



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-third session

11 – 29 January 2010

Optional Protocol on the involvement of children in armed conflict

List of issues to be taken up in connection with the consideration of the initial report of Israel (CRC/C/OPAC/ISR/1)

**The State party is requested to submit in written form additional and updated
information, if possible, before 19 November 2009.**

1. Please provide information on whether there is a specific penal provision for the crime of recruitment or use in hostilities of a person who is under the age of 18. In view of the State party's international legal obligations, the Committee furthermore requests information regarding the corresponding applicable penal provision in the Palestinian Occupied Territory.
2. Please indicate whether the defence service law 5746-1986 referred to in the State party report foresees sanctions in case of direct participation in hostilities by members of their armed forces under the age of 18 (CRC/C/OPAC/ISR/1, para. 5). Specifically, the Committee would like the State party to clarify the statement in the State party report, paragraph 9, that "virtually all recruits will be over 18 before they are required to participate in combat duty" and explain how this is compatible with the State party's obligations under the Protocol and the declaration made upon its ratification.
3. Please indicate whether Israel assumes extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities. Please indicate whether Israeli courts have jurisdiction in case of forced recruitment or involvement in hostilities of a child, if committed outside Israel, by or against an Israeli citizen. Please provide copies of jurisprudence, if applicable.
4. Please inform the Committee of the progress made to comply with the recommendation issued to the State party in 2002 (CRC/C/15/Add.195, para. 25) regarding the discriminatory definition of the child between Israeli children (18 years of age) and Palestinian children in the Occupied Palestinian Territory (16 years of age according to Military Order 132). Please clarify whether Military Order 132 has been rescinded.
5. Please inform the Committee as to whether the defence services law 5746-1986 prohibits the use of children in hostilities, notably for as informants for intelligence

purposes and as human shields. Please inform the Committee of measures taken to ensure compliance with the ruling of the High Court of Justice *Adalah et al. v. Commander of the Central Region et al.*¹ In view of reports indicating the continued use by the Israeli army of Palestinian children as human shields, please indicate to the Committee whether such reports have been investigated, which jurisdiction has been responsible for such investigations and whether sanctions have been applied.

6. Please inform the Committee of the progress made to comply with its previous recommendations issued to the State party in 2002 (CRC/C/15/Add.195, paras. 62 and 63) regarding the practices of arrest and interrogation of children in the Occupied Palestinian Territory. Please clarify whether provisions in military orders (specifically No. 378 and 1500) which violate international standards on the administration of juvenile justice have been rescinded.

7. Please provide information on the definition of terrorist charges which can be brought against children and whether such trials have been carried out in the ordinary justice system or in military courts. Please indicate how many children have been accused with terrorist offenses since July 2005.

8. Please indicate to the Committee whether international juvenile justice standards have been applied and what procedural guarantees have been put in place to ensure children's right to a fair trial. Furthermore, please explain the measures taken to prevent incommunicado detention and solitary confinement of children accused of terrorist offenses. Please also provide details on whether the provision of legal assistance and access to family visits is guaranteed. How does the State party make sure that detention of children is only used as a measure of last resort and for the shortest appropriate period of time?

9. Please clarify whether the State party holds children, and from what age, in administrative detention on terrorist charges and how many children have been subjected to such measures. Please also clarify whether the State party has applied the Incarceration of Unlawful Combatants Law to children.

10. In view of the large number of children who have died in the ongoing armed conflict and the disproportionately high number of Palestinian children among them, please inform the Committee of measures taken by the State party to ensure respect for the fundamental principles of proportionality and distinction between military objects and civilians and to establish accountability for violations of international humanitarian law.

11. Please explain what measures have been taken to prevent direct attacks against schools and hospitals in the Occupied Palestinian Territory and establish accountability for such acts. Please inform the Committee of measures taken to ensure their reconstruction and please also provide information on measures taken to address the previous concerns and recommendations of the Committee (CRC/C/15/Add.195, paras. 44-45, 52- 53).

12. With reference to the Committee's previous recommendations to the State party (CRC/C/15/Add.195, paras. 31 and 32) to take all necessary measures to provide child victims of the armed conflict with adequate compensation, physical and psychological recovery as well as social reintegration, please indicate what measures the State party has taken in this regard.

13. Please provide disaggregated data (including by sex, age group and country of origin) covering the years 2006, 2007 and 2008 on the number of asylum-seeking and refugee children coming to the State party from areas where children may have been recruited or used in hostilities. Please provide information on existing identification

¹ HCJ 3799/02, Judgement of 23 June 2005.

mechanisms and the procedure for considering refugee and asylum claims from children who have been recruited or used in situations of armed conflict.

14. Please inform the Committee of the training on and dissemination of the Protocol among relevant professional groups working at the national level with children who may have been recruited or used in hostilities, including migration authorities, lawyers, judges, medical professionals, social workers and journalists.

15. Please provide information on education and training on human rights, in particular on children's rights, provided to the Israeli police and military. Please also provide information available on such trainings in the Palestinian Occupied Territory. Please indicate whether military codes of conduct and rules of engagement take into account the Optional Protocol.

16. Please inform the Committee of the training provided on the provisions of the Protocol to teachers at military schools. Please indicate to the Committee whether children in military schools have access to complaints mechanisms and whether an independent entity oversees the curricula and administration of such schools.

17. Please inform the Committee of efforts to promote peace education for children in all schools within the territorial responsibility of the State party. Does the State party provide parent education on the contents of the Optional Protocol?

18. Please indicate how information related to the issues covered by the Optional Protocol has been conveyed to the general public.

19. Please inform the Committee of measures taken by the State party to prevent the recruitment of children into non-State armed groups.

20. Please indicate to the Committee whether national legislation prohibits the sale of arms when the final destination is a country where children are known to be, or may potentially be, recruited or used in hostilities.

21. Please explain to the Committee how the State party collaborates and supports the implementation of the Security Council resolution 1612 (2005) on children and armed conflict.

22. Please indicate to the Committee how civil society was involved in the preparation of the report.
