

## **Convention on the Rights of the Child**

**Ambassador Eviatar Manor, Permanent Representative of Israel**

June 3, 2013

*Madame Chairperson, Distinguished Committee Members, Ladies and Gentlemen:*

I am honored to be here as the head of the Israeli delegation. On behalf of the Israeli delegation, I warmly welcome this opportunity to discuss Israel's efforts to fulfill its obligations under the Convention, to share some of my Government's achievements, hopes and to raise some of the dilemmas Israel still faces.

Israel highly values the work of this Committee and of other UN treaty monitoring bodies. It sees this monitoring process as an important element to promote and protect rights internationally, an opportunity to share Israel's views on these issues and an important catalyst for discussing the potential for change and further progress. The Government of Israel respects your advice on the implementation of the Convention and regularly gives serious consideration to its positions when considering the development of policy, legislation and court proceedings regarding the rights of the child.

Israel's accession to the Convention, the need to compile and present reports, the need to prepare for this presentation, and the discussions we conduct with this Committee, add an additional and very significant layer to the otherwise ongoing domestic efforts in this important area.

I am pleased to present to you today Israel's 2<sup>nd</sup> periodic report concerning the implementation of the Convention on the Rights of the Child.

The periodic report we are presenting to the committee today is the product of a broad collaborative effort by different Israeli Government Ministries and bodies. Each devoted much time, thought and attention to gathering the data requested.

We are also grateful to have received input from Non-governmental organizations for parts of this work. NGOs play a distinctive role in Israel in several ways – they actively participate in public debate and promote awareness and sensitivity to human

rights issues through education and the promotion of legislative proposals. We recognize and appreciate their tremendous contribution.

Israel has given careful consideration to the Committee's concluding observations and recommendations following our previous interaction in 2002. Some of the major activities taken on those concerns are detailed in the Periodic Report and in the written answers to the List of Issues. At the same time, we continue to be cognizant of the Committee's recommendations as Israel continues to develop policies and monitor our activity in regard to rights within the Convention.

Madame Chairperson,

Before commenting on the highlights of the report and written answer to the list of issues, I would like to begin with some brief yet essential points that I understand may be on your mind, regarding the Israeli-Palestinian situation. As you are no doubt aware, the situation in the Middle East is a very complex and volatile one. While the Arab Spring and the wind of change that swept the Middle East have given rise to cautious optimism and hope, there remains much uncertainty and upheaval, and the threats of terrorism, extremism, and violence remain prevalent. Time will tell whether the current vacuum will be filled by governments espousing openness and democratic values, or extremism and oppression. Against this backdrop, the Israeli-Palestinian issue remains a pressing one, and a just, negotiated resolution to the conflict continues to be a priority for the State of Israel.

I would like to highlight a related point on this subject, which bears relevance to Israel's implementation of the Convention. Over the last years, we have witnessed devastating attacks on Israeli citizens, originating from Gaza, the West Bank and even Sinai.

I would like to take this opportunity to express our sincere hope that this conflict will be resolved in a respectful and mutually beneficial manner, through good-faith negotiations, which will bring about the peace and prosperity that are long overdue in the region.

The primary duty of the State of Israel – and indeed of every country – is to uphold and protect the life of its citizens, the same right to life which underlies the Convention and constitutes its very fabric. The State of Israel has had to direct many of its resources in furtherance of the protection of this basic right, for all its citizens - with obvious security, financial and social implications. The State of Israel endeavors to address these challenges while complying with its international obligations, the welfare of its entire population and basic human rights and humanitarian considerations for all sides. Israel remains fully committed to respecting its international obligations as a party to the seven core human rights treaties and the two additional protocols to the Convention on the Rights of the Child. Accordingly, we acknowledge that Israel, like every other democratic and responsible member of the international community, must impose restraints on its own actions, in conformity with human rights and the principles of international law.

The balancing act is not always easy, and requires both a healthy dose of constructive self-criticism and openness to making adjustments. As we hope this report demonstrates, Israel's legislative, judicial and governmental organs have shown a genuine concern for achieving this balance and for ensuring the protection of human rights in general, and of the rights of the child in particular.

Our delegation comes before you in the spirit of a fruitful and productive dialogue. Therefore, to the extent that there will be questions regarding Israel and the West Bank and the Gaza Strip, irrespective of Israel's legal position, we will make our best effort to answer, as we would in the case of any questions on these issues coming from interested international actors. I would caution, however, that the data, statistics and information relating to the West Bank and the Gaza Strip and which relate to issues under the convention, is not available to us here but rather to the Palestinians in control of that area, and who, independently, legislate in this area, whether in Gaza or the West Bank.

Our focus here today is Israel, and we have come to professionally and openly discuss with you the situation in Israel with respect to the protection of the rights of the child.

While being relatively progressive on issues concerning the rights of the child from the time of the State's establishment, there is still much to be done to ensure

protection of these rights, not only in general terms for all children in Israel, but particularly for children within the more vulnerable segments of the Israeli society. The many actions undertaken by the executive, legislative and judicial branches, since the foundation of the State, and more specifically since the last reporting period, reflect the importance Israeli society as a whole attaches to the protection of the rights of the child. We look forward to introducing these more current changes to you, to hearing your questions and suggestions, and to conducting an open, constructive and professional dialogue with the Committee on all outstanding issues.

As I have stated before, more needs to be done. The limited scope of my statement does not permit me to cover all of the improvements pertaining to the implementation of the Convention in Israel and I will endeavor to address some key topics in which significant improvements have occurred. Many more are described in the extensive periodic report and the written answers to the list of issues currently before you. I am sure you will find them of great interest.

Madame Chairperson,

Since the submission of our previous report, all branches of government have made a concerted effort to protect and enhance the rights of the child in all the populations in Israel, Jews, Muslims, Christians, Druze and Circassians - all ethnic and religious backgrounds alike. As part of this effort, government entities have striven to promote the rights of all Israeli children from all the populations in accordance with the provisions of the Convention.

Israel continues to set challenging goals for improvement in areas that remain unresolved, and follows a series of measures including legislation, developments in the judicial field, governmental policies and programs to promote the ideals and goals enumerated in the Convention and Israel's basic laws.

Madame Chairperson,

Since its establishment in 1948, Israel has consistently adopted comprehensive welfare-based policies, and has enacted countless measures aimed at the protection of the rights of children. Laws regarding national medical insurance, free education,

monthly allowances for disabled children and a broad network of social services, have continually formed a central part of Israeli legislation. A fundamental welfare network has always remained in place, aimed at enhancing and protecting the rights of the child. Significant emphasis has consistently been accorded to the protection of children in the more vulnerable segments of our population.

Israel truly is an open and dynamic society, with an extremely robust media and with courts that are both empowered and willing to intervene and impact public debate and policy.

I would now like to briefly highlight some of Israel's recent activities in connection with the implementation of the Convention, emphasizing developments including some key topics selected from the periodic report and the written answers to the list of issues.

Madame Chairperson,

With respect to the **legislative field**, Israeli legislation reflects a mature and sophisticated capacity to use the legislative tool in a comprehensive manner, creating social change in sensitive areas such as those discussed in the periodic report and the answers to the list of issues.

Israel has enacted several new legislative acts on issues relating to the rights of the child, for example:

- In 2010 and 2012, Amendments were made to the *Legal Capacity and Guardianship Law 5722-1962* taking into consideration the importance of the minor being in touch with both his/her parents and enabling the parents of the minor, to be involved and updated about the minor, regardless of the type of relationship the parents have between themselves.
- In 2012, an Amendment of the *Legal Capacity and Guardianship Law* added the right of the grandparents to file a request to connect with their grandchildren and authorized the court to instruct on the matter if it finds that it is in the best interest of the child. In addition, the amendment authorizes the

court to connect the child with the grandparents that are the parents of a deceased parent if it is in the child's best interest.

- Within the many efforts made to ease and facilitate adoption and alternative family-type treatment frameworks, an Amendment to the *Women's Labor's Law* was adopted in 2011. This amendment applied the rules applicable to biological parents to adoptive and foster parents. For example, regarding maternity leave and the prohibition to dismiss a person who declared he/she was in the process of adoption or becoming foster parent; and an Amendment to the *National Insurance Law* applied the right to receive benefits during maternity leave to adopting parents and foster parents.
- Within the continuous efforts to grant children special status and enable them to express their position and opinion especially through judicial proceedings, the *Rules of Civil Procedure* 5744 – 1984 were amended in 2011, stipulating that the pilot arrangement detailed in the Second Periodic Report on the hearing of children in Family Matters Courts procedures have now become permanent, and will be gradually implemented and fully applied in all Family Matters Courts by 2014. This arrangement has been running since 2007 in several Family Matters Courts according to temporary orders. According to this arrangement, Family Matters Courts deliberating cases regarding a child will provide an appropriate opportunity for the child to express his/her feelings and preferences. The child's preferences will be taken into consideration according to the child's age and level of maturity.
- In December 2011, after a long trial period, the *Youth Law (Trial, Punishment and Modes of Treatment)* 5731-1971 was amended so as to allow the referral of minors to an "alternative procedure" instead of indicting them. The "alternative procedure" is held outside a courtroom and its purpose is, amongst others, to make the minor take action that acknowledges his/her accountability for the criminal act including through redressing the victim or the community or society. This is done mainly through a meeting between the offending minor and the victim. The "alternative procedure" is wholly voluntary.

Completion of the "alternative procedure" is a significant consideration in the decision whether to resume the criminal procedure in the minor's case.

**In the judicial realm**, Israeli courts, led by the High Court of Justice, have continued to play a crucial role in anchoring and promoting human rights in general and enhancing and protecting the rights of the child in particular, in Israeli society.

Israel's Supreme Court, residing as the High Court of Justice, ensures that all governmental branches, as well as the private sector, operate in accordance with the law. Moreover, in its decisions throughout the years, the Supreme Court has further established and protected basic rights, including the basic rights of the child, as fundamental values in Israel.

Significant examples of the prominent role played by the Israeli judiciary in safeguarding these rights can be seen in the following cases. With your permission, I will mention two:

- In August 2012, the Supreme Court criticized the appeal of the Ministry of Education and the Eilat Municipality against the decision of the Be'er-Sheva Administrative Court that ruled in favor of several children of asylum seekers and their parents residing in the city of Eilat by ordering the respondents to integrate the plaintiffs in the Eilat educational system in the upcoming year. Following the proceedings, an agreement was reached and confirmed by the Supreme Court according to which the respondents' children residing in Eilat municipality, during the 2012-2013 school year, were integrated in the regular educational system, according to the professional standards and pedagogical evaluation of the Ministry of Education.
- In February 2011, the High Court of Justice ruled that the Ministry of Education was required to take concrete measures promoting the right to education for children in the eastern neighborhoods of Jerusalem, in light of the lack of classrooms there. The Court found the right to education to be a clear component of the constitutional right to human dignity, guaranteeing that every child in Israel be afforded the same basic educational opportunities. The Court ordered the Ministry of Education to establish adequate infrastructure in

order to enable the local education system to absorb all eligible children residing in the eastern neighborhoods of Jerusalem. The Ministry of Education was given five years to achieve this goal, and in the meantime, instructed to pay for alternative educational arrangements.

In all of these cases, Israel's Supreme Court, as well as lower court instances, quoted explicitly from the Convention and other international human rights treaties to interpret and understand the meaning of the right to human dignity within Israel's Basic Law. These two cases are concrete examples of Israel integrating its interaction with its international obligations and work with this Committee into important legal findings.

In addition to measures taken by the Legislative and the Judicial fields, Israel's Executive Branch has taken measures to assist the enhancement and protection of the rights of the child.

I will highlight a few of them:

- The "Ofek Hadash" (New Horizon) reform, an educational and professional reform program in the elementary schools and junior high schools, operating since 2008. This reform is a systematic one that is aimed to change and improve the existing education system. This reform determined four specific goals: strengthening the position of the teachers and raising their salaries, providing equal opportunities to all pupils and improving the pupil's achievements, improvement of school climate, and expanding the authority of the schools' principals.
- The "Oz Betmura" (courage for change) reform .The reform's purpose is to promote the educational system's achievements and to strengthen the position of the teacher in high schools.
- The Legal Aid Branch of the Ministry of Justice provides independent legal representation to minors in many different aspects according to the Legal Aid Law 5,732- 1972. Free Legal aid is provided to minors in personal status procedures including child alimony, custody, visitation rights and adoption hearings. Minors are also represented in procedures according to the Youth

Law (Care and Supervision) – 5,720 – 1960 and in custodial hearing of unaccompanied minors in Israel. Legal Aid is also provided to minors that are not residents of Israel according to international conventions in matters of child kidnapping, child alimony and other civil issues.

Madame Chairperson,

The delegation sitting before you today is comprised of experts and practitioners from the relevant Government Ministries. We are looking forward to a constructive and fruitful dialogue between the Committee and these professionals. We have much to present to you today, far more than I have just briefly outlined, and we hope each of the delegates, each of whom is a leading professional in his or her field, will be able to present to you in depth his or her areas of expertise, which are relevant to the implementation of the Convention.

The members of the Israeli delegation include:

From the Ministry of Justice:

Dr. Peretz Segal, Department of Legislation for Family and Children Matters and the Judiciary

Attorney Yuval Roitman, The High Court of Justice Department

Attorney Wesam Khair, Department of International Agreements and Litigation

From the Ministry of Foreign Affairs:

Mrs. Nina Ben-Ami, International Organizations Division,

Attorney Ohad Zemet, Legal Department

Mr. Walid Abu-Haya, Counsellor, Permanent Mission of Israel to the U.N., Geneva

Mr. Moshe Tor-Paz, Ministry of Education

Attorney Rinat Weigler, Ministry of Social Affairs and Social Services, Legal Department

Attorney Efrat Lev-Ari, Ministry of Interior, Legal Department

Attorney Nir Keidar, Israel Defense Forces, Military Advocate General's Corps' HQ,  
International Law Department

I would like to thank you very much for your attention. I hope that by the end of the day you will recognize the level of seriousness with which Israel takes its obligations under the Convention, and addresses the remarks of the Committee. Israel has spared no efforts to cooperate with the Committee and we hope that this session will provide us an opportunity to conduct a candid and constructive dialogue with you.

Thank you.