

LAW LIBRARY OF CONGRESS

ISRAEL

CHILDREN'S RIGHTS:
INTERNATIONAL AND NATIONAL LAWS AND PRACTICE

Executive Summary

Israel adheres to international conventions to which it is a signatory and maintains a special set of laws to protect children. In addition to health benefits applicable to all Israeli residents, special benefits apply specifically to pregnant women and children. Special welfare benefits are also directed at assisting families with children and, particularly, the disabled. The law requires at least ten years of compulsory education and protects children from labor and sexual exploitation. The system recognizes different rules in the adjudication of juveniles.

I. Introduction

Israel maintains an extensive system of laws designed to protect children's rights. It is a signatory to numerous international conventions and provides many health and welfare services to children. Special protections apply in the areas of child labor and sexual exploitation. Children enjoy different treatment in the juvenile justice system than adults do in the regular justice system. The age of majority in Israel is eighteen.¹

II. Implementation of International Rights of the Child

Israel has ratified the following treaties:²

1. the International Covenant on Economic, Social and Cultural Rights;³
2. the International Covenant on Civil and Political Rights;⁴
3. the International Convention on the Elimination of All Forms of racial Discrimination;⁵
4. the Convention on the Elimination of All Forms of Discrimination Against Women;⁶
5. the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁷

¹ Capacity and Guardianship Law, 5722-1962, 16 Laws of the State of Israel (LSI) 106 (5722-1961/62).

² CONVENTION ON THE RIGHTS OF THE CHILD, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, Status of Ratifications, United Nations Office of the High Commissioner website, available at <http://www.unhchr.ch/pdf/report.pdf>; see also International Conventions on Human Rights, Israel Ministry of Foreign Affairs Website, http://www.israel-mfa.gov.il/mfa/mfaarchive/1990_1999/1999/1/international%20conventions%20on%20human%20rights (last visited July 20, 2007).

³ Jan. 3, 1992.

⁴ Jan. 3 1992.

⁵ Feb. 2, 1979.

⁶ Nov. 2, 1991.

⁷ Nov. 2, 1991.

6. the Convention on the Rights of the Child;⁸ and
7. the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁹

The United Nations (UN) Convention on the Rights of the Child (hereafter CRC) was signed by the State of Israel on 3 July 1990, ratified by the Knesset (Israel's Parliament) on August 4, 1991, and went into effect on November 2, 1991. Although the Convention does not have the status of law, it is often cited in rulings of both the supreme and the lower courts as a legal source and a basis of interpretation. The fundamental principles declared in the Convention, however, seem identical to the fundamental principles on which laws concerning children are based in Israel, and to principles underlying Israeli law.

Israel's periodic report to the United Nations Committee on the Rights of the Child¹⁰ notes additional international conventions concerning children to which Israel is a signatory.

For example, since 1953, Israel has been a party to conventions of the International Labor Organization (ILO), primarily the Convention Concerning Medical Examination of Children and Young Persons in Non-industrial Occupations (No. 78, 1946); the Convention Concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons (No. 77, 1946); the Convention Concerning Night Work for Children and Young Persons in Industrial and Non-industrial Occupations (No. 90, 1948 and No. 79, 1949). Since 1980, Israel has been a party to the International Labor Convention Concerning Minimum Age for Admission to Employment (No. 138, 1973). In addition, Israel is a party to the Hague Convention on International Private Law. Since 1991, Israel has been a party to the Hague Convention Concerning Civil Aspects of Child Kidnapping (No. 513 XXVIII, 1980), and since 1995, Israel has been a party to the Hague Convention Concerning the Protection of Children and Cooperation in Respect of Inter-country Adoption (1993).¹¹

Principles enumerated in these conventions have been incorporated in Israeli domestic legislation. Some examples are discussed in this report. Additionally, in accordance with the Registration of Information on the Influence of Legislation on the Child's Right Law, 5762-2002,¹² members of Parliament and the government are required to review, in the process of preparing a bill for a first hearing, the bill's potential influence on the rights of children, in the spirit of the CRC.

⁸ Nov. 2, 1991.

⁹ Nov 14, 2001.

¹⁰ United Nations Committee on the Rights of the Child, Consideration of Reports Submitted by States parties, Under Article 44 of the Convention, Periodic reports of States parties due in 1993, ISRAEL (Feb. 20, 2001) par. 61, available at <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/cf2615a74f16b41d85256c47004a10bc!OpenDocument>.

¹¹ *Id.*, para. 62.

¹² Sefer Ha-Hukim (Book of Laws, Official Gazette, hereafter S.H.) No. 1859 p. 486 (5762-2002).

III. Child Health and Social Welfare

A. Access to Healthcare Services

Health services in Israel are provided under the National Health Insurance Law, 5754-1994,¹³ as amended. Although the law was first implemented in 1995, the existing health system can trace its roots to the 1920s, well before the founding of the State in 1948.¹⁴

The National Health Insurance Law 5754-1994,¹⁵ stipulates that all of Israel's residents are eligible for health services based on principles of justice, equality, and mutual assistance. The law mandated the provision of a basket of health services, which are largely provided by sick funds - non-profit corporations whose income is used to provide these services. The government finances health services, primarily through an earmarked, progressive tax paid by all residents. The law further stipulates that health services must be provided while maintaining human dignity and the patient's right to privacy and medical confidentiality.

The basket of services must cover the following areas of health service:¹⁶

1. individual preventive care and health education;
2. medical diagnosis;
3. ambulatory medical care, including psychiatric care, whether in a clinic, at home, or in an institution (e.g., old-age home, day care center);
4. acute, psychiatric, psycho-geriatric hospitalization and chronic nursing care;
5. rehabilitation, including medical and psychological rehabilitation, physical, speech, and occupational therapy, and social work in the area of speech;
6. medications;
7. medical instruments and assistive devices;
8. preventive dental care for children up to an age specified by regulations;
9. first aid and transportation to a hospital or clinic;
10. medical services at work; and
11. medical and psychological care for addicts and alcoholics undergoing rehabilitation.

B. Preventive Services

Preventive services for pregnant women and children from birth to age five are provided by family health centers. These centers provide pre-natal examinations, inoculations, early detection of physical and emotional disabilities, health education, and counseling.¹⁷ In addition, they identify families that are unable to provide proper care for their children and refer them to the social welfare system. When developmental problems are suspected or identified by a center's primary care physician or nurse, the children are referred to a center for child development. These centers offer early diagnosis, counseling and

¹³ S.H. No. 1469 p. 156 (5754-1994).

¹⁴ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, Periodic reports of ISRAEL, *supra* note 9, para. 800.

¹⁵ S.H. No. 1469 p. 156 (5754-1994).

¹⁶ *Id.* § 6a.

¹⁷ For information on pre-natal health services, see the Ministry of Health website, <http://www.health.gov.il/pages/default.asp?pageid=860&parentid=854&catid=116&maincat=35> (last visited July 23, 2007).

care for children up to age five (and, in special cases, older children) who may have a developmental or functional disability. Their multi-professional staffs provide diagnostic and paramedical services, and sometimes support and training for parents. Children over age five who need care are usually referred to a special education or other medical framework. Additional special preventive programs are available for special populations, including new immigrants, HIV positive patients and the *Bedouin*¹⁸ population.¹⁹

C. Health Education

Health education programs on preventing accidents in the home, at school, and on the roads are conducted at family health centers. In addition, some of the centers offer enrichment programs, programs to improve children's cognitive development, and parenthood preparatory programs, in cooperation with social welfare services.

The State of Israel is a cosignatory of the 1990 WHO- and UNICEF-sponsored "Innocenti Declaration", whose aim is to promote breastfeeding. In compliance with the declaration, Israel has placed limits on advertisements for and efforts to market baby formula in maternity wards, although these are apparently not strictly enforced. In 1998, the National Commission on Child Medicine, which operates within the Ministry of Health and examines policy concerning children's health, established the committee for the promotion of breastfeeding, whose goal is to encourage breastfeeding, in part by creating conditions that will make it easier for mothers to breastfeed their children (e.g., longer maternity leave and private rooms in work places where mothers can pump milk).²⁰

D. Preventive Services for School Children

Health services for elementary and secondary school students in Israel are financed by the State. In elementary schools, the nurses conduct routine examinations, such as testing vision and hearing and measuring height; give inoculations; and teach nutrition, personal hygiene, and sex education. The health services provided in secondary schools are primarily educational and focus on preventing drug and alcohol addiction and communicable diseases such as AIDS, and on safety and accident prevention. In addition to the health services provided at schools, preventive services are offered to adolescents through specialty service centers, which are financed by the Ministry of Health, social welfare agencies, and one of the health funds' Health Services. These centers specialize in adolescent health and provide sex education, medical testing, and treatment of problems that arise during adolescence, such as acne and weight problems. Countrywide youth counseling centers further provide youth with instruction, counseling, and referral in a variety of areas, including health.²¹

¹⁸ *Bedouins* are desert dwelling nomads who reside in the Negev and Sinai desert.

¹⁹ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, Periodic reports of ISRAEL, *supra* note 9, para. 808-818.

²⁰ *Id.* para. 817.

²¹ *Id.* para. 819.

E. Social Welfare Services

Israel maintains an extensive system of social security and income support, as well as a national system of welfare services in the framework of the health and education systems, to meet the needs of vulnerable populations. These services are provided through the National Insurance Institute.

The National Insurance Institute is a statutory corporation charged with implementing the National Insurance Law [Consolidated Version] 1995,²² and other laws that grant residents of the State social benefits and other transfer payments. Among child-related benefits is the children's monthly allowance, as well as the disabled child allowance for families that care for a disabled child, to ease the burden of personal and nursing care and maternity insurance. As part of maternity insurance, women who have given birth or adopted children are entitled to a hospitalization grant (for expenses of the birth, and of the hospitalization of the mother and baby (including premature babies)), maternity benefits, and equipment grants. In addition, mothers are entitled to maternity leave allowance to compensate the working mother for the loss of wages during her maternity leave and during the pregnancy if for reasons related to the pregnancy she was forced to cease working for thirty days.

Additional child-related benefits paid by the National Insurance Institute are an education grant paid to single parents for each of their children, benefits paid to parents whose finances are below the poverty line, and custodians of orphans or children immigrating to Israel without their parents.²³

IV. Education, Including Special Needs

A. General Education

The State Education Law 1953²⁴ stipulates that education will be provided, as a rule, by the State on the basis of an educational program that is supervised and approved by the Ministry of Education. The law recognizes two streams of education: State education, and State religious education. The law also sanctions non-government education institutions, recognized but not official institutions that are supervised by the Ministry of Education, and independent institutions that are not supervised by the Ministry. Although parents have the right to choose the stream of education which their children will attend²⁵ they are not allowed to choose the specific school their children will attend. The local school board refers children to schools, in accordance with the policy of social integration.²⁶

The Compulsory Education Law 1949²⁷ stipulates that education in Israel is compulsory for children ages three to fifteen inclusive, or until the completion of ten years of schooling, and beginning at age five. The law allows the Minister of Education to grant an exemption from compulsory education in special cases, such as when a child is educated privately, or cannot be integrated into a regular school.²⁸

²² S.H. No. 1522 p. 210 (5755-1995).

²³ National Insurance Law [Consolidated Version] 1995, *id.*

²⁴ 7 Laws of the State of Israel (hereafter LSI) 113 (5713-1952/53).

²⁵ *Id.* § 10.

²⁶ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, Periodic reports of ISRAEL, *supra* note 9, para. 905.

²⁷ 3 LSI 125 (5709-1948/49).

²⁸ *Id.* § 5.

According to the Compulsory Education Law 1949, children and youth ages three to seventeen have the right to free education. Although complete implementation of free education for children ages three to four has been deferred for budgetary reasons; such free education is provided in some towns and neighborhoods.²⁹ In the remaining towns, free education is provided from age five, although the local authorities in these towns provide pre-compulsory education from age three-four for a fee. This preschool tuition is progressive, and is set according to socio-economic criteria.

Another law designed to increase equal opportunity in education and to enable children to fulfill their potential is the Extended School Day and Enrichment Education Law 1997.³⁰ The law stipulates that at least four school days a week will be eight-hour school days. It is being implemented gradually, first in neighborhoods and towns whose education systems need reinforcement.³¹

B. Special Education

The Special Education Law 5748-1988,³² as amended, establishes the right of children with physical, mental, emotional, or behavioral disabilities to an education suited to their needs and development, and ensures that education frameworks are adapted appropriately. The law stipulates how eligibility for special education is to be determined, and that an individual study plan is to be made for each and every child, so as to enable him to fulfill his potential.

The law also expands the type and scope of services provided in the framework of special education. Under the law, special education is provided to children and youth ages three through twenty-one; the law also increased the number of special education hours, lengthened the school day and year (special education schools are open during vacations), and established the right of children to paramedical services (e.g., physical, occupational, and speech therapy), expressive therapies, and assistive devices.

The law expresses a policy of integrating disabled children into regular schools to the extent possible, by requiring that children be given the assistance they need in the "least restrictive environment." Services provided under the law, however, are allocated mostly to children in special education schools and classes, while funds allocated to children who have been mainstreamed are limited and considered insufficient.

The Free Education to Sick Children Law, 5761-2001³³ authorizes the Minister of Education to determine a program for education for children who are hospitalized or are sick and stay at home for a period exceeding twenty-one days. The program will reflect the needs of such children, their medical disabilities, and their education program before they became sick. Education under this program will be provided to the sick child at home or at the hospital.³⁴ The law provides that the State and the local education authority will finance the education of a sick child.³⁵

²⁹ The Compulsory Education (Implementation in Nursery Schools) Ordinance 1999 and 2001, KOVETZ HATAKANOT (Subsidiary Legislation, hereafter KT) no. 5990 and 6104, of 5759-1999 and 5761-2001, respectively.

³⁰ S.H. No. 1997 p. 421 (5757-1997).

³¹ *Id.* § 4.

³² S.H. no. 1256 p. 114 (5748-1988).

³³ S.H. No. 1773 p. 12 (5761-2001).

³⁴ *Id.* § 2.

³⁵ *Id.* § 4.

The Rehabilitative Day-Care Centers Law 5760-2000³⁶ is meant to ensure toddlers ages one-three, who suffer from a disability, mental retardation, or some other handicap, an appropriate rehabilitative, therapeutic, and educational framework, financed by the State.

C. Humane School Discipline

Students' Rights Law, 5761-2000,³⁷ as amended, declares its objective:

To prescribe principles for students rights in the spirit of human dignity and the principles of the United Nations Conventions on the Rights of the Child, while guaranteeing the dignity of the student, the education worker and the education institution team, as well as guarding the specialty of the different education institutions... and in order to encourage the creation of an atmosphere of mutual respect in the educational institution's community.³⁸

The law prohibits discrimination against a student based on ethnic, socio-economic, and political grounds in registration, admission, or removal of a student, determining educational programs and class composition, as well as student's rights and obligations, including implementation of disciplinary rules. The law recognized a right of a hearing for a student and his parents prior to a permanent removal from an educational institution.

The law provides that discipline in an educational institute must be implemented in a way that befits human dignity, including the right not to be subjected to physical or degrading disciplinary measures. Additionally, an educational institution must not employ a punitive measure against a student for an act or an omission by his parents.

V. Child Labor and Exploitation

A. Employment of Minors

The principal law dealing with the employment of minors is the Youth Employment Law 1953-1953.³⁹ Another supplementary law is the Apprenticeship Law 5713-1953,⁴⁰ which covers minors who acquire a trade through apprenticeship. The Youth Employment Law and the Apprenticeship Law, which were enacted at the same time, were designed to protect working minors and set the frameworks and conditions of their employment. In 1998, the Youth Employment Law was amended in an effort to adapt it to the standards of the CRC.

The Youth Employment Law prohibits the employment of a minor who is under the age of fifteen.⁴¹ The law further prohibits minors from working in certain places,⁴² and certain types of work.⁴³ It is prohibited to employ minors who are obligated to be in school under the Compulsory Education Law

³⁶ S.H. No. 1735 p. 169 (5760-2000).

³⁷ S.H. No. 1761 p. 42 (5761-2000).

³⁸ *Id.* § 1.

³⁹ 7 LSI 94 (1953-1953).

⁴⁰ 7 LSI 86 (1953-1953).

⁴¹ *Id.* § 2.

⁴² *Id.* § 5.

⁴³ *Id.* §6.

1949, unless the Minister of Education is convinced that the minor is unable to study in an ordinary manner at a recognized educational institution, or the minor is working as an apprentice under the Apprenticeship Law. Because the Compulsory Education Law applies to minors up to age sixteen, in practice minors may only really be employed on a regular basis from the age of sixteen. During official school vacations, however, it is permissible to engage minors over the age of fourteen in light work that is unlikely to harm their health or development.⁴⁴

The law authorizes the Minister of Labor to prohibit certain types of work, if these are liable to adversely affect the minor's physical, mental, or educational development. The Youth Labor (Prohibited and Restricted Work) Regulations 1995,⁴⁵ as amended, restrict the employment of minors, and specify the places and types of work in which it is prohibited to employ a minor. These include work involving potentially hazardous mechanical, physical, chemical, and biological elements.

The Youth Employment law and the Youth Employment (Medical Examinations) Regulations, 5760-2000⁴⁶ implementing this law require a thorough medical examination prior to employment of a minor to assess whether he is physically fit to do the work. In addition, minors are to be examined periodically, to ensure that the work they are doing is not having an adverse effect on their development and health.

B. Hours of Work and Rest

The law restricts the number of days and hours a minor may work per week. A minor may not be employed for more than eight working hours a day and forty working hours a week.⁴⁷ The employer is obligated to allow a minor to take breaks to rest and eat.⁴⁸ Minors may not be employed on the weekly rest day of their religion. The Law prohibits a minor from engaging in night work,⁴⁹ between 20:00 and 08:00 for minors to whom the Compulsory Education Law applies, and between 22:00 and 06:00 for those to whom it does not. The Minister of Labor and Social Affairs may make exceptions to these restrictions. Even when a permit has been granted a minor must be guaranteed a rest of at least fourteen hours between one working day and the next. Overtime employment of a minor, beyond the hours permitted by law, is a criminal offense, although the minor himself is not regarded by the law as having committed the offense or even as having been an accessory to the offense of his employer.

C. Children in Armed Conflict

Although the age of compulsory military recruitment under the Defense Service Law [Consolidated Version] 5746-1986⁵⁰ is generally eighteen years of age, persons over the age of seventeen may make a written request to be inducted into the armed forces with the consent of their parents (or one parent, if there is real difficulty determining the opinion of the other parent) or guardian.⁵¹

⁴⁴ *Id.* § 2A.

⁴⁵ KT No. 5722 p. 243 (5756-1995).

⁴⁶ KT No. 6044 p. 714 (5760-2000).

⁴⁷ Youth Employment Law 1953-1953, § 20.

⁴⁸ *Id.* § 22.

⁴⁹ *Id.* § 25.

⁵⁰ S.H. No. 1170 p. 107 (5746-1986).

⁵¹ *Id.* § 14.

V. Sale and Trafficking of Children

A. Sexual Exploitation and Sexual Abuse

The Penal Law 5737-1977 explicitly prohibits the sexual exploitation of minors.⁵² The law imposes particularly harsh penalties on sexual contact with a minor, especially if initiated by force, through exploitation of a relationship based on control or authority, or with a minor under the age of fourteen.⁵³ The law prescribes a twenty-year imprisonment for rape and forced sodomy of a minor who has not yet reached the age of sixteen.⁵⁴ A penalty of five years' imprisonment is imposed for sexual intercourse with a minor between the ages of fourteen and sixteen who is not married to the perpetrator of the act, even if it is committed with her consent.⁵⁵ A defendant, however, may claim in his defense that the age difference between him and the girl with whom he engaged in sexual intercourse does not exceed three years, that the girl consented to the act, and that the act was committed in the context of a relationship based on mutuality, and not through the exploitation of the defendant's status.⁵⁶ The same criteria also applies to sexual relations between males.⁵⁶ A maximum penalty of five years is imposed on a person who has sexual intercourse with a minor over the age of sixteen, even if she consented to the act, if the act involved the exploitation of a relationship based on control, domination, educational authority, or supervision, or a false promise of marriage when the offender is already married. An act of sodomy with a minor over the age of fourteen is punishable by five years' imprisonment, regardless of whether the minor consented to the act or the perpetrator exploited his authority or control over the minor.⁵⁷

The Penal Law 1977 prohibits physical, mental and sexual violation of a minor, and prescribes a maximum sentence of seven years' imprisonment for such offenses, or nine years' imprisonment if the perpetrator is responsible for the child.⁵⁸ Harsher penalties are imposed on perpetrators of harm to minors and helpless persons especially when committed by a person who is responsible for a minor, by relatives and care givers. Any person knowing of an offense against a minor committed by a person who is responsible for that minor is obligated to report the offense.⁵⁹

B. Child Prostitution

In Israeli law, prostitution is not an offense, although pimping and soliciting are offenses. A person who solicits another to prostitution is liable to seven years of imprisonment or ten if the person solicited is a minor under the age of fourteen years.⁶⁰

⁵² Penal Law, 5737-1977, §§ 345-354, LSI Special Volume (5737-1977).

⁵³ *Id.* § 345.

⁵⁴ *Id.* § 347.

⁵⁵ *Id.* § 346.

⁵⁶ *Id.* § 353.

⁵⁶ *Id.*

⁵⁷ *Id.* § 347.

⁵⁸ *Id.* § 368B & C.

⁵⁹ *Id.* § 3 68D.

⁶⁰ *Id.* § 203.

Additional offenses prescribed by the Penal Law include advertisement of prostitution services provided by minors;⁶¹ claiming that a provider of prostitution services is a minor even if this is not true;⁶² and publication of pornographic material that involves the body of a minor.⁶³

C. Trafficking in Children

The Penal Law 1977 provides that "[A] person who offers or gives compensation for the permission to take custody of a minor who has not yet reached the age of 14, and a person who requests or receives compensation for the right to take custody of a minor is subject to three years' imprisonment."⁶⁴ Additionally, "A person who takes or detains a minor who has not yet reached the age of 14, by fraud or force or enticement, or who receives or hides such a minor ... with the intent of depriving his parent, or guardian, or another person legally responsible for him of his custody, is subject to seven years' imprisonment."⁶⁵

D. Child Pornography

The publication of an advertisement that includes an image or an imitation of an image or a drawing of a minor is subject to five years penalty. The use of a minor for the creation of such advertisement is subject to seven years imprisonment. If the perpetration of the above offenses is by a person responsible for the minor, or with the consent of such a person, the responsible person is subject to ten years imprisonment.⁶⁶

VI. Juvenile Justice

A. Age of Criminal Responsibility

Children under the age of twelve are not criminally liable.⁶⁷ A child under age twelve may not be arrested, interrogated as a suspect or brought to trial. Generally, such children are put in the care of the child protection services, and their acts are likely to constitute grounds for determining that the minor needs protection under the Youth (Care and Supervision) Law 5720-1960.⁶⁸ Accordingly, "a minor is in need of protection if ... he has performed an act that is a criminal offense, but has not been

⁶¹ *Id.* § 205a.

⁶² *Id.* § 205b.

⁶³ *Id.* §§ 214(b) to 214(b3).

⁶⁴ *Id.* § 364.

⁶⁵ *Id.* § 367.

⁶⁶ *Id.* § 214.

⁶⁷ *Id.* § 34f.

⁶⁸ 14 LSI 44 (5720-1960).

brought to trial."⁶⁹ Criminally liable minors (i.e. youths between the ages of twelve and eighteen) are treated differently than adults.

B. Presumption of Innocence

A defendant in a criminal trial is presumed innocent, unless his guilt is proven beyond a reasonable doubt.⁷⁰ The prosecution has the burden of proof.⁷¹

C. Prompt Indictment and Trial

A suspect must be released if an indictment has not been filed against him within 75 days of his arrest; if a trial has not commenced within 30 days of filing the indictment; and if sentencing has not been passed within nine months.⁷² These periods may be extended by the Supreme Court in special circumstances. When an indictment has been filed, the court must set the earliest date possible for commencement of the trial.⁷³ In the case of a defendant who is a minor, "save with the consent of the attorney general, a minor will not be brought to trial for an offense if a year has passed since its commission".⁷⁴

D. Defense against Self-incrimination

A suspect in a criminal investigation and a defendant on trial have the right to remain silent. The law provides that "a person interrogated [at a police station] ... is required to respond correctly to all questions posed to him during the investigation by the police officer in question, or any other authorized officer, with the exception of questions the answer to which may put him in danger of incriminating himself."⁷⁵ During trial, the court is obligated to notify the defendant that he has the right not to testify or to testify, in which case he may be cross-examined.⁷⁶ The court is also obligated to explain to the defendant that a decision not to testify is likely to be considered in support of any other incriminating evidence.⁷⁷ Failure to explain his rights to a suspect or defendant may, under certain circumstances, constitute cause to disqualify an admission which the suspect made during investigation.⁷⁸

⁶⁹ *Id.* § 2(3).

⁷⁰ Penal Law, 5737-1977, §341, LSI Special Volume (5737-1977).

⁷¹ Criminal Procedure Law (Consolidated Version) 5742-1982, S.H. No. 1043 p. 43 §152a.

⁷² Criminal Procedure (Enforcement Powers - Arrests) Law 1996 § 59-61.

⁷³ Criminal Procedure Regulations 5734-1974. Reg. 19, KOVETZ HATAKANOT (Subsidiary Legislation) No. 3172 p. 1200.

⁷⁴ Youth (Trial, Punishment and Modes of Treatment) Law § 14.

⁷⁵ The Criminal Procedure (Witnesses) Law, 5718-1957 § 2c.

⁷⁶ Criminal Procedure Law (Consolidated Version) 5742-1982 § 161.

⁷⁷ *Id.* § 162.

⁷⁸ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, Periodic reports of ISRAEL, *supra* note 9, <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/cf2615a74f16b41d85256c47004a10bc!OpenDocument>, para. 1274.

E. Appeal

All court decisions regarding the extension of arrest, bail, or other release conditions may be appealed to a higher court.⁷⁹

F. The Right to an Interpreter

The law provides that if the court finds that a defendant does not understand Hebrew, it is required to appoint an interpreter for him at the expense of the State Treasury, or else the judge must act as an interpreter.⁸⁰ In addition, testimony heard in a language other than Hebrew must be translated into and recorded in Hebrew, unless the court instructs otherwise.

VII. Concluding Remarks

Israel maintains a comprehensive system of laws protecting children's rights. Health benefits cover pregnancy and childhood and include preventive services as well as health education programs. Primary, secondary, vocational, and higher education, as well as students' rights, are guaranteed by law. The State offers an extensive system of welfare services including a children's monthly allowance and special benefits to disabled children and their families. Compulsory education is applicable to primary, secondary and vocational education. Special arrangements are made for the disabled with the goal of their integration into regular schools to the extent possible.

Special laws regulate youth labor and protect children from exploitation. The juvenile justice system also applies different rules than those normally applicable to adults in the adjudication of children.

Prepared by Ruth Levush
Senior Foreign Law Specialist
August 2007

⁷⁹ Criminal Procedure (Enforcement Powers - Arrests) Law 1996 § 53.

⁸⁰ Procedure Law (Consolidated Version) 5742-1982, S.H. No. 1043 p. 43 §§ 140-142.