



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-third session

Summary record of the 1475th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 January 2010, at 3 p.m.

Chairperson: Ms. Lee

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties *(continued)*

Initial report of Israel on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ISR/1, CRC/C/OPAC/ISR/Q/1 and Add. 1)

1. *At the invitation of the Chairperson, the members of the delegation of Israel took places at the Committee table.*
2. **Mr. Taub** (Israel) said that the Government of Israel was committed to advancing the protection of children and that it was proud of the progress it had made in that regard over the previous two decades. There had been an increased focus on children's rights and on the need to raise public awareness and involvement to improve the well-being of all children. In order to do so, and to make progress in the implementation of relevant international instruments and agreements, the Israeli Government had worked closely with non-governmental organizations (NGOs) and children. Israel had undertaken a number of far-reaching reforms in the field of children's rights, and had passed extensive legislation in that respect.
3. He emphasized the importance of education for peace and tolerance as a means of protecting the rights of the child in the long term, and said that such education was particularly important in Israel, given the country's diverse religious and racial communities. Ongoing efforts were being undertaken to bring Israeli and Arab children together in order to foster understanding, peace, respect and tolerance, on the basis of a series of projects and programmes initiated by the Ministry of Education.
4. The Israeli Government provided remuneration and various benefits and support to children and their families affected by the ongoing armed conflict. Israel had also granted refugee status to former child soldiers who had been involved in armed conflicts in West Africa and had provided them with appropriate treatment.
5. **Mr. Citarella** (Country Rapporteur) expressed concern at the absence, in the report and written replies, of factual information on the implementation of the Protocol and relevant national legislation. He reminded the State party that the recommendations and conclusions that the Committee would adopt at the end of the current session should be read in conjunction with those from 2002, in particular those relating to the Optional Protocol, concerning the use of children as human shields and informants in particular.
6. He noted the State party's position whereby the Convention was not applicable beyond its territory, but said that such a stance was contrary to international law, including humanitarian law, and that it violated the Convention and, to some extent, Israel's domestic law. That the Convention was applicable in all territories where a State party exercised jurisdiction had been stressed by international bodies, including the International Court of Justice and United Nations human rights treaty bodies.
7. The Committee was concerned that Israeli legislation had not been amended to remove the difference between the definition of an Israeli child and that of a Palestinian child in the occupied Palestinian territory (18 and 16 years of age, respectively), as that constituted a flagrant violation of the principle of non-discrimination.
8. The Committee noted the difficulties that the State party faced as a result of the armed conflict in fully implementing the Convention and the Optional Protocol. At the same time, however, the Committee observed that the Israel Defence Forces (IDF) had used disproportionate force in retaliation for military action on Israeli territory. The report of the United Nations Fact-Finding Mission on the Gaza Conflict, presented in September 2009, had described many violations of human rights and, in particular, children's rights, during

the conflict in the Gaza Strip, such as the killing of children and the destruction of schools and health-care facilities. There had also been reports that the movement of Palestinian civilians had been restricted following the construction of the wall.

9. He suggested that the State party adopt a new policy in the occupied Palestinian territory to ensure that, at the very least, the most fundamental rights of the child were respected.

10. **The Chairperson** (Country Rapporteur) noted that it was obligatory for both men and women to perform military service in Israel and that they were called up at the age of 17. That was a clear violation of article 2 of the Optional Protocol.

11. She requested further clarification on the authorization required from the Head of the IDF Recruitment Administration for the enlistment of persons aged at least 17 (para. 37 of report). She also requested clarification on the status of students in *Hesder Yeshiva* schools (para. 36 of report) and asked at what age boys could enrol in such schools. She asked for more information on the curricula used in those schools and on how they took into account the human rights values enshrined in article 29 of the Convention.

12. She expressed concern that military matters were taught in the military schools run by the IDF and that the discipline of pupils was administered by military personnel. She asked what the purpose and intention of those schools was. She requested information regarding the vocational Amal High School and asked whether its students were officially employed by the military. The Committee had received reports of high school students spending a week at an active military base and was deeply concerned at children training with rifles and undertaking other military exercises.

13. She asked for information regarding which ombudsman structure children in military schools could lodge complaints with and whether a complaints mechanism existed within the Ministry of Health, the Israel National Council of the Child or the military. She also requested additional information on the recruitment of children serving in the Border Police.

14. She noted that Israeli legislation did not provide any form of sanction in the event of the recruitment of a child aged younger than 17 and asked how voluntary recruitment was affected. She asked whether the State party envisaged introducing a procedure to verify the precise age of children instead of basing such verification solely on information from the Ministry of the Interior. She noted that provisions relating to article 4 of the Protocol were still lacking in Israeli criminal law, and she asked if the State party planned to amend the law accordingly.

15. In 2002, the Committee had recommended that the State party rescind all provisions in military orders which violated international standards on the administration of juvenile justice. Regrettably, that had not been done and large numbers of Palestinian children, some as young as 12, continued to be detained under military orders and prosecuted in military courts. She asked for more specific information on the military orders that allowed for the arrest and detention of Palestinian children.

16. The Committee asked the State party to comment on information that children were charged with security offences that lacked a clear definition or proportional sentencing and that Palestinian children could be held in detention for eight days before appearing before military courts. The Committee had received information indicating that legal representation and interpretation assistance for such children was inadequate and that children charged with security offences were subjected to prolonged periods of solitary confinement and abuse in inhumane and degrading conditions, without visits from their families because their relatives were denied entry to Israel. She asked the delegation to

comment on that and on information that administrative detention had been and continued to be applied to children.

17. She also asked for further information on recovery and reintegration assistance for victims and on reconstruction and rehabilitative work that had taken place during the past year. She regretted the absence in the report of information on any such measures for Palestinian children.

18. She requested an update on collaboration between the State party and the Special Representative of the Secretary-General for Children and Armed Conflict and on what measures had been undertaken to implement Security Council resolution No. 1612.

19. **Mr. Kotrane** asked about the age at which children could be called up for obligatory enlistment in the IDF and about the extent to which the instructions given to units and commanders not to allow any person below the age of 18 to take direct part in combat duty could really be guaranteed. He asked if the State party intended to introduce any other means of prohibiting the direct involvement of children in armed conflict. He also asked whether the State party planned to increase the age limit for voluntary enlistment.

20. He wondered about the extent to which Israelis who perpetrated war crimes abroad, not including the occupied Palestinian territory, could be prosecuted under Israeli legislation. He asked whether children with Israeli nationality in the occupied territory and Golan Heights could enlist into the armed forces and asked what their rights were.

21. **Ms. Villarán de la Puente** commended the State party on the progress made towards the promotion of a culture of peace and on programmes to bring Arab and Israeli children together, creating trust and raising hopes for the future.

22. With regard to the use of children in hostilities, she said that the Committee had yet to receive a satisfactory reply to question 5 of the previous list of issues (CRC/C/OPAC/ISR/Q/1) as to whether defence service law 5746-1986 prohibited the use of children in hostilities, notably as informants for intelligence purposes and as human shields, in other words whether Israel fully complied with article 2 of the Optional Protocol. Israel's repeated assertion that the Convention and the Optional Protocol were not applicable beyond its territory was not sufficient. She reminded the delegation that, in its Advisory Opinion rendered in 2004 in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the International Court of Justice had concluded that the provisions of the two Covenants and the Convention on the Rights of the Child were applicable not only in the territory of States but wherever States exercised jurisdiction outside their own territory. Considerable jurisprudence existed on the question, and she also referred in that regard to comment No. 31 of the Human Rights Committee.

23. **Mr. Puras** asked whether the State party had cooperated on the implementation of the Optional Protocol with any international organizations, international tribunals, the Special Representative of the Secretary-General for Children and Armed Conflict or in the context of Security Council resolution 1612. As Israel was one of the biggest exporters of arms worldwide, it would be useful to know whether national legislation prohibited the sale of arms when the final destination was a country in which children were known to be recruited or might be recruited as participants in hostilities.

24. The report of the visit of the Special Representative for Children and Armed Conflict to the Middle East in April 2007 stated that the Special Representative had been very much affected by the large numbers of Palestinian children, some as young as 14 years, who had been imprisoned for alleged security offences in the occupied territory and transferred to Israeli prisons without being able to contact their families for extended

periods of time. He asked the delegation to comment on that situation and to explain what measures had been taken to protect the fundamental rights of those children.

25. **Mr. Gurán** enquired about the voluntary recruitment of children between 17 and 18 years of age, and in particular their living conditions, their status, the existence of independent monitoring of their conditions, whether they had access to a complaints mechanism, whether they could decide to leave and what legal mechanism existed in their regard. He also asked how persons who looked after such children were trained and whether the children had been made aware of the contents of the Optional Protocol.

26. Likewise, he asked whether an independent mechanism existed for the 2,700 children in six military schools, whether a complaints mechanism existed and whether the delegation could describe the difference between the situation of children attending military schools, who were aged 13 to 18, and that of children, aged 17 to 18, who had been voluntarily recruited.

27. **Ms. Al-Asmar** said that the report of the Economic and Social Council had confirmed that numerous Syrian children had been killed or maimed by Israeli mines in the occupied Syrian Golan. She asked what preventive measures had been taken by Israel in that respect, including the demining of civilian areas and the payment of compensation to victims.

28. **Ms. Aidoo** said that the delegation had not provided any information on how the principles and provisions of the Optional Protocol were made widely known, as required by article 6 (2), including in the occupied territories. With regard to the human rights training of military, security and police personnel, the Committee acknowledged the seminars held in Israel on various aspects of international law, war and conflict. It noted that a recent workshop had been organized specifically on the Convention and the Optional Protocol and that the staff of the newly established unit for determining the status of refugees had received training on both instruments. However, such training continued to be inadequate, and she wondered how it might be made more systematic.

29. Notwithstanding the difficult circumstances under which provisions of the Convention and the Protocol needed to be disseminated, promoted and implemented, she urged Israel to intensify the efforts it was already making with children, both in and out of school, and with parents and communities, Israeli and Arab alike, to encourage peace education, education for tolerance and respect for diversity. Had Israel assessed the impact of any of its projects to see whether they had contributed to a culture of peace?

30. It would be useful for the delegation to comment on the figures contained in the written replies regarding children who were victims of hostilities and were entitled to support under the National Institution Insurance's benefits, which seemed quite small. She also enquired whether the State party systematically collected complete data on children affected by the hostilities. The information provided concerned only Israeli children. The Committee was concerned that children in the occupied Palestinian territories, who were severely affected by the hostilities, did not receive any assistance. She would like to know whether a helpline had been set up for children in vulnerable situations and whether the State party supported the helpline of the non-governmental organization NATAL (the Israel Trauma Center for Victims of Terror and War) by ensuring that it had sufficient resources and trained personnel to respond properly to children seeking assistance in emergencies.

31. **Ms. Ortiz** said that the Committee had received reports to the effect that armed non-State Israeli groups that recruited children were active and went unpunished, despite the assertion in the written replies that such groups did not exist. She asked the delegation to comment on those reports and to indicate how such recruitment was punished under Israel's criminal law. She also enquired what measures had been taken to prevent attacks against civilian targets, such as hospitals and schools, "Operation Cast Lead" having caused

numerous victims among children. What was the criminal responsibility for such acts, and had the perpetrators been identified and brought to justice?

The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.

32. **Mr. Taub** (Israel) said that his delegation disagreed with many members of the Committee on the applicability of the Convention on the Rights of the Child beyond the boundaries of Israel. His Government's position had been adopted by a number of other States: in a situation in which the laws of armed conflict applied and which seemed best addressed by a *lex specialis*, it was not helpful to try to stretch the application of the human rights conventions. The antagonism which had formerly existed between the concepts of international humanitarian law and international human rights law had faded, but that did not justify the merging of the two concepts into one, the upshot of which might be a lower level of protection and a loss of the merits which they each separately possessed.

33. The questions raised about discrepancies in the age of majority between Israeli legislation and the legislation applicable in the territories were based on a misunderstanding: in actual fact, at issue was the age of criminal liability, which was 12 years not only in Israel, but also in the West Bank, where previously, under Jordanian legislation, the minimum age had been nine. Gaza was not concerned: Israeli criminal law had been applied to minors from Gaza since 2005, when Israel had dismantled its military administration there and withdrawn all Israeli forces and civilians in the context of the disengagement plan. Minors in the West Bank often enjoyed greater legal protection than under Israel's legal system. Many provisions applicable in the West Bank imposed more restrictive sentencing rules on judges. Pursuant to a decision by a military appeals court, judges must take into consideration the defendant's age when sentencing. Since 2009, new regulations gave judges discretion for holding proceedings in camera and not revealing the name of the defendant.

34. Any arrest of a minor required the explicit approval of the judge advocate, who was an officer holding the rank of lieutenant colonel or higher. As of May 2009, minors under 16 years of age must be detained in regular prisons, and not in military facilities.

35. **Mr. Kotrane** said that the Committee was concerned that children between the ages of 16 and 18 were not covered by that rule. He would like to know whether children in that age category were detained in military prisons together with adults.

36. **Mr. Citarella** (Country Rapporteur) asked whether a minor who was arrested in the occupied territories on charges of having committed a terrorist act and was transferred to Israel was held in pretrial detention in a military or a civilian detention centre and what legal guarantees were in effect for the accused.

37. **Mr. Taub** (Israel) said that the Israeli-Palestinian peace agreements reached in the 1990s contained extensive provisions on the arrest and transfer to Israel of terrorist suspects, including safeguards for full judicial process in those cases. However, none of the numerous requests for transfer to Israel of Palestinian terrorist suspects who had been arrested by the Palestinian Authority had been granted.

38. While there was the political will to extend the decision that minors up to the age of 16 were not held in military facilities to minors aged between 16 and 18, that had been impossible to date, partly owing to practical reasons. A juvenile military court had, however, been established in the West Bank, constituting a significant improvement for the protection of minors' rights. It was intended to protect the rights of juvenile defendants by bringing the laws pertaining in the West Bank more into line with those applied in Israel. While the amendment establishing the court was currently a temporary order valid for one year, the aim was to assess the situation, learn lessons and continue to provide the increased protection in future. The key provisions included the appointment of judges with relevant

professional training to serve as juvenile judges, along with judicial proceedings for minors that were held separately from those of adults. In addition, minors who committed offences when they were under the age of 16 could not be indicted after two years from the date of the offence. The juvenile military court was authorized to appoint legal representation for minors if it was considered to be in the minors' best interest, and could authorize that minors' parents should be present at every hearing. Moreover, the parents had the right to act on behalf of the minors, such as by filing applications and questioning witnesses. Minors up to the age of 16 were detained separately from adults.

Tribute to the memory of the victims of the earthquake in Haiti

39. *At the invitation of the Chairman, the members of the Committee observed a minute of silence.*

40. **Ms. Villarán de la Puente** asked for the delegation's comments on the concern expressed by the Special Representative of the Secretary-General for Children and Armed Conflict in the wake of her visit to the Middle East in April 2007. She had been struck by the large numbers of Palestinian children, some as young as 14 years, who had been imprisoned for alleged security offences in the occupied territory and transferred to Israeli prisons without the ability to contact their families for extended periods of time.

41. **Mr. Kotrane** said that the Committee remained concerned that the juvenile military court could not provide the same guarantees as an ordinary juvenile criminal court and that the international standards on criminal juvenile justice were not fully applied by a military jurisdiction.

42. **The Chairperson** (Country Rapporteur) requested additional information on the administrative detention of juveniles.

43. **Mr. Taub** (Israel) said that, owing to the tragically high numbers of children and young people from the Occupied Territories who were involved in violent and terrorist activities, Israel conducted legal proceedings and imprisoned defendants from those territories who were found guilty. The Committee should be aware that, since 2000, the age of suicide bombers in the region had dropped significantly, and many children and young people had been involved in the transport of suicide bomber belts, explosives and weapons. Moreover, due to their small size, they were often involved in digging tunnels for smuggling weapons or used as look-outs for terrorist activists. Children were encouraged to become involved in terrorist activities through the media, summer camps and in schools.

44. While recognizing that the juvenile military court was an innovation, the authorities were making every effort to ensure that it maintained the highest standards of any legal system. It was subject to the scrutiny of the Israeli Supreme Court.

45. Replying to the questions concerning "Operation Cast Lead", he said that Israel placed emphasis on inculcating international humanitarian principles throughout the initial and subsequent training of military personnel. Since 2005, training in international humanitarian law had been compulsory for every soldier in the Israeli Defence Force. A military school devoted to those issues prepared educational materials that were used by the Defence Forces and military forces in other jurisdictions. Moreover, during military operations, legal advisors were involved at every stage, trying to assess whether targets were lawful and grapple with the questions of distinction and proportionality. Those issues were particularly complex in the case of an adversary that used methods such as placing its headquarters in the basement of a city-centre hospital. While Israel had dropped leaflets and made thousands of telephone calls asking civilians to leave areas where terrorists were active, the Hamas reaction in some cases had been to round up women and children and send them onto the rooftops of the relevant buildings to protect the terrorist headquarters and weapons factories. During the Operation, many planned attacks had been aborted at the

last minute precisely in order to avoid civilian casualties. Once the conflict was over, the authorities had conducted five investigations into fundamental questions of principle, including incidents in which damage had been caused to medical facilities and United Nations facilities. To date, 140 incidents were under investigation, 31 of which had reached the stage of criminal prosecutions. The results would be published as they became available. The Government recognized that there were no easy answers in such situations, and moreover that it did not have the right answers; it did, however, try to ask the right questions and engage in a substantive dialogue with other States to learn from their experience.

46. While administrative detention was a regrettable necessity in the current situation, it had been subject to many reviews that had been widely disseminated. It was very seldom applied to minors and had in every instance been reviewed by the High Court. There were currently no minors in administrative detention.

47. The decision to construct the Israeli West Bank security barrier had been taken in April 2002, following a month in which there had been 37 terrorist attacks causing the deaths of 135 people. Given that no suicide bomber had succeeded in crossing the fence between Israel and Gaza, the Government had been compelled to take that decision. The Government recognized that the security barrier created complex humanitarian dilemmas. Human rights organizations had filed over 200 petitions before the Supreme Court, the majority of which had been granted, resulting in changes to the route of the barrier and humanitarian arrangements.

48. Israel made extensive efforts to mark off areas where unexploded bombs remained in the Golan Heights. When children occasionally strayed into those areas and were injured, the Government tried to provide all possible medical and psychological support, while recognizing that such injuries were a tragedy.

49. **Ms. Ortiz** said that she failed to understand how civilian targets had been attacked in the “Operation Cast Lead”, in clear violation of humanitarian law and the Geneva Conventions, given that all military personnel were trained in humanitarian law. She also asked why some 50 per cent of the children killed in the attacks died owing to blocked ambulance access. Moreover, it was unclear why white phosphorous munitions had been used to attack people, since such use was prohibited.

50. **The Chairperson** (Country Rapporteur) asked why the State party had used drone-launched missiles, given that the advanced technology at its disposal could clearly indicate that many of the targets were not terrorist targets, but innocent civilian sites. She drew the delegation’s attention to the fact that paragraph 31 of the State party’s 2002 initial report to the Committee (CRC/C/8/Add.44) had indicated that a child was defined as a person under the age of 18.

51. **Mr. Taub** (Israel) said that there was no majority age in the West Bank. In Israel, it was indeed 18. On the issue of proportionality, he recalled that, at the time of “Operation Cast Lead”, Hamas had 20,000 militants and was smuggling heavy-duty weapons through hundreds of tunnels under the border between Gaza and Egypt. Some 12,000 missiles had been fired over a period of years from the Gaza Strip into Israel, creating centres of violence in densely populated areas. While Israel had been able to demonstrate a degree of precision in the use of air vehicles, it recognized the troubling effects of many of its attacks, whence the investigations that were under way. Clearly, ignoring terrorists who were hiding behind civilians was not an option.

52. **Ms. Tenne** (Israel) said that voluntary recruitment was possible only for persons over the age of 17. Every individual who volunteered had to be approved by the Head of the Israeli Defence Force Recruitment Administration. As explained in paragraph 36 of the initial report submitted under the Optional Protocol on the involvement of children in

armed conflict (CRC/C/OPAC/ISR/1), no recruits could take part in armed combat before they were 18 years of age, given that the training procedure lasted for a minimum of one year.

53. Military and “Amal” schools were aimed at providing vocational training for children interested in pursuing a military career. Students of those schools were not members of the Israeli Armed Force and military justice did not apply to them. The one-week training for high school students was not compulsory, those participating were not part of the armed forces and did not take part in any military activity. The aim of the training was to enable the students to reach an informed decision about military service.

54. **Mr. Citarella** (Country Rapporteur) requested clarification of the rules pertaining to the 17-year-old volunteer recruits. It would appear that they could be required to participate in direct hostilities to defend national security in emergency situations.

55. **Ms. Tenne** (Israel) said that volunteers could only take part in non-military activities, such as assisting in hospitals and distributing food, as indicated in paragraph 27 of the initial report.

56. **Mr. Kotrane** requested clarification of the statement in paragraph 40 of the initial report indicating that persons aged 17–18 who took part in the Israeli Defence Force (IDF) academic reserve could theoretically be enlisted for combat duty in very extreme times of state emergency, such as wars.

57. **The Chairperson** (Country Rapporteur) drew the delegation’s attention to paragraph 8 of the report, which specified that persons under 18 could be recruited to combat units.

58. **Ms. Tenne** (Israel) said that recruits could only take part in military activity, whatever the circumstances, once they had completed their one-year military studies. Those recruited or who volunteered at the age of 17 would therefore be 18 by that point. The persons referred to in paragraph 8 participated in non-combat programmes, such as the IDF orchestra or theatre, or in training programmes lasting well over one year. In any case, all military commanders were cognizant of the fact that no person under the age of 18 could take part in combat duty.

59. **The Chairperson** (Country Rapporteur) asked whether children in military schools had the opportunity, after their three years in such a school, to opt out and not to enter military service. She also asked which bodies had unfettered access to military schools that were under the supervision of the Israel Defence Forces.

60. **Ms. Tenne** (Israel) said that a child at a military school could leave at any time until he or she attained the twelfth grade. After that, opting out was not possible, unless there were special circumstances. Such schools were very expensive, the full cost being borne by the Israel Defence Forces. Moreover, the training that the children received was extremely helpful in later life. All Israeli children, including those enrolled in a military school, could apply to the children’s ombudsman based in the Ministry of Education. With respect to recruitment of border police, the age limit was, as stated in paragraph 47 of the report, the same as for the Israel Defence Forces, namely 18. As for the accuracy of information, that provided by the Ministry of Internal Affairs was considered the most reliable available. If any inconsistency was found, it was investigated by the Ministry itself and the information sent direct to the Israel Defence Forces, not the recruit concerned.

61. With regard to the question concerning sanctions, section 85 of the Defence Service Regulations stated that a person forming an unlawful association was liable to 10 years’ imprisonment. The section had been used on a number of occasions, but did not apply to minors. Compulsory recruitment could, under Defence Service Regulations, take place only when a person was 18. A person aged 17 could volunteer for specific reasons, connected

with that person's *Hesder Yeshiva* or academic obligations or for special training that was available only once a year for elite units. All such recruitment took place under the procedures of the Israel Defence Forces and the relevant legislation. Volunteers under 18 were full members of the Israel Defence Forces, but there was a total prohibition on their participation in combat. Their living conditions were the same as those of any soldier. Minors in military schools, aged 13 to 18, were not regarded as members of the Defence Forces and military law did not apply to them. Their living conditions were the same as those in any boarding school and were perfectly adequate. They were supervised by the Ministries of Education and Defence.

62. The Optional Protocol was disseminated primarily by the Ministry of Education, but other bodies were also involved, including the Office of the Prime Minister and the Ministry of Minority Affairs. Training was provided by all the relevant bodies, including the Defence Forces, the police, the Ministry of Justice and immigration offices. More such training was planned. The peace education project had been judged extremely effective.

63. Israel had extensive social services, providing benefits for a variety of categories, including children and their families harmed by the hostilities. In August 2009, the Ministry of Social Affairs and Social Services had established a hotline to assist anyone in need of social assistance. Unfortunately, budgetary restraints had limited the State's ability in that regard, but assistance was provided by NGOs, many of which were financed by the State.

64. With regard to the question concerning Israelis involved in hostilities abroad, she referred the Committee to the State party's response to No. 3 of the list of issues and section 816 of the Penal Law. The Government took action only when no sanctions relating to the offences concerned were applicable under the law of the foreign country concerned and the offender had not been acquitted or served his or her sentence in that country. She also drew attention to two provisions referred to in her delegation's answers to the list of issues. One was section 143 of the Penal Law, which criminalized unlawful military exercises, and 369, which criminalized the abduction of persons or threat of forcing them to leave their whereabouts. Both provisions were relevant to forced conscription.

65. **Ms. Aidoo** said that, notwithstanding the peace education project, there seemed to be a general militarization of the Israeli educational system. Youth guides — conscripts in uniform — were attached to every school and children underwent one or two days of military activity a week in order to be familiarized with the work of the Defence Forces.

66. **Ms. Tenne** (Israel) said that military schools were supervised from the educational point of view by the Ministry of Education, an independent body. Military training was carried out in high schools in the vicinity of military schools, not in the military schools themselves, and was rigorously supervised by the Ministry of Education. Similarly, recruitment of staff to the military schools went through the educational system. The curriculum of the military schools — and of all Israeli high schools — included tuition on the relevant human rights conventions.

67. **Mr. Kotrane** asked on what legal basis Israel could prosecute violations of the Optional Protocol if any were committed abroad. The Committee had noted the State party's reply to No. 3 of the list of issues, but Israel was a party only to the 1949 Geneva Conventions, not to the Rome Statute of the International Criminal Court or the Additional Protocol to the Geneva Conventions. Criminal law had to be interpreted restrictively and he would like to know what text permitted prosecutions in those circumstances and whether any actual prosecutions had been initiated.

68. **The Chairperson** (Country Rapporteur) requested clarification of section 8 of the Penal Law concerning double criminality.

69. **Ms. Ortiz** asked what effect the prevention of ambulances from answering emergency calls and the use of munitions containing white phosphorus had had on the armed groups that recruited young people.

70. **Mr. Citarella** (Country Rapporteur) wondered why there were so many military schools. It was disturbing that children and their parents were obliged to sign a three-year contract and that military subjects were taught so extensively.

71. **Ms. Tenne** (Israel) said, with regard to the question of extraterritorial jurisdiction, that section 16 of the Penal Law covered crimes committed abroad. The provisions of the Convention and the Optional Protocol, under which it was an offence to recruit children, and the provisions that she had quoted previously, were thought sufficient to bring to justice any person who abused children in that way.

72. Double criminality existed in many systems of law and featured in the Israeli legal system as a result of the country's experience. As for military schools, she said there were six such schools, with a total of 2,766 pupils. The number might seem high, but the Committee should bear in mind that military service was compulsory and the military schools provided another training option for future professional soldiers. Pupils at military schools did not, however, receive training for combat duty; their training was more of a vocational nature.

73. **Ms. Halperin** (Israel) said that a number of useful projects had been conducted over the past four years, with a view to encouraging greater cooperation. A recent project had consisted of seminars on dialogue between Israeli and Palestinian women, attended by business women, directors of social NGOs, volunteers, religious groups and women teachers. Over 400 women had participated in such seminars, which could be seen as planting seeds of peace. Another important project had involved a special seminar held in February 2008, in conjunction with the American Jewish Joint Distribution Committee, the Government and the Palestinian Authority, at which 11 professionals from the Authority had participated in training for the rehabilitation of children with special needs.

74. **The Chairperson** (Country Rapporteur) said that, much as the Committee wished to hear about such projects, its priority was to be given answers to its questions about such issues as arms exports.

75. **Ms. Aidoo** said that she hoped that there would be an opportunity on a subsequent occasion to hear about the projects described by Ms. Halperin.

76. **Ms. Villarán de la Puente** reminded the delegation that the Committee also awaited an answer about the alleged use of children as human shields and asked whether the issue was under investigation by the Government.

77. **Mr. Taub** (Israel) said, with regard to the use of children as human shields, that there was an absolute prohibition on the use of civilians in such a way. In the course of the "Operation Cast Lead" in Gaza, a number of allegations had been made against individual soldiers, who might have behaved improperly towards the civilian population. Any allegations that had any credible basis were currently under investigation by the Government and it was hoped that the results of those investigations would shortly be made public.

78. The question about humanitarian treatment during "Operation Cast Lead" was extremely complicated. Hamas had not hesitated to use hospitals and ambulances for terrorist purposes and, in one case, bottles that had been brought into Gaza as medicines had been turned into small bombs. That did not absolve Israel of its responsibility to provide humanitarian protection, but the "humanitarian windows" — times fixed by Israel for the passage of convoys — had been used by Hamas to fire missiles. Nonetheless, Israel had coordinated the movements of humanitarian organizations, including over 500

humanitarian convoys, in addition to 1,500 truck-loads of supplies that had been sent to Gaza during the fighting. Israel had also set up a field hospital at Erez Crossing. Even during the fighting, some 68 Palestinians had been allowed to travel to Jordan through Israel for medical treatment. He would deposit further information with the Committee on the humanitarian efforts and the dilemmas faced by Israel in the course of the conflict.

79. The question of munitions containing phosphorus was also extremely complex. At no point had weapons containing phosphorus been used, but munitions containing phosphorus had been used in two contexts. At the start of the conflict, they had been used as marking or lighting, but that had been discontinued on the orders of the Chief of Staff. The Defence Forces had continued to use smoke projectiles, which were, regrettably, used by many countries in fighting in built-up areas, because they avoided the need to deploy large numbers of troops to deal with terrorists hiding within populated areas. Israel acted fully in accordance with Schedule 3 of the Chemical Weapons Convention, which did not, however, govern smoke projectiles. Israel tried to act responsibly, but the projectiles had turned out to have unanticipated effects, such as causing fires. An investigation had been launched and a number of operational lessons learnt. He would leave further information with the Committee in that regard.

80. With regard to exports, he referred the Committee to the State party's reply to No. 20 of the list of issues, which set out the criteria under Israel's security export control law. Exports required the consideration of various factors, such as Security Council resolutions and the internal situation in the receiving country, including the treatment of children and the possibility of their direct involvement in hostilities.

81. With regard to the question of whether educational materials were available in Hebrew, he said that they were available in all languages in which people studied. As for the question about military personnel visiting or maintaining a presence in schools, he was able to say, as a father of six, that there was no permanent or regular military presence in schools: guest speakers might address the children about a military career, as about other careers, but there was no all-pervasive presence, as had been suggested. As for the promotion of the Optional Protocol, the Ministry of Foreign Affairs was currently engaged in encouraging more cooperation among non-governmental groups. A special budget aimed at raising public awareness of international law, both humanitarian and human rights law, including the Optional Protocol, had just been approved.

82. **Mr. Citarella** (Country Rapporteur) said that, whereas the report had not provided enough factual information on the implementation of the Optional Protocol, the day's dialogue had provided much more. Matters of serious concern remained, of course, including the issue of the application of the Optional Protocol in the occupied Palestinian territories. He was encouraged, however, by the action that Israel was taking for peace education.

83. **Mr. Taub** (Israel) said that the Committee would shortly be receiving his country's next periodic report, which would provide further information. In connection with the earthquake that had recently struck Haiti, he said that Israel had established field hospitals there, which treated large numbers of children. The disaster had been a reminder that there were values that rose above any conflict or political consideration.

84. **The Chairperson** (Country Rapporteur), after urging the State party to submit not only its next periodic report but also its first report on the Optional Protocol on the sale of children, child prostitution and child pornography, said that the Committee fully understood the difficult circumstances in which the State party operated and thanked the delegation for the very frank and constructive dialogue in which it had participated.

The meeting rose at 6.05 p.m.