



INFORMATION NOTE

**Optional Protocol on the sale of children, child prostitution
and child pornography**
1st Periodic Report of ISRAEL, 28/05/2015
69th session of the United Nations Committee on the Rights of the Child
Summary of Juvenile Justice related issues

Ratification of the Convention on the Rights of the Child by Israel: 03 October 1991

Ratification of the Optional Protocol: 23 July 2008

Previous Report on the Optional Protocol: This is the initial report of Israel on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

1.1 JUVENILE JUSTICE - KEY ISSUES

I) Legislation:

The Israeli delegation described the treatment of juveniles in the justice system and they presented the focus on prevention, supervision and rehabilitation of juveniles in conflict with the law, as punishment alone would not solve the problems. There were three categories of juveniles in Israel: the “normative”, who attended school and lived at home, “juveniles with socio-economic problems”, and “those who had committed a crime”.

II) Minimum age of criminal responsibility:

The penal code of Israel prescribes 13 years old as the minimum age of criminal responsibility.

III) Number of children and length of detention:

a) Access to data:

- No
 Yes : *(specify)*

IV) Trial conditions:

V) Detention conditions

a) In general (access to health, education, etc.):



b) Pre-trial detention:

c) Separation from adults:

VI) Preventive measures:

VII) Alternative measures:

VIII) Re-adaptation / reinsertion of children:

The delegation said Israel had extensive protection systems for child victims. One delegate presented the network of Government-run Child Protection Centres where specially trained social workers provide assistance to child victims and undergo all necessary procedures.

The delegation believes the private sector, mainly hotels, plays an important role in the rehabilitation of victims, such as by offering job opportunities to victims willing to escape prostitution.

IX) Training of professionals:

Ms. SANDBERG underlines there were more awareness raising and trainings of professionals organized by the government.

In order to tackle sex tourism, the Government had launched a number of initiatives, many of which targeted the hotel industry and specifically hotel personnel. For example, hotel personnel were trained on how to report any child who they witnessed engaged in prostitution.

Although the Israeli authorities were not aware of any phenomenon of Israelis traveling abroad for sex tourism, a full-day conference for hotel workers on this issue was planned to be convened in Eilat, one of the most touristic city of Israel. Campaigns to fight against sex tourism were also directed at youth, students, members of the Israeli Defence Force (IDF) and other groups.

X) Role of the media:

One delegate said the National Internet Day was a key annual moment where many campaigns of education and awareness-raising were launched through the media and mobilized the civil society and relevant stakeholders. The campaigns address the prevention of crimes against children on the internet.

XI) Child participation and sensibilization:

- Dissemination and training:

Ms. SHARIFF appreciated the efforts of the government to organize many trainings on the Convention on the Rights of the Child and the specific issues addressed by the OPSC. She asked what kind of events and communication the government is leading to raise awareness of children and parents about child rights and the OPSC.

Regarding dissemination of information to NGOs, national institutions and the public,



the delegation replied the government launched a new website with national plans, phone numbers for assistance to victims, etc. The Ministry of Health is taking the lead in reaching out parents to inform them better about child rights. The delegation of Israel said they have a plan to create a pool of trainers qualified to train other persons to give lectures and reach a wider audience.

- **Prevention:**

Israel was commended for holding training programmes on the issues contained within the Optional Protocol. An expert requested more information on prevention programmes in schools and awareness-raising on the Protocol among the general public, the tourism industry and children themselves.

Israel also focused on eradicating the root causes of crimes against children through education and awareness raising. State officials said 70% of schools in Israel dedicated a full week to teaching children on the prevention of sexual violence and guidelines on the safe use of the internet.

XII) Other relevant areas:

- **Implementation of the OPSC:**

Israel opted for a multi-layered approach towards implementation of the Protocol which included legislation, prosecution, institutional changes, education, staff training and public activities aimed at tackling the root causes of crimes against children. Legislative amendments included the criminalization of the possession of child pornography by streaming as well as downloading onto a computer, and a new law to tackle the problem of minors distributing sexual images of other minors through social networks. Institutional developments included the establishment of a Police Cyber Crime Division and several prosecutions in the courts. Efforts to prevent trafficking of children included a new immigration procedure for the entry of unaccompanied minors into Israel.

- **Data/Statistics:**

Mr. Clarence NELSON noticed there were many pending cases of child prostitution or child pornography in the annex of the national reports.

- **Child labor:**

Mr. NELSON asked if there were any data highlighting child labor, especially Bedouin children, and if any case had been prosecuted.

The delegation of Israel replied child labor was condemned through the category of forced labor in the legislation. The penalty corresponds to 7 years imprisonment. State officials explained there were no prosecutions yet because no complaints were brought to their attention. They said they did not receive any complaints of child labor involving Bedouin children but they were aware of the need to explore the possibility of Bedouin children in relation to forced labour.

Apparently, labour Inspectors sometimes saw Bedouin children working but it was very difficult to get information from the children because often their own family sent them to work, and they never made formal complaints and were reluctant to provide information.



- **Coordination:**

Mr. NELSON said the creation of a national body is necessary to have an oversight on the implementation of the international protocol. There are several governmental authorities addressing human rights violations but Israel needs to open an independent human rights institution.

- **Protection of child victims:**

Mr. NELSON appreciated Israel's progress on legislation. There is a positive development but it seems limited to child victims below 14-years-old. Mr. NELSON also asked if there were specialized procedures to get child witnesses able to deliver testimony.

- **Child sex tourism:**

Concerning child sex tourism Ms. ALDOSERI noted the State party's assertion that there had been no cases of child sex tourism both inside Israel or by Israeli tourists abroad and that no Israeli national had been prosecuted or convicted under the extra-territorial provisions for traveling to other countries to engage in child sex tourism. She asked what are the measures to prevent and condemn child sex tourism in Israel and the Occupied Territories.

Israel adopted the World Tourism Organization's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Ms. ALDOSERI asked how particularly vulnerable children were protected from the risk of sex tourism, especially Bedouin, Palestinian and Arab Israeli children.

Ms. AHO ASSOUMA asked if raids were conducted in hotels and when a case of child prostitution was detected if such hotels were sanctioned and closed.

Regarding prostitution in hotels, the delegation of Israel mentioned if a hotel owner sees a case of child prostitute, the owner should report to the State authorities. They said the government is conducting trainings to sensitize the private sector and improve cooperation.

- **Trafficking:**

The delegation of Israel presented some achievements thanks to intense efforts over the last 15 years in joint-collaborative initiatives run by many organizations. They said there were almost no cases of women trafficked in Israel compared to the 2000 women and girls who had been trafficked and exploited for the purposes of prostitution 10 years ago. They also said there were no cases of trafficking in children in Israel today. The delegation said the State is taking this issue seriously especially in the present context where patterns keep changing and smugglers are very creative.

As part of measures to prevent trafficking of children, the Population and Immigration Authority recently launched new procedures for the entry of unaccompanied minors into Israel, including both Israeli and foreign citizens.

- **Civil society:**

The delegation of Israel said it is very important to adapt their national plan on the OPSC and be aware of the needs on the ground. Prostitution of minors will be included



in the plan and they said it's crucial to receive inputs of NGOs that are leading efforts in the fight against human trafficking.

- **Birth registration:**

Ms. AHO ASSOUMA said birth registration ensures access to basic services like health. She was concerned about the child migrants in Israel who do not benefit of birth registration. She requested explanations from the delegation for the birth certificates that are seized, or sometimes delivered if applicants are able to give the proof of their incoming return to their country of origin.

- **Surrogacy:**

Ms. KHAZOVA asked if surrogacy issues were a serious focus for Israel. Are there any particular measures to prevent cross-border surrogacy arrangements? What are the procedures for certifying the legal relation when a child is brought to Israel from abroad? She raised these serious issues, in particular since an Israeli man with a record of child abuse who got a 4-year-old child from India through a surrogacy arrangement. The delegation of Israel said it is very important to collaborate with other countries even if it represents a greater challenge in the Middle East. OSCE assisted meetings between Israel and Jordan, Morocco, etc. in Vienna and Rome. State officials said surrogate mothers benefit from a lot of protection in the law. The government collaborates with NGOs to raise awareness of women about surrogacy contracts.

- **Adoption:**

Ms. KHAZOVA asked if there were Israeli citizens able to adopt children from countries that were not party to the Hague Convention on Inter-Country Adoption.

- **Child pornography:**

Mr. NELSON asked if apart of the cyber police division, there were any other measure regarding the fight against pornography.

The Israeli delegation said the Police Cyber Division, including 60 specialized investigators on child pornography, and the State Attorney's Office were leading this field.

Israel had amended its laws in order to properly confront the changing patterns of the crimes that were listed under the Protocol. One amendment in the Penal Law was added to criminalize not only the possession, by downloading, of an obscene publication that included the image of a minor, but also accessing, through streaming, such material. As a complement to that amendment the Deputy State Attorney issued guidelines on handling the prosecution of cyber-paedophilia cases. A second amendment was added in 2014 to the Sexual Harassment Law to criminalize another form of sexual harassment by providing that the publication of a photograph, film or recording of a person was against their consent.

- **Child prostitution:**

The delegation said the Ministry of Public Security, Society and Crime Prevention together with other ministries led the efforts against child prostitution and drafted a set of recommendations. State officials admitted there were not many cases brought to



the court and explained they had difficulties to identify victims. The issue is that often minors do not think they are used as prostitutes because the situation happens in the family circle. The UN experts and the delegation of Israel agreed that the prostitution of minors was different from the prostitution of adults in many aspects.

- **Extra-territorial jurisdiction:**

Mr. MADI raised this issue.

Israel would prosecute the crimes listed in the Optional Protocol under extra-territorial jurisdiction provided that the offence was also listed as a crime in the relevant country, also known as 'double criminality'. Mr. MADI said the crimes under the Optional Protocol were very serious, but there were several countries in which they had not been criminalized. In that case, he asked if Israel considered removing the 'double-criminality' provision to ensure perpetrators did not escape justice. Would Israel consider including the offences under the Protocol in future bilateral extradition treaties?

1.2. GENERAL OBSTACLES:

- **Complex political situation:**

Mr. Benyam Dawit MEZMUR said the CRC recognized the complexity of the political situation in the State Party and with neighbor countries, and how it could create difficulties in the implementation of the Convention.

- **Absence of an independent human rights institution:**

Mr. MEZMUR asked how this absence would affect the implementation of the protocol. He encouraged the creation of a body of coordination between the different municipalities that enact the Protocol.

- **Issue of data:**

Mr. MEZMUR asked to what extent the data were disaggregated by sex, age, origin, etc.

- **Sale of children:**

The National Anti-Trafficking Unit is coordinating efforts to prevent the sale of children. The Prohibition of Trafficking in Persons Law of 2006 did not include an offence of "sale of children" although Israel said it had had no cases of "sale of children" for the last three years. Mr. MEZMUR said the fact the Israeli delegation is not aware of cases of sale of children does not mean there is no case. The sale of children should be addressed properly in the law.

- **Prosecution:**

Mr. MEZMUR expressed concern about some vague language in the legislation of Israel. For example, making reference to serious issues as "evidentially problems" is not appropriate. The CRC fears some issues might be undermined, and, as a result, not prosecuted or only addressed through awareness raising.

- **Penalties:**

The application of penalties depends of the age of the victim. In the penal code, Mr.



MEZMUR noticed a legal blank and lack of access to justice for children after 14-years-old.

- **Bilateral cooperation:**

Mr. MEZMUR asked if there were any bilateral arrangements with other State parties, even with the Palestinian authority.

The Israeli delegation was aware of the lack of cooperation and coordination with the Palestinian authorities. They said it was regrettable. They hope the political situation will change for the benefit of children.

- **Overall budget:**

Is there an overall budget dedicated to the implementation of the OPSC?

1.3. INTERAGENCY PANEL ON JUVENILE JUSTICE: Did the Committee ask any questions in relation to technical advice and assistance in juvenile justice or if they mention the Panel in any way?

No

Yes : *(specify)*

2. PROTOCOL IMPLEMENTATION

I) Concrete measures taken for implementation

Israel opted for a multi-layered approach towards implementation of the Protocol which included legislation, prosecution, institutional changes, education, staff training and public activities aimed at tackling the root causes of crimes against children. Legislative amendments included the criminalization of the possession of child pornography by streaming as well as downloading onto a computer, and a new law to tackle the problem of minors distributing sexual images of other minors through social networks. Institutional developments included the establishment of a Police Cyber Crime Division and several prosecutions in the courts. Efforts to prevent trafficking of children included a new immigration procedure for the entry of unaccompanied minors into Israel.

II) Suggested measures to be taken for implementation

Mr. NELSON said the creation of a national body is necessary to have an oversight on the implementation of the international protocol. There are several governmental authorities addressing human rights violations but Israel needs to open an independent human rights institution.

III) Dissemination of the Protocol

3. MAIN CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE:

(please use bullet points or give title to paragraphs in order to facilitate the reading)



- Mr. MEZMUR thanked the delegation for the open and candid conversation and said Israel had made visible progress in implementing the Optional Protocol, particularly in terms of legislation and capacity and institution building.
- He hoped the implementation of the Optional Protocol would help address the challenges faced by children who were Israeli citizens but also non-Israeli children over which Israel had effective control.
- He concluded by saying he hoped the delegation had picked up the room for progress. He also emphasized the need to reach out all stakeholders, focus on private sector and on cooperation with the Palestinian authorities.
- Ambassador Manor, in concluding remarks, thanked the Committee for its valuable feedback during the substantive dialogue which would bear constructive and fruitful results. He said that Israel placed great importance on respect for children's rights and had achieved significant progress in law and in practice.

CONCLUDING OBSERVATIONS by the CRC Committee:

[http://tbinternet.ohchr.org/Treaties/CRC-OP-SC/Shared%20Documents/ISR/INT_CRC-OP-SC COE_ISR_20808 E.pdf](http://tbinternet.ohchr.org/Treaties/CRC-OP-SC/Shared%20Documents/ISR/INT_CRC-OP-SC_COE_ISR_20808_E.pdf)

4. (Only if the country has a DCI-section): DCI perspective/response

- info on what DCI sections do on these issues
- recommendations by DCI sections

(to get this information, send the report to the National section and ask them if they have any information for this part).

Sources:

- United Nations Convention on the Rights of the Child
- State party's report of Israel
- List of issues of the Committee on the Rights of the Child
- Reply to the List of issues by Israel
- Statement
- List of delegation/participants

5. ANNEX:

5.1. CRC members present

Ms. Amal Salman ALDOSERI (Vice Chairperson), Bahrain

Ms. Suzanne AHO ASSOUMA, Togo

Ms. Olga A. KHAZOVA, Russian Federation

Mr. Benyam Dawit MEZMUR (Chairperson, and Rapporteur for Israel's report), Ethiopia

Mr. Clarence NELSON (Rapporteur for Israel's report), Samoa



Ms. Kirsten SANDBERG, Norway

Ms. Yasmeeen MUHAMAD SHARIFF (Vice Chairperson), Malaysia

Mr. Gehad MADI, Egypt

5.2. Composition of country delegation

The delegation of Israel included representatives of the Human Rights and Relations with International Organizations Directorate within the Office of the Deputy Attorney General, Anti-Trafficking Unit within the Ministry of Justice, Directorate of services for adults and young adults at risk within the Ministry of Social Services, the National Juvenile Delinquency Department within the Investigation and Intelligence Division, and the Permanent Mission of Israel to the United Nations Office at Geneva.

Eviator Manor, Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva.

Hila Tene-Gilad, Director, Human Rights and Relations with International Organizations Directorate, Office of the Deputy Attorney General.