



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Israel under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

1. The Committee considered the initial report of Israel (CRC/C/OPSC/ISR/1) at its 2007th meeting (see CRC/C/SR.2007), held on 28 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPSC/ISR/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the State party's multisectoral delegation.

3. The Committee reiterates its previous concern (see CRC/C/ISR/CO/2-4, para. 3) that the State party did not provide information and data on children living in the Occupied Palestinian Territory (OPT), including East Jerusalem, and in the Occupied Syrian Golan Heights, which affects the State's accountability for the implementation of the Optional Protocol. 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 OPT¹ and to abide by its obligations to ensure the full application of the Optional Protocol in Israel and in the OPT, including the West Bank, the Gaza Strip as well as in the Occupied Syrian Golan Heights.

4. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined second to fourth periodic reports submitted by the State party under the Convention on the Rights of the Child (CRC/C/ISR/CO/2-4), adopted on 14 June 2013, and on the initial report submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/ISR/CO/1), adopted on 29 January 2010.

* Adopted by the Committee at its sixty-ninth session (18 May–5 June 2015).

¹ See International Court of Justice, Legal consequences of the construction of a wall in the Occupied Palestinian Territory, advisory opinion of 9 July 2004, para. 163 (3) A.



II. General observations

Positive aspects

5. The Committee welcomes the measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including:

(a) The amendment to Section 214(b3) of the Penal Law (Amendment No. 118, 2014 – Accessing obscene publications);

(b) The amendment to the Prevention of Sexual Harassment Law 5758–1998 (Amendment No. 10, 2013 – Section 3(a)(5A));

(c) The guideline of the Deputy Attorney General for Criminal Affairs of 11 December 2014, entitled “Treatment of cases regarding publication, possession and accessing obscene materials that include the image of a minor”;

(d) The amendment to the International Legal Assistance Law with regard to the conditions for assistance in confiscation and forfeiture, in October 2010;

(e) The enactment of the Assistance to Sex Violence Minor Crime Victims’ Law No. 5769–2008, in 2008;

(f) The enactment of the Prohibition of Trafficking in Persons (Legislative Amendments) Law 5766–2006 (the Anti-Trafficking Law), in October 2006, and incorporation of most of its provisions into the Penal Law.

6. The Committee notes with appreciation the State party’s ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in July 2008.

7. The Committee welcomes the institutional and policy measures that facilitate the implementation of the Optional Protocol, including:

(a) The establishment of the Cyber Crime Division within the Police and the special team to investigate cybersex crimes among minors, in 2013;

(b) The establishment of the Special Inter-Ministerial Team to develop a collaborative action plan to improve ways to tackle child prostitution, in 2012;

(c) The initiation of the Plan of Proactive Detection as well as the Street Search and Open Space programmes by the Ministry of Social Affairs and Social Services, which are designed to facilitate identification of minors involved in prostitution and their rehabilitation;

(d) The free psychological treatment programme for child victims of sex crimes, established by the National Insurance Institute and the Rashi Foundation and operated by the Ministry of Social Affairs and Social Services since 2008.

Data collection

8. The Committee is concerned at the absence of a comprehensive disaggregated data collection system covering all offences under the Optional Protocol.

9. The Committee recommends that the State party develop and implement a comprehensive data collection mechanism to ensure analysis, monitoring and impact assessment of all the areas covered by the Optional Protocol. The data should be disaggregated by, inter alia, sex, age, nationality, ethnic origin, socioeconomic background, urban and rural residence, with particular attention to children in the

most vulnerable situations. Data should also be collected on the number of prosecutions and convictions, disaggregated by the nature of the offence.

III. General measures of implementation

National plans of action

10. The Committee regrets the absence of a comprehensive policy and strategy on children that includes all issues covered by the Optional Protocol.

11. **With reference to its concluding observations under the Convention (CRC/C/ISR/CO/2-4, para. 10), the Committee reiterates its recommendation that the State party adopt a comprehensive policy and strategy on children that include the necessary measures to be taken in all areas covered by the Optional Protocol and are supported by adequate human, technical and financial resources for their implementation. Particular focus should be placed on the prevention, protection, physical and psychological recovery and social reintegration of child victims. The Committee also encourages the State party to ensure that such policy and strategy are regularly evaluated.**

Coordination and evaluation

12. The Committee notes the information provided by the State party that many government agencies are involved in the implementation of the Optional Protocol. However, the Committee is concerned at the absence of an overall mechanism ensuring coordination among the various government agencies on the implementation of the Optional Protocol.

13. **The Committee recommends that the State party designate a coordinating body capable of providing leadership and effective general oversight for the monitoring and evaluation of activities on children's rights under the Convention and its Optional Protocols. The State party should ensure that the coordinating body is provided with the human, technical and financial resources necessary for its effective operation.**

Dissemination and awareness-raising and training

14. The Committee welcomes the efforts made by the State party to disseminate information, provide training, including to investigators working with and for children, police juvenile investigators, pedagogical psychologists, and raise awareness through prevention programmes at elementary and middle schools. However, the Committee is concerned that there is no overall plan for awareness-raising among the general public and that the efforts made do not cover all areas of the Optional Protocol.

15. **The Committee recommends that the State party:**

(a) **Further strengthen its efforts to systematically make the provisions of the Optional Protocol widely known to the public, particularly to children, in a child-friendly manner, their families and communities;**

(b) **Develop, in close cooperation with relevant government agencies, civil society organizations, the media, the private sector, communities and children, awareness-raising programmes on all issues covered by the Optional Protocol, as well as protection measures against offences under the Optional Protocol, including in domestic laws;**

(c) **Ensure that its training activities are systematic and multidisciplinary and that they include all areas covered by the Optional Protocol and are provided to**

all relevant professionals working with and for children, especially judges, prosecutors, social workers, law enforcement and immigration officials at all levels throughout the territory of the State party.

Allocation of resources

16. The Committee is concerned that the State party has not provided adequate information on the budget specifically allocated for activities under the Optional Protocol, the lack of which presents an obstacle to assessing the implementation of the Protocol.

17. The Committee recommends that the State party allocate sufficient and targeted resources for the effective implementation of the Optional Protocol.

Independent monitoring

18. While acknowledging the role of the various institutions for the protection and promotion of human rights, the Committee is concerned that limited progress has been made by the State party since its previous recommendations under the Convention (see CRC/C/15/Add.195, para. 17 and CRC/C/ISR/CO/2-4, para. 16) to establish an independent mechanism with the mandate to regularly monitor and evaluate progress under the Convention and its Optional Protocols.

19. The Committee draws the attention of the State party 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 and its Optional Protocols at the national and local levels and to deal with complaints from children in a child-sensitive and expeditious manner.

IV. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and 2)

Measures to prevent offences prohibited under the Optional Protocol

20. While noting the efforts of the State party to prevent offences prohibited under the Optional Protocol, the Committee is concerned that those measures do not cover all offences under the Optional Protocol. In particular, the Committee is concerned that:

(a) The State party has does not have sufficient programmes specifically targeting children in vulnerable and marginalized situations;

(b) There are not sufficient mechanisms in place to identify and monitor children at risk of becoming victims to the offences under the Optional Protocol;

(c) There is insufficient information on the scale of sexual exploitation of children, in particular child prostitution and child pornography, in the State party, including on the Internet.

21. The Committee recommends that the State party expand and strengthen its preventive measures to cover all areas of the Optional Protocol and in particular:

(a) **Establish special prevention programmes targeting children throughout the territory of the State party, including children in vulnerable and marginalized situations, such as girls victims of sexual and domestic violence; children in street**

situations; children living in institutions; Bedouin, Palestinian and Arab Israeli children; and children of migrant workers and asylum seekers;

(b) Establish mechanisms and procedures for identifying children at risk of becoming victims of the offences under the Optional Protocol, in particular children in vulnerable situations, and provide them with psychosocial support and awareness-raising programmes;

(c) Carry out studies with a view to assessing the scale of sexual exploitation of children, in particular the sale of children, child prostitution and pornography, including on the Internet.

Child sex tourism

22. The Committee welcomes the measures taken by the State party to prevent child sex tourism, including the efforts by the Ministry of Tourism which led to the adoption of the World Tourism Organization Global Code for Ethics in Tourism by the Israeli Tourist and Travel Agents Association. However, the Committee is concerned at the lack of an effective regulatory framework and that measures taken to effectively prevent and combat child sex tourism abroad are insufficient.

23. **The Committee recommends that the State party:**

(a) Establish and implement an effective regulatory framework and take all necessary legislative, administrative, social and other measures to prevent and address all cases of child sex tourism;

(b) Further strengthen its international cooperation through multilateral, regional and bilateral arrangements for the prevention and elimination of child sex tourism;

(c) Continue advocacy with the tourism industry on the harmful effects of child sex tourism and disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies;

(d) Encourage all stakeholders to become signatories to, and comply with, the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

Birth registration

24. The Committee is concerned that the lack of birth certificates, in particular for migrant, asylum-seeking and refugee children, may present an obstacle to ascertaining the age of victims when investigating offences under the Optional Protocol and to their accessing medical and rehabilitation services.

25. **The Committee recommends that the State party urgently take measures to ensure that all children within the territory of the State party have access to birth certificates.**

V. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3), 5, 6 and 7)

Existing criminal or penal laws and regulations

26. While noting the relevant provisions in the Prohibition of Trafficking in Persons (Legislative Amendments) Law 5766–2006 (the Anti-Trafficking Law) and the Penal Code, the Committee is concerned that the Penal Code does not adequately specify all offences under the Optional Protocol. In particular, the Committee is concerned that:

- (a) Not all forms of the sale of children covered by articles 2 (a) and 3 (1) (a) (i) of the Optional Protocol are classified as offences distinct from human trafficking;
- (b) Forced labour by children is not criminalized as a form of the sale of children;
- (c) Offences related to child prostitution committed under sections 199, 201, 202 and 203 of the Penal Code carry double penalties only if the victim is under 14 years of age, or if he or she is a minor who is 14 years or older and under the care and responsibility of the offender.

27. **The Committee recommends that the State party continue to revise and bring its Penal Code and other relevant legislation into full compliance with articles 2 and 3 of the Optional Protocol. In particular, the State party should:**

- (a) **Define, regulate and criminalize the sale of children in accordance with article 3 of the Optional Protocol, including explicitly criminalizing forced labour of children as a form of the sale of children — a concept that is similar, but not identical, to trafficking in persons;**
- (b) **Ensure that all children under the age of 18 are fully and equally protected by the Penal Code.**

28. While noting the efforts of the State party to regulate international surrogacy arrangements, the Committee is concerned that there is no appropriate procedure for screening prospective parent(s) of children born to surrogate mothers abroad, aimed at preventing the hidden sale of children and/or possible sexual abuse.

29. **The Committee recommends that the State party put in place more stringent policies to secure the protection of children born through international surrogacy arrangements.**

Prosecution of perpetrators

30. The Committee is concerned that the number of investigated cases of the offences under the Optional Protocol is low, that only a small percentage of those cases lead to prosecution and that penalties for offences relating to child prostitution and child pornography are not always commensurate to the gravity of the crime.

31. **The Committee recommends that the State party:**

- (a) **Ensure that perpetrators are fully investigated and prosecuted;**
- (b) **Ensure that penalties for offences relating to child prostitution and child pornography are commensurate to the gravity of the crime and, in particular, increase the penalty for accepting sexual services from a minor.**

Extraterritorial jurisdiction

32. The Committee is concerned about the lack of a specific legal basis on which extraterritorial jurisdiction for crimes under the Optional Protocol could be exercised.

33. **The Committee recommends that the State party review its legislation in order to establish extraterritorial jurisdiction over the offences under article 3 (1) of the Optional Protocol, especially when the alleged offender is a national of the State party or a person who has his habitual residence in the territory of the State party or when the victim is a national of the State party.**

VI. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

34. While welcoming the wide array of measures aimed at protecting child victims and child witnesses in criminal procedures, including the adoption of the Law of Evidence Revision (Protection of Children) No. 5715–1955 (the Protection of Children Law) and the establishment of crisis centres, the Committee is concerned that provisions of the Protection of Children Law apply only to children under 14 years of age.

35. **The Committee recommends that the State party:**

(a) **Strengthen measures to protect the rights and interests of child victims of all offences under the Optional Protocol and, in particular, ensure that all children below 18 years of age benefit from full protection from offences under the Optional Protocol, including by bringing the Law of Evidence Revision (Protection of Children) No. 5715–1955 into full compliance with the Optional Protocol and other applicable international laws;**

(b) **Ensure the mandatory application of special protection measures in criminal proceedings to all child victims and child witnesses up to the age of 18;**

(c) **Ensure, through adequate legal provisions and regulations, that all child victims and/or child witnesses of crimes under the Optional Protocol are provided with the protection required by the Convention and the Optional Protocol;**

(d) **Take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).**

Recovery and reintegration of victims

36. The Committee welcomes the measures taken by the State Party to ensure the recovery and reintegration of child victims of all offences under the Optional Protocol. However, the Committee is of the view that those measures can be improved.

37. **The Committee recommends that the State party take all necessary measures to ensure that child victims of the offences covered by the Optional Protocol throughout the State party are provided with appropriate assistance, including for their physical and psychological recovery and full social reintegration, by, inter alia:**

(a) **Developing programmes to provide short-, medium- and long-term support for all child victims of offences under the Optional Protocol;**

(b) Further strengthening throughout its territory, directly or through service providers, the specialized services and adequate assistance for children who have been trafficked, sold for sexual or economic exploitation or are otherwise victims of crimes under the Optional Protocol and ensure the allocation of adequate human, technical and financial resources for those purposes;

(c) Taking the necessary measures to facilitate and increase access to appropriate accommodation for child victims of offences under the Optional Protocol, particularly children in the most vulnerable situations, and ensure that such infrastructure is sufficiently and adequately available and well equipped.

VII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

38. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention, detection, investigation, prosecution and punishment of those responsible for any of the offences covered by the Optional Protocol.

VIII. Ratification of the Optional Protocol on a communications procedure

39. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in order to further strengthen the fulfilment of children's rights in the State party.

IX. Follow-up and dissemination

40. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations by, inter alia, transmitting them to the relevant government ministries, the Parliament (Knesset) and national and local authorities, for appropriate consideration and further action.

41. The Committee recommends that the report and written replies submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol, its implementation and monitoring.

X. Next report

42. In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report to be submitted in accordance with article 44 of the Convention.
