected of containing explosives only received a suspended sentence of three months and were demoted.

**72. The Committee urges the State party to immediately abide by the High Court of Justice in *Adalah et al. v. Commander of the Central Region et al.*, to take active measures to prevent the use of children as human shields and informants, effectively enforce the prohibition to use of children as human shields and informants and ensure that perpetrators are brought to justice and punished with sanctions commensurate with the gravity of their crimes.**

#### **Administration of juvenile justice**

73. The Committee commends the State party for the significant improvement of its juvenile justice system which contains a wide range of guarantees and safeguards for Israeli children in conflict with the law. The Committee is however concerned that the State party fully disregarded the recommendations it made in 2002 and 2010 in relation to arrest and detention of Palestinian children and their detention conditions and has continued to deny all these guarantees and safeguards to children living in the OPT who remain subject to military orders. The Committee is gravely concerned that an estimated 7000 Palestinian children aged from 12 to 17 years, but sometimes as young as nine years, have been arrested, interrogated and detained by the State party's army over the reporting period, (an average of two children per day), this number having increased by 73 per cent since September 2011 as observed by the United Nations Secretary General (A/67/372, para 28). The Committee expresses deep concern that:

(a) Most of the Palestinian children arrested often on an arbitrary basis as testified by several Israeli soldiers are accused of having thrown stones, an offence which can carry a penalty of 20 years of imprisonment;

(b) 236 children are currently detained for alleged security reasons; dozens of them are between the ages of 12 and 15;

(c) Arrested Palestinian children can be detained for four days before being brought before a judge (eight days until August 2012), are rarely informed of their rights, including their right to have the presence of a parent who are often not even aware of the place where their children are detained, and to have access to a lawyer;

(d) Palestinian children arrested by the State party military and police are systematically subject to degrading treatment, and often to acts of torture, are interrogated in Hebrew, a language they do not understand, and sign confessions in Hebrew in order to be released;

(e) Children are brought in leg chains and shackles wearing prison uniforms before military courts where confessions obtained from them under duress are used as the main evidence. The lawyers they meet for the first time do not have access to a translated version into Arabic of military orders which will be applied to children;

(f) The sentencing provisions applicable to adults apply to children aged 16 and 17;

(g) Many Palestinian child detainees (215 children since 2009) are transferred out of the OPT and serve their detention and sentences inside Israel in breach of article 76 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. A large number of them are detained in overcrowded cells together with adults in poor conditions, with poor ventilation and no access to natural light. Poor quality and inadequate amounts of food, harsh treatment by prison officials and deprivation of any form of education add to their plights.

**74. The Committee strongly urges the State party to guarantee that juvenile justice standards apply to all children without discrimination and that trials are conducted in a prompt and impartial manner, in accordance with minimum fair trial standards. The Committee also urges the State party to dismantle the institutionalized system of detention and use of torture and ill-treatment of Palestinian children at all stages of the judicial procedure. All those who have been involved in this illegal system should be brought to justice and punished if found guilty. The Committee also urges the State party to comply with the recommendations it made in 2002 and 2010 and which have been constantly reiterated by all human rights mechanisms, the United Nations Secretary General and the High Commissioner for Human Rights and in particular that it:**

(a) Review and amend all laws that allow the sentencing of Palestinian children to 20 years of prison for having thrown stones, and remove from detention all children that are held there for this reason;

(b) Ensure that detained children have effective access to an independent judicial review of the legality of their arrest and detention within 24 hours of their arrest and are provided with adequate free and independent legal assistance immediately after their arrest and can contact their parents or close relatives;

(c) Ensure that children accused of having committed security offences are only detained as a measure of last resort, in adequate conditions in accordance with their age and vulnerability and for the shortest possible period of time. In case of doubt on having reached the age of criminal responsibility, children have to be presumed to be below this age;

(d) Ensure that all confessions written in Hebrew and signed or adopted by a Palestinian child be rejected as evidence by the courts and that decisions are no longer made solely on the basis of confessions from children;

(e) Ensure that all detained Palestinian children are separated from adults and are held in appropriate conditions and with access to education in facilities located in the OPT. Their detention should be periodically and impartially reviewed;

(f) Ensure that children in detention have access to an independent complaints mechanism and that all those who were unlawfully detained and subject to torture and ill-treatment obtain redress and adequate reparation, including rehabilitation, compensation, satisfaction and guarantees of non-repetition.

## **J. Ratification of international human rights instruments**

75. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify all core human rights treaties to which it is not yet a party, namely the Third Optional Protocol to the Convention on the Rights of the Child on a communication procedure, the Convention for the Protection of All Persons from Enforced Disappearance as well as the Optional

Protocols the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of Discrimination against Women, the Convention against Torture and the Convention on the Rights of Persons with Disabilities.

#### **K. Follow-up and dissemination**

76. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, the Knesset, relevant ministries, the Defence and Security Forces, the Supreme Court and local authorities for appropriate consideration and further action.

77. The Committee further recommends that the combined second and fourth periodic report and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

#### **L. Next report**

78. The Committee invites the State party to submit its next combined fifth and sixth periodic report by 2 November 2018 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.

79. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I).

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