



# Realizing the Rights of the Child in Israel:

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## An Integrative Study of Children's Rights Implementation





המועצה הלאומית לשלום הילד  
Israel National Council for the Child  
المجلس الوطني لسلامة الطفل



Realizing the Rights of the Child in Israel: An Integrative Study of Children's Rights Implementation

Israel National Council for the Child

Haruv Children's Campus, The Hebrew University of Jerusalem, Mount Scopus

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The National Council for the Child ('NCC') is a non-for-profit organization that aims to advance and safeguard the rights and well-being of all children in Israel.

Since its establishment in 1986, the NCC has been a key actor in all children and youth related issues on a national level. It engages, among others, in initiating and promoting public policy, offering direct programs and services for children, issuing numerous publications and statistical data on children in Israel, forging cross-sector partnerships, and operating as a main source of information for professionals, government and the civil society.

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## Table of Contents

Contents	
Introduction.....	5
1. Youth Participation in Policy Design .....	13
1. A. The CRC on Child Participation in Policy Design .....	13
1. B. Youth Participation in Policy Design in Israel .....	18
1. C. A Youth Perspective on Participation in Policy Design .....	22
1. D. Consultations with Civil Society Organizations.....	25
1. E. Recommendations: Youth Participation in Policy Design and Implementation.....	26
2. Protection against Violence and Abuse.....	34
2. A. The CRC on Child Protection.....	34
2. B. Identification of Children's Abuse and Neglect in Israel.....	36
2. C. Children Exposed to Violence.....	40
2. D. A Youth Perspective on Identification of Distress .....	44
2. E. Recommendations: Protection against Violence and Abuse.....	47
3. Children in the Digital Environment .....	55
3. A. The CRC on Children's Right to Privacy and Protection in the Digital Environment .....	56
3. B. Children's Privacy in the Digital Environment .....	60
3. C. Children's Protection in the Digital Environment .....	75
4. Non-Discrimination and Equality in Education and Health.....	90
4. A. The CRC on Non-Discrimination in Education and Health.....	90
4. B. Early Childhood Education.....	98
4. C. Parent Payments.....	108
4. D. Family Health Centers ("Tipot Chalav").....	120
4. E. Mental Health Services for Children and Youth.....	133
Summary.....	142





## Introduction

The UN Convention on the Rights of the Child ('CRC' or 'Convention') requires States-Parties to undertake all appropriate measures to implement the Convention and ensure the realization of all the rights it anchors for children (§4 CRC; CRC/GC/2003/5, *par. 1*). Yet, the implementation of the tenets of the CRC at the national level is a constantly evolving task, requiring careful and continuous examination. This report - 'Realizing the Rights of the Child in Israel' - is meant to tackle this task by presenting the current status of children's rights in Israel and offering actionable recommendations to better implement the CRC in the unique Israeli context.

The CRC provides a comprehensive and legally binding framework which incorporates the full range of human rights for children. Since its entry into force in 1990, the CRC has deeply impacted - and continues to impact - the status of children globally and serves as a catalyst and source of inspiration and guidance for legislation, policy-making, and jurisprudence at the international, regional, and national levels on all aspects relating to children's lives (*see Morag, 2014; Liefgaard & Doek, 2015; Liefgaard & Sloth-Nielsen, 2019*).

The State of Israel ('Israel') signed and ratified the CRC, and it entered into force in 1991 (*OHCHR Website*). While the ratification was first considered a 'symbolic act' without legal consequences, this perception soon changed. In time, Israel began taking measures to integrate the CRC and its values in legislation, policies, and initiatives 'on the ground' (*see Morag, 2014*). In that regard, one of the first measures taken to integrate the CRC was the appointment of the Committee for the Implementation of the CRC ('The Rotlevi Committee') to evaluate the implementation of the Convention in the Israeli legal system (*Rotlevi Committee, 2003; Almog & Bendor, 2005*).<sup>1</sup> Since the Rotlevi Committee's report, there has been no other comprehensive report on children's rights in Israel - making this report relevant and timely. In addition, while the Rotlevi report focused on legislative measures, this report also addresses administrative and other measures of implementations (e.g., creating policies, services, and programs; establishing coordinating and monitoring bodies; training; etc. *see CRC/GC/2003/5, par. 9, 26-64*), thereby offering a wider perspective on CRC implementation in Israel.

The report also recognizes the considerable progress made in relation to children's issues in Israel in recent years. There has been extensive legislation anchoring children's rights in various fields (*Windman, Somech & HaCohen, 2015*), including laws that specifically refer to the aims and spirit of the CRC (e.g., Pupils' Rights Law [2000]); designated authorities tasked with ensuring children's rights, protection and welfare were established (e.g., Child Online Protection Bureau - 105); and other relevant initiatives and actions taken up. Still, a children's rights-based discourse is relatively new and evolving

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<sup>1</sup> Under the Israeli legal system, ratification does not grant a Convention an immediate status of 'law', and further adaptation is required. Therefore, the Rotlevi Committee was established in 1997, to assess the Israeli law regarding children in light of the obligations in the CRC. The Rotlevi Committee proposed several recommendations in order to implement the CRC provisions and general principles in domestic legislation, some of which were accepted. For more information, see Rotlevi Committee, 2003.



in the Israeli context, particularly in relation to the examination, monitoring and evaluation of the implementation of policy measures. This report is meant to contribute to this emerging discussion and constitutes a first step in the development of information, models, indicators, and tools for assessing children's rights implementation in Israel.

In terms of methodology, the report is based on the CRC and the authoritative guidance of the CRC Committee at the international level, as well as on prominent academic writing and research from international and Israeli children's rights scholars, and official reports by relevant Government ministries and institutions. In the Israeli context, the report's analysis relies on the comprehensive experience and expertise of the NCC, gathered from its decades of work for children's rights in Israel, as well as on the insights and recommendations of relevant CSOs and Israeli youth.

The report addresses four core issues relating to children's rights in Israel that are relevant, topical, and require further development in relation to their implementation: child participation in policy design; child protection from violence; children's rights in the digital environment; equal opportunity and non-discrimination in education and health. Selecting the core issues was a result of a lengthy and rigorous deliberations led by the writing team at the National Council for the Child ('NCC') and supported by outside consultations with children's rights experts.<sup>2</sup> Ultimately, the decision regarding the core issues of the report was based on several key parameters which included the following aspects:

- The selected issues are linked to the CRC's general principles.<sup>3</sup>
- The selected issues are (or should be) addressed in domestic legislation.
- The tackling of the selected issues can result in achievable progress and change in the Israeli context.
- The selected issues, and their advancement and implementation, are of interest for government, state institutions and civil-society organizations operating in the field.
- The selected issues are interesting and suitable for consultations with youth.
- In light of its expertise, knowledge, and cooperation with relevant stakeholders, the NCC believes it can contribute to the advancement of the selected issues and offer valuable and innovative recommendations.

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2 The NCC would like to thank Dr. Tamar Morag for her input and suggestions in that regard.

3 The CRC Committee has identified four general principles to the CRC (§2, 3, 6, 12 CRC) according to which all provisions in the Convention should be interpret and implemented (see CRC/GC/2003/5; Morag, 2014). The selected core issues of the report relate and echo the CRC general principles: non-discrimination and equal opportunity in education and healthcare (§2 CRC, which anchors the right to non-discrimination); children's rights and interests in the digital world (§3 CRC which anchors the principle of the best interests of the child. In that regard, the principle has been linked to the discussion on children in the digital environment, due to the need to balance between children's engagement online and enjoyment of opportunities and benefits, and recognizing children's vulnerability and need for protection online); child protection from violence (§6 CRC, which anchors the right to life, survival and developments and therefore relates to the issue of child protection); and youth participation in policy design (§12 CRC, which anchors the child's right to be heard).



Each part of this report is dedicated to one core issue, and will combine four unique elements: 1) an examination of the scope and meaning of the relevant CRC provisions, in light of the authoritative guidance of the UN Committee on the Rights of the Child ('CRC Committee'), as it is expressed in its general comments (on the importance and normative value of general comments, see *Otto, 2002; Gerber & Glory; Keller & Grover, 2012; Gerber et al, 2013*); 2) a review and analysis of the current situation in Israel assessing pertinent legislation, policies and programs in light of the relevant CRC rights, focusing on what exists, what is missing, and what implementation challenges remain from both a legislative perspective, and in relation to 'on the ground' issues, initiatives and actions; 3) inclusion of the voices, concerns and suggestions of Israeli youth on the issues discussed, as well as (adult) relevant stakeholders from civil society organizations ('CSO'); and finally 4) key recommendations for implementation aimed at government and state authorities.

Additionally, it should be noted that throughout the period of writing this report, Israel has been in a continuous and extraordinary state of emergency due to COVID-19, like most countries in the world. The COVID-19 pandemic, and particularly the subsequent measures and restrictions adopted to minimize its spread, have led to severe social and economic consequences. While this report aims to develop children's rights implementation in Israel, we felt it is not possible (or appropriate) to ignore the COVID-19 crisis and its influence on children - in the immediate, short, and long term (see more on COVID-19 and children, *Israel National Council for the Child, 2020; Morag et al., forthcoming*). Therefore, the COVID-19 crisis and its specific impact will be considered throughout the report. By doing so we aim to not only address and respond to this reality today, but also provide recommendations for ensuring children's rights in future emergencies or crisis situations, should they occur.

## **Report Vision & Goals**

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The NCC envisions a full and progressive realization of children's rights in Israel, in accordance with the CRC.

The report aims to address core issues relating to the provision and protection of children's rights in Israel and assess their implementation from the perspective of the CRC and thorough collaborative discourse with relevant stakeholders, including children themselves.

To achieve this, the report targets the wide audience of policy-makers, professionals, and civil society organizations that are working on children's issues in Israel.

## **Stakeholder Engagement and Partners**

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Addressing the core issues of children's rights in Israel involves the meaningful contribution of various relevant stakeholders from Government offices, State authorities, professionals, academics, CSOs and, of course, children themselves. This collaboration is also reflected in the report's model, which includes the voices and suggestions of youth, as well as the important input of other CSO representatives regarding the recommendations for government actors.





The engagement with these diverse stakeholders is an integral part of the unique character of this report, and serves two important and complementary purposes:

Firstly, it allows the integration of various relevant points of views when examining the state of children's rights in a certain field or area of application, rather than relying solely on the expertise or knowledge of a single organization, or solely on an adult viewpoint.

Secondly, and perhaps even more importantly, the engagement with civil society and youth stakeholders, through joint discussions and crafting of solutions, forms, on its own, a fulfillment in part of this report's commitment to the dissemination of children's rights-based approach to children's issues – a commitment that is a core task of the NCC and a core goal of this report.

The engaged stakeholders, whether civil society professionals or youth, were not “introduced” to children's rights as a ‘theoretical angle’. Rather, the different consultation processes allowed these stakeholders to engage with children's right-based thinking, as a pertinent framework to both analyze children's issues they regularly engage with and design solutions to these issues.

Our main partners include:

#### • Youth

The report incorporates the voices and recommendations of youth, through the framework of the NCC's Youth Parliament. The Youth Parliament is a unique and innovative program to include youth in policy-making processes on matters relating to their lives at the national level, and provide the opportunity for significant dialogue between youth, government officials, and CSOs. Its aim is to promote change in legislation and policy-making procedures in Israel in a manner that recognizes youth's right to be heard and have an impact on decisions relating to their lives, in the spirit of the CRC and develop a sustainable mechanism for youth participation at the national level (*Zlotnik Raz & Windman, 2019; Naamat & Zlotnik Raz 2021, Israel National Council for the Child Website*).

The NCC Youth Parliament program was first launched in 2018. Each year, it involves approximately 100 youth in consultation processes on topical themes relating to children and youth in Israel. The youth participants come from the municipalities of Be'er Sheva and Rahat and hail from diverse communities and backgrounds.<sup>4</sup> The program consists of several interactive meetings for learning, discussion, reflection and generating ideas and recommendations from a children's perspective.

A key part of the program is a consultation meeting with high-level government policy-makers, representatives of State authorities, professionals, academics and CSO representatives that are working on the relevant consultation theme. The meeting enables the participating youth to share

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<sup>4</sup> The Youth Parliament program includes Jewish and Bedouin students, and reflects diversity in relation to the participants' gender, religious leanings, ethnicity, origin (new immigrants and natives), etc. It should be noted that in consultation processes that included Arabic speaking youth, a simultaneous translation was provided, in order to enable the meaningful participation of every participant.





their experiences and insights, and have their concerns and suggestions heard, in order to influence future policy-making and bring about better decision-making that recognizes children's needs and interests.<sup>5</sup> These discussions resulted in various recommendations by the youth, which are attached to the summaries of these consultations.

In 2020, due to the COVID-19 situation, the Youth Parliament was conducted online and included the necessary adaptations for training, discussions, and consultations in digital platforms (*Naamat & Zlotnik Raz, 2021*). The themes of the consultation processes were designed based on the themes of this report, and included: (1 Youth Participation in Policy Design; 2) Detection and Identification of Distress Situations among Youth ; 3) Right to Privacy of Children and Youth in the Digital Environment; and 4) Equality in Education.

#### • **Civil Society Organizations**

Representatives of relevant CSOs participated in the consultation meeting in the Youth Parliament program.

Additionally, CSOs were consulted with during the writing process of this report either individually or through roundtable discussions. The recommendations for each part of this report were sent to relevant CSO representatives for feedback and suggestions, as well as to initiate dialogue and foster long-term collaborations in order to advance the realization of children's rights in Israel. The CSO's valuable comments often resulted in important changes and additions to the report's recommendations.

#### • **Other: Local Government, Professionals, Academics, Student Council**

Professionals and academics, as well as representatives from the Israeli Council of Youth Movements, participated in the Youth Parliament and in its consultation process. The Beer Sheva and Rahat municipalities were involved and supported the Youth Parliament program.

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<sup>5</sup> The insights and recommendations of the Youth Parliament participants are later collected and widely disseminated in the program report to all relevant government offices and other stakeholders: see Zlotnik Raz & Windman, 2019; Naamat & Zlotnik Raz, 2021.



## Bibliography:

S. Almog & A. L. Bendor (2005). Human Rights of Children, in: *Itzhak Zamir Book on Law, Governance, and Society*, A. L. Bendor (eds.), Sacher Institute for Legislative Research and Comparative Law Publishing, 93-118. (Hebrew)

*Convention on the Rights of the Child* (CRC), 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3.

Gerber, P., Kyriakakis, J., O'Byrne, K. (2013). General Comment 16 on State Obligations Regarding the Impact of the Business Sector on Children's Rights: What is its Standing, Meaning and Effect? *Melb. J. Int'l L.* 93 (1).

Israel National Council for the Child (2020). *Youth in Israel talks about the COVID-19 Crisis: Advice, Thoughts, and Coping in Emergency Time and in a New Routine*. (Hebrew) <https://www.children.org.il/wp-content/uploads/2020/10/%D7%A7%D7%95%D7%A8%D7%A0%D7%95%D7%A2%D7%A8-%D7%A2%D7%91%D7%A8%D7%99%D7%AA.pdf>

Israel National Council for the Child Website. *Youth Parliament*, (Hebrew)

<https://www.children.org.il/youth-parliament/?lang=en>

Keller, H. & Grover, L. (2012). 'Chapter 4: General Comments of the Human Rights Committee and their Legitimacy', in Keller, H. & Ulfstein, G. (eds.), *UN Human Rights Treaty Bodies: Law and Legitimacy*. Cambridge University Press.

Liefwaard, T. & Doek, J. E. (eds.) (2015). *Litigating the Rights of the Child: The UN Convention on the Rights of the Child in Domestic and International Jurisprudence*. Springer Publishing.

Liefwaard, T. & Sloth-Nielsen, J. (eds.) (2016). *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead*, Brill Nijhoff.

Morag, T. (2014). The Principles of the UN Convention on the Rights of the Child and Their Influence on Israeli Law, *Mich. St. Int'l L. Rev.*, 22: 531-556.

Morag, T., Sabag, Y., Zlotnik Raz, D., Arazi, T. (forthcoming). 'Ensuring Children and Youth Rights in Israel during COVID-19 Crisis: Looking through the Perspective of the UN Convention on the Rights of the Child' (Hebrew)

Naamat, A., Zlotnik Raz, D. (2021). *Youth Parliament Report*, Israel National Council for the Child. (Hebrew)

OHCHR Website ("Office of the High Commissioner for Human Rights"). *Ratification Status for CRC – Convention on the Rights of the Child*.

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en)



Otto, D. (2002). "Gender Comment": Why does the UN Committee on Economic, Social and Cultural Rights need a General Comment on Women?, *Can. J. Women & L.* 1.

Rotlevi Committee ("Committee for the Implementation of the CRC") (2003). *Report: General Chapter*, Ministry of Justice. (Hebrew)

United Committee on the Rights of the Child (2003). *General comment no. 5: General measures of implementation of the Convention on the Rights of the Child*, 27 November 2003, CRC/GC/2003/5.

Windman, V., Somech, S., HaCohen, R. (2015). *The Law and the Child: Legislation Collection*, Israel National Council for the Child. (Hebrew)

Zlotnik Raz, D., & Windman, V. (2019). *Youth Parliament Report*. Israel National Council for the Child. (Hebrew)

# Youth Participation in Policy Design

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## 1. Youth Participation in Policy Design

### 1. A. The CRC on Child Participation in Policy Design

#### 1. A. 1. The Right to be Heard (Participation) in the CRC

§12(1) of the CRC requires States-Parties to assure that a child who is capable of forming his or her views the right to express those views freely in all matters affecting him or her and that the views of the child are given due weight.

The provision is often referred to as the child's right to participate (Lundy, 2007; CRC/C/GC/12, 2009, par. 3). It is one of the general principles of the CRC and is considered as a unique and revolutionary right for children in international law. Specifically, the provision symbolizes a change from the previous perception (pre-CRC) of children as being passive and vulnerable, and as requiring only protection and welfare, to the recognition of the child as an independent right-holder with a valuable and important voice (Haroon, 2019; CRC/GC/2003/5, 2003, par. 12).

The child's right to participate in the CRC is broad: it concerns 'all matters' affecting the child's life - including, then, matters relating to policy design - and refers to both the right of *individual* children to participate in decisions-making processes, and to the right of children to participate *collectively* (§12 CRC, CRC/C/GC/12, 2009, par. 10). In its work, the CRC Committee has also adopted a broad definition to participation itself, describing it as 'ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are considered and shape the outcome of such processes (United Nations, 1997; CRC/C/GC/12, 2009, par. 3)

The provision establishes a clear legal obligation on States-Parties to implement the right for all children by taking the appropriate measures. These include, among others, adopting a legal framework (laws and policies that make participation possible and accessible to children); creating relevant mechanisms and procedures (including for follow-up, monitoring and evaluation of participatory processes); allocating sufficient budget and resources for participatory mechanisms; and increasing opportunities for children to be heard on all levels and in diverse issues relevant to their lives. (A/S-27/19/Rev.1, 2002, par. 32(1); Hodgkin & Newell, 2007; CRC/C/GC/12, 2009, par. 48, 127-128).

The CRC Committee further held that participation, it itself, is not enough and that States-Parties must ensure an effective and meaningful implementation of the right to be heard. In that regard, the CRC Committee identified several key principles for meaningful participation, which should be reflected in all participatory processes with children (CRC/C/



GC/12, 2009, *par. 132-134*). These include, among others, that participatory processes shall be:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Transparent and informative</li><li>• Respectful</li><li>• Inclusive (non-discriminating, with representation of marginalized and/or under-represented groups of children)</li><li>• Supported by training</li><li>• Accountable (e.g., includes follow-up, updates, and evaluation, also relating to impact)</li><li>• Voluntary</li></ul> | <ul style="list-style-type: none"><li>• Child-friendly environment and working methods</li><li>• Relevant (i.e., on matters related to children's lives, including those raised by children themselves)</li><li>• Safe and sensitive to risk (e.g., violence, exploitation, other negative consequences)</li><li>• On-going and meaningful (not one-off events)</li></ul> |
|---|---|

Various models and principles were also developed in academic literature and practice to identify elements for meaningful participation as well as map risks and concerns that should be avoided. (*see Arnstein, 1969; Shier 2001; Collin & al. 2016; Lundy, 2018*).

A prominent example in that regard is Hart's 'ladder of participation' model (*Hart, 1992*), which established an eight-step scale for children's participation. The model identified manipulation and using children as 'decorations' and 'tokens' as 'non-participation'. Manipulation is considered as the lowest rung of the ladder, referring to the use of children to advance causes they do not understand or necessarily support, by adults. The model also refers to adults using children to promote causes in a performative way, without them understanding the issue or having a say in the participatory event itself (children as 'decorations'). It also refers to using children symbolically in order to appear as if they are included and equal, while in fact children are denied impact on the subject and are not provided with information, time, training and guidance to formulate their own views (children as 'tokens') (*Hart, 1992, pp. 8-10*). These risks were also specifically addressed by the CRC Committee, which called States-Parties to avoid tokenistic approaches, manipulation, and exposing children and youth to any risk of harm through participation (*CRC/C/GC/12, 2009, par. 132*). On the higher rungs, Hart identifies processes that promote shared decision-making between adults and children; youth-led participatory actions and initiatives; and, finally, the collaboration of children and adults in decision-making as equal partners.





## 1. A. 2. Participation in Policy Design

This report will focus on the particular and highly topical issue of child participation in policy design and implementation. Meaning, the hearing, involvement, and impact - to a certain extent - of children on broad policy related issues or public decisions that are relevant for their lives. This includes, among others, hearing children's views in relation to legislation, national policies, programs, and their implementation (*Nigel, 2007; Hart, 1992*).

In its interpretive work, the CRC Committee has commented on the application of §12(1) CRC in relation to the participation of children at the national level, and in policies that impact their lives. (*CRC/C/GC/12, 2009 at par. 89, 127, 130; CRC/GC/2003/5, 2003, par. 12*). For example, the CRC Committee addressed 'opening' government decision making processes to children and establishing consultation-based participatory process with them, and it noted the importance of participation at national level, including through youth parliaments, on decision-making processes. (*CRC/C/GC/12, 2009, par. 127; CRC/GC/2003/5, 2003, par. 12*).

Additionally, the CRC Committee recognized that §12 CRC is closely linked to civil rights and fundamental freedoms in the CRC, which are significant in ensuring children's participation, including in relation to policy design and implementation. Such provisions include, among others, the child's right to equality and non-discrimination (in children's participatory processes and opportunities) (§2 CRC; *Charlton, 2000; A/S-27/19/Rev.1, 2002; CRC/C/GC/12, 2009; Forde & al., p. 6, 2020*);<sup>6</sup> freedom of expression (§13 CRC); freedom of thought and conscience (§14(1) CRC); freedom of association and peaceful assembly (§15 CRC); right to access information (§17 CRC); and the right to protection from violence, including mistreatment or threat of violence due to the child's views or their involvement in policy-related issues (§19(1) CRC).

Participation in policy design - from what age? It should be noted that while the right to participate does not include a specific age criterion, §12(1) CRC does hold that the weight given to the child's views shall be in accordance with his or her 'age and maturity'. This is also tied to the principle of the child's evolving capacities (§5 CRC) which recognizes that as children grow, develop and acquire enhanced competencies they require less guidance and are entitled to more independence in exercising their rights. As policy issues are often complex and require in-depth understanding, initiatives to involve children in policy design processes are reserved for older children, and the CRC Committee too has considered this most relevant for youth.

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<sup>6</sup> It should be noted that CRC/C/GC/12, 2009 addresses among others discrimination of marginalized groups of children in participatory processes, including children with disabilities (par. 75-79). In that regard, see also §4.3 of the UN Convention on the Rights of Persons with Disabilities





Thus, the CRC Committee recognized that the right to be heard and participate includes ‘political and civil engagement’ of youth and that it is a key provision for youth to ‘negotiate and advocate for the realization of their rights and hold States accountable’ (*CRC/C/GC/20, 2016, par. 24*). It further held that ‘States should ensure that adolescents are involved in the development, implementation, and monitoring of all relevant legislation, policies, services and programs affecting their lives’, including at the national level, (*CRC/C/GC/20, 2016, par 23*) and encouraged States Parties to invest in training and awareness raising on this issue for policy-makers and decision-makers, professionals working with/for youth, and parents (*CRC/C/GC/20, 2016, par. 25*). Indeed, the CRC Committee recognizes that ‘youth’ is not easily defined. There exists a variety of age ranges to define adolescence, as well as different age thresholds for acquiring capacities and for engaging in certain activities (e.g., work, driving, decision-making powers, and also participation in the public-political sphere) (see, *CRC/C/GC/20, 2016, par. 5*). This report does not seek to define youth, nor suggest age limits for participation in policy design. Moreover, it acknowledges that younger children too have valuable voices and insight and can collectively contribute to policy design that uniquely relates to their lives (for example, in relation to early-age education, play and recreation, etc.). However, the report recognizes that knowledge-based, consultative, and meaningful participation in policy design and implementation is generally more suitable for children above the age of 14 and will, therefore, refer to youth participation in policy design.

Finally, it should be noted that participation in policy design is not *only* a child’s right issue. It is also tied to democratic governance and inclusive deliberative practices, (*Thorne, 1987, p. 47*) and carries significant benefits for youth, policy-makers that hear and interact with youth, and society at large. These include, among others:



Beneficiaries	Benefits of Youth Participation
Youth	<ul style="list-style-type: none"><li>• Enables youth to express their views, be heard and be considered in relation to policy issues that concern their lives.</li><li>• Improves the acceptance and upholding of relevant decisions and policies enacted, even if the views of the participating youth were not ultimately accepted (see Morag, 2019).</li><li>• Contributes to developing skills, knowledge, and capacities (e.g., deliberation, negotiation, public speaking, etc.) and extends the child's aspirations.</li></ul>
Policymakers	<ul style="list-style-type: none"><li>• Assists policy makers by improving their understanding of children's needs, wishes, and interests (which may not have been previously considered by adult policy makers), as part of the dialogue in participatory and consultative processes.</li><li>• Enhances awareness and offers a new perspective of children's rights and the importance of integrating children and youth viewpoints on policy design and implementation, as part the roles and responsibilities of the policy makers.</li></ul>
Society	<ul style="list-style-type: none"><li>• Strengthens democratic principles and increases inclusiveness in public participatory process (by including youth) (Dickinson, 1999).</li><li>• Increases the accountability of State institutions to children through conducting policy related participatory processes that involve youth.</li><li>• Enhances the capacity of youth to participate in civil and democratic discourse and social change, and their interest in these processes, thus promoting youth as active citizens today, and in the future (Arnstein, 1969, p. 216).</li><li>• Reflects recognition of children as rights-bearers, with valuable voices in society, and acknowledges youth's right to be heard in accordance with the CRC.</li></ul>



## 1. B. Youth Participation in Policy Design in Israel

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### 1. B. 1. Legal and Regulatory Framework

The issue of youth participation in policy design and public decision making processes is lacking in Israeli law, requiring further development and contextualization (*Ministry of Justice, 2003, part 2, p.215*).

While youth participation in policy design may take place at various levels (school, local, national, and international), to date, references in Israeli legislation on this issue are only found with regard to schools and municipal government (*Knesset Research and Information Center, 2016, p. 2-3; Ministry of Justice, 2003, part 2, p. 215*).

For example, the Pupils' Rights Law (2000) holds that educational institutions must encourage the establishment of a Student Council, and prohibit any action aimed at preventing its establishment or action. Addressing this issue, the Ministry of Education further held that the Student Council should represent students' voice in every policy and decision-making forums (*see Ministry of Education, 2015*).

Regarding the municipal level, the Israeli Local Authorities Act ('Department of Youth and Youth and Student Council) (2011) requires that every local authority establish a Student and Youth Council. According to the law, the Council shall include child representatives (7th-12th grade) from educational institutions, community centers, and youth movements and organizations, who reside in the local authority and who have been elected to serve in the Council by their peers (*\$5 of the the Israeli Local Authorities Act - Department of Youth and Youth and Student Council, 2011*). In addition, §149(7) of the Israeli Municipality Ordinance [New Version] holds that each municipality shall establish a Committee on Advancing the Status of the Child, that shall be tasked with initiating and planning activities to advance the status of children and youth, protect them, and safeguard their rights, including their right to be heard. Moreover, §147(7) of the Ordinance requires that the members of this Committee (as well as the Municipal Education Department in the local authority) will also include youth representatives.

Currently, there is no legislation to ensure youth participation in policy design at the national level in Israel and no binding, or other formally recognized, mechanisms to enable meaningful youth participation in that regard. This is despite several recommendations to address this issue in the Israeli context, including those of the Rotlevi Committee. The Rotlevi Committee's report, published in 2003, noted the absence of sufficient measures to enable children's collective participation at the national level. In that regard, it recommended that State authorities adopt legal instruments, develop mechanisms, and take necessary measures to fulfil children's right to be heard and enable their participation in all decisions and actions that concern them, and that could have significant impact on their lives, including in relation



to national legislation and policy making (*Ministry of Justice, 2003, part 2, pp. 222-228*). Similar recommendations were given by the CRC Committee itself in its 2013 concluding observations to Israel, which advocated for the establishment of ‘precise mechanisms and guidelines for an effective implementation in practice of the right of the child to be heard and ensure that the views of the child are taken into account by policymaking bodies and that children are provided with adequate responses to their proposals (*CRC/C/ISR/CO/2-4, 2013*).

The single interesting and (potentially) relevant example at the national level is the Israeli law on ‘Providing Information on the Legislative Impact on the Rights of the Child’ (2002). §1-3 of the law grants special consideration to children by requiring the examination of proposed government legislation in relation to its impact on children’s rights, in the spirit of the CRC (*Ministry of Justice, 2018*). Thus, the law establishes a procedural obligation regarding government legislative processes and has therefore been described as having a high normative (possibly semi-constitutional) status (*Nadiv, Ostrovsky, & Kremnitzer, 2014, pp. 23-25, 42-44*). However, the law is limited in its scope, implementation and enforcement. Specifically, the law does not explicitly require that the assessment of legislation in relation to its impact on children’s rights shall include the participation of, and consultations with, children and youth themselves. Also, regulations on the implementation of the law (which could address participatory mechanisms) have not yet been adopted.

## **1. B. 2. Implementing Youth Participation in Policy Design**

Despite the lack of a strong legislative basis, in recent years there have been new developments in relation to the implementation of youth’s right to participate in policy design and public decision making processes at the national level.

*First*, there is increased awareness to the importance of including and hearing youth in the work of the Knesset and its discussions. For example, in 2017 the Knesset organized a ‘Young Knesset’ day in which youth took part in parliamentary activities and discussions (*Knesset News, 2017*). Also, Knesset Committees that are especially relevant for children, such as the Knesset Committee on Education or the Knesset Committee on the Rights of the Child, often invite youth participants to sessions on matters relating to their lives. As part of the 2020 International Children’s Rights Day (or World Children’s Day), sessions were held regarding 1) the implementation of the CRC and 2) youth participation in decision making, focusing on education during COVID-19 (*Committee on the Rights of the Child, 2020*).

The sessions included several youth who spoke on the importance of being heard, consulted, and having an impact on policy and decision-making processes, particularly in relation to education during COVID-19; on the lack of sufficient youth participation in decision making; and on their need for mechanisms and programs to enable such participation (the



‘NCC Youth Parliament’ was mentioned as an example of such mechanisms) (*Committee on the Rights of the Child*, 2020).

Yet, while inviting children and youth has become common practice, youth participation in Knesset discussions remains limited and ad-hoc. Thus, inviting and hearing youth on matters related to their lives is not mandatory, and mostly done in specific Knesset Committees. There are no sufficient efforts to publish and make upcoming sessions known to youth in advance, and as sessions are mostly held during school hours, they are less accessible to the greater student population. Indeed, in many cases, youth participants are members of the National Student Council. Most important, there are no standards or guidelines on hearing children in the Knesset and in Knesset Committees that can ensure, among others, equal and diverse youth representation; adequate opportunities for youth to speak and be heard in sessions; weight and impact on decision-making; follow-up and update mechanisms, safeguarding measures, etc.

*Second*, there is an increasing number of participatory and consultative processes with youth on policy design and implementation by government offices and public authorities. Thus, in recent years, there have been several ad-hoc consultation processes with youth on policy matters relating to their lives which were led, among others, by the Ministry of Education, Ministry of Justice, Ministry of Health, Ministry of Labor, Welfare and Social Services, the Israel Police, and more. While these initiatives reflect a promising change in relation to youth participation in policy design in Israel, it is important to note that youth participatory processes are still optional and not legally required, and that they consist of relatively few examples. Also, to date, government-led processes have been mainly consultative in nature, rather than collaborative, and constitute one-off events (*Gertel, 2019, pp. 10, 32-33*).

In practice, the issue of youth participation in policy design is mostly promoted by CSOs that collaborate with the relevant stakeholders (e.g., government, professionals, schools, etc.). The leading example in that regard is the National Council for the Child (NCC) *Youth Parliament*. As described in the introduction to this report, the Youth Parliament is an innovative program to include youth in policy-making processes and provide a platform for significant dialogue between government and youth on matters concerning their lives. Since its launch in 2018, the Youth Parliament engendered dozens of consultation processes between hundreds of youth participants and high-level government officials, representatives of public authorities, professionals and CSO representatives on diverse and topical policy issues impacting children and youth in Israel. It resulted in the collection of youth perspectives, insights, and recommendations on the issues discussed, with the aim of 1) promoting change in legislation and policy procedures in Israel, in a way that recognizes youth’s right to be heard and 2) developing a sustainable mechanism for youth



participation in policy design and decision-making processes at the national level (Zlotnik Raz & Windman, 2019) (*National Council for the Child Website, Youth Parliament*).

*Third*, the issue of youth participation in policy design and implementation closely relates to the developments regarding public engagement and deliberation in government work in Israel. Public engagement and deliberation is a new and emerging topic in the Israeli context (Zlotnik Raz & Almog, 2021). In the past decades there have been several government decisions dealing with aspects relating to public engagement (see *Government Decision 3190, 2008; Government Decision 4515, 2012; Government Decision 4028, 2011; Zlotnik Raz & Almog, 2021*). These led, among others, to the establishment of designated units and positions in government offices that are tasked with guiding, advancing and supporting public engagement in government work (see *Peled Amir et al, 2017; Zlotnik Raz & Almog, 2021*). While these are indeed promising steps, the field is still evolving and under-developed, especially in relation to youth participation. While youth can, theoretically, take part in some of the 'general' public engagement initiatives by government offices, these 'general' initiatives are not designed, adapted nor specifically published for youth, and it is therefore unlikely that a significant number of youth participate in such proceedings in practice.

*Fourth*, in the past years several publications concerning youth participation in policy design and decision-making processes have been issued in Israel by government bodies and agencies, academics and CSOs operating in this field. Among others, the publications deal with presenting the Israeli context relating to youth participation; identifying and tackling challenges; gathering best practices; and servicing future policy planning and actions that is research and knowledge-based (Gertel, 2019; *Knesset Research and Information Center, 2016*). Among such documents we can also include the NCC Youth Parliament reports, which present the insights and recommendations raised by youth participants (in a collaborative manner) for the relevant policy makers designing and implementing policies on the themes discussed (Zlotnik Raz & Windman, 2019, Naamat & Zlotnik Raz, 2021).

However, more research is still needed, specifically in relation to ensuring meaningful and effective participation of youth on policy design and implementation; the development of participatory models and mechanisms; the specialization and accommodations necessary for hearing vulnerable and/or marginalized groups of youths; and, of course, monitoring and evaluating participatory processes in relation to their impact on policies and decision-making at the national level. Project-based publications that present the voices and recommendations of youth on particular topics are also important to better inform policymakers in their future work.



## 1. C. A Youth Perspective on Participation in Policy Design

### Youth Insights and Recommendations: Policy Design and Implementation

As part of the Israel National Council for the Child's [Youth Parliament](#) program, aimed at promoting youth participation in policymaking and implementation at the national level, youth from diverse population groups took part in a consultation procedure regarding youth participation in policymaking. Program participants received accompaniment, training and guidance from the NCC team, and as part of the program met for a face to face discourse with professionals in the field - senior government officials in various government offices (Ministry of Education, Ministry of Justice and the Prime Minister's Office), along with representatives from civil society organizations and academia. In a joint meeting they discussed together the youth participants' insights, opinions and suggestions.

### Main Insights, Opinions and Viewpoints

The youth participants in the consultation procedure emphasized that implementation of the right to participate is vital for youth with respect to a wide range of issues. They noted that not hearing the unique perspective of youth in policymaking was especially conspicuous throughout the coronavirus period, during which their voice was hardly heard despite numerous decisions that pertained to them and significantly impacted their life. In their opinion there is a need to establish that children and youth will be heard through any possible medium, even if only online.

The youth participants emphasized at the outset of the procedure that in order to ensure the participation of children and youth, additional rights must be ensured, such as freedom of expression and the right to protection. They also underscored the importance of establishing an orderly mechanism for youth participation in policymaking at the national level. In this respect the participants indicated the significant importance they attribute to inclusive and diverse participation of all population groups. They also noted the importance of consulting with youth on any issue pertaining to their life, particularly issues that have a direct bearing on their life, such as education, sexuality and the digital world. In this regard, some of the participants maintained that it is important to have a bold vision and a long-term plan for children and youth participation, such that the initial focus will be on implementing participation procedures with respect to issues with which children and youth have a high affinity, and after these are firmly established also involvement in general civic issues (such as urban planning and the climate crisis).

The participants also noted that the main motivating factor for children and youth participation is the recognition that their personal voice can make an impact, help others and create change, and this alongside the opportunity for personal development and learning.





Moreover, there was widespread agreement that significant participation must be ensured so that children and youth will want to take part in the procedure, will invest and persist in their participation. In this regard, the participants indicated that they identified several internal and exterior participation barriers, for example insecurity; stage fright; a feeling that adults do not consider the opinion of youth to be important; lack of information and absence of an orderly space and mechanism for expressing their opinions. The participants emphasized that there is a need to recognize the various barriers in order to act to reduce their impact.

### **Suggestions and Plans Proposed by the Youth Participants**

#### **A. Developing a mechanism to establish youth participation and consultation procedures at the national level**

There was broad agreement among the participants regarding the importance of establishing the participation of youth as part of the activities of relevant government offices and agencies in a way that is both binding and orderly, while allowing for flexibility in addressing changing needs. The participants noted a series of aspects that should be addressed in formulating the mechanism for youth participation in policymaking, among them: (1) Conducting participation procedures while taking into consideration diverse modes of participation (physical, online, supporting applications that enable expression in writing and anonymous sharing); (2) Opening the participation procedure to all youth according to the consultation topic; (3) Establishing that the participation of youth is mandatory with respect to defined issues of concern to the life of children and youth; (4) Means of reaching youth and 'recruiting' participants for the procedure; (5) How to consider and assign weight to the opinions presented as part of the procedure, and attributing greater weight to participation of the relevant group should the process pertain to a certain group from among all children and youth (e.g., children from a minority group); (6) Setting expectations and timetables in advance.

#### **B. Developing a set of principles to foster meaningful participation of children and youth in the participation procedure**

The participants suggested formulating a set of principles for meaningful participation from the perspective of the participating youth and its dissemination to the relevant entities in this field. The participants proposed several principles in this regard, among them: ensuring a friendly and pleasant atmosphere while including meetings in an office-professional setting (government offices, Knesset, etc.); Conducting meetings in small groups so as to allow for in-depth dialogue and discourse; transparency in all matters pertaining to the structure of the participation procedure, its purpose and possible outcomes.



### **C. Providing training to children and youth regarding the participation procedure**

Most participants indicated that youth do not have sufficient tools for participation, and that dedicated training should therefore be developed for them. This training should provide tools and develop skills, such as: modes of persuasion and clearly conveying a message; ways to advance policy in Israel; and skills for assessing information credibility. The participants maintained that dedicated training should be conducted prior to every consultation procedure, tailored to the type of participation and its characteristics (with respect to the expected consultation procedure duration, procedure topic, etc.).

### **D. Providing training to policymakers regarding participation procedures**

The participants underscored the need to provide training to professionals and/or policymakers before they conduct participation procedures with children and youth, in the aim of contributing to the quality of the procedure and avoiding conduct and situations which may impair the participation procedure. The training should address, inter alia, the right of children and youth to participate; fostering open discourse with children and youth; emphases for meaningful participation.

### **E. Developing ‘success’ metrics for participation procedures**

The participants raised the need to develop feedback and control mechanisms for participation procedures and to define metrics for measuring ‘successes’ from the perspective of the participating youth. The success metrics should address, inter alia, the actual impact on the issue at hand (which will be reflected in steps taken, albeit initial, or in evidence that their opinions were given serious consideration); the learning and self-development experience from the procedure as well as participant retention; and the extent to which the procedure is ‘continuing’ and serves as a foundation for partnership.



## 1. D. Consultations with Civil Society Organizations

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The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth.

As part of the formulation of policy recommendations regarding youth participation in decision making, two collective consultation meetings were organized (in August 2021), in which participated seven different CSOs. Since there were no existing CSOs whose primary expertise is youth participation, we have opted instead to consult with CSOs whose fields of engagement were representative of different types of youth.

The CSOs were given, in preparation to the collective meetings, a draft of policy recommendation regarding the issue of youth participation and were asked to comment and make suggestions regarding the existing ones, and new ones they deemed relevant.

The CSOs who took part in the consultations were HaShahar HaHadash (an organization working with Arab Bedouin youth in the Negev), the Council of Youth Movements in Israel (a representative organization of Israeli youth movements), Brit HaLeviot (an organization for families of transgender children), Yeladim BeSikuy (an organization working with children placed in residential care facilities), Eshelim (a sub-organization of the American Jewish Joint Distribution Committee, working with youth-at-risk), Elem (an organization working with youth-at-risk) and Brookdale Institute (an applied research institute for social policy),

Generally, the representatives of the different CSOs were supportive of the proposed recommendations; they placed attention on the need for better defined commitments for government ministries regarding the participation of youth, on the inclusion of youth from marginalized groups, and on the need for suitable training for youth on their right to participate (and subsequently, on the acquisition of skills relevant to a meaningful fulfillment of that right). Special attention was placed on the need for a wide change in the social and governmental attitude regarding youth participation, and widespread recognition of its importance. The input of the participant organizations was taken into consideration in the formulation of the final recommendations.



## 1. E. Recommendations: Youth Participation in Policy Design and Implementation

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### 1. Promotion of Legislation and Policy

- A. Require government offices to conduct participation and consultation procedures with youth<sup>7</sup> as part of the measures taken to promote government legislation, design and implement policy, and design national-level programs on issues concerning the lives of children and youth, in the spirit of Article 12 of the Convention on the Rights of the Child regarding the rights of the child. Said requirement may be established (1) as part of designated legislation ;(2) regulations (e.g., pass regulations in respect of the Registration of Information on the Influence of Legislation on the Child's Right Law, 2002); and (3) binding procedures of every relevant office and/or agency.<sup>8</sup>
- B. Adopt guidelines and/or a unique procedure by the Knesset regarding hearing and participation of youth in Knesset committee activities.
- C. Adopt guidelines regarding participation of and consultation with youth in policy formation and implementation as part of cross-sectoral collaborations and public participation procedures in government offices (headed by the Government and Society Division in the Prime Minister's Office).
- D. Include the following aspects in all matters relating to participation and consultation procedures: (1) The identity of the various government offices and agencies responsible for carrying out participation and consultation procedures with youth; (2) Criteria for determining topics and/or fields that require participation and consultation procedures with youth; (3) Principles and courses of action to carry out participation and consultation procedures with youth (see 2.A); (4) Equitable, diverse and inclusive representation of youth in participation and consultation procedures, including special attention placed on ensuring adequate representation of youth with regards to age, gender, religion, place of residence, affinity to the topic of discussion,<sup>9</sup> socio-economic situation and cultural background, particularly ensuring the participation of youth from marginalized population groups in the participation and consultation procedures to adequately reflect all parts of Israeli society; (5) Training conducted for the participating youth and

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7 As indicated in Part A to this chapter, the discussion focuses on participation of youth regarding policy formation and implementation. Concomitantly, the needs and rights of younger children to be heard and to participate regarding policy issues that affect their lives must be recognized, while examining the specific modifications needed for its implementation.

8 Nonetheless, in order to anchor a broad requirement to conduct said youth participation procedures, and to ensure allocation of the required resources and implement the suitable mechanisms for participation procedures among the relevant offices and agencies, promoting the issue through the legislative channel – whether in law or in regulations – is preferable.

9 'Affinity to the topic of discussion': refers to the distinction between representation of youth from certain groups that have direct affinity to the topic of discussion, as opposed to representation of youth from among the general population.



information they require; (6) Weight and effect of youth insights and suggestions on decision-making with respect to the topic of discussion; (7) Feedback to youth regarding their insights and suggestions (why accepted and/or rejected, how they were addressed as part of decision-making, etc.), as well updates regarding the procedure outcomes and the next planned steps; (8) Means to ensure protection of the participating youth (prevent risk of harm, exploitation or threat as a result of youth participation in the consultation procedures; arrangements to prevent violation of privacy and ensure information security, etc.); (9) necessary modifications for participation of and consultation with youth as part of the activity of public committees.<sup>10</sup>

- E. Develop the position of a youth participation supervisor in government ministries (whether as part of the position of public participation supervisor or as an independent position). The supervisor will be the coordinating, consulting and accompanying entity in all matters regarding youth participation and consultation procedures as part of the government agency's work.

## **2. Developing mechanisms, tools and expertise regarding youth participation in policy formation**

- A. Develop a range of mechanisms for participation of and consultation with youth in enacting legislation and in policy formation and implementation at the national level ('participation mechanisms'). Mechanisms will be developed, inter alia, taking into consideration the nature of the participation procedures, their purpose, level,<sup>11</sup> duration, participating entities and topic of discussion.
- B. Learn from the Israel National Council for the Child 'Youth Parliament' program as a 'sample mechanism/model' for relevant government offices and agencies in conducting participation and consultation procedures with youth, with modifications. The modifications will be tailored to the needs, capabilities and special status of government entities when initiating participation procedures. Government entities and civil society will lead the modification measures.
- C. Publish guiding principles for relevant government offices and agencies with respect to deployment of the participation mechanisms and implementation of the required youth participation guidelines (see 1.D). The guiding principles shall address, inter alia, the following aspects: combining in-person and online meetings; inclusion of all the relevant entities in the mechanism and in the various discussions, including government agencies, State authorities, local government representatives, and representatives of academia and civil society; and the numerical ratio between participating youth and participating adults; etc.).

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10 For the removal of doubt, the binding guidelines regarding the participation of youth must provide a certain degree of flexibility to the relevant government offices and agencies in all matters relating to tailoring the participation procedures to the field and/or to the specific topic of discussion.

11 This refers to the level or degree of participation and involvement of the participants in the specific procedure.



- D. Develop a tool to monitor and evaluate youth participation in policy formation and implementation and the extent of their impact on decision-making, based on quantitative and qualitative indicators, in cooperation with civil society and academia. This tool will be the first of its kind for in-depth and data-based assessment of the field of youth participation in policy matters in Israel. The tool will be used to examine, inter alia, the number of participation procedures, the identity of the initiators (government, civil society, youth), duration of the procedure, topic of the procedure, quality of data and training provided within its framework to youth, procedure outcomes, extent of impact and weight given to youth opinions, extent of implementation of youth insights and suggestions in actual decision-making, participants' perception – adults and youth – of the procedure, etc.
- E. Develop a dedicated website that is children and youth-friendly and suitable, where they can suggest initiatives for including youth and consulting with them in shaping and implementing policy. The website should coordinate the different initiatives (whether headed by government entities or civil society), publish the results and findings of procedures that were conducted, and enable youth to register for future participation and consultation procedures.
- F. Develop expertise among policymakers and professionals with respect to consultation with diverse youth populations (e.g., at-risk youth; youth crime victims; youth from diverse ethnic and religious groups; youth with a disability; etc.); ensure best practices and define required accessibility for meaningful participation.
- G. Develop suitable modes and means for the participation of young children in participation and consultation procedures in policy formation and implementation on issues impacting their life.

### 3. Collaborations

- A. Establish a dedicated inter-office and cross-sectoral forum on the topic. The forum will serve as a platform for the exchange of information and best practices and joint learning of advanced participation tools and practices, including in digital means. In this regard, the forum will aim to combine knowledge, resources and expertise from the developing field of public participation in government offices and agencies with the children's rights discourse, the importance of hearing youth on policy issues impacting their life, and the modifications needed to achieve this goal (led by government entities, civil society and local government).
- B. Promote inter-office and cross-sectoral collaborations for carrying out youth participation and consultation procedures (for example on complex issues that involve several government offices).



#### **4. Training**

- A. Provide advanced training to policymakers in relevant government offices and agencies involved in public participation areas and in areas impacting children and youth and expected to participate in such consultation procedures. The training must combine theoretical content (e.g., children's right to participate as stated in the Convention, principles for conducting meaningful participation procedures, the uniqueness of discourse with youth) and practical studies (simulations).
- B. Provide the aforesaid advanced training to relevant entities in local government and civil society organizations involved in promoting and implementing policy in areas affecting children and youth.

#### **5. Education and Providing Information**

- A. Conduct conferences and symposia on the topic of youth participation in policy formation and implementation for policymakers and professionals in the aim of acquainting them with the topic, creating learning and discourse spaces on the topic and promoting its integration in the field.
- B. Include the issue of the right to participate, with an emphasis on consultation in policy formation and implementation, in school curricula. This framework will provide students with information regarding their participation right on issues affecting their life at school and at the local and national level, as well as paths open to them for such participation.

#### **6. Data Collection, Research and Publications**

- A. Establish a data collection procedure by relevant government offices and agencies regarding youth participation and consultation procedures in policy formation and implementation.
- B. Present quantitative and qualitative data regarding youth participation and consultation procedures, once a year, to the Knesset Committee for Rights of the Child.
- C. Conduct an international comparison survey regarding youth participation and consultation in policy formation and implementation in order to identify mechanisms, tools and best practices (led by government, civil society and academia).
- D. Develop a toolkit for youth on the topic of participation in policy formation and implementation. The toolkit will include youth-appropriate information, will specify their participation rights in light of the Convention and in Israel, and will be published digitally and interactively (led by government agencies and civil society).





## Bibliography:

- Arnstein, S. (1969). A ladder of citizen participation. *Journal of the American Planning Association*, 35, pp. 216-224.
- Charlton, J. I. (2000). *Nothing about us Without us disability oppression and empowerment*. University of California Press.
- Collin, P., Lala, G., Palombo, L., Maci, G., & Marrades, R. (2016). *Creating benefit for all : young people, engagement and public policy*. research report, Young and Well Cooperative Research Centre, Melbourne.
- Committee on the Rights of the Child (2020). *Protocol 47, Participation of Youth in Decision-Making - Discussion on the Education System in the Corona Period*. (17 November 2020). (Hebrew)
- Decision 3190 of the 31st Government, "Government, Civil Society and Business Sector Relations as a contributing factor to achieve Public Goals", 24.02.2008.
- Decision 4515 of the 32nd Government, "Joining the International Open Government Partnership and appointing the 'Israeli Forum for Open Government'", 01.04.2012.
- Decision 4028 of the 32nd Government, "Strengthening Governance Capacities, and Government Planning and Execution - Continued Discussion", 25.12.2011.
- Dickinson, E. R. (1999). Citizenship, vocational training, and reaction: continuation schooling and the prussian 'youth cultivation' Decree of 1911. *European History Quarterly*, 29 (1), pp. 109-147.
- Forde, L., Kilkelly, U., Kelleher, D., & Lundy, L. (2020). *The right of children to participate in public decision-making processes*. Save the children, UCC, Queen's University Belfast. London : Save the children International.
- Gertel, G. (2019). *Youth participation in public policy. Initiative for applied research in education*. (Hebrew)
- Haroon, R. (2019). Implementation of child right to participation under UN Convention: Myth and reality. *Journal of Political Studies*, 26(1), 1-17.
- Hart, R. (1992). Children's participation from tokenism to citizenship. *UNICEF Innocenti Research*.
- Hodgkin, R., & Newell, P. (2007). *Implementation Handbook for the Convention on the Rights of the Child*. UNICEF.
- Israel National Council for the Child (n.d.). Retrieved from Youth Parliament: <https://www.children.org.il/youth-parliament/?lang=en>
- Knesset Research and Information center (2016). *Participation of children and youth in decision-making and policy-making procedures*. (Hebrew)



- Knesset News (2017). “Young Knesset” events in the eyes of “Young Reporters”, 16.2.2017. (Hebrew)
- Lundy, L. (2007). Voice” is not enough: conceptualising article 12 of the United Nations Convention on the Rights of the Child.. *British Educational Research Journal*, 33(6), 927–942.
- Lundy, L. (2018). In defense of tokenism? Implementing children’s right to participate in collective decision making childhood. *Childhood*, 25(3), pp. 340-354.
- Ministry of Education (2015). Director General Directive 0051 on School Student Council (Hebrew). <https://apps.education.gov.il/mankal/horaa.aspx?siduri=54>
- Ministry of Justice (2003). *The Sub-committee for the Examination of Basic Principles in the field of law for the child and their application in legislation*. (Rotlevy committee). (Hebrew)
- Ministry of Justice (2018). *Instructions of the Attorney General on the Treatment of government bills, 05 March 2018*. (Hebrew)
- Morag, T. (2019), “These are our lives: the Participation of Children in Risk Situations - Why it Matters and Why it’s complicated”, *Nekudat Mifgash Haruv Publication* (Hebrew). <https://user-1723486.cld.bz/haruv-nekudat-mifgash-17/8/#zoom=z>
- Naamat, A. & Zlotnik Raz, D. (2021). Youth Parliament: Project Report. *Israel National Council for the Child Publication*. (Hebrew).
- Nadiv, M., Ostrovsky, M., & Kremnitzer, M. (2014). *The duty to examine the effects of legislation on children’s rights Proposal for Order By.*. Israeli Democracy Institute. (Hebrew)
- Nigel, T. (2007). Toward a theory of children’s participation. *International Journal of Children Rights* 199., 15 (2), pp. 199-218.
- Peled Amir, T. & Vardi, S. (2017), ‘Guide to Public Participation in Government Work’, *Office of the Prime Minister Publication*. (Hebrew) [https://wiki.sheatufim.org.il/w/uploads/sheatufim/f/f6/%D7%9E%D7%93%D7%A8%D7%99%D7%A\\_%D7%A9%D7%99%D7%AA%D7%95%D7%A3\\_%D7%A6%D7%99%D7%91%D7%95%D7%A8\\_%D7%91%D7%A2%D7%91%D7%95%D7%93%D7%AA\\_%D7%94%D7%9E%D7%9E%D7%A9%D7%9C%D7%94.pdf](https://wiki.sheatufim.org.il/w/uploads/sheatufim/f/f6/%D7%9E%D7%93%D7%A8%D7%99%D7%A_%D7%A9%D7%99%D7%AA%D7%95%D7%A3_%D7%A6%D7%99%D7%91%D7%95%D7%A8_%D7%91%D7%A2%D7%91%D7%95%D7%93%D7%AA_%D7%94%D7%9E%D7%9E%D7%A9%D7%9C%D7%94.pdf)
- Shier, H. (2001). Pathways to participation: openings, opportunities and obligations. *Children & Society*, 15(2), pp. 107-117.
- Thorne, B. (1987). Re-visioning Women and Social Change : Where Are the Children?. *Gender & Society*, 1(1), pp. 85–109.
- United Nations Committee on the Rights of the Child (2016) *General comment No. 20 on the implementation of the rights of the child during adolescence*, 6 December 2016, CRC/C/GC/20.



United Nations Committee on the Rights of the Child (2009). *General comment No. 12 on the right of the child to be heard*, 20 July 2009, CRC/C/GC/12.

United Nations Committee on the Rights of the Child (2003). *General comment No. 5 on the General measures of implementation of the Convention on the Rights of the Child*, 27 November 2003, CRC/GC/2003/5.

United Nations Committee on the Rights of the Child (2013). *Concluding observations on the second to fourth periodic reports of Israel, session 63, CRC/C/ISR/CO/2-4*

United Nations (1997). *Manual on Human Rights Reporting (1997)*. UN Office of the High Commissioner for Human Rights.

United Nations (2002). *Report of the Ad Hoc Committee of the Whole of the twenty-seventh special session of the General Assembly General Assembly Official Records Twenty-seventh special session Supplement No. 3, A/S-27/19/Rev.1, 2002, par. 32(1)*.

United Nations General Assembly (2007). *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106*.

Zlotnik Raz, D., & Windman, V. (2019). *Youth Parliament: Project Report., National Council for the Child Publication*. (Hebrew)

Zlotnik Raz, D., & Almog, S. (2021). *Country Report - Israel., COST Action CA17135 on 'Constitution-Making and Deliberative Democracy' Publication*. <https://constdelib.com/wp-content/uploads/2021/04/Israel-report-CA17135.pdf>

# Protection against Violence and Abuse

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## 2. Protection against Violence and Abuse

### 2. A. The CRC on Child Protection

#### 2. A. 1. The Right to Protection in the CRC

Article 19 of the CRC requires states to take measures to protect children from “all forms of physical or mental violence”. Violence against children is widespread and has a profound impact on the short and long-term development of children. Indeed, a study by the United Nations indicates that violence against children is a global problem that affects children in every society (*UN General Assembly, 2006*), and research indicates that child survivors of abuse are placed at an increased risk of a variety of harmful physical and mental health conditions (*Norman et al., 2012*).

Indeed, the CRC Committee views protection from violence as furthering the right to development under article six, which, according to the committee, embodies a right to physical, mental, and social development (*CRC GC 5, par. 12*). It has taken an expansive view as to the definition of violence under article 19 and prescribed specific measures that states need to implement:

*First*, the Committee emphasized that the Article addresses violence against children in multiple care settings that include the family, education system, and residential institutions (*CRC/C/GC/13, par. 34*). While the Committee recognized that the majority of violence takes place in the familial context, it also noted the widespread and intense violence against children in state institutions (e.g., day-care centers, schools, etc.) and by state actors (*par. 3(h), 3(i)*).

*Second*, the Committee found that article 19 calls for protection against all forms of violence against children, including mental violence, physical violence, sexual abuse, and corporal punishment (*CRC/C/GC/13, par. 20-25*). In the context of corporal punishment, the Committee rejected the position of some states that encouraged an interpretation that would accept “reasonable or moderate” corporal punishment to be in the best interest of the child. (*CRC/C/GC/8, par. 26*). Furthermore, the Committee emphasized that the Article’s protection against “mental violence” included persistent harmful interactions with the child, terrorization, neglect, humiliation and isolation (*CRC/C/GC/13, par. 21*). The Committee specifically noted that mental violence against a child includes his exposure to domestic violence (*par. 21(e)*).

*Third*, the Committee interpreted Article 19 as requiring States-Parties to undertake a broad spectrum of legislative, judicial, administrative, social and educational measures to protect children from violence (*CRC/C/GC/13, par. 11*).



More specifically, the committee noted that identification of violence, a measure which is referred to in Article 19, includes: (1) identification of risk factors to children in order to be able to provide them with preventive services, and (2) identification of actual maltreatment in order to trigger intervention as early as possible (*CRC/C/GC/13, par. 48*). The committee further noted that when abuse and neglect are identified, states are required to provide treatment that will help children recover and reintegrate (*par. 52*).

For the purpose of identifying violence against children, the committee emphasized that states should develop well publicized and confidential mechanisms to report it. That at minimum, professionals working with children should have a duty to report maltreatment (*CRC/C/GC/13, par. 42, 49*). And that children in schools, institutions and alternative care, should have immediate and confidential access to complaint mechanisms (*CRC/C/GC/8, par. 43*).

Furthermore, the Committee expanded on the importance of cross-collaboration among different entities that serve children. It observed that isolated programmes that are not integrated and coordinated have limited success (*CRC/C/GC/13, par. 39*). It recommended effective coordination between different sectors and civil society; a governmental focal point that will coordinate child protection, clear roles and responsibilities among stakeholders; as well as policy decisions informed by data collection and research (*CRC/C/GC/13, par. 16, 42(v), 57(a), 72(i)*). The Committee also called on states to develop trainings for child protection professionals on inter-agency cooperation as well as protocols for collaboration (*par. 50*).

Finally, the Committee has called on states to enact legislation that explicitly prohibits corporal and other forms of degrading punishment (*CRC/C/GC/8, par. 34*). It has also raised concern that some states may have such legislation in place but that it is not being enforced due to traditional attitudes that imply that these forms of punishment are justifiable (*CRC/C/GC/8, par. 32*).



## 2. B. Identification of Children's Abuse and Neglect in Israel

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The identification of children who are subject to neglect and abuse is crucial for proper intervention and prevention. This mission is particularly challenging given the high number of children involved: It has been estimated that 1 out of 5 children in Israel are subject to abuse or neglect (*Wiesel, 2016*).

The following will provide an overview of: 1) Israel's statutory framework which mandate reporting of abuse and neglect; and 2) challenges to the implementation of law and policy designed to improve the detection of violence against children.

### 2. B. 1. Legal and Regulatory Framework

Under Israeli law all adults must report to the police or a child welfare social worker as soon as they have a reasonable basis to believe that a person responsible for a child committed against him enumerated crimes that include sexual offenses, abandonment and assault (Penal Law, § 368d, (1977)). An individual who is convicted of failing to report is subject to up to 3 months of imprisonment (§ 368d(a)). Doctors, nurses, police officers, psychologist, criminologists, paramedics and those who work in the education and child welfare systems are subject to up to 6 months of imprisonment for a failure to report (§ 368d(b)). The legislation also requires reporting about children who are victims of sexual offenses by minors in their family, reporting by a person responsible for a child of crimes committed by another person responsible for the child, as well as reporting of violent crimes committed against children in residential facilities and educational institutions (§§ 368d(c), 368d(c1-3), 368d(d)).

Criminal prosecutions for failure to report child abuse are rare (*Shoham, 2018, p. 11*). At the same time, research suggests that the existence of the mandatory reporting law raised awareness to child abuse and significantly increased its reporting.<sup>12</sup> In 2018, Child welfare authorities received 50,000 reports of child maltreatment, 17% of those reports involved violence and 11% involved sexual abuse (*Knesset News, 2020*).

### 2. B. 2. Policy and Implementation Challenges

As will be discussed below, there are four salient gaps in the implementation of laws and policies aimed at the detection of children who are victims of violence. These include: 1) lack of training for professionals who come into contact with children; 2) lack of public

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12 For a comprehensive overview of various aspects of the mandatory reporting law in Israel, see Doron 2012. For other discussions of the mandatory reporting law, see Shoham 2018, Morag 2018. For an empirical research demonstrating an increase in child abuse and maltreatment report following enactment of mandatory reporting laws, see Tonmyr et al. 2018.





awareness and education; 3) lack of information sharing between institutions; and 4) lack of child friendly mechanisms to report abuse and neglect.

### **i. Professional Training**

The importance of training for professionals who work with children is well settled and recognized. By way of example, the Ministry of Education, in training materials it prepared on the subject, noted that children who are abused often approach teachers who they see as trusted adults and that for the teachers' response to be effective they must undergo training (*Ritvo & Goldstein, 2006*).

Nonetheless, despite this recognition, such trainings are not compulsory. In a July 2020 hearing by the Labor, Welfare and Health Committee of the Knesset, a representative of the Ministry of Education conceded that until then only school advisors were required to participate in trainings, and made a commitment that the ministry will communicate to schools that all teachers will have to be trained (*Knesset News, 27.7.2020*).

In this context, there is evidence that challenges concerning the trainings of personnel are not limited to the Ministry of Education. A 2020 survey of 655 professionals who work with children in the education, medical, justice, and social work fields revealed that a staggering 53% of them did not know how to act once they become aware of child abuse. Furthermore, less than half reported undergoing training on the subject (*Haruv Institute, n.d.*).

It is notable that legislation has been drafted to require that licensed professionals in the fields of medicine, child welfare, and education who work with children will have to undergo training pertaining to the identification of child abuse as a condition to receiving their licenses.<sup>13</sup> However, this legislation has yet to pass.

### **ii. Public Awareness**

In recent years, there has been a significant initiative to improve public awareness about the duty to report child abuse. Collaboration between philanthropists, NGOs, the private sector, and government lead to the creation of "MeHalev" – a child abuse prevention initiative (*Ofir, 2019*). MeHalev has spearheaded campaigns designed to raise awareness to child abuse and the duty to report; these include online campaigns with a wide outreach and on the ground campaigns, which include the distribution of informative material (some in collaboration with the Ministry of Education).

Nonetheless, there is evidence that more has to be done in the realms of public education and outreach. A recent survey shows that more than half of the Israeli public is not aware

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<sup>13</sup> See for example, the recent proposal for a "Training for Professionals regarding Identification and Report of Child Abuse" Law, 2021, submitted by MK Keren Barak (similar proposals by various MKs were submitted in previous years as well).



of the legal duty to report child abuse. The same survey shows that 43% of the public would not report child abuse out of a concern that the report would harm the child (*Ofir, 2018*).

### iii. Information Sharing

A decade ago, public outcry about an incident where a murder of a young girl went unreported and undetected for months led to the creation of a cross ministerial committee that made various recommendations designed to improve the detection of child abuse (*Pollak-Cohen & Zlotnik, 2018*). A central finding of the committee was that often different entities have only partial information about at-risk children, and that the sharing and cross referencing of this information can lead to early identification. The committee further found that confidentiality laws are a significant obstacle to data sharing and recommended the passage of legislation that will enable sharing of confidential information about children who may be subject to abuse (*Vinter Committee 2010, p.13-14*).

As a result of the committee's work, the Ministry of Labor, Welfare and Social Services developed legislation that would allow child welfare authorities, in cases where children are at risk, to request information from medical, mental health and other professionals (the proposed Receiving, Provision, and Sharing of Information About a Minor or His Family Member Law (2010)). In addition, the proposed legislation would allow these professionals to initiate information sharing with the child welfare authorities. The Israel National Council for the Child, which has been supportive of information sharing reform, noted that the proposed legislation was deficient as it did not cover professionals from the education system and did not provide for information disclosure by child welfare authorities to other professionals (*Pollak-Cohen & Zlotnik, 2018*). As of to date, there has been no progress with the passage of any relevant legislation, and the central recommendation of the committee remains unaddressed.

### iv. Lack of Child-Centered Complaint Mechanisms

Research suggests that children are not inclined to report abuse to professionals and instead predominantly report abuse to their friends and family. With respect to sexual abuse, children are more likely to report to a friend than a family member (*Eisikovits & Lev-Wiesel, n.d., p. 4*). Furthermore, while children mostly report abuse in face-to-face communications, they become more inclined to anonymously report via platforms such as SMS and the internet when the abuse is more severe (*p. 5*).

Despite this preference to avoid reporting to professionals, there is data that suggests that children do make report to entities that are accessible to them. For example, in 2019, Child Protection Centers that are designed to evaluate and investigate claims of abuse, received 871 reports from children (*Levy, 2020*). Additionally, an ombudsperson for children in foster care does occasionally receive complaints about crimes against children which it refers to



appropriate authorities (*Commissionership for Child and Youth Out-of-Home Complaints, 2020, p.11*). Furthermore, the National Council for the Child is at times a recipient of complaints of abuse and neglect.

Nonetheless, there does not seem to be readily available information for children about organizations and entities they can contact when they are abused or become aware abuse against their friends. Nor are there systems that are uniquely tailored to receive reports from children in a way that considers their reluctance as well as the communication platforms they prefer.



## 2. C. Children Exposed to Violence

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Exposure of children to domestic violence has been broadly defined as “exposure to the multiple experiences of children living in homes where an adult is using physically violent behavior in a pattern of coercion against an intimate partner” (*Edleson & Nissley, 2011*). In 2020, it was estimated that in Israel there were 600,000 children who were exposed to domestic violence (*WIZO, 2020*). These high numbers are of concern as there is consensus among researchers that children exposed to domestic violence will experience “negative effects pertain[ing] to emotional and behavioral functioning, social competence, school achievement, cognitive functioning, psychopathology, and general health” (*Wolfe et al., 2003*). The following will provide an overview of 1) Israel’s statutory and legal frameworks with respect to children exposed to domestic violence and 2) the policies and practices designed to address their needs.

### 2. C. 1. Legal and Regulatory Framework

Israel’s statutory scheme is devoid of any direct reference to children who are exposed to domestic violence. As will be detailed below, for children who are abused or neglected, Israeli law provides for mandated reporting and provision of initial medical and mental health assessments. However, given that children exposed to domestic violence are not mentioned in the law, it is unclear whether these remedies apply to them. Furthermore, the law is unclear as to whether the Juvenile Court has the power to intervene through dependency (“nizkakut”) proceedings in the family units of children exposed to domestic violence.

#### i. Duty to Report

Israel’s penal law imposes criminal penalties for failing to report child abuse and neglect to a child welfare social worker or the police (Penal Law 1997, Art. 368d(a)). Professionals such as teachers, doctors and nurses have a heightened burden of reporting (Art. 368(b)). The relevant statute lists reportable crimes against children which include: prostitution, sexual abuse, abandonment, assault, human trafficking, and endangerment of life and health (Art. 368(g)). Since there is no specific reportable crime of exposure to domestic violence, there is lack of clarity as to the circumstances where a legal duty to report it arises.

In addition, children who are victims of the listed reportable crimes are entitled to receive assistance at centers that include initial mental health and medical assessments, as well as contact with law enforcement representatives (Assistance to Minor Victims of Sexual and Violent Offenses Law, 2008). Thus the lack of clarity also creates uncertainty about exposed children’s access these centers.



## ii. Access to Treatment Without the Consent of the Offending Parent

Under Israeli law, each parent has the power to object to medical or mental health treatment for a child (Legal Capacity and Guardianship Law, 1962, Art. 18). However, when parents are criminally indicted for sexual abuse or certain crimes of violence against their children, the children can receive mental health and medical services without the offending parent's consent (Legal Capacity and Guardianship Law, 1962, Art. 27(b), Patients' Rights Law, 1992, Art. 16(a)). This statutory exception to parental consent does not mention and does not apply to children exposed to domestic violence.

It should be noted that in 2020, the Israeli legislator amended the law to suspend a parent's guardianship rights towards a child when the parent is indicted for murdering or attempting to murder the other parent, or raping the child (Legal Capacity and Guardianship Law, 1962, Art. 27(a)). Thus, in the narrow circumstance when domestic violence results in charges of attempted murder or murder, treatment can be provided to the child without the offending parent's consent.

## iii. Court Intervention in the Family Unit

Israeli law authorizes a child welfare social worker to bring dependency proceedings against parents in the Juvenile Court (Youth Law (Care and Supervision) 1960, Sec. 3.). The law gives the juvenile court the power to intervene in the family unit in a number of circumstances including: when minors are neglected by their parents, are subject to negative influence in the home, and when their health or wellbeing is at risk (Sec. 2). The law does not provide guidance as to whether children exposed to domestic violence fall under these definitions, resulting in uncertainty about the court's power to intervene.<sup>14</sup>

## 2. C. 2. Policy and Implementation

As will be detailed below, Israel does not have a comprehensive policy in place with respect to children exposed to domestic violence. First, the entities that come into contact with children exposed to domestic violence do not have set policies and data collection practices with respect to them. In the criminal justice system, there are no prosecutorial guidelines on the subject and limited police guidelines. And while certain therapeutic responses to the plight of children exposed to domestic violence exist, there is no comprehensive policy pertaining to identification and treatment.

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<sup>14</sup> It is notable that if a juvenile court does exercise jurisdiction over a child exposed to domestic violence, it has broad authority to issue orders that have a major impact on a child's life, including court-ordered supervision and removal of the child from the home; see Youth Law (Care and Supervision) (1960), Sec. 3. Other courts in Israel also have discretion to make decisions about children exposed to domestic violence. By way of example, Israel family courts and religious courts are all authorized to address family violence by entering orders of protections against the aggressor. See Domestic Violence Prevention Law (1991), Sec. 2.



### i. Lack of Systemic Responses and Data Collection

In Israel, there are multiple entities that come into contact with children exposed to domestic violence. These include Police, Child Protection Centers which provide initial assessment and interview children who suffer physical, emotional abuse; Child Welfare Social Workers; Juvenile Courts, as well as the educational system. These entities currently do not have set up policies designed to identify and respond to children who are exposed to domestic violence. In fact, the lack of response extends to failure to merely count the children exposed to domestic violence. Indeed, an intergovernmental committee on violence in the family recognized that “there is a clear lack of systematic collection of data about children and adolescents” (*Ministry of Internal Affairs, 2016, p. 52*). The committee further recognized that the treatment of domestic violence in the family “is spread among many entities, which many times results in obstacles with respect to treatment and ensuring the rights of those who are hurt by family violence.” (*Ministry of Internal Affairs, 2016, p. 65*). Most recently a State Comptroller report noted that there has been no progress in implementing a recommendation by that committee to centralize data collection about intimate partner violence (*The State Comptroller, 2021, p. 457*).

### ii. Lack of Guidelines in the Criminal Justice System

Israel’s State Attorney has published a number of guidelines with respect to the prosecution of crimes of violence within the family that cover: adults accused of assaulting children (*The State Attorney, 2019*); neglecting their children (*The State Attorney, 2017*); and standing idle while the other parent abuses or neglects their children (*The State Attorney, 2018a*). There is also a guideline of the Office of State Attorney with respect to prosecutors’ requests to hold in custody individuals who commit violence within the family (*The State Attorney, 2018b*). However, the State Attorney has yet to issue a specific guideline that addresses children who are exposed to domestic violence.

In that context, it should be noted that in 2021, on a case of first impression, a father was convicted for child abuse when he attempted to murder his wife as their toddler child was in close proximity (*Be’er Sheva DC, State of Israel v. Aviad Moshe, 5589-10-20, 2021*). Given that there are no prosecutorial guidelines on the subject, it remains to be seen whether, and in what circumstances, additional child abuse indictments will be brought against parents who expose their children to domestic violence.

Additionally, Israeli Police guidelines with respect to violence within the family do not mention the harm caused to a child’s exposure to domestic violence as a factor that needs to be considered in the decision to bring charges, close a case for lack of public interest, or ask for increased sentences (*Israel Police, 2014*).



Furthermore, the guidelines do not require a police officer to report to a child welfare social worker that a child was exposed to domestic violence. All the guidelines say is that a police officer responding to a domestic violence call must make a report to child welfare authorities when partners involved in domestic violence have children below the age of 14, there is risk to the children due to factors such as drug abuse, the crime involves severe injuries, there was use of a weapon, or a sexual offense has been committed in the presence of the child (*Israel Police, 2014*).

### iii. Lack of Comprehensive Treatment and Services

In 2017, WIZO, a prominent national provider of services to families and children alerted that there are no established procedures in the Israeli education system for the identification of children exposed to domestic violence and that there are no treatment and prevention programs for these children (*WIZO, 2017*). In that context, it should be noted that an initiative by the Ministry of Welfare, Labor and Social services does offer group therapy to children exposed to domestic violence (*Ministry of Labor, Welfare and Social Services Website*). However, given that there are no comprehensive plans in place that include budgeting, programming, and recruitment of professionals to serve children exposed to domestic violence, it is hard to estimate whether additional services will be put in place in the future.

Finally, the lack of planning around children exposed to domestic violence takes a unique toll on adolescents whose parents chose to enter domestic violence shelters. A recent State Comptroller report indicates that these shelters reject victims who have adolescent children, and has recommended that shelters develop responses for this population (*The State Comptroller, 2021, p. 523-524*). One unintended consequence of this problem is that a parent may choose to find an alternative arrangement for the adolescent child in order to enter the shelter. This may result in trauma of separation from the parent and younger siblings.





## 2. D. A Youth Perspective on Identification of Distress

### Youth Insights and Recommendations: Detection and Identification of Distress Situations among Youth

Youth graduates of the Israel National Council for the Child [Youth Parliament](#), that aims to foster participation of youth in policy formation and formulation at the national level, took part in a consultation procedure regarding identification and detection of distress and crisis situations among youth, approaching assistance entities, and tailoring responses to youth needs during routine times and in times of crisis. This consultation procedure began at the time of the COVID-19 pandemic, and included advance and detailed explanations to the participants, anonymous and individual conversations on the issue and a face to face meeting with professionals in the field (senior officials from the Ministries of Welfare, Education and Justice, and a representative of academia) who are members of the COVID-19 cross-sectoral roundtable for children and youth in the Prime Minister's Office. In the joint meeting the participants discussed the insights, opinions and suggestions of the youth participants on the issue.

### Main Insights, Opinions and Viewpoints

The youth participants in the consultation procedure noted that *in their opinion 'distress' situations do not only refer to a classification from among a list of situations (such as violence, violation of privacy, etc.) but rather internal feelings* such as lack of control and helplessness – which was especially prominent during the COVID-19 period, in which even a certain change in routine life could create a sense of instability and translate into a feeling of distress and anxiety. Most of the participants agreed that new difficulties and distress situations arose during the pandemic (such as lockdown and quarantine situations and the transition to a new and online form of study), while exacerbating existing distress situations. The participants indicated several general barriers that hinder youth from requesting help, for example fear of unwanted exposure; fear of being rejected and judged, and concern of harming the family along with a concern that the sharing will develop in unknown directions and the authorities will be informed without their consent. In this regard the participants noted that *there is considerable reticence among youth regarding social services agencies and the police, and that they are familiar with the activity of social services only in cases of threatening scenarios such as 'removal from the home'*. Furthermore, the participants maintained that *a precondition for requesting help is the youth's self-acknowledgment that they are in distress*. Some participants also added that sometimes, even if a youth signals distress, it is difficult to detect owing to the prevalent cynical and humoristic discourse among youth.

*Most of the participants preferred friends or their peers as the first persons to confide in and noted that if a friend of theirs was in distress, they would first try to handle "the situation"*



as best they could, even if they did not have clear knowledge regarding the issues in which they could offer help by themselves. Some participants thought that reporting a friend's condition is the last resort and that an additional entity should be involved only when there is real danger, otherwise trust will be breached and the situation will deteriorate. At the same time, some shared that in specific situations their ability to help is limited, and at a certain stage they would refer the person to a close entity (for example a parent or an educator). In any case, *the participants emphasized that a basic prerequisite in helping youth in distress and risk situations is an attitude of respect and not labeling them as "helpless",* and shared their suggestions of ways and guiding principles to encourage youth to ask for help while minimizing the barriers to do so. Thus, among other things, they indicated the following principles: providing a foundation of security, time and space; mutuality on the part of the assisting entity who will share their own difficulties; normalizing and reducing stigma; developing a personal relationship and showing interest in the person who seeks help; joint consultation before taking any steps. Furthermore, *the participants emphasized the importance of ensuring that the youth understands that the entity which they turn to can help in their situation, as well as the great importance of providing an explanation about the assistance process and its possible ramifications, while maintaining privacy.*

### **Suggestions and Plans Proposed by the Youth Participants**

#### **A. Add regular meetings with treatment professionals in the school framework**

The participants called on the Ministry of Education to place a treatment entity in schools who will conduct weekly discussions with students that will include mental and emotional content, as well as regular individual sessions with every student (also online). According to the participating youth, this suggestion is vital during routine times, and all the more so during emergency times such as the COVID-19 pandemic. The reason being that continuous sessions can provide an anchor to the boy or girl, and based on the continuing relationship their referral may be easier and more natural.

#### **B. Tailor diverse responses for children and youth**

The participants underscored the importance of diverse assistance mechanisms tailored to the preferences of and diversity among youth. They also offered several suggestions in this regard, such as conducting online discussion groups with youth for sharing and support, establishing an integrative and friendly website for children and youth, with several communication channels that will be available during most of the day (online correspondence and also via WhatsApp and Telegram; telephone; video; option to meet in person, etc.) while providing written information and clips that will also be available for those not actively seeking help. The participants also emphasized the need to provide an option to inquire anonymously, as well as tailoring responses for different groups, for



example at-risk youth who do not attend an education institution on a regular basis, as well as for youth who do not have access to digital means and to the internet.

#### **C. Publish information and raise awareness about assistance entities offering help**

The participants emphasized the importance of ensuring that children and youth know about assistance entities, and this in light of the fact that most are not familiar with the main ones (such as the 105 Hotline). The participants suggested publishing information about assistance entities on social media while also displaying information in public places that provide privacy, as well as through schools, while publishing cases in which assistance led to the optimal solution. The participants stressed the importance of providing information about the help entity through individuals trusted by the child or youth (from the education world, etc.) who recommends the entity based on their familiarity with it.

#### **D. Provide training for youth**

The participants recommended conducting training for youth in order to enhance their ability to identify and take action in distress situations, their own and those of their friends. This training should include acquaintance with distress signals; ways to normalize the situation, dissolving shame and increasing mental resilience; providing information about various help entities, including in-depth acquaintance with the social services system and with police procedures, and also learning how to best respond to friends who have been harmed.

#### **E. Design an interim model of young people and youth who provide initial assistance**

Some participants suggested training youth as first responders through school that will 'mediate' the case to an authority figure that will then find the suitable assistance. As they see it, owing to their close age and similar interests, youth will find it more natural to turn to them, particularly if they themselves experienced a crisis. Some participants thought that it would be preferable for the assistance to be offered by young adults (such as young people in national service). Nonetheless, there was agreement that those providing assistance must receive suitable training and receive close professional accompaniment.

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## 2. E. Recommendations: Protection against Violence and Abuse

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### 1. Promotion of Legislation and Policy

- A. Promote legislation requiring professionals in the health, social services and education systems who work directly and closely with minors in their surroundings (such as education workers, physicians and nurses, social workers and psychologists), and whose profession requires a license or certification, to undergo dedicated training on identifying and reporting child abuse as a condition for receiving the license or certification.<sup>15</sup> This training must also include content dedicated to identifying and reporting children exposed to violence in the home.
- B. Promote legislation requiring professionals working in the health, social services and education systems who work directly and closely with minors in their surroundings to undergo periodic refresher trainings on identifying and reporting child abuse.
- C. Formulate policy that will regulate and provide guidance with respect to indicting perpetrators in situations in which children are exposed to violence between their parents, by issuing a State Attorney Guideline on the matter. The relevant guideline will regulate and regularize the filing of an indictment against a parent when a child is exposed to domestic violence, similar to the case of Shira Isakov, in which an indictment was filed for abuse of a minor due to exposure of their child to the attempted murder.
- D. Appoint referents for two designated specialties: (a) Domestic violence and (b) Sexual offence against a child, in the various public agencies that engage with children: Israel Police, Child Investigation Services, State Attorney's Office, the court system, social services and the education system. These referents will be responsible for all matters relating to (a) children exposed to violence and children who are victims of violence and; (b) children who are victims of sexual offences handled by these agencies. The referents will be responsible for tailoring responses with respect to these children according to the required sensitivity, and for collaboration between the various agencies with respect to these children. The referents in the various agencies will undergo dedicated and ongoing training and will be the contact persons for both the victims and the other agencies.
- E. Conduct training for family court judges and for individuals working in departments for children's inclusion ("Meshi")<sup>16</sup>, on the issue of the effect of domestic violence on

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15 Similar to the proposed Law of Training for Professionals to Identify and Report Child Abuse (2019), submitted to the 22nd Knesset.

16 Government units responsible for the inclusion of children's testimonies in courts (מחלקות לשיתוף ילדים).



children, and the optimal way of hearing children exposed to domestic violence in the courts and their designated assistance units.<sup>17</sup>

- F. Promote legislation that will abolish the requirement to obtain consent for medical treatment for a child that was exposed to violence from the parent indicted for domestic violence.

In domestic violence cases, the harming parent may have a vested interest in not consenting to treatment which his or her child needs, for reasons that are not necessarily in the best interest of the child (for example, so as not reveal additional harm caused or to exert pressure on the other parent or on the minor). To overcome this situation legislation should be promoted that will enable a child to receive access to treatment even without the consent of a parent indicted for violence.

- G. Develop long-term holistic individual and family treatment programs for children exposed to violence and child victims of violence that will be provided by child welfare authorities. These programs will enable supervision and a suitable treatment response to the child, also in the event that the criminal case is closed, as well as the transfer of information between the professional entities treating the child.

## **2. Deployment of Services, Human Resources and Training**

- A. Widen the deployment of treatment frameworks for children exposed to violence and child victims of violence (parent and child centers, “Netivim Lehorut” [Pathways to Parenthood], domestic violence prevention centers), and increase the allocation of positions in these entities in order to address the shortage of treatment responses for these children.
- B. Establish shelters that include adolescent units, deployed nationwide, that will be able to provide an optimal holistic rehabilitative response to the parent and to his or her children, and to minimize further harm to the child and to the family unit. These shelters will prevent separation of adolescents from the parent who was a victim of the violence and from their siblings due to an age limitation, as is the case in most currently operating shelters.<sup>18</sup>
- C. Formulate a plan to address the shortage of allocated positions for social workers in social services departments who work with child and youth abuse victims, by increasing

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17 And this in accordance with the child’s right to be heard; See Section 258(33)2 of the Israeli Civil Procedure Regulations (1984).

18 According to the Social Work Regulations, female victims of violence who require treatment and/or protection can stay in shelters with children up to the age of 13 for several months, and thus their adolescent children remain with the harming parent or with other family members, or are removed from the home to alternative frameworks (boarding school frameworks/foster care/emergency centers, etc.).



the number of allocated positions and filling unfilled positions – mainly of social workers who work with youth and social workers treating domestic violence. Increased allocation of positions will be achieved through gradual complementing funding (“differential matching”) of the funds provided by the government to local authorities. The differential funding will be structured so to ensure effective allocation of positions in low-ranked socioeconomic local authorities.

- D. Develop and subsidize training regarding identification and detection of child abuse victims for staff in informal educational frameworks who engage with children and youth (counselors in out-of-home frameworks, youth movements and after school activities instructors, youth advancement workers, service year volunteers who work with youth, etc.).
- E. Develop online help platforms for child and youth victims and their friends, and coordinate them in a dedicated website; these channels will include online correspondence options, video consultation and an option for anonymous inquiries. These solutions will be tailored to the needs of diverse youth groups (such as at-risk youth).

### **3. Education and Information**

Place responsibility on the Ministry of Social Affairs and Social Services, on the Ministry of Public Security and on the Ministry of Education to conduct campaigns aimed at increasing public awareness regarding the scope of child abuse, its severity and ramifications. More specifically, design campaigns aimed at raising awareness among children who are victims of abuse and children who witnessed abuse, in order to inform them about hotlines and help entities.

### **4. Inter-Ministerial and Cross-Sectoral Collaborations**

- A. Establish a dedicated and multidisciplinary forum comprised of representatives of government ministries, local government and civil society on the issue of domestic violence. The forum will be tasked with formulating work plans and advancing procedures regarding the rights of children exposed to violence and child victims of violence.
- B. Establish mechanisms for joint work conducted between professionals and agencies accompanying the child (Tipot Chalav [Family Health Centers], healthcare services, educational institutions, social services, etc.) in order to create a treatment-service continuum for children exposed to violence and child victims of violence.
- C. Pass legislation that will enable sharing of confidential information about children who may be subject to abuse in accordance with Vinter Committee’s (2010) finding that certain confidentiality laws are a significant obstacle to data sharing and cross referencing which can lead to early detection of abuse.



D. Develop a computerized system for information sharing between entities treating children, in order to cross-reference information about at-risk children, identify and detect at-risk children and assess a child's risk; this, according to the recommendations of the Vinter Committee (2010). The system will ensure the right of children to protection, while providing the utmost protection of their right to privacy.

## **5. Data Pooling**

Establish a procedure for collecting data about the number of children exposed to violence and of child victims of violence, from every governmental service that engages with these children, according to the structure of the organization (Israel Police, Youth Law social workers, protection centers, psychological counseling Service, etc.) and according to the agency's activity with these children (children who are witnesses in a criminal investigation, live in the home of adults investigated for violence, children treated individually by social services or the education systems, children in out of home placement, etc.).

This data will be pooled and published regularly, with the aim of assessing the scope of the phenomenon and the number of children known to the agencies as exposed to violence and as violence victims, and among them the number of children receiving treatment, by governmental agencies.





## Bibliography:

- Commissionership for Child and Youth Out-of-Home Complaints (2020), *Yearly Summary Report 2020*. (Hebrew) [https://fs.knesset.gov.il/23/SecondaryLaw/23\\_scl\\_rp\\_590604.pdf](https://fs.knesset.gov.il/23/SecondaryLaw/23_scl_rp_590604.pdf)
- District Court of Be'er Sheva, State of Israel v. Aviad Moshe, 5589-10-20, 2021.
- Doron, I. (2012). *Duty to Report in Israel – Policy Paper for the Ministry of Welfare*. <https://social-work.biu.ac.il/sites/social-work/files/shared/divuach.pdf>
- Edleson, J., Nissley, B. (2011). *Emerging Responses to Children Exposed To Violence*, VAWnet: The National Online Resource Center on Violence against Women, National Resource Center on Domestic Violence (NRC DV).
- Eisikovits Z., Lev-Weizel R., (n.d.). *Abuse, Neglect and Violence against Children and Youth in Israel, Between Prevalence and Reporting – Data Compilation*. University of Haifa (Hebrew)
- <https://www.knesset.gov.il/committees/heb/material/data/yeled2013-11-12.doc>
- Haruv Institute (n.d.). *It is time for training for professionals regarding identification and reporting of child abuse as a prerequisite for accreditation*. (Hebrew)
- [https://fs.knesset.gov.il/23/Committees/23\\_cs\\_bg\\_577891.pdf](https://fs.knesset.gov.il/23/Committees/23_cs_bg_577891.pdf)
- Israel Police (2014). Guideline 300.13.226: Police Treatment of Domestic Violence Offenses. (Hebrew) [https://www.police.gov.il/menifa/05.300.13.226\\_1\\_P.pdf](https://www.police.gov.il/menifa/05.300.13.226_1_P.pdf)
- Knesset News (27.7.2020), *1 Out Of Five Children in Israel Experiences Physical, Sexual or Other Abuse*. <https://main.knesset.gov.il/News/PressReleases/pages/press27072020b.aspx>
- Ministry of Internal Affairs (2016). *Report of the Committee on the Treatment of Violence within the Family (2016)*. (Hebrew). Accessed from: [https://www.gov.il/he/departments/publications/reports/domestic\\_violence\\_committee\\_report\\_2016](https://www.gov.il/he/departments/publications/reports/domestic_violence_committee_report_2016)
- Ministry of Labor, Welfare and Social Services (2020). *Operations of Protection Centers – Summary of the Year 2019*, letter addressed to the Committee for the Rights of the Child (31.3.2020). (Hebrew)
- [https://fs.knesset.gov.il/23/Committees/23\\_cs\\_bg\\_579377.docx](https://fs.knesset.gov.il/23/Committees/23_cs_bg_579377.docx)
- Ministry of Labor, Welfare and Social Services, *Treatment of Children Exposed to Violence* (Hebrew) Accessed from: <https://www.molsa.gov.il/ProjectShmid/IndexedProjects/Pages/NProgChldRiskDetails.aspx?ListID=93a3a026-93f8-4393-a946-7c44751d8661&WebId=928f76ea-f727-4136-85b3-2b4d736a2277&ItemID=439>
- Morag, T. (2018). *Duty to Report – Twenty Years After*. *Nekudat Mifgash*, 15, p. 37-38.



Norman RE., Byambaa M., De R., Butchart A., Scott J., et al. (2012). The Long-Term Health Consequences of Child Physical Abuse, Emotional Abuse, and Neglect: A Systematic Review and Meta-Analysis. *PloS Med*, 9(11): e1001349, doi:10.1371/journal.pmed.1001349

Ofir A. (2018). Half of the Public Will Not Report Suspicion of Child Abuse, *Nekudat Mifgash*, 15, p. 17-19.

Ofir A. (2019). Prevention of Child Neglect and Abuse, *Nekudat Mifgash*, 14, p. 67-69. Accessed from: <https://me-halev.org.il/wp-content/uploads/2018/02/Haruv-Digital24.1.18.pdf>

Pollak-Cohen, C., Zlotnik D. (2018). Have We Learned The Lesson and Will We Able to Save the Next Children, *Nekudat Mifgash*, 14, p. 35-37. (Hebrew)

Ritvo B., Golstein S. (2006). *Identification of At Risk Children – An Orientation, Guidebook for Educational System Employees*. Ministry of Education. (Hebrew)

<https://meyda.education.gov.il/files/shefi/pirsomim/miniut/ituryeladimbekun.pdf>

Shoham, O. (2018). 30 Years to the Duty to Report – An Overview. *Nekudat Mifgash*, 15, p. 10-15. (Hebrew)

The State Attorney (2017). *Guideline 2.13: Indictment Policy of Parents for Neglect of their Children or Leaving Them Unsupervised in a way that endangers them*. (Hebrew)

The State Attorney (2018a). *Guideline 2.6: Prosecution Policy in Indicting Partners of Abusive Parents*. (Hebrew)

The State Attorney (2018b). *Guideline 5.18: Placing in Custody in Domestic Sexual and Violence Offenses*. (Hebrew)

The State Attorney (2019). *Guideline 2.4: Prosecution Policy in Indicting Offenses of Assault on a Minor or a Helpless Person*. (Hebrew)

The State Comptroller (2021). *The Local Government Audit Report for 2021*. (Hebrew) Accessed from: <https://www.mevaker.gov.il/sites/DigitalLibrary/Pages/Reports/7098-5.aspx?AspxAutoDetectCookieSupport=1>.

Tonmyr, L. et al. (2019). Does mandatory reporting legislation increase contact with child protection? – a legal doctrinal review and an analytical examination. *BMC Public Health*, 18.

<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-018-5864-0#Sec17>

UN Committee on the Rights of the Child (CRC) (2003). *General comment no. 5: General measures of implementation of the Convention on the Rights of the Child*, 27 November 2003.



UN Committee on the Rights of the Child (CRC) (2006). *General comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment*.

UN Committee on the Rights of the Child (CRC) (2011). *General comment No. 13 (2011): The right of the child to freedom from all forms of violence*.

UN General Assembly (2006). *Report of the independent expert for the United Nations study on violence against children*.

Vinter Committee (2010). *Identification of minors at risk and the formation of safety network in the community: the inter-ministerial commission report*. Ministry of Welfare and Social Services, Ministry of Health, Ministry of Education, Ministry of Industry, Trade and Labor, Ministry of Public Security and Ministry of Aliyah and Immigrant Absorption. (Hebrew)

Weizel. R, et al. (2018). Prevalence of Child Maltreatment in Israel: A National Epidemiological Study. *J. Child Adolescent Trauma*, 11(2), p. 141-150.

WIZO (2020). 2019-2020 Yearly Violence Index. (Hebrew). Accessed from: [http://www.wizo.org.il/page\\_35805](http://www.wizo.org.il/page_35805)

WIZO (2017). WIZO Exposes the violence index of Israel for 2017- Failure in the Treatment of Children Exposed to Violence. (Hebrew). Accessed from [http://www.wizo.org.il/page\\_35690](http://www.wizo.org.il/page_35690)

Wolfe D., et al. (2003). The Effects of Children's Exposure to Domestic Violence: A Meta-Analysis and Critique. *Clinical Child and Family Psychology Review* 6, 171-187.

# Children in the Digital Environment

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### 3. Children in the Digital Environment

The influence of the digital environment on children's daily lives is well-established. Globally, children today go 'online' to study, play, socialize and participate - thus introducing the internet to almost every aspect of their lives (*Livingstone & Bulger, 2014, p. 317*).

Today's children were born into the midst of the information age and grew up in an environment saturated with advanced information and communication technologies (ICT). Thus, they are often viewed as 'digital natives' and as naturally proficient in the use of digital technologies (*Prensky, 2001; CRC/C/GC/20, 2016, par. 2*). In recent years, various functions relating to children's lives have become increasingly reliant on the digital environment, and this is especially the case at times of crisis (such as COVID-19) in which education, health-care, social and cultural life, and government services are increasingly 'transferred' to the online sphere (*CRC/C/GC/25, par. 3*).

Therefore, examining the scope and implementation of children's rights requires to also address children in the digital environment. Yet, the CRC, adopted in 1989, predates the massive developments that took place in the digital environment and in ICT, including the global widespread use of internet, digital networks and applications, social media, data collection and analysis, biometrics, etc. (*CRC/C/GC/25*). In recent years, the discourse concerning children's 'digital rights' and the adaptability of the CRC to the digital environment has developed significantly (*Livingstone & Bulger, 2014; Livingstone & Third, 2017; CRC/C/GC/25*). Among others, it relates to the principle of the best interests of the child (§3(1) CRC) and to the need for appropriate balance between enabling children's engagement online and enjoyment of the opportunities and benefits it holds for them, to recognizing children's vulnerability and setting safeguards that minimize risks that could arise in the digital environment (*UNICEF, 2018, p. 4; UNICEF, 2017; CRC/C/GC/25, par. 12-13*).

The CRC Committee has guided States-Parties to develop, establish and implement legislation, policies, programs, education and training on children's rights in the digital environment, as well as to promote multi-level coordination and stakeholder engagement in this field (*CRC/C/GC/25, par. 22-39; United Nations Economic and Social Council, 2011*). The two main themes relating to children in the digital environment, which will be discussed in this report, concern 1) children's right to privacy in the digital environment and 2) children's right to protection online.



### 3. A. The CRC on Children's Right to Privacy and Protection in the Digital Environment

#### 3. A. 1. The CRC and the Right to Privacy in the Digital Environment

§16(1)-(2) CRC prohibits the arbitrary or unlawful interference of children's 'privacy, family home or correspondence' as well as unlawful attacks regarding the child's honor and reputation, and hold that children have the right to protection, by law, against such violations. In that regard, the CRC Committee has recognized that 'Privacy is vital to children's agency, dignity and safety and for the exercise of their rights' (CRC/C/GC/25, *par.* 67-69; *Shwartz Altshuler, 2019*).

Due to their age and evolving capacities, children are more vulnerable to violations of their right to privacy, particularly in the digital environment (UNICEF, 2018). The specific and, possibly increased, risk to children's privacy online is attributed, among others, to 1) the complexities and unique features of the digital environment (for example, the ability to collect and process a lot of personal information; data remaining accessible and online 'forever'; data being published globally and accessible to all, lack of a uniform legal regime, etc.) (Shenhav, 2020); 2) the different levels of 'privacies' that warrant protection in the digital environment (e.g., physical, communications, informational and decisional privacy) (UNICEF, 2018; CRC/C/GC/25, *par.* 68); 3) the multiple actors that could violate children's privacy online (public institutions, business sector, parents, peers, and other parties who could be known or strangers to the child) (CRC/C/GC/25, *par.* 67-68); and 4) children's lack of sufficient awareness and information relating to online risks to privacy in the short and long term (CRC/C/GC/25, *par.* 68; *Kalev, 2016*).

The CRC Committee has addressed children's privacy in the digital environment in a recent general comment. It held that any interference with the child's right to privacy should be provided by law and that States-Parties should take 'legislative, administrative and other measures to ensure that children's privacy is respected and protected by all organizations and in all environments that process their data' (CRC/C/GC/25, *par.* 70). The CRC Committee further held that legislation and/or other privacy-related measures should reflect the principle of the best interests of the child and address, among others, issues relating to the child's (or parents', depending on the child's age and maturity) consent to processing data; surveillance on children and automated processing of personal data; privacy-by-design and its integration into digital products and services that affect children; regular review of privacy legislation, procedures, and practices; and more (CRC/C/GC/25, *par.* 69-72).

Alongside legislation, the CRC Committee recognized that children's rights in the digital environment, particularly the right to privacy and protection, also require States-Parties to take other measures. These include the adoption of national policies relating to children in the digital environment; awareness-raising campaigns, and disseminating information





to the relevant actors (e.g., children, parents, the general public); setting obligations and regulatory requirements on the business sector relating to digital privacy and safety standards (especially business that target children, affect children, or have children as end-users) (*CRC/C/GC/25, par. 38-39*); education and training (*CRC/C/GC/25, par. 15-16, 33*); and ensuring access to justice and remedies in cases of violations (*CRC/C/GC/25, par. 43-49*).

It is interesting to note that the CRC Committee paid attention to parents and stressed the importance of assisting parents to develop digital literacy and support their children in the digital environment, including by recognizing their right to privacy (*CRC/C/GC/25, par. 21, 76-77, 84-86*). Particularly, the CRC Committee addressed monitoring and tracking technologies used by parents, as well as sharing content and information online by parents on their child ('sharenting'), as practices that challenge children's privacy (*CRC/C/GC/25, par. 67, 76*).

In that regard, UNICEF recognized that, in many cases, parents are responsible for violating their child's privacy by, directly or indirectly, knowingly or unknowingly, publishing their data to institutions, businesses, and the general public and that this could carry negative consequences for the child in the short and long term (*UNICEF, 2017; Arbel Committee, 2020*) (*Kalev, 2019; Kalev, 2017-2018*). Due to this concern, the CRC Committee recommended that States-Parties advise children and parents on the importance of children's right to privacy and what practices are available to ensure privacy while keeping children safe (*CRC/C/GC/25, par. 76*).

### **3. A. 2. The CRC and the Right to Protection in the Digital Environment**

§19 CRC anchors the child's right to protection from all forms of physical or mental violence, injury, abuse or or exploitation, including sexual abuse. It constitutes the key provision on child protection in the CRC and requires States-Parties to take various legislative, administrative, policy-related, investigatory, judicial, educational, and other measures in order to protect children (*CRC/C/GC/13, 2011, par. 33*).<sup>19</sup>

The CRC Committee has recognized that the digital environment could 'open up new ways to perpetrate violence against children', including physical or mental violence, sexual abuse, sexual exploitation, grooming, cyber-bullying, distribution of child abuse materials - which can all be committed by either someone in the child's life (family members, peers) or by a stranger (*Craven, & al., 2006; CRC/C/GC/13, 2011, par. 21, 31 ;CRC/C/GC/25, par. 80-82*).

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<sup>19</sup> For more information in relation to the child's right to protection under the CRC, see also the introduction to the relevant chapter on Protection.





Additionally, the CRC Committee noted the increased risk of violence and harm to children online during times of crisis and emergency, such as the COVID-19 pandemic, given that children are spending even more time online in those circumstances (*CRC/C/GC/25, par. 80*). As traditional activities and services (e.g., education, leisure, social life) are transferred online, there is evidence of increased exposure of children to online violence and harm (e.g., sexual abuse, sexual exploitation, cyberbullying, exposure to inappropriate content, etc.) (*United Nations, 2020, p. 10*).

The CRC Committee called States-Parties to ‘take legislative and administrative measures to protect children from violence in the digital environment, including the regular review, updating and enforcement of robust legislative, regulatory and institutional frameworks that protect children from recognized and emerging risks of all forms of violence in the digital environment’ (*CRC/C/GC/25, par. 82*). In particular, the CRC Committee noted the importance of taking measures to identify, detect and report child sexual abuse and exploitation online; ensure children’s access to justice and remedies, and effective investigatory, prosecutorial, and judicial mechanisms for cases of violation of children’s rights in the digital environment; provide adequate support to child victims, and avoid revictimization (*CRC/C/GC/25, par. 43-49, 113-114, 116*).

Additionally, the CRC Committee recommended to integrate the issue of children’s online protection into national child protection policies, as well as to develop effective preventative and safeguarding policies for children (*CRC/C/GC/25, par. 24-26*). As with the right to privacy, it also acknowledged the responsibility of the business sector concerning child protection from violence in the digital environment. (*CRC/C/GC/25, par. 36*). Thus, while businesses may not be directly involved in perpetrating harmful acts, they can cause or contribute to violations of children’s right to freedom from violence, including through the design and operation of digital services’ (*CRC/C/GC/25, par. 37*). Therefore, the CRC Committee commented on the importance of monitoring and enforcement of laws and regulations to prevent and address violations of children’s right to protection and require businesses to adopt appropriate regulatory frameworks and standards, with special consideration to the impact of the digital environment (*CRC/C/GC/25, par. 38-29*).

# Children's Privacy in the Digital Environment

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### 3. B. Children's Privacy in the Digital Environment

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#### 3. B. 1. Legal and Regulatory Framework

The digital environment has become a central arena for children and youth in Israel. Israeli children and youth are highly active online, spending long hours on computers, smartphones and other digital technologies and platforms for play, communications and social activities, recreation (movies, television shows, music et cetera), shopping, and more.<sup>20</sup> (Kalev, 2016, p. 14; Bezeq, 2020, p. 24). One of the consequences of their 'daily, intensive, and diverse' engagement online, is that a lot of personal information of children is collected, processed, used, stored, and potentially transferred to third parties for various purposes, including targeted marketing and advertisement, thereby infringing on children's privacy (Kalev, 2016, p. 15-16).

The right to privacy has been recognized as a fundamental human right in Israel by the Israeli Basic Law: Human Dignity and Liberty. §7(1) and §7(4) of the Basic Law provides that 'all persons have the right to privacy' and prohibits the violation of confidentiality of conversation, writing or records of a person. Privacy protection aspects are also addressed in laws that concern specific issues, such as health-care, judicial procedures, education, etc. (e.g., §. 1 of Patient's Rights Law 1996; §. 70 of the Law on the Courts of 1984; §.2 of the Privacy protection Law 1981; § 4 of the Pupils Rights Law 2000; §. 24 of the Youth Law (Care and Supervision 1960); Kalev. 2016, p. 17).

Still, most of the Israeli legislation concerning privacy, and its subsequent case law, lack sufficient clarification as to the meaning, scope, and interpretation of the right to privacy, particularly in relation to children and, in the context of the digital environment (See Kalev, 2016, p. 18-19; Tel-Aviv M.C., 59627\02).

Children are included under the 'general' provisions in privacy-related legislation (the Basic Law: Human Right and Dignity, and the Privacy Protection Law), which anchor the right to privacy of every 'person'. Thus, children's privacy is not explicitly recognized, nor are children entitled to any special protection measures and safeguards under the law (Kalev, 2019, p. 4). Indeed, there are certain provisions that address children's privacy in specific contexts (e.g., in education, care procedures, health, family law matters, etc., see (§14 of the Pupils' Rights Law 2000; §24 of the Youth Law (Supervision and Care); §5, 14, 56 Children Foster Care Law 2016); Kalev, 2016, p. 22-23), but these laws are limited in scope and concern privacy in general, without adequately addressing the enhanced and unique privacy-related risks to children in the digital environment.

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20 According to Bezeq's 'Digital Life Report' (Bezeq 2020), out of children (12-8) and youth (17-13) surveyed, 60% and 32% used TikTok, 71% and 81% used Instagram, and 19% and 50% used Facebook, respectively.



Thus, Israeli legislation is 'silent' in relation to monitoring and tracking technologies; the collection, use, processing, and storing of personal information of children; the transfer of personal information of children to third parties (particularly for commercial purposes); data protection and security of children's personal information; and more. Additionally, so far Israeli legislation does not explicitly anchor children's right to access, view and remove personal information online, nor requires children's participation and consultation regarding policies pertaining their privacy online. In that regard, it should be noted that Israeli Courts have recognized that children have a right to privacy, and that they deserve a higher level of protection, especially in relation to the digital environment (*see Tel-Aviv MC 59627\06, Riba vs. Botchitcho*) but, so far, such calls have not been incorporated into legislation.

Regarding the digital environment, the key piece of legislation on the right to privacy is the Privacy Protection Law, and its subsequent regulations. The law prohibits the infringement of a person's privacy; requires protection of databases; sets criminal and civil sanctions for violations; and more (the Privacy Protection Law 1981).

Still, the law lacks necessary adaptations relating to children in the digital environment. Thus, the law does not specifically address children's rights, interests, and needs in relation to privacy and data protection nor does it require special safeguards for them. For example, §. 9(2) of the Privacy Protection Law emphasizes receiving the person's 'consent' for any actions that can infringe his or her private data. Yet, this reliance only on consent in privacy matters is not sufficient as it ignores 1) the complexities of the digital environment in relation to collection, processing, use, and transfer of personal information online; 2) the existing legal restrictions on children's ability to consent; 3) children's evolving capacities in relation to understanding the potential short and long-term negative consequence of publishing personal information online; and 4) that parents are in many cases those responsible for sharing their child's personal information online in the first place and that they too may lack the necessary knowledge and expertise to effectively protect their child's privacy (*Kalev, 2019; Kalev, 2016, p. 19-21*).

In that regard, it should be noted that in the past years there have been several proposals to amend the Privacy Protection Law in manners that recognizes the special position and needs of children (e.g., Bill for the Protection of Privacy (Amendment - Privacy of Minors), 2012 (P / 18/4439); Bill for the Protection of Privacy (Amendment - Privacy of Minors), 2012 (P / 24/991)). The proposals addressed, among others, children's consent (or parental consent, depending on the child's age) to the collection, use or storage of their personal data; age-appropriate and clear information for children on privacy matters; prohibition of direct mailing services to children; children's right to withdraw consent; establishing requirements and safeguards aimed at databases that collect and process personal data of children; recognizing children's right to be forgotten and enabling the deletion of a child's personal



data uploaded to a website or search engine; and more. However, so far, the legislative proposals have not been adopted. Currently, the Ministry of Justice has been working on revising the Privacy Protection Law by a government legislative amendment. While the new version should also include specific references and safeguards to children, it is still unclear what provisions it will ultimately include and if and when it shall be adopted into law (see *Garson, 2021*)

Thus, it seems that the need in Israeli legislation is double: introducing legislation to generally ensure the right to privacy in the digital environment and to specifically recognize children as rights-holders in the digital environment, with special needs and interests, who require additional safeguards to enjoy and ensure their privacy online.

### **3. B. 2. Implementing Children's Digital Privacy**

In recent years, the issue of children's right to privacy in the digital environment has received increased attention by both government, civil society, and the private sector, with several developments taking place beyond the legislative arena.

*First*, in the mid-2000s, the Privacy Protection Authority (PPA), a governmental unit in the Ministry of Justice, was established to regulate and oversee the implementation of the Privacy Protection Law. The PPA's work focuses on issues relating to privacy and data protection in the digital environment. In particular, the PPA has issued several guidelines and recommendations relating to children's right to privacy which addressed, among others, issues such as the installation and use of cameras in child daycare centers (*The Privacy Protection Authority, 2020a*); safeguarding children's privacy in 'online learning' during COVID-19 (*The Privacy Protection Authority, 2020b*); and more. Most recently, the PPA published a comprehensive (draft) guide on students' privacy in educational institutions in the digital environment (see below) (*The Privacy Protection Authority, 2021*). In addition, the PPA has published informative and educational materials on children's privacy, and the unique risks and challenge they face in the digital environment for professionals working with children (e.g., educators), parents, and children themselves.

While the PPA serves as a key stakeholder in relation to protecting children's privacy and personal information in the digital environment, its recommendations are not legally binding and require further adaptation into law or regulation by the relevant government offices or agencies. Also, some of its publications, although especially relevant for children, are not written in a child-friendly and age-appropriate manner and therefore are less accessible to children and youth themselves.

*Second*, the issue of children's privacy has become well-established in the field of education. The Ministry of Education has published several circulars on aspects relating to students' privacy including, among others, the use of cameras in educational institutions, ensuring



students' privacy on school websites, the use of computers and other digital means in teaching, learning and evaluation in education, and more (for examples of relevant Director General Directives, see *Ministry of Education 2003, 2011, 2013*). However, these privacy-related circulars and rules are not incorporated into a single comprehensive document, making it difficult to clearly present the full status of privacy protection in education, establish the specific obligations of the State, schools and teachers in that regard, and evaluate the level of implementation in practice.

Indeed, the PPA guide on students' privacy in educational institutions in the digital environment has laid out the existing rules on students' privacy, as well as offered more detailed and concrete recommendations in relation to safeguarding children's privacy and data protection (*The Privacy Protection Authority, 2021*). However, the guide is not a legally binding document, and its recommendations must still be adopted and implemented by the Ministry of Education. Another issue is that the guide is meant for school administrators and directors of educational departments in local authorities and makes extensive use of legal and professional jargon - making it less accessible to educators, parents, and students).

The need to safeguard students' privacy and the challenges that arise alongside it became salient during the period of the COVID-19 restrictions and the incorporation of 'online learning' in schools. The reality of online learning resulted in children spending more time online and using the internet for educational purposes, thus fleshing out new and unique privacy related challenges in the educational context. One of the main examples in that regard was the debate on the use of cameras in online classes. Students protested that some teachers required them to switch on the cameras, thereby infringing on their right to privacy. The Ministry of Education, as well as the Child Online Protection Bureau (105), addressed the issue, and published recommendations and guidance on the use of 'online learning' applications (*The Child Online Protection Bureau, 2020; Ministry of Education, n.d., no. 1; Ministry of Education, n.d., no. 2*).

Given a future possibility of a reinstatement of restrictions on attending 'brick-and-mortar' schools due to a future emergency, and, on the other hand, a prospective future growth in online learning, the continuance of this discussion is vital – particularly regarding the implementation of privacy safeguards in education, the availability of reporting avenues for students in cases of alleged violations of their right to privacy, and the challenges of effective enforcement in the digital environment.

*Third*, in the past years several publications and educational materials concerning children's privacy in the digital environment have been published by government agencies (PPA), CSOs operating in the field (such as ISOC-IL) and academics (*Kravchuk, 2021; Goggin & Ellis, 2020; Schwartz Altshuler, 2019; Kalev, 2016*).





These publications and materials present the issue of children's right to privacy in the Israeli context. They are important for education and awareness raising among policymakers, professionals working with children, parents, and children and youth themselves; in addition, they serve as important tools of informing policy design. Still, additional research and educational material are needed, specifically 1) in relation to emerging new privacy-related issues and technologies (e.g., AI, monitoring and identification technologies, targeted advertisement, biometrics, etc.) and 2) to parents of children in different ages and to children and youth themselves (including materials that are based on consultations and hearing children and youth's views, needs and concerns relating to the issue of privacy in the digital environment).

*Fourth*, the important role of public-private collaboration and encouraging technological companies to adopt self-regulation measures relating to privacy and data protection as well as technological solutions (privacy-by-design), is well established (of course, in addition to the required legislative measures and government supervision). Such actions taken up by global technological actors also impact Israeli children and youth in the global 'market' of ICT. However, self-regulation measures related to children and taken up by technological actors often focus on child *protection* from violence, as opposed to children's *privacy and data protection*.

*Fifth*, children in Israel can 'benefit' from the provisions and safeguards included in international regulation applying to children's privacy and data protection (such as U.S legislation or the European GDPR) in case these are implemented by the technological actors in their standard operations, also in Israel. However, these regulations are not binding in Israel, making the legal protection to children's privacy and data protection lacking compared to children in other countries (Kalev, 2016, p. 59-60).

### 3. B. 3. Spotlight: Sharenting

Sharenting has become a rather widespread phenomenon in Israel. The sheer volume of digital information that is generated from the child's birth, coupled with the diverse technological means for processing and publishing children's data, raise serious questions regarding the impact of sharenting on children's privacy. The consequences of sharenting include violations of children's privacy, risk of exploitation and even threat to the child's safety (Kalev 2019).

Israeli law gives parents extensive decision-making powers and autonomy with regards to their children. §14-15 of the Israeli Legal Capacity and Guardianship Law (1962-5722) holds that parents are the 'natural guardians' of their children, and that they have the duty and right to care for their child's needs and represent him or her. Moreover, §22 of the law holds that parents shall not be held liable for any damages they caused the child, in





fulfilling their parental duties, as long as they acted in good faith and intended to benefit the child. Relating to sharenting, this seems to allow parents to share pictures, videos, and personal information concerning their children online with hardly any restrictions (except in extreme circumstances, for example, publishing a nude picture of a child who is over five years old) (*Kalev, 2016, p. 27, 54*; Youth Law (Care and Supervision), 1960, at §.24).

§14-15 of the Privacy Protection Law requires consent for infringement of privacy and allows, in certain situations, for a person to request the amendment or deletion of personal information and, if this is unsuccessful, to appeal to Court. Yet, it is unclear if and how the law applies to children when the person responsible for sharing the information is the parent. In that regard, the law does not specifically address children's privacy vis-à-vis their parents and does not require a parent to receive a child's consent prior to publishing personal information. So far, children have not petitioned Israeli Courts in sharenting cases.

It should be noted that proposals to amend the Privacy Protection Law have touched upon sharenting. For example, some proposals request to clarify that the publication of personal information on a child by a parent or guardian, when done to benefit the child and protect his or her interests, shall not be considered a violation (The Privacy Protection Law (Amendment - Minors' Privacy), 2021, (P 24\991); The Privacy Protection Law (Amendment - The Privacy of Minors), 2012 (P 18\4439)).

In the explanatory remarks of another proposal, it was recognized that a violation of a child's privacy can also be caused by parent who publishes a picture or other personal information on their child. Therefore, the proposal sought to provide children with a right to request the deletion of such personal information from the websites and search engines directly (The Privacy Protection Law (Amendment - the right to be forgotten by minors), 2018 (P 20\4967)). However, as mentioned, the proposals have not been adopted.

Apart from legislation, State institutions proposed sporadic initiatives to find policy-related, educational or technological solutions to sharenting. This is addressed, among others, in the guidance and recommendations of the PPA, which published information and videos aimed at parents regarding sharenting, the dangers associated with it, and the potential negative consequences it holds for children. CSOs have also engaged with the issue of sharenting and called for more attention to be paid to this emerging phenomenon in Israel (in that regard, it is telling that, to date, there is no Hebrew term to 'sharenting'. For example, ISOC-IL has published recommendations to parents on sharenting (*Kalev, 2021*). Addressing this phenomenon, the NCC has dedicated a session, as part of its 2019 Negev Conference for Children, on sharenting in social media. The session included representatives from government offices, police, professionals, and youth themselves and discussed the legal and other measures required to tackle sharenting; the weight that should be given to the child's



views and consent in such cases; ways to raise awareness to the phenomenon in Israel; and the responsibility of social media (*Israel National Council for the Child Website*).

### 3. B. 4. A Youth Perspective on Digital Privacy

#### Youth Insights and Recommendations: The Right to Privacy of Children and Youth in the Digital Environment

As part of the Israel National Council for the Child Youth Parliament program, that aims to promote youth participation in policy design and implementation at the national level, youth from diverse population groups participated in a consultation procedure regarding child and youth privacy in the digital world. Program participants received accompaniment, training and guidance from the NCC team, and as part of the procedure engaged in a direct discourse with professionals from the field including senior government officials in various government offices and agencies (Ministry of Education, Ministry of Justice and the Privacy Protection Authority) and representatives of civil society organizations. Participants in the joint meeting discussed the youth participants' insights, opinions and suggestions.

#### Main Insights, Opinions and Viewpoints

Youth participants in the consultation procedure emphasized the important relevance and significance of privacy in the digital age to the lives of children and youth. They noted that they were born into the online space and it is where they develop relationships, acquire knowledge and experience the world. Therefore, the starting point in this regard should be to strive for judicious use. The participants agreed that the viewpoints of children and youth regarding online privacy differ from those of adults in many regards, and some maintained that the perception of privacy among youth changes and forms dynamically and individually. Furthermore, *the participants noted that despite the knowledge that certain entities collect information about them, they do not understand the significance of information collection and its actual ramifications.*

Throughout the procedure the *participants strongly emphasized that parents are an important entity in all matters regarding privacy on the internet, however many of the parents are not familiar with their children's digital environment* and with the unique challenges of this environment. The participants indicated that some parents use tracking methods, while actually they lack tools to best contend with this issue. In this regard the participants shared their feeling that children's privacy is usually perceived as "parent privacy", and that revealing parent content, 'sharenting' – without the child's consent – harms the child and sometimes even shames them.

Furthermore, *the procedure participants indicated that in cases of online violation of privacy, children and youth will first share this with their friends.* Most participants do not view



teachers as persons with whom they can share and ask for help. The participants also noted that *they are exposed to content that negatively affects their body image, self-representation and self-confidence*, and to messages that encourage publishing and revealing information, such as social media challenges.

In a central part of the consultation procedure the participants addressed the effect of the COVID-19 pandemic on internet privacy, maintaining that their right to choose within the virtual space should be respected, and that this right should be applicable to the school framework (for example, opening cameras during distance learning). The participants also indicated that while the transition of some 'physical' services to the online world is convenient and easy (for example a routine doctor's appointment), *the transition of emotional and mental services is, in their opinion, arguable at best, and sometime even unsuitable, as the online format can at times hinder revealing difficulties and distress*.

### **Suggestions and Plans Proposed by the Youth Participants**

#### **A. Develop a mechanism for hearing and consulting with children and youth on the issue of privacy**

The participants raised the need to develop a mechanism for relevant professionals to hear and consult with children and youth regarding privacy policy, as well as the need to develop responses tailored to the viewpoints of children and youth, owing to their unique perspective as those who were born into the digital era ("digital natives").

#### **B. Accessible privacy statements and information for children and youth**

The participants noted the need to develop easy to understand 'privacy statements', and to provide accessible and user-friendly information in simple language for children and youth regarding the significance of information collection and its uses by various entities (commercial companies, healthcare services, schools, etc.), as well as possible privacy violation ramifications and the ability to limit or reduce it. Some participants maintained that providing such information should be legally required.

#### **C. Provide information, raise awareness and conduct training for parents**

The participants maintained that there is a need to increase parental awareness regarding ramifications of their actions on their children's privacy. They suggested creating a campaign targeting parents on the topic of sharenting. Some participants thought that a mechanism should be developed requiring parents to receive their children's consent prior to sharing. Participants also noted the need to develop parental training that will provide information and tools for protecting their children in the digital environment that will be supportive rather than preventive. This training should include, inter alia, acquaintance with children



and youth activities on the internet as well as with the challenges and dangers, while providing tools for optimal discourse and communication with their children.

**D. Develop training for children and youth regarding the right to privacy in the digital environment**

The participants emphasized the importance of developing dedicated training for children and youth that will address various aspects of the right to privacy and provide tools and skills for judicious use of the digital environment. They suggested experiential training that will, among other things, provide knowledge and explanations of basic terms and concepts on this issue; highlight the significance of information collection and possible ways it is used; explain how to minimize future negative effects and provide information about entities offering assistance in this field. The participants stressed the importance of training that should be delivered by experts in this field who will provide professional knowledge, alongside young people who experienced harm online and will recount their personal stories.

**E. Conduct workshops in schools about challenges and content in the digital environment**

The participants called for placing special emphasis in the school system on body image and noted the need to conduct regular workshops in the school framework. These workshops will equip children and youth with suitable ways to contend with such content, foster resilience and self-confidence and provide information about entities providing assistance.

**F. Raise awareness regarding help organizations in this field**

The participants highlighted the need to examine diverse and creative ways to publicize help entities operating in this field (for example the 105 hotline) in order to make them known to all children and youth, and this in light of the fact that most of them were not familiar with the main help organizations.



### **3. B. 5. Consultations with Civil Society Organizations**

The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth.

As part of the formulation of policy recommendations regarding privacy in the digital world, consultations were held with the Israel Internet Association (ISOC-IL).

ISOC-IL is a non-profit organization, that serves as the Israeli chapter of the Internet Society, and responsible for managing Israel's domain name and internet exchange. It is concerned with diverse aspects of internet deployment and usage in Israel, and serves as a source of professional expertise and advocator of best practices regarding internet usage and the online space. As part of the consultations, a draft of the policy recommendations regarding privacy in the digital world (as well as those regarding children's digital protection) was shared with the Association, on whom they commented. The professional expertise of the Association has awarded the recommendations attached below with valuable insights.



### 3. B. 6. Recommendations: Child and Youth Privacy in the Digital Environment

#### 1. Promotion of Legislation and Policy

- A. Establish a legislative and regulatory framework regarding the array of aspects pertaining to child and youth privacy in the digital world including: (1) Commercial companies and third parties that collect information about children and youth (i.e., limiting children and youth-targeted marketing; imposing harsher sanctions on violation of their privacy, etc.);<sup>21</sup> (2) the issue of consent pursuant to the Privacy Protection Law (1981), the regulations passed pursuant to the law ('Privacy Protection Law'), and its specific application to children and youth. As part of regulating the issue of consent, establish defining criteria for setting a suitable age threshold for granting different rights to children and youth (such as viewing information or decision-making regarding information collection and its use, and this according to the quality of the information and its sensitivity); (3) the regulation regarding databases and their security (including deleting databases of children and youth when no longer needed; explicitly affirming the right to view and correct the information, etc.); and (4) the right of children and youth to be heard and to participate in decision-making procedures with respect to privacy (in legislation procedures, in formulating regulations, procedures and recommendations, creating campaigns, courseware, etc.).
- B. Establish a requirement of all entities collecting and using data about children and youth to provide privacy statements in Hebrew and Arabic, applying user-friendly and easy to understand wording.<sup>22</sup> The information must include explanations regarding the collection and use of data and about possible privacy violation ramifications.
- C. Anchor the obligation of all entities that collect and use data about children and youth to implement best practices to protect the privacy and private information of children and youth (such as privacy by design, and conducting an impact survey about privacy), and this by means of legislation, director general circulars, etc.

#### 2. Accessibility and Training

Make regulations, information about rights, and children and youth privacy guidelines accessible to parents and children in an age appropriate manner. Making these contents accessible will be carried out, for example, by (1) using digital toolkits that will include age-appropriate information about the rights of children in relation to privacy; (2) professional and experiential training for children and youth on all matters relating to their right to

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21 Including the adequacy of Consumer Protection Regulations (Advertisements and Marketing Methods Targeted at Minors) (1991) in light of lacking regulation of children- and youth-targeted marketing on digital platforms.

22 For example: commercial companies, internet suppliers, social media, various applications and educational institutions.



privacy in the digital world; (3) providing information about the variety of ways in which children are exposed to systems that accumulate information about them by various means; (4) and offering information about available assistance and measures that can be taken in case of online harm.

### 3. Privacy in Education Institutions

- A. Regulate in primary legislation the use of technologies that may endanger privacy in educational institutions (particularly, cameras,<sup>23</sup> surveillance technologies and artificial intelligence), and in any entity that engages with children and youth and uses these technologies – while addressing the following topics, among others, in the legislation: terms of use, purpose of use, period of time for saving recorded material, and anchoring the requirement to inform children and youth regarding the introduction of such a technology.
- B. Establish a uniform procedure, by the Ministry of Education in cooperation with the Privacy Protection Authority that will address all privacy issues in educational institutions, and clearly delineate the procedure for educational institutions and all those who enter their gates. The procedure will include the obligations imposed on the educational institution as well as relevant recommendations for the education staff, parents and students. The procedure may be set forth in a uniform Director General Circular or in a different policy document, and will enable increased access to all relevant entities. The procedure will be accessible as a school manual that will delineate to children and parents the procedures and various aspects pertaining to privacy in the school, information collection in school systems and student rights in these contexts.
- C. Develop advanced training for staff and principals in educational institutes regarding children and youth privacy in the school arena, by conducting periodic courses, to be designed by the Ministry of Education or the Privacy Protection Authority regarding optimal use of the digital-educational space.
- D. Develop and integrate an age-appropriate curriculum, starting in primary school, regarding child and youth privacy in the digital world.
- E. Appoint a dedicated entity in every educational institution that will be responsible for the privacy field and will be accessible to students. This entity will participate in suitable trainings and will serve as a “mediating figure” that understands the language of children and youth, and has in-depth knowledge of the digital world, such that if the need arises this entity will be able to mediate the information to the relevant entities and to provide

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23 Similar to the Installation of Security Cameras for the Protection of Toddlers in Daycares Law (2018).





initial assistance. It should be noted that this entity is not a substitute for the privacy trustee and for the entity in the school responsible for consolidating all privacy aspects.

- F. Design campaigns to increase awareness among children and youth as well as parents for judicious and secure use of the internet, headed by government entities such as the Ministry of Education in cooperation with civil society. These campaigns will also aim to increase awareness among parents about the ramifications of their activities on the privacy of their children as aforesaid, and to expand knowledge about available assistance entities, such as the 105 hotline.

#### **4. Develop Mechanisms to Promote Protection of Child and Youth Privacy in the Digital Environment**

- A. Develop a support center headed by the Privacy Protection Authority for all professionals operating in the digital interface with children and youth. The center will provide ongoing consultation and guidance regarding execution of their various obligations and optimal modes of engagement.
- B. Create a “seal of approval” for entities that interface with children and youth, such as social media with presence in Israel, content managers and managers of applications popular among children and youth in Israel. This will include granting a standard of excellence to entities that maintain a high standard of privacy protection, with the aim of encouraging private companies and civil society to adopt a code of conduct and high level responsibility with respect to children and youth.

#### **5. Collaborations**

Promote inter-ministerial and cross-sectoral collaborations<sup>24</sup> with respect to ensuring children’s online privacy on the backdrop of the numerous arenas, by establishing a dedicated and professional roundtable on the topic, with the participation of children and youth from diverse population groups. The roundtable will lead and develop the field and will serve as a platform for discussing challenges emerging from the field and for exchanging information, discussing best practices, etc. The suggestion is for this forum to convene regularly to discuss current issues such as use of cameras in school and tailoring legislation for children and youth.

#### **6. Research, Data Collection and Publications**

- E. Conduct quantitative and qualitative studies and comparative reviews of optimal courses of action regarding child and youth privacy in the digital world, as part of a process aimed at developing solutions suitable for children and youth by government entities;

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24 Among these entities – Ministry of Justice; the Privacy Protection Authority; Ministry of Education; Ministry of Social Affairs and Social Services; local government and 105 hotline.



gain knowledge about the privacy perceptions of children and youth; and about the main barriers that lead to non-reporting of online harm and the desire for anonymity among children and youth.

- F. Establish a procedure for collecting up-to-date data by government offices and relevant entities (such as the 105 hotline) regarding various aspects of child and youth privacy in the digital world.

# Children's Protection in the Digital Environment

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### 3. C. Children's Protection in the Digital Environment

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The widespread use of ICT and social media among children in Israel, besides the opportunities and significant advantages it provides, also exposes children to risk of violence and harm. Among others, children in the digital environment can be exposed to psychological and emotional violence, sexual abuse and exploitation, cyber-bullying, the distribution of child sexual abuse materials ('child pornography'), and other harmful content. This part will focus on the two main concerns in relation to child protection online: cyber-bullying and sexual violence and abuse online.

There are various definitions to what constitutes cyber-bullying. Essentially, the term refers to repetitive violent conduct aimed to hurt another person. It can be directed by an individual or group against the victim via technological means, and can involve shaming, threats, relational aggression, social ostracism et cetera (see on cyber-bullying definition and scope: *Heiman et al., 2014, .5; Unger, 2015, p. 2; UNICEF, 2017; Trabelos, 2018, p. 1-2; Unger, 2021, p. 1*).

The special characteristics of the internet and social media, such as anonymity, wide audience and circulation, increased opportunities for 'others' to join and take part in the abuse (e.g., by commenting, sharing content, etc.), high accessibility to the victim, and the fact that the materials used (messages, photos, videos) are saved online indefinitely, unless actively taken down, further exacerbate the abuse in comparison to 'physical' bullying (see *Heiman et al., 2014; Unger, 2021, p. 2*). Cyber-bullying has become a widespread phenomenon in recent years, including in Israel, and can result in severe negative consequences for children's emotional and psychological health and development, for both short and long-term (*Heiman et al., 2014, p. 11-13; Unger, 2015, p. 2*).

The term sexual violence and abuse online refers to a broad list of activities involving sexual exploitation and harm that are conducted, or facilitated by, digital technologies. These include, grooming, solicitation of children to perform sexual acts or send sexual images and videos, inappropriate sexual communications with children (which may or may not include attempts to meet the child in real life), the production and publication of sexual abuse materials (child pornography), sexual extortion and threats, and more (see *Katz, 2013*). Such acts are often conducted under the guise of anonymity and enable offenders to target and harm children, even when they are supposedly safe in their own homes (see *S.C., 2065/13 J.D. v. Israel, 2013, par. 4*). This phenomenon too is growing in Israel and was recently described as a 'nationwide plague' by the Israeli Supreme Court (*S.C., 6391/20 Batito v. Israel, 2021, par. 4*).

Data on cyber-bullying and sexual violence shows that these issues require attention and action. For example, in 2018, third of children surveyed reported that they have been exposed



to threats or verbal violence towards themselves or someone else online at least once in the past year, 27% of them reported that they had been exposed to online shaming, humiliation, or relational aggression and social ostracism, and 28% of them reported being exposed at least once over the previous year to messages of a sexual nature on social media, directed at them or someone else (*Israel National Council for the Child, 2019, p. 594*). Only 53% of the children surveyed reported the case to anyone (*p. 596*). Recent data on the phenomenon shows a significant rise in the exposure of children to cyber-bullying and sexual violence online during COVID-19 and their harmful short and long-term consequences, further establishing that in times of crisis, and as activities and social interactions are increasingly ‘transferred’ online, there is a stronger need to protect children in the online arena (see more below).

### 3. C. 1. Legal and Regulatory Framework

The right to protection is considered a fundamental human right in Israel. Thus, §2 of the Israeli Basic Law: Human Dignity and Liberty (1992) holds that a person’s - including children’s - life, body, and dignity shall not be harmed. Children’s right to protection in Israel is broad, encompassing diverse themes (e.g., safety, provision of basic needs, care and out-of-home placement, etc.). This part focuses on child protection from violence (physical, emotional, sexual and neglect), and how it is implemented in relation to children in the digital environment.

The Israeli Penal Code (1977) is the central legislation on criminal law in Israel and includes the majority of criminal offences and their respective sanctions. The Penal Code includes many provisions that address children, including a designated section on violence against children (Chapter 10, Sec. 6). Still, similarly to privacy in the digital environment, most of the relevant legislation on child protection from violence lacks sufficient clarification as to its meaning, scope, interpretation and effective implementation in the digital environment.

Cyber-bullying: Israel does not have a specific and designated legislation addressing cyber-bullying. Legal measures on cyber-bullying typically cover three main aspects: the accountability (criminal or civil) for engaging in cyber-bullying or otherwise enabling it; protection measures for victims; and educational measures in schools (*Unger, 2021, p. 2-3*).

Concerning *accountability*, Israel does not have specific and designated legislation establishing criminal responsibility or civil liability for cyber-bullying per se (*Unger, 2015, p. 2-3*). Some of the aspects included in cyber-bullying can be addressed in ‘general’ civil legislation (e.g., harassment, violation of privacy, slander) and some, in severe cases, through criminal law provisions (publication of child abuse materials (child pornography), threats,



etc.).<sup>25</sup> Neither of these options, however, include specific provisions or adaptation to the digital environment.

In the past years there have been discussions and legislative proposals on the matter, primarily in relation to criminal responsibility for cyber-bullying actions (i.e., on the perpetrator) and for the publication of harmful content (i.e., on internet sites, social networks, etc.) but these were not promoted in practice (*Unger, 2021, p. 10*). Yet, the fact that in many cases those involved in cyber-bullying, both as those committing cyber-bullying and those victimized by it, are children themselves, raises concerns in relation to whether the criminal/civil accountability route is appropriate and in the best interests of all children involved (*see also Unger, 2015, p. 2-4*).

Concerning *protection measures for child victims*, there are mechanisms to remove, or limit the access to, harmful content online. While Courts and State Bodies (the Cyber Department at the State Attorney's Office) do operate such removal mechanisms, in certain cases, those procedures are not legally regulated. Thus, to date, child victims, and their parents, do not have a uniform, principle, and quick process to request the removal of harmful and abusive materials online (*Unger, 2021, p. 7-9; The State Attorney, 2017, p. 8-9*). The Arbel Committee on forming measures to protect the public from harmful publications, including cyber-bullying ('Arbel Committee'), also addressed this issue in its report and recommended to anchor in legislation appropriate quick routes to request the removal of harmful content from State bodies, Courts, and the internet content providers (sites, social networks, etc.) (*Arbel Committee, 2020, p. 68-76*). Other protective measures for victims, such as the provision of emotional assistance and mental health, are not provided for in legislation. Therefore, child victims of cyber-bullying who require such service must seek them out privately.

*Educational measures* are also not anchored in legislation but are addressed through the Ministry of Education circulars (see below).

**Sexual Violence Online:** The Israeli Penal Code includes a designated part on sexual offences (chapter 10, section 5). While those offences do not include specific references or adaptations to the digital environment, §350 of the Penal Code holds that in relation to sexual offences, it is irrelevant whether the offence is perpetrated by the offender himself/herself, or whether the offender caused the act to be committed on the victim by the victim himself/herself or by another person. This means that the sexual offences are all applicable even if conducted 'virtually' and that sexual offenders online can be prosecuted under the law (in relation to sanctions and punishment for online sexual offences, see below).

Additionally, there are two laws that are particularly adapted to address sexual offences online. First, §214 of the Penal Code addresses child sexual abuse materials (child

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<sup>25</sup> §214 and §192 of the Penal Code, respectively.



pornography) and prohibits, among others, the publication of ‘obscene’ content with an image (including simulation or drawing) of a child; the use of a child to prepare and display such obscene content; the possession of such obscene content or its consumption. The provision specifically applies to publication via computers (§34 of the Penal Code) which has become the main method for publishing and consuming child sexual abuse materials. Second, the Israeli Prevention of Sexual Harassment Law extended its definition of sexual harassment in 2014 to include the publication of a picture or video of a person, focused on that person’s sexuality, under the circumstances in which the publication can humiliate or degrade that person and when he or she did not consent to the publication (§5(a)). The law’s explanatory remarks note that the amendment aimed to tackle the violation of privacy and protect victims of sexual offences in the digital environment. In 2017, the State Attorney published guidance and principles on the investigation and prosecution of §5(a) of the Prevention of Sexual Harassment Law (*The State Attorney, 2017, p. 1*). Among others, the State Attorney held that it is in the public interests to prosecute offenders, even if they are children without a criminal record, due to the severity of the offense, its negative consequences for victims (especially child victims themselves), and the need to emphasize the criminality of such actions, also among youth (*The State Attorney, 2017, p. 7-8*). Still, the guidance calls to consider closing such cases, among others, if the suspect is below the age of 15, which reflects a reasonable balance between the severity of the publication, on the one hand, and the importance of protecting younger children from criminal sanctions, on the other (*p. 8*).

### 3. C. 2. Implementing Children’s Digital Protection

Aside from legislation, in recent years there have been other policy-related and other measures that impacted the implementation of children’s rights to protection in the digital environment.

*First*, while there is no legislation requiring schools to take measures to combat cyber-bullying, the Ministry of Education has issued several circulars addressing this point (*Ministry of Education 2011, 2020*). These require schools to establish procedures regarding students’ use of social networks and online educational networks; to appoint a team of school educators to promote online safety in a regular and systematic manner in the school throughout the school year; provide guidance and training to students and staff; and more. The circulars also classify types of violations online, determine which require consultations and reporting to other actors (e.g., educational supervisor, police, welfare authorities) and how schools should respond and handle such cases, regardless of whether they occurred during or after school hours (*see also Unger, 2021, p. 4-6*). Still, there is a need to ensure the circulars are effectively implemented in practice, and that schools actively encourage





students to identify and report such violations, in order to enable a quick and appropriate response, and seek assistance and support.

Additionally, the Ministry of Education operates several programs and activities to educate students on the safe use of digital technologies and on their exposure to risks online. Such activities are also conducted in cooperation with other government ministries and through the Child Online Protection Bureau (105) (see more on *Child Online Protection Bureau Website*, 'Child Online Protection Month'). Also, The Ministry of Education, together with the Ministry of Public Security developed a 'Safe Internet Pact' in Hebrew and Arabic and called children and parents to sign it and pledge to follow its safe internet guidelines (see Wagschal & Cohen Avigdor, 2014). It should also be noted that there exists several national and local educational programs and initiatives for children and youth relating to their protection online that are conducted by CSO's, professionals, etc. (see Arbel Committee, 2020, p. 95-98).

Second, in 2016 the Child Online Protection Bureau (105) was established. It is a national integrated civilian-police authority aimed to prevent cybercrime and online violence against children. It operates under the Ministry of Public Security (Police) and includes representatives from other relevant government offices (the Ministry of Education, the Ministry of Health, the Ministry of Labor, Social Affairs and Social Services, and the Ministry of Justice) working together to respond to child online protection issues in a holistic manner (for example, response can include reaching out to the school system, mental health professionals, social workers, police, etc.). The Bureau (105) tackles a range of issues, including online crime, sexual violence online, child sexual abuse materials (child pornography), cyber-bullying, shaming, as well as calls relating to child emotional distress or suicidal thoughts (*Child Online Protection Bureau Website*). It works through a 24/7 national hotline (105) that enables children and youth to call and report. In addition to the hotline, the Bureau also operates as a knowledge center and includes activities related to research, prevention measures, training, education, and information on children's online safety, and more. It also assists children and youth to remove harmful and abusive content online (through the Cyber Department at the State Attorney's Office) and has published a 'friendly' online guide on reporting harmful content to relevant applications used by children and youth (*Child Online Protection Bureau Website, Reporting and Removing Content on social media*).

Yet, to date, the Bureau does not enable other reporting options, such as online communications or through mobile apps, making it less adapted and accessible to children and youth. According to the 2019 State Comptroller's report, the development of a website and mobile app that can enable children to access and report was not adopted due to budgetary constraints. The report also noted that the Bureau is under-staffed, that its operation requires additional human resources, and that there are difficulties relating to the



working operations of the Bureau's units (*The State Comptroller, 2019, p. 145-147*). Another important issue that requires attention is the lack of sufficient awareness among children and youth to the Bureau, its capacities, and roles. For example, the children in the Youth Parliament program that discussed privacy in the digital environment were unfamiliar with the Bureau's work.

*Third*, as described, the COVID-19 pandemic, and its subsequent restrictions, resulted in traditional activities and services to children (e.g., education, leisure, social life) being transferred online. This meant children and youth are spending even more time online with increased exposure to violence and harm (*See United Nations 2020, at. 10; see also CRC/C/GC/25, par. 80*). Indeed, in Israel a significantly higher number of reports of violations online was recorded during the surveyed COVID-19 period. For example, data shows that the number of events reported to the Child Online Protection Bureau (105) has risen by 63% in comparison of the past year. Reports made by children had risen by 57% in comparison. On average, about 14% of reports per-month concerned bullying, harassment, and shaming; about 12% solicitation and harassment of minors; and about 15% sexual offences online (*See Israel National Council for the Child, 2021; p. 1"ו ,ח"*; *Monnickendam-Givon, 2021*).<sup>26</sup> Particularly, there have been hundreds of reports made to the Child Online Protection Bureau (105) concerning the spread of harmful content through the zoom application in school classes (sexual content, bullying, shaming, etc.) (*See Child Online Protection Bureau Website, 2020, 'The 105 Hotline - Protecting our Children on Zoom as well'; Monnickendam-Givon, 2021, p. 5-6, 9*). Thus, while there is a need to address child protection online during the period of COVID-19 and consider its unique circumstances, the COVID-19 case also exemplifies the special and urgent need to address child protection online, more generally, in times of crisis and future emergencies.

*Fourth*, recently the Israeli Supreme Court addressed the issue of sexual violence online and how this growing phenomenon requires legal, prosecutorial, and criminal sentencing adaptations. In particular the Supreme Court held that Courts should ensure that sentencing of online sexual offences is severe, so it adequately reflects the negative consequences for victims and the need to protect children online (*S.C., 6391/20 Batito v. Israel, 2021, par. 4*).

*Fifth*, in 2020 the Arbel Committee issued its recommendations. The recommendations addressed general, legal, media-related, educational, welfare, and ethical measures (*Arbel Committee, 2020, p. 15-16*). While the Arbel Committee did not specifically address children and youth, many of its recommendations are also relevant for them. Among others, it recommended to establish a national designated body to coordinate efforts and provide assistance in relation to harmful publications online. According to the Arbel Committee,

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26 It is possible that the cause (or one of the causes) of the rise in events reported to the Child Online Protection Bureau in 2020 is the increasing recognition of the Bureau.



such national body should be able to employ measures to remove harmful content, assist victims, and synchronize other government and non-governmental bodies involved in this field. It also recommended to adopt legislation to enable the removal of harmful publications online in quick (though balanced) procedures (*p. 53-56, 56-75*); to incorporate intensive and uniform educational programs for children and train teachers on safe and appropriate use of digital technologies and tackle cyber-bullying (*p. 99-102*); and develop specific assistance mechanisms and mental-health care support for victims of harmful publications (including those related to cyber-bullying and sexual violence online) (*p. 105-106*).

### **3. C. 3. Consultations with Civil Society Organizations**

The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth.

As part of the formulation of policy recommendations regarding children's digital protection, consultations were held with the Israel Internet Association (ISOC-IL).

ISOC-IL is a non-profit organization, that serves as the Israeli chapter of the Internet Society, and responsible for managing Israel's domain name and internet exchange. It is concerned with diverse aspects of internet deployment and usage in Israel, and serves as a source of professional expertise and advocator of best practices regarding internet usage and the online space. As part of the consultations, a draft of the policy recommendations regarding children's digital protection (as well as those regarding privacy in the digital world) was shared with the Association, on whom they commented. The professional expertise of the Association has awarded the recommendations attached below with valuable insights.



### 3. C. 4. Recommendations: Children's Digital Protection

#### 1. Promotion of Legislation and Policy

- A. Establish in legislation the authority of state agencies and/or the courts to remove harmful online content, including cyberbullying content and online sexual exploitation and abuse content against children and youth.
- B. Require government ministries to carry out participation and consultation procedures with youth in promoting government legislation on issues pertaining to the protection of children in the digital space, and in formulating policy on the issue and its implementation.<sup>27</sup> This is required by virtue of the right of children and youth to be heard on issues concerning their life, and also, and particularly, due to the increased exposure of children and youth to online harm and to its severe ramifications.
- C. Require periodic updates to the Ministry of Education's Director General Directives pertaining to school handling of instances of online harm, taking into consideration developments in the digital space and in the legal world with respect to child protection online. In this regard it should be established that the aforementioned updating process will require consultation with relevant government agencies, authorities and civil society organizations in the digital field, as well as with school children themselves.
- D. Increase enforcement regarding online pedophilia offenses on the part of law enforcement agencies, inter alia, by expanding initiated and covert activity against offenders perpetrating crimes against children.
- E. Establish in legislation the offense of "grooming" (luring a minor) - as part of efforts to fight the phenomenon and to deter adults seeking to sexually harm or exploit minors, similar to many countries which have enacted this in specific legislation.

#### 2. Develop mechanisms, tools and expertise for Online Child Protection

- A. Expand dedicated assistance programs for children and youth victims of online violence that provide a response to their condition and unique needs, and are accessible to them through a range of appropriate channels (e.g., online inquiry, "quiet" contact, inquiry via chat, distress button, et cetera). At the same time, increase collaborations with professional entities/significant entities in the child's surroundings from local government, the Ministry of Social Affairs and Social Services and the Ministry of Education.
- B. Develop a designated channel at the National Bureau for the Online Protection of Children (105) for the receipt of inquiries from children and youth by treatment entities,

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<sup>27</sup> See chapter one for our recommendations on the issue of youth participation in promoting policy processes.



while tailoring specific training in providing an initial emotional response and designing a responsive intervention program.

- C. Increase awareness among children and youth regarding available reporting mechanisms on websites, social media and online games in order to report cyberbullying and online harm cases and to submit removal of harmful content requests to online content suppliers and/or to the National Bureau for the Online Protection of Children (105). The awareness campaigns should be conducted in cooperation with the Ministry of Education, Ministry of Social Affairs and Social Services, Ministry of Communications, National Bureau for the Online Protection of Children (105) and relevant civil society organizations that engage in issues of online protection and child rights, and with the participation of youth.
- D. Develop responses to address cyber-bullying cases in schools, in collaboration with the Ministry of Education, local government and relevant civil society organizations that engage in issues of online protection and child rights. In this regard, emphasis should be placed on educational treatment methods for children involved in cyberbullying (e.g., prepare training or informative activity regarding respectful online engagement), and support to child victims who were harmed.



### 3. Training

- A. Require periodic training for teachers and educational counselors regarding online child protection and implementation of Ministry of Education guidelines for school handling of online harm cases. The training should be provided as part of the counselor's professional studies as a mandatory course, as well as ongoing professional training in the work place, and should be updated from time to time, taking into consideration developments in the digital world with respect to online child protection.
- B. Require periodic training for social workers and psychologists working with children and youth on the topic of online child protection, the unique characteristics of online harm and its treatment. The training should be conducted both as part of their professional studies as a mandatory course as well as through ongoing professional training in the work place, and should be updated from time to time, taking into consideration developments in the digital world with respect to online child protection, types of online harm and their impact on children and youth and optimal treatment methods.
- C. Develop a training program for judges and prosecution entities regarding online sex offenses, their gravity and unique characteristics, particularly with respect to children and youth. The aim is to ensure an appropriate response to the phenomenon of online sex offenses in Israel in all stages of the criminal process, particularly regarding sentencing.
- D. Develop a training program to foster digital literacy and ensure it is accessible to parents. The training should be delivered through easy to use courseware that will include explanations in simple and accessible language about online child protection, reporting online harm events, requesting assistance and submitting a request to remove harmful content pertaining to children and youth. The courseware and appropriate presentation of the material should be tailored to the needs, usage modes and digital literacy of the diverse population groups in Israel. In addition to the digital tools, this training should include, inter alia, in-person information sessions with parents, dissemination of informative material in various languages and a designated telephone call center for consultation and assistance on this matter.

### 4. Education and Information

- A. Develop a national educational curriculum about online protection and respectful online engagement. The program should be tailored to the various education streams in Israel, to the students' age and their different needs. The program will underscore children's rights and encourage reporting and requesting of assistance from authorized entities in case of exposure to online harm. Development of the program should be a collaborative effort between the Ministry of Education and civil society organizations with relevant expertise and experience on issues pertaining to online protection and child rights.



- B. Conduct conferences and seminars for policy makers and professional entities about children and youth protection in the digital world, aimed at presenting developments in this topic, creating a space for learning and discourse on the issue and promoting its integration in the field.
- C. Conduct public campaigns regarding online child protection and respectful online engagement led by government agencies and civil society organizations. Specifically, the campaigns should raise public awareness about the severe negative ramifications of online harm for children and youth, and about the importance of asking for help and reporting such harm to the authorized entities.
- D. Continue the development of creative and educational responses for children and youth about respectful online engagement, and disseminate them to children and youth in Israel, (for example, engagement rules and creation of social contracts), with the aim to foster a conversation on the topic at the community and school level.

## **5. Data Collection, Research and Publication**

- A. Establish a procedure for data collection by government agencies and relevant authorities regarding cases of online harm against children and youth. The procedure will include uniform definitions of types of harm in the online space (including cyberbullying and online sexual harm), in a manner that will enable cross-referrals and comparisons of data across different agencies. Data collection should include quantitative data (e.g., number of reported online harm cases; segmentation by reported harm types; number of requests to remove content and their results), and qualitative data that will be collected by conducting interviews and consultation with children and youth regarding violence in the online space, their exposure to harmful content online and requests for help.
- B. Periodically publish quantitative and qualitative data regarding online violence against children, and present them once a year to the Knesset Special Committee for the Rights of the Child.
- C. Establish a procedure by the Ministry of Communications for collection of data from leading content suppliers (e.g., websites, social media, online games played by children and youth) regarding their response and handling of reports and requests for assistance, as well as requests to remove content with respect to exposure to harmful content and/or cyberbullying pertaining to children.

This data should include, inter alia, the number of reports and removal requests received regarding harmful online content and/or cyberbullying targeting children and their outcomes, as well as decision criteria for removing harmful online content pertaining to children. The data will be collected while ensuring the right to privacy of the reported children.





## Bibliography:

- Arbel Committee ("Public Committee for the Formulation of Measures to Protect from Offensive Publications and Cyberbullying"), (2020). *Report: General Chapter*, Ministry of Justice. (Hebrew)
- Bezeq (2020). *The Digital Life Report*. (Hebrew)
- Child Online Protection Bureau Child Website, 'Safe to Connect: Child Online Protection Month' (Hebrew) [https://www.gov.il/en/departments/news/child\\_online\\_protection\\_month\\_2021](https://www.gov.il/en/departments/news/child_online_protection_month_2021)
- Child Online Protection Bureau Website. 'The 105 Hotline - Protecting our Children on Zoom as well' (Hebrew) [https://www.gov.il/en/departments/news/105\\_preventing\\_abuse\\_in\\_zoom\\_meetings](https://www.gov.il/en/departments/news/105_preventing_abuse_in_zoom_meetings)
- Child Online Protection Bureau Website: [https://www.gov.il/en/departments/about/about\\_the\\_bureau](https://www.gov.il/en/departments/about/about_the_bureau)
- Child Online Protection Bureau Website. *Reporting and Removing Content on Social Media* (Hebrew) [https://www.gov.il/he/departments/guides/report\\_content\\_to\\_social\\_networks?chapterIndex=1](https://www.gov.il/he/departments/guides/report_content_to_social_networks?chapterIndex=1)
- Craven, S., Brown, S., & Gilchrist, E. (2006). Sexual Grooming of Children: Review of literature and theoretical considerations. *Journal of Sexual Aggression*, 12, 287-299.
- Franco, L., & Almog, S. (2019). *Precarious Childhood: Law and its (Ir)Relevance in the Digital Lives of Children*. Penn. St. J.L. & Int'l Aff., 7(1), 53-87.
- Garson, Nir (2021). *Privacy Protection Law in a nutshell* (Webinar). The Privacy Protection Authority.
- Goggin, G., & Ellis, K. (2020). Privacy and Digital Data of Children with Disabilities: Scenes from Social Media Sharenting. *Media and Communication*, 8(4S2), 218-228.
- Israel National Council for the Child (2019). *State of the Child in Israel – 2019*. (Hebrew)
- Israel National Council for the Child Website (n.d.). *The Negev Conference For Children*. Retrieved from <https://www.children.org.il/the-negev-conference-for-children/?lang=en>
- Kalev, S. (2016). *Children's privacy in the Internet age*. ISOC –IL (Hebrew)
- Kalev, S. (2017-2018). "I Decide on Me" Privacy of Children in the Age - Digital and the right to return from parental consent. *Iyunei Mishpat*, 41, 1-57. (Hebrew)
- Kalev, S. (2019). "I will not open!" Shouted raspberry juice, 'It's a secret!' Privacy and information protection about minors. *Parliament*, 83. (Hebrew)
- Monnickendam-Givon, Y. (2021). *Online Violence towards Minors during COVID-19*. Knesset Research and Information Center (Hebrew)
- Kravchuk, N. (2021). Privacy as a New Component of "The Best Interests of the Child" in the New Digital Environment. *The International Journal of Children's Rights*, 1, 99-121.



- Livingstone, S., & Bulger, M. (2014). A Global Research Agenda for Children's Rights in the Digital Age. *Journal of Children and Media*, 8(4), 317-335.
- Livingstone, S., & Third, A. (2017). *Children and Young People's Rights in the Digital Age: An Emerging Agenda*, *New Media & Society*, 19(5).
- Ministry of Education (2003). *Director General Directive 5763/7 (A): Maintaining Privacy in School Websites*. (Hebrew)
- Ministry of Education (2011). *Director General Directive 5772/4 (A), 9.4-10: Ethics and Internet Protection*. (Hebrew)
- Ministry of Education (2013). *Director General Directive 5773/8, 6.1-1: Use of Social Network and Web Communities in the Education System*. (Hebrew)
- Ministry of Education (2020). *Standing Order No. 0256: Benefactory Educational Climate and the Response of Educational Institute with Risk and Violence Events*. (Hebrew)
- Ministry of Education (n.d., no. 1). *Guidelines for transferring a class that takes place in the classroom to students studying remotely during the corona period (integrated learning)*. Portal of Teaching Staff. (Hebrew)
- Ministry of Education (n.d., no. 2). *Rules and guidelines for a virtual classroom meeting*. Portal of Teaching Staff (Pedagogical Space). (Hebrew)
- Prensky, M. (2001). Digital Natives Digital Immigrants. *On the Horizon*, 9(5), 1-5.
- The Privacy Protection Authority (2020a). *Rules for the Implementation of the Camera Installation Law for the Protection of Toddlers in Day Care Centers for Toddlers*. (Hebrew)
- The Privacy Protection Authority (2020b). *Protecting students' privacy in distance learning: Emphasis and recommendations for conduct during the period of dealing with the coronavirus*. (Hebrew)
- The Privacy Protection Authority (2021). *Guide to Student Privacy in Educational Institutions in the Digital Age*. (Hebrew)
- Schwartz Altshuler, T. (2019). Privacy - Queen of Human Rights in the Digital World. *Parliament*, 83. (Hebrew)
- Shenhav, O. (2020). *Privacy in the information age*. The Privacy Protection Authority & Ministry of Justice. (Hebrew)
- The State Attorney (2017). *Guidance 2.29 – Investigation and Persecution in Offenses Concerning the Publication of Sexual Photographs, Recordings or Movies of a Person, Without his Consent*. (Hebrew)
- The State Comptroller (2019). *Annual Report 69B* (Hebrew).



Supreme Court of Israel, Decision: 2065/13: John Doe v. the State of Israel, 21.03.2013: [https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\13\650\020\020&fileName=13020650\\_020.txt&type=2](https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\13\650\020\020&fileName=13020650_020.txt&type=2)

Supreme Court of Israel, Decision: 6391/20: Israel v. Y. Batito, 23.06.2021: <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts\20\910\063\011&fileName=20063910.011&type=2>

Trabelos, T. (2018). *Description of Policy and National Plans on Shaming and Cyber-Bullying in Selected Countries*, Chief Scientist of the Ministry of Education. (Hebrew) <https://meyda.education.gov.il/files/Scientist/shamingpolicy.pdf>

Unger, Y. (2021). *Legal Responses to Social Outcasting and Shaming among Children in Social Networks: Theoretical Background and Comparative Review*. Knesset Legal Department. (Hebrew)

Unger, Y. (2015). *Assigning Criminal Responsibility or Civil Liability on Cyber-Bullying: Theoretical Background and Comparative Review*. Knesset Legal Department. (Hebrew)

UNICEF (2017). *The State of the World's Children: Children in a Digital World*. [https://www.unicef.org/media/48581/file/SOWC\\_2017\\_ENG.pdf](https://www.unicef.org/media/48581/file/SOWC_2017_ENG.pdf)

UNICEF (2018). *Children's Online Privacy and Freedom of Expression, Industry Toolkit*.

Tel Aviv Magistrate Court, 59627\06 Riba Vs. Botchicho, 59627\06 (19.11.2008).

United Nations (2020). *Policy Brief: The Impact of COVID-19 on Children*.

United Nations Economic and Social Council (2011). *Resolution 2011/33: Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children*.

United Nations Committee on the Rights of the Child (2011). *General comment No. 13: The right of the child to freedom from all forms of violence, CRC/C/GC/13 (2011, April 28)*.

United Nations Committee on the Rights of the Child (2016). *General comment No. 20: the implementation of the rights of the child during adolescence, CRC/C/GC/20 (2016, December 6)*.

United Nations Committee on the Rights of the Child (2021). *General comment No. 25 on children's rights in relation to the digital environment, CRC/C/GC/25, (2021, March 2)*.

Wagschal, H. & Cohen Avigdor, N. (2014). *Internet Bullying: The Ministry's Efforts to Promote Safe Internet Use*, Ministry of Public Security. (Hebrew)

# Non-Discrimination and Equality in Education and Health

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## 4. Non-Discrimination and Equality in Education and Health

### 4. A. The CRC on Non-Discrimination in Education and Health

#### 4. A. 1. The Right to Non-Discrimination in the CRC

§2(1) of the CRC requires that States Parties to the Convention «respect and ensure» all the rights anchored in the CRC to every child «without discrimination of any kind». The right to non-discrimination has also been recognized by the CRC Committee as one of its CRC general principles, reflecting its importance for understanding, interpreting and implementing the Convention (*CRC/GC/5, 2003, par. 12*).

Thus, the right to non-discrimination is broad, covering all rights in the CRC, and applicable to all children in the State Party. The CRC Committee also found that the implementation of the right requires special measures in order to prevent, identify and respond to instances of discrimination against children including through legislation, policy design, administration, resource allocation, data collection and analysis, education and awareness raising measures (*CRC/GC/5, 2003, par. 12*).

Furthermore, it should be noted that the right to non-discrimination and the right to equality are two sides of the same coin. While the principle of non-discrimination prohibits states from disparate treatment of different groups and individuals, the right to equality requires states to take affirmative steps to achieve it. Indeed, the CRC committee has adopted this approach. For example, in a comment about the rights of adolescents, the committee found that states are required to apply “comprehensive and appropriate affirmative action measures to diminish or eliminate conditions that result in direct or indirect discrimination against any group of adolescents.”<sup>28</sup>

Due to the scope and aim of this report, this part will focus on the implementation of the right to non-discrimination and equality in two distinct and important contexts: children’s education and access to health care services in Israel.

The reason behind this decision is two-fold. First, both the right to education and access to health care services are anchored in the CRC. Second, education and health are considered as two of the most important arenas to ensure children’s equal opportunity and enjoyment of all their rights under the Convention, today as well as in the future (*CRC/C/GC/20, 2016, p. 21*).

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28 In this context it is notable that the Committee has encouraged the State of Israel to strengthen affirmative action programs in order to address discrimination (*CRC/C/15/Add.195, par. 27*).





#### 4. A. 2. The Right to Education in the CRC

The CRC recognizes the child's right to education and requires States Parties to take measures to achieve this right progressively and on the basis of equal opportunity (*CRC § 28(1)*). In particular, the provision notes States Parties' obligations to ensure compulsory, available and free primary education; to take measures to develop different forms of available and accessible secondary education; to encourage regular school attendance and to reduce drop-out rates (*CRC § 28(1)(a)-(e)*). Indeed, the CRC Committee noted that education should be 'child-friendly, inspiring and motivating the individual child, and that schools should foster a humane atmosphere and allow children to develop according to their evolving capacities' (*CRC/GC/2001/1, par. 12*).

The CRC also addresses the 'aims of education', holding that the education of the child shall be directed, among others, to the development of the child's personality, talents, and mental and physical abilities to their fullest potential; respect to human rights and fundamental freedoms; and the preparation of the child to life in a free society in the spirit of peace, tolerance, equality of sexes, friendship among all people. (*CRC § 29(1)(a)-(e)*). Furthermore, the committee recognized that non-discrimination is applicable both to issues of access to education, as well as in relation to the content and aims of education itself (*CRC/GC/2001/1, 2001, par. 11*).

With respect to early childhood, the CRC committee interpreted the right to education during early childhood as commencing at birth (*CRC/GC/2005/7, Par. 28*). The committee acknowledged that research demonstrates that quality early education has a positive impact on children's transition to school, educational progress, and long term social adjustment (*par. 30*). The committee specifically noted that the separation between the concepts of care and education has not always been in the children's best interest, and highlighted the concept of "Educare" which, according to the committee, signals a shift to integrated services and encompasses a holistic approach (*par. 30*).

It is notable that with respect to all services for early childhood, the committee emphasized that in instances where non-state actors play a major role, the state has an obligation to monitor and regulate quality to protect children's right and their best interest (*par. 32*).

#### 4. A. 3. The Right to Health in the CRC

Article 24 of the CRC guarantees a child's right to "enjoyment of the highest attainable standard of health." Section 2 of the article, requires states to take measures to diminish child mortality, to ensure the provision of medical assistance to all children, to combat disease through readily available technology, to ensure pre-natal and post-natal care, to provide health education to parents and children and to develop preventative health care.



The CRC committee noted that the right to health is dependent on realization of other rights under the convention (*CRC/C/GC/15, 2013, par. 7*). As such, referencing Article 2 of the CRC, the committee called for non-discrimination in the provision of health care (*par. 8-11*); for a child's best interest to be central in all healthcare decisions in accordance with Article 3 (*par. 12-15*); for development of interventions that protect a child's right to survival and development pursuant to Article 6 (*par. 16-18*); and for a child's views to be considered in health care decisions pursuant to Article 12 (*par. 19*).

In interpreting section 2(c) of Article 24 which requires the use of available technology to combat disease and malnutrition, the committee called for immunizations against childhood disease, as well developmental and growth monitoring especially in early childhood (*par. 41*). Furthermore, the committee elaborated on section 2(d) which ensures pre-natal and post-natal health care for mothers. It noted that the care before, after, and during pregnancy has profound impact on the health and development of children, and that interventions should include health behavior education as well as birth preparedness (*par. 53, 54*). With respect to section 2(e) which calls on states to ensure parents and children's health education, the committee noted that such education should include: healthy eating, accident and injury prevention, and sanitation (*par. 59*).

In addition, the committee interpreted Article 24 to protect a child's access to mental health services. In interpreting section 2(b) which requires states "[to] Ensure the provision of necessary medical assistance and health care to all children", the committee emphasized its concern about increases in mental health issues among adolescents including behavioral disorders, substance abuse, depression, eating disorder, and abuse related trauma (*par. 28*). The Committee expressed concern about the practice of addressing mental health issues through institutionalization, and has called for early detection and treatment. Specifically, it stated that:

"The Committee cautions against over-medicalization and institutionalization, and urges States to undertake an approach based on public health and psychosocial support to address mental ill-health among children and adolescents and to invest in primary care approaches that facilitate the early detection and treatment of children's psychosocial, emotional and mental problems." (*par. 38*)

Furthermore, the committee has noted that article 24 requires participating states to ensure universal coverage, health promotion, care treatment and essential drugs (*par. 73(b)*). Finally, the committee stated that Article 24 requires states to pay special attention to underserved areas and populations in order to implement the Article's requirement that that "no child is deprived" to his right to access health care services (*par. 28-29*).





#### 4. A. 4. A Youth Perspective on Equality in Education

##### Youth Insights and Recommendations: The Right to Education and Equality in Education and Non-Discrimination, Focusing on the Impact of the COVID-19 Crisis

As part of the Israel National Council for the Child (NCC) [Youth Parliament](#) program, aimed at promoting the participation of youth in drafting and deciding policy at the national level, youth – from diverse population groups – participated in a consultation procedure about equal opportunity in education. The procedure took place at the height of the COVID-19 crisis, and the participating youth focused the discussion on the impact of the COVID-19 pandemic on issues of the right to education and equal opportunity in education, and about measures that need to be taken when returning to routine times and in future emergency situations. During the program the participants received accompaniment, training and guidance from the NCC staff. Moreover, as part of the procedure they met for a direct dialogue with experts in this field - senior officials from various government ministries (Ministry of Education and Ministry of Justice), along with representatives of civil society organizations and academia. In a joint meeting they discussed the youth participants' insights, positions and suggestions.

##### Main Insights, Positions and Viewpoints

The youth participants in the consultation procedure maintained that equality is an important value in Israeli society, and very significant for children and youth. Their position was that the following *issues must be urgently addressed with respect to equality in education*: gaps between center and periphery; gender discrimination in school (e.g., gender tracking into study tracks); discrimination and abusive relations between students, and discrimination pertaining to specific or vulnerable groups in society (e.g., based on religion, language, etc.). There was also broad agreement among the youth participants that this issue directly pertains to children and youth, and requires a *systemwide perspective that takes into consideration their viewpoint* and is attentive to the experience they gained and to their experiences on this topic. They felt that the need for youth participation was all the more evident in the period of the COVID-19 pandemic during which drastic decisions were made without the voice of children and youth being heard or sufficiently considered.

*A large part of the consultation procedure was devoted to the impact of the COVID-19 pandemic on issues of equality in education. The participants noted that the COVID-19 pandemic period impeded the right to education, and that the physical closing of school and the transition to distance learning brought to the fore learning, social and emotional difficulties, including a great sense of loneliness. They maintained that in the absence of 'eye contact', the relationship with the teachers also weakened, and they did not feel enough*



consideration on the part of the teachers. The participants also noted significant difficulties regarding the *impact of the COVID-19 pandemic period on the quality of learning*. Among other things, they indicated that some subjects are very difficult to learn in distance learning mode, such as mathematics and science, as well as considerable difficulty concentrating and managing time. Most of the participants also maintained that *parents are a significant supporting factor in distance learning*, but noted that in many instances parents are busy and preoccupied with their own matters and are not sufficiently available to help, or lack knowledge and skills with respect to technological systems. Moreover, some participants indicated that some parents regard distance learning as ‘free time’ of sorts, and ask their children to help with various tasks around the house (which were especially needed during the COVID-19 period), such as caring for their younger siblings, watching over them and helping them in their studies.

Regarding *access to distance learning* and the issue of *the digital gap* (lack of access to infrastructures and end-user devices such as computers, tablets and smartphones), some participants noted that the COVID-19 period exposed these gaps even more, and also indicated that *they had to contend with lack of internet access* or recurring reception and connection problems, lack of computers (none at all or not having enough computers for all the children in the family), and lack of suitable conditions for studying at home, such as a quiet space. They noted that, as a result, some participants could not connect to classes, thus impeding their studies. There was also broad agreement that *a return to physically studying at school was greatly needed*, and this while taking into consideration the special circumstances of the COVID-19 crisis and providing the required solutions, such as bringing all students up to par and narrowing gaps in class, providing emotional support and conducting social activities. It should be noted that alongside the distinct gaps and difficulties that were revealed and exacerbated, some participants observed that the experience of *distance learning offered an opportunity to promote equality in education and to advance more quality learning* in routine times for all students, for example by enhancing learning through the integration of digital tools and using a range of digital education sources.

## Suggestions and Plans Proposed by Youth Participants

### A. Include equal opportunity in education as a school curriculum topic

The youth participants called on the Ministry of Education to include the topic of equal opportunity in education and socioeconomic gaps in Israel in the school curriculum. For example, through individual and group projects; conducting discussion roundtables; and contact with students from other schools or localities.



#### **B. A mechanism for hearing and consulting with youth to promote equality in education**

The youth participants indicated the need to develop a mechanism for hearing and consulting with youth on the part of the relevant experts in this field, and this with respect to a range of aspects pertaining to promoting equality in education, in routine times as well as in times of crisis such as the corona. They underscored the importance of youth participation together with entities that can impact and have the authority to make decisions in this matter, for example representatives from the Education Ministry and from local government in the education field as well as Knesset members.

#### **C. Take steps to ensure gender equality in school**

The youth participants underscored the importance of taking steps to ensure gender equality in schools, particularly emphasizing the need to act against the tracking of girls into the humanities and social sciences while encouraging boys to select science tracks.

#### **D. Enhance the quality of distance learning at the school level**

The youth participants proposed that the Ministry of Education, in collaboration with the students, formulate procedures and guidelines for schools in order to enhance the quality of distance learning - and also to implement and integrate most of them in routine times in order to help narrow gaps. Among other things, the youth participants suggested taking the following steps: (a) conduct study sessions in small groups; (b) reduce the study load and learn time management; (c) provide one-on-one time between teachers and students encountering difficulty; (d) conduct individual conversations on a regular basis with every student in order to air and share; (e) strengthen discourse and communication between students and teachers as well as with school management, in order to discuss difficulties and formulate responses; (f) foster social activities and get-togethers.

#### **E. Increase digital access**

The youth participants underscored the importance of ensuring digital access for distance learning to all students, which is critical in emergency times but also vital in routine times, among other things for learning and preparing assignments, with an emphasis on a stable internet connection and providing cellular modems if needed (such as a NetStick); provide end-user devices to all students.



## Bibliography:

UN Committee on the Rights of the Child (CRC) (2001). *General comment No. 1 (2001), Article 29 (1), The aims of education*, 17.4.2001, accessed at: <https://www.refworld.org/docid/4538834d2.html>.

UN Committee on the Rights of the Child (CRC) (2002), *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention – Concluding Observations: Israel*, §27, 9.10.2002.

UN Committee on the Rights of the Child (CRC) (2003), *General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child*, 27.11.2013, accessed at: <https://www.refworld.org/docid/4538834f11.html>

UN Committee on the Rights of the Child (CRC) (2005). *General comment No. 7: Implementing Child Rights in Early Childhood*, 20.9.2006, accessed at: <https://www.refworld.org/docid/460bc5a62.html>.

UN Committee on the Rights of the Child (CRC) (2013). *General comment No. 15 (2013), Article 24, on the right of the child to the enjoyment of the highest attainable standard of health*, 17.4.2013, accessed at: <https://www.refworld.org/docid/51ef9e134.html>

UN Committee on the Rights of the Child (CRC) (2016), *General comment No. 20 on the implementation of the rights of the child during adolescence*, 6.12.2016, accessed at: <https://www.refworld.org/docid/589dad3d4.html>

# Non-Discrimination in Education: Early Childhood Education

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## 4. B. Early Childhood Education

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Early childhood is a critical period of accelerated physical and cognitive growth. Accordingly, extensive research indicated that educational gaps among children in their early years can build and accelerate, and that efforts to remedy these gaps at school age, while beneficial, may be too late.<sup>29</sup>

As of 2020, there were about 335,000 children in Israel below the age of 3 who attended daycare settings; among those, 27% of children attended daycare between the ages of 0-1, 63% between the ages of 1-2, and 75% between the ages of 2-3 (*Central Bureau of Statistics, 2020*).

The issue of ensuring quality early childhood education, then, stands to be particularly impactful – especially considering the wide educational gaps in Israel, gaps which are usually measured in concepts such as ‘high school graduation’ and ‘university attendance’. As described below, the roots of some of these gaps begin much earlier.

The following will provide an overview of (1) Israel’s legal framework with respect to early childhood education which creates significant distinctions between children aged 0-3 and 3-6; and (2) policy and implementations of this distinction.

### 4. B. 1. Legal and Regulatory Framework

Israel’s Compulsory Education Law (1949) provides for mandatory and free education for all children from first to twelfth grades. However, for younger children the recognition of the right to free education is partial, and applies only to children above the age of 3 who attend kindergartens under the supervision of the Ministry of Education. In practice, this means that as of date, there is no legal recognition of the right of children under the age of three for education, and no state body responsible for the fulfillment of that right.

This age limit has wide implications, since there are other education-related statutes that cover only children who are subject of the Compulsory Education Law. These include: The Pupils’ Rights Law (2000) that aims to advance student rights in the spirit of the CRC, prohibits discrimination, as well as provides for due process protections with respect to expulsions of students; and the State Education Law (1953) which empowers the Ministry of Education to prescribe educational programming for schools.

A crucial piece of legislation that applies only to children who are subject of the Compulsory Education Law is the School Oversight Law (1963). That statute provides for oversight over schools by the Ministry of Education and conditions the licensing of schools on a satisfactory academic programming, proper training for staff, and safety standards. The statute further

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29 For an overview of current research, as well as specific findings in the Israeli context, see Taub Center 2019, 2020, 2021.





authorizes the Ministry of Education to deny employment to educational staff due to past criminal convictions or past termination from employment at a school.

For children from birth to the age of three, there is a different statute that provides for oversight and supervision—the Daycare Supervision Law (2018), that was enacted after an outcry over the death of a toddler at the hands of an abusive daycare staff member, which was captured by surveillance video. The law addresses oversight over major aspects of a daycare operation such as educational programming, training, safety, and food. It empowers the Ministry of Welfare and Social Affairs to oversee the operation of child daycare centers and provides it with administrative enforcement tools. It prohibits the operation of a daycare without a license, and conditions the license on the safety of the facility, CPR trainings for staff, and lack of relevant criminal convictions or indictments by operators and staff.

It is important to note that the Daycare Supervision Law (2018) provides for supervision over settings that have 7 children or more. This means that if, by way of example, a person decides to provide daycare services for 6 children or less at his home, the Daycare Supervision Law will not apply.

Another related statute is the Installation of Security Cameras for the Protection of Toddlers in Daycares Law (2018). The legislation requires installation of cameras in settings that are subject to the Daycare Supervision Law (2018) with footage to be viewed by law enforcement upon the investigation of abuse.

#### **4. B. 2. Policy and Implementation**

The different statutory schemes that apply to children above and below the age of 3 have major policy implications. To begin with, since the Free and Compulsory Education Law does not apply to children below the age of 3, there is no legal requirement that their education will be free. Furthermore, as will be discussed below the statutory scheme creates two additional challenges: 1) a shortage in daycares for children below the age of 3 that are recognized and subsidized by the state, and 2) challenges in the implementation and enforcement of regulations that were designed to oversee daycares for children aged 0-3:

##### **i. Lack of Availability of Officially Recognized and Subsidized Daycares**

For children 0-3, only certain daycares are recognized by the state and are known as “SEMEL” daycares. Available capacity in daycares which are recognized by the state is limited; for example, in 2017, only 23% of Israel’s children attended them; these attendance rates were significantly lower for Ultra-orthodox and Arab children, with only 10% and 2% of them attending, respectively (*Citizens’ Empowerment Center in Israel, 2017, p.3*). It is notable that “SEMEL” daycare tuitions are set and subsidized by the state (*Ministry of Welfare and Social Services Website, Daycare Tuition For 2021-2022*). All children ages 0-3 who do not attend





SEMEL daycares are subject to tuition that is not regulated. As such, children who are not accommodated at a recognized daycare are at risk of not being able to attain early education due to their families' inability to afford it.

More recent data continues to raise alarms about the disparity of available recognized daycares for Arab children. While Arab children amount to 25% of all children in Israel, only 7-8% of children between the ages of 0-3 who attend recognized daycares were Arab (*Rabinovitch, 2019, p. 20*).

The lack of availability of recognized daycares for Arab children is of particular concern as there does not appear to be any immediate and feasible solution that to resolve it. Indeed, between the years 2014-2018, only 13 new recognized daycares that were designated for non-Jewish children were built, amounting to only 6% of all daycares that were built (*Rabinovitch, 2014, p. 24*).

In this context, it should be noted that the percentage of Arab children who attended daycares in general is significantly lower than the percentage of Jewish children. Among Arab children the rate of participation in day care was 12% for children 0-1, 15% for children 1-2, and 28% for children 2-3; while for Jewish Children it was 32% for children 0-1, 78% for children 1-2, and 89% for children 2-3 (*Central Bureau of Statistics, 2020*).

## ii. Challenges With Respect to Regulatory Oversight

The separate oversight statutory scheme for children below the age of 3 faces major challenges in implementation and design.

*First*, the Daycare Supervision Law (2018) provides that many aspects of the operations of daycares are to be governed by regulations promulgated by the Ministry of Welfare and Social Services and approved by the Knesset.

While the law provided that regulations would be issued by October 2019, they were submitted only in 2021 (Child Daycare Oversight Regulations [Conditions for the Operation of a Child Daycare], 2021).<sup>30</sup> This means that these regulations which govern crucial aspects of daycare operations such capacity, educational programing, training, safety, and nutrition, are still in early implementation. Similar implementation issues exist with respect to the Installation of Security Cameras for the Protection of Toddlers in Daycares Law. As a small fraction of daycares had cameras installed, subsidies to make these installations were insufficient to cover the costs involved.

*Second*, there are questions about the sufficiency of the regulations. To begin with for operators of daycare they require minimal training that includes 22 hours of CPR training,

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30 [https://www.nevo.co.il/law\\_html/law01/502\\_445.htm](https://www.nevo.co.il/law_html/law01/502_445.htm)



and 14 hour safety training (Regulation 5). With respect to teachers and assistants, the regulations require pedagogical trainings. However, that training can be completed within a year from the beginning of employment (Regulation 6). Furthermore, the number of children per class/room allowed by the regulation is high, with a quote for up to 30 children for two year olds (1st Addition). In addition, the drafters of the regulations seem to have recognized to some extent that the regulations want in terms of staff to children ratios.

The regulations provide for a staff to child ratio of 1:6 for children 0-15 months, 1:9 for 15-24 months, and 1:11 for 24 months and above (Regulation 23). However, the regulations call for examination of lowering these ratios with consideration of data from OECD countries, and examination of an initial step of lowering the ratio by one child for each age group (Regulation 27).

*Third*, regulations pertaining to educational programing seem to be vague and unenforceable. While they require the Ministry of Welfare and Social Services to develop a recommended educational and developmental program, it allows each daycare to develop its own programing, and merely requires that it provides the essential elements of the program to parents, and keeps it on file (Regulations 14-15, 21).

*Finally*, the separate legislative scheme for children below the age of 3 has ministerial implications: the Daycare Supervision Law states that the Ministry of Welfare and Social Services oversees daycares for children below the age of 3, while the School Oversight Law provides for oversight by the Ministry of Education for children above the age of 3. This split greatly undermines the capacity to implement an educational continuum from cradle to adolescence and is incongruent with the importance of education in early years. Thus, the ministerial split deprives children below the age of 3 from access to pedagogical oversight mechanisms and educational expertise that are available at the Ministry of Education.

#### **4. B. 3. Consultations with Civil Society Organizations**

The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth.

As part of the formulation of policy recommendations regarding Early Childhood Education, consultations were held with the Coalition for Early Childhood Education.

The Coalition for Early Childhood Education is a coalition of a variety of civil society organizations, of which the Israel National Council for the Child is also a member, which works to improve the conditions of day care facilities for children under the age of three in Israel, through advocacy for better regulations and other policy measures.



As part of the consultations, a draft of the policy recommendations regarding Early Child Education was shared with an expert of the Coalition, on whom they commented. The professional expertise of the Coalition, as well its experience in regulatory advocacy for the daycares, has awarded the recommendations attached below with valuable insights.



#### 4. B. 4. Recommendations: Early Childhood Education

##### 1. Promotion of Legislation and Policy

- A. Transfer responsibility for early childhood frameworks from birth to the age of 3 to the Ministry of Education, according to recommendations of public committees which examined the issue (Rosenthal Committee [2007], Trajtenberg Committee [2011] and Alaluf Committee [2014]), in order to promote equal opportunity in education while maintaining the education-childcare continuum from birth through adulthood.
- B. Full implementation and enforcement of the Toddler Daycare Supervision Law (2018) (hereinafter: “Supervision Law”) and of the Toddler Daycare Supervision Regulations (Conditions for the Operation of a Toddler Daycare Center), (2021) (hereinafter: “Supervision Regulations”).

To this end, the Daycare Center and Nursery School Division (hereinafter: “the Division”), or alternatively a dedicated early childhood division in the Ministry of Education, must complete the process of mapping all private daycares throughout the country, increase the number of supervisors in the Division, and act to increase the budget allocated to implement the law and the regulations.

- C. Change the criteria set forth in the Supervision Regulations, in order to improve the regulations set forth regarding standards (ratio between the number of toddlers to staff; and this according to the recommendations of the Rosenthal Report), regarding capacity (total number of toddlers in every class), and regarding staff training (as detailed in Section no. 3).
- D. Fully implement the Camera Installation Law for the Protection of Toddlers in Daycare Centers for Toddlers (2018). To this end the Division must complete the process of mapping private daycares, increase the Division’s supervision activity regarding compliance with the provisions of the law, and act to fund camera installation costs in both recognized daycare centers and private daycares so as to prevent imposing the costs on the parents; particularly, act to subsidize the equipment for frameworks in low socioeconomic clusters.
- E. Establish an early childhood ministers’ committee, pursuant to Section 18 to the Council for Early Childhood Law (2017) that will approve the national multi-year plan prepared by the Council for Early Childhood.
- F. Formulate a national construction plan for daycare centers in order to address the shortage of daycare centers in areas of demand and in areas in without any daycare centers at all. In formulating the plan, a particular emphasis will be placed on building



daycare centers in Arab localities, with a low percentage of children educated in daycare centers and a significant shortage in building new daycare centers.<sup>31</sup>

## 2. Collaborations and Resource Pooling

- A. Financially incentivize the planning and building of early childhood campuses in local authorities that will consolidate all service providers to toddlers and their parents in the local authority under one umbrella (Tipat Chalav, education and daycare facilities, child development center, professional staff training center, parent treatment and guidance center, etc.).<sup>32</sup>
- B. Financially incentivize the establishment of a dedicated early childhood department in all local authorities in Israel. This department will be responsible for all services needed for toddler care – early childhood facilities, professional training for the education staff, support services for at-risk families, early childhood assessment and enrichment services, etc.<sup>33</sup>

## 3. Professional Staff in Daycare Centers

- A. Implement the supervision regulations regarding professional training for caregivers, particularly specifying mandatory professionalization that will include pedagogical training similar to the education professions - for all caregivers, and in all frameworks, as a threshold condition for beginning their work.
- B. Expand the scope of required professional educational guidance, mentoring and supervision hours for all educators-caregivers as part of the regulations, to be determined in relation to the daycare size (in contrast to the scope of hours currently specified in the regulations, which is only 4 hours a month for all daycares, irrespective of size).
- C. Formulate plans for developing and budgeting academic training programs for early childhood education and caregiving, from birth through age of 3, in higher education institutions, that will be regulated and funded by the Council for Higher Education.<sup>34</sup>
- D. Expand periodic staff training regarding detection and identification of developmental problems and risk situations in the family, particularly abuse, neglect and harm of toddlers.

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31 For further information, see: Rabinowitz, M., 'Framework for Preschool Children, the Knesset Research and Information Center. (Hebrew)

32 For further information, see: Trajtenberg, M. "Turning the Pyramid Upside Down; A New Vision and Policy for Early Childhood Education", 2019, Samuel Neaman Institute (pp. 30-37). (Hebrew)

33 This model is already in place in several local authorities. For further information, see: Rabinowitz, M., 'The Public Response for Preschool Children in Israel: The Current State of Affairs', 2015, Knesset Research and Information Center. (Hebrew)

34 Similar to the School of Early Childhood Professions at Oranim Academic College of Education.



#### 4. Unique Populations

- A. Design a plan for early detection and for the provision of suitable solutions for toddlers with a disability and with special needs (including toddlers with an allergy, toddlers contending with developmental delays, etc.) – that will include staff training, allocating dedicated positions for specialists and providing parent training.
- B. Design and promote early childhood intervention programs in Arab localities, in collaboration with the Division, local authorities and intra-community entities, while providing culture and language-appropriate service.
- C. Design a plan to address the shortage of rehabilitation daycare centers for toddlers with a disability, particularly regarding the field of communication disabilities for children on the autism spectrum.



## Bibliography:

Central Bureau of Statistics (2020), *Education – Yearly Statistical Report, No. 71*, Table No. 4.3. *Children in Pre-Primary Education and in Day Care Centers, by Ownership Child's Age and Population Group*.

Citizens' Empowerment Center in Israel (2017). *Monitor Report – Implementation of Government Decisions regarding Daycares*. (Hebrew)

<https://www.ceci.org.il/sites/citizens/UserContent/files/monitor/DayCare4088.pdf>

Rabinovitch, M. (2019). *Early Childhood Facilities* ("Misgarot LeYeladim BaGil Harach"). Knesset Research and Information Center. (Hebrew)

Ministry of Welfare and Social Services Website, *Daycare Tuition for 2021-2022*. (Hebrew)

<https://www.gov.il/he/departments/guides/tuition-daycare-and-supervised-nurseries?chapterIndex=1>

Taub Center (2019). *Emerging Inequality in the Early Childhood: Poverty and Future Educational Attainment*. (Hebrew)

Taub Center (2020). *Early Childhood Education in Israel and Educational Attainment*. (Hebrew)

Taub Center (2021). *Early Childhood in Israel – Findings from Selected Research*. (Hebrew)

<https://www.taubcenter.org.il/wp-content/uploads/2021/09/HE-ECEC-booklet-ONLINE.pdf>



# Non-Discrimination in Education: Parent Payments

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## 4. C. Parent Payments

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### 4. C. 1. The Right to Free Education in Israel

The right to free education in Israel was established in Section 6 of the Compulsory Education Law, 1949 ('Compulsory Education Law'). The law states that every child in Israel, from 3 years of age (preschool) up until 18 years of age, must study in an educational framework and is entitled to free education. This is one of the first laws legislated by the first Knesset of Israel, and the first education law enacted by the State legislature. Furthermore, Israel is a signatory to several international covenants and conventions that require it to ensure the implementation and realization of the right to education (*ICESCR, 1966*), first and foremost the Convention on the Rights of the Child (*CRC, 1966*).

According to the Convention on the Rights of the Child and its spirit, as part of the realization of the right of children to education, the signatory countries must act to the extent possible to operate free and universal education services, in the aim of promoting equal opportunity to all children (Article 28) – and thus the right to free education in Israel is also derived from the obligation of the State of Israel to act to fully realize the rights protected by the Convention.

Nonetheless, Israel does not fully realize its commitment to provide free service under the right to free education. The Compulsory Education Law (Sections 6(d) and (d1)(2)) sets forth exceptions to the right to free education which enable the local education authority<sup>35</sup> to charge fees from students' parents. Thus, parents are required to fund services such as fieldtrips, class parties, textbooks and enrichment classes – activities that in practice constitute integral parts of the educational program. Over the years parent payments and their scope expanded significantly, and with them the problems entailed in this arrangement, thus contradicting the principle of equality, the spirit of the Compulsory Education Law and the Convention on the Rights of the Child, while deepening gaps in the education system in Israel.

### 4. C. 2. Types of Parent Payments and the Current Situation

There are several types of parent payments in the education system in Israel. Every year the Ministry of Education determines the maximum payment that education institutions can charge parents of their students, and the institution must decide the actual amount to be charged within the limit set for the specific year. Not all payments are approved by the Knesset Education, Culture and Sports Committee, as detailed below.

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35 Or the owner of an institution in case of an unofficial institution.



<i>Mandatory payments</i>	<p><i>Currently the only mandatory payment is personal accident insurance for students according to Section 6(d1) to the Compulsory Education Law.</i></p> <p><i>In July 2016 the Knesset enacted the Personal Accident Insurance for Students Law (Legislation Amendments), which provides that a uniform fee shall be charged parents for personal accident insurance to be determined in advance by one insurer selected in a tender. Thus a uniform fee is currently charged by all local governments.<sup>36</sup></i></p>	<p><i>Mandatory payments are charged pursuant to the Compulsory Education Law and must receive the approval of the Knesset Education, Culture and Sports Committee.</i></p>
<i>Optional payments</i>	<p><i>These payments are charged pursuant to the Compulsory Education Law and are limited to the maximal amounts published by the Ministry of Education with the approval of the Knesset Education, Culture and Sports Committee. These payments include eight items: cultural events, end of year parties, class parties, loan of textbooks, National Parent Leadership, municipal parent committee, fieldtrips according to a specific program and “Shelach” activities.<sup>37</sup> These payments are called ‘optional’ payments, however as specified above, these are basic and vital education services.</i></p>	<p><i>Optional payments are charged pursuant to the Compulsory Education Law and must receive the approval of the Knesset Education, Culture and Sports Committee.</i></p>

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<sup>36</sup> The fee is currently NIS 49 per student. It should be noted that this amendment was needed due to the extensive differences that existed between local governments with respect to the insurance terms and conditions – financially strong local governments purchased insurance at low insurance premiums, while weak local governments had to purchase insurance at high insurance premiums.

<sup>37</sup> Shelach - Field, Nation, Society. A study program that combines class study with fieldtrips and aims, inter alia, to strengthen democratic responsibility and social involvement.. Payments for this program are charged for the classes in which this activity takes place.



<p><i>"Talan" Payments (additional study program)</i></p>	<p><i>"Talan" payments are charged for diverse content and a range of programs added to the basic study curriculum. This option is anchored in the National Education Law (Supplementary Program and Additional Program) 1953, and in National Education Regulations (Supplementary Program and Additional Program) 1953. According to current legislation, a program for additional hours exceeding the hours determined for the study curriculum, can be approved according to the demand of the students' parents in the education institution, provided it is funded by the students' parents or the local education authority. It is clarified that collection of payment for these services is conditional, inter alia, on the personal agreement of all the students' parents interested in the service (Ministry of Education, 2002, 2021). Nonetheless, in practice in many cases parents receive notification regarding the payment amounts without receiving their agreement.</i></p>	<p><i>"Talan" payments do not require approval of the Knesset Education, Culture and Sports Committee, and are only brought to the Committee's attention.</i></p>
<p><i>Payments for voluntary purchase of services</i></p>	<p><i>This type of payment is not detailed in primary or secondary legislation, but rather established in the Director General circular (Ministry of Education, 2002). According to the circular, this refers to concentrated purchase of services or supplies by the school, such as textbooks and school uniforms. Collection of payment for these services is conditional, inter alia, on the personal agreement of the parents of all the students receiving the service (Ministry of Education, 2002, 2021).</i></p> <p><i>Nonetheless, in practice in many cases parents receive notification regarding the payment amounts without receiving their agreement.</i></p>	<p><i>Payments for voluntary purchase of services do not require approval of the Knesset Education, Culture and Sports Committee, and are only brought to the Committee's attention.</i></p>
<p><i>Payments for Nutrition program</i></p>	<p><i>Payment charged pursuant to the Daily Meal for the Pupil Law (2005) (also known as the 'hot meal law') for the arrangement that provides a daily hot meal to children attending compulsory kindergarten and primary school in education institutions where the long school day was applied (that make up a minority of education institutions), and this in accordance with the Long School Day and Enrichment Studies Law, 1997. Payment is progressive and partial according to income per capita per month indices as published annually by the Ministry of Education.</i></p>	<p><i>Nutrition program payments must receive the approval of the Knesset Education, Culture and Sports Committee.</i></p>



Unregulated payments	<i>The types of payments recognized and specified above do not include other components for which parents may be asked to pay, such as payment for transportation to the education institution or technological end devices not yet included in payments for voluntary purchase of service (Moshe, 2017) (Weininger, 2020). Therefore, in practice there are payments about which there is insufficient data, and currently published payment amounts do not reflect the full amount imposed on some parents.</i>	<i>Payments over which there is no oversight of the Knesset Education, Culture and Sports Committee.</i>
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The required sums for all types of parent payments are not negligible and amount to thousands of shekels per child each year. As such they constitute a significant hurdle to equitable realization of the right to education of students in Israel.<sup>38</sup> Furthermore, religious and unique education institutions may charge additional fees that are significantly higher than those published by the Ministry of Education. These are charged, inter alia, through “Talan” payments (“Additional Study Program”) or voluntary purchase of services payments, and allow for charging additional fees of up to NIS 3,500 (*Ministry of Education, 2019*). These payments, together with those approved, may climb to sums of up to about NIS 6,500 – 7,000 a year (*Weininger, 2021*). Furthermore, all education institutions may request the Ministry of Education Exceptions Committee to approve a payment plan that exceeds the permitted sums.<sup>39</sup>

However, as noted above, there are payments which are not regulated, and therefore the currently published amounts do not reflect the full range of parent payments charged in the education system.

Recognizing that charging parent payments harms the right to equal education, numerous Knesset committees over the years expressed a firm opinion on the issue, and supported full abolition of parent payments. Knesset members in the Education, Culture and Sports Committee meetings said the following regarding approval of parent payments:

*“As usual, every year the Education Committee must approve parent payments. Every year, as a matter of routine, this is a charged and stormy discussion. We all dream of the day when the Compulsory Education Law in the State of Israel will be complied with properly and in practice, however this is not the case.”*

38 Thus, for example, total maximum payments approved for the 2021/2022 school year per child amount to about NIS 1,000 in pre-primary education, about NIS 2,000 in primary education and up to about NIS 3,000 in secondary education (*Ministry of Education, 2021*).

39 For example, in 2019/2020, 182 institutions received approval to charge parent payments in sums exceeding NIS 6,000; and 7 schools received approval to charge more than NIS 10,000 a year per student (*Weininger, 2020*).



*“Parent payments should be cancelled entirely. The Free Compulsory Education Law as the ear understands and hears, I don’t understand it any other way.”*

(Former Chairperson of the Education Committee, MK Yakov Margi, at the Committee’s meeting on July 7, 2019)

*“I say once again that I think that ultimately we have to remember that the mere discussion about parent payment sums, basically, as I see it, should not have been conducted in this manner. It is not the responsibility of parents in Israel to fund their children’s education. The mere fact that we have reached 2020 and we are still in a situation in which almost 5 billion shekels of education in Israel are funded by the parents, there is a basic inherent problem here which we must begin to address. As I see it, in recent years there were many attempts, and this year as well I am glad that there is also the understanding among the Committee members that we must to try to address it at its root..”*

(Former Chairperson of the Education Committee, MK Ram Shefa, at the Committee meeting on August 18, 2020)

Nonetheless, and despite widespread agreement regarding the need to cancel parent payments, not only has this abolition not been achieved yet, the scope of required payments continues to place a heavy burden and to constitute a continuing violation of the right to equality in education. Thus, an estimate published in 2018 found that total parent payments levied in the education system rose from about NIS 3.9 billion in 2012 to about NIS 4.6 billion in 2016 - in other words, an increase of about 17.4% in five years (*Yaron, 2018*).<sup>40</sup>

Furthermore, segmentation of all parent payments indicates that from out of this large sum, about NIS 3 billion are estimated to be for Talan services and for voluntary purchase of services, and about NIS 1.6 billion for mandatory and optional parent payments (*Moshe, 2017*). This demonstrates a distorted situation in which the scope of parent payments that do not depend on approval of the Knesset Education Committee is even higher than that of payments requiring the Committee’s approval.

#### **4. C. 3. Parent Payments: Violation of Rights, Ramifications and Harm**

The State of Israel is obligated to provide equal education to all children and youth in a complex reality in which students in the education system do not come from a level playing field, affected by their socioeconomic background and by the resources available to their parents (including emotional resources and study support). Given this state of affairs,

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<sup>40</sup> It was clarified that the increase is higher than the increase in the number of students, and thus this figure reflects a rise in actual parent payment expenses.





imposing parent payments exacerbates gaps in the education system between students and between schools, and as such parent payments serve in effect as a regressive education tax.

Furthermore, the picture emerging from contemporary data (*Weininger, 2020*) is that parent payments create separate education systems distinguished by their education standard, its nature and quality, and in a manner that excludes students from different backgrounds and geographic areas. This is the case because "Talan" payments or the voluntary purchase of services enable certain schools to offer special study tracks, unique study programs and enrichment classes, as well as the purchase of advanced learning aids. Thus parent payments hamper the State's ability to succeed in narrowing social gaps, and create damage by deepening and exacerbating already existing gaps.

Furthermore, the fact that parent payments are charged by the school creates recurring friction between teaching staff and parents, and in many cases arguments about the students, sometimes even in their presence.

Even though Ministry of Education procedures include provisions that prohibit the exclusion of students and prohibit punitive measures if parents do not meet the parent payments (*Ministry of Education, 2002*), in actuality many complaints are lodged regarding humiliation of students whose parents did not pay these payments. This include listing out loud in the presence of other students the names of the students whose parents have not yet paid; direct pressure exerted by homeroom teachers on students to exhort their parents to pay their debt, and excluding students from taking part in various activities.

Finally, the mere levying of parent payments is in essence a statement that fieldtrips, tours, additional study programs, end-user devices and the like supposedly are not an essential part of the State's obligation to realize the right of children and youth to education. This statement, of course, is not congruent with the spirit of the Compulsory Education Law and with the Convention on the Rights of the Child.

#### **4. C. 4. Proposed Solutions and Suggestions Regarding Parent Payments Over the Years**

The problematic parent payment arrangement has been a familiar public issue for decades, including various attempts for its abolition. The report of the public advisory council regarding parent payments headed by the late Mr. Aharon Langerman (*Langerman Report, 1992*), was submitted to the Minister of Education already in 1992. The Committee recommended abolishing all parent payments, and maintained that, in order to ensure genuine free education to every student in Israel, the funding burden should be imposed on the entire population and not only on the parents of students. The advisory council found that imposing the costs on the students' parents deepens inequality in education, imposes numerous expenses on young parents and increases societal gaps, among other





things because payments are not based on socioeconomic criteria with respect to each and every child. As the Committee stated:

*“It is therefore evident that education is not just another product traded on the open market, and certainly is not a luxury item. Therefore, we should not accept the approach which views education as an interest of the consumer (parents, students) which needs it, and only their need, but rather a national interest of society as a whole” (Langerman Committee, 1992, p. 1).*

The Committee suggested several funding alternatives: progressive collection from the entire population along with a minimal addition of several permilles of a percent to contributions paid to the National Insurance Institute, an addition to the municipal property tax charged by local government or an education tariff to be charged by local government or the State.

On the basis of the recommendations of the Langerman Committee recommendations, and alongside them, over the years several measures were taken and initiatives proposed to abolish parent payments, or atleast to decrease them. The main initiatives and proposals:

- 2004 Rosenberg Committee**, the committee chaired by Ms. Lea Rosenberg, then Deputy Director General of the Ministry of Education, called for implementing the recommendations of the Langerman Committee and for selecting the funding alternative of adding an additional 0.1% to National Insurance Institute contributions, gradually and based on socioeconomic criteria (Rosenberg Committee, 2004).
- 2010 Shoshani Committee**, a committee chaired by then Director General of the Ministry of Education, which recommended replacing the uniform and regressive payments with an alternative table that will be based on a gradual, progressive and subsidized component over a decade, in addition to measures that will reduce textbook prices and make them accessible in an interactive digital format (Shoshani Committee 2010).
- 2011 Trachtenberg Committee**, the committee for socioeconomic change chaired by Prof. Emanuel Trachtenberg recommended implementing the Shoshani Committee recommendations and reducing the scope and scale of parent payments by designing a progressive payment mechanism, and this while shortening implementation of the recommendations so that they will be implemented in two stages rather than spread out over a decade (Trachtenberg Committee, 2011).
- 2012** Following the Trachtenberg Committee recommendations, a government decision was adopted in 2012 (No. 4088), pertaining, inter alia, to parent payments, mainly in
- 2014** this matter creating a progressive mechanism for subsidizing parent payments and placing all parent payments under parliamentary oversight. Instead, the Ministry of Education acted to provide grants to parents encountering difficulty paying for learning aids and social activities (regarding implementation of the Government Decision see Center for Citizen Empowerment, 2017).



**2015** A proposed bill was presented to include parliamentary oversight over parent payments, inclusive of all payment types, however it was not passed.

In addition, over the years several private proposed bills were also presented to regulate parent payments and abolish the current payment burden, however none of them passed.<sup>41</sup> Furthermore, in 2019 the Israel Supreme Court heard a suit (*Shimshon Jacqueline and Others v. the Ministry of Education and Others, Gavriel Salomon v. the Ministry of Education and Others, 2019*) that sought to nullify Ministry of Education procedures that enable increasing parent payments through “Talan” or the voluntary purchase of services, claiming that this charge of payments is carried out unlawfully and is not authorized. The suit was rejected.<sup>42</sup>

Despite the numerous solutions proposed over the years, the problematic charge of parent payments has not stopped and even expanded, continuing to deepen the gaps between students in Israel.

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41 Thus, for example, a proposed bill was submitted in 2016 to advance the Compulsory Education Law (Amendment – Abolition of Parent Payments), 5776-2016, by MK Yakov Margi and formulated with the assistance of the Israel National Council for the Child. For additional proposed bills regarding abolition of parent payments see: p/20/334, p/19/1323, p/19/1163, p/19/237, p/18/308, p/18/815.

42 Even though the suit was rejected, Justice Yitzhak Amit clarified the important need that the Knesset Education Committee receive a comprehensive picture of parent payments, and as he put it: “Both so that the legislative branch shall formulate the general and principle policy on this issue, and to enable conducting an open and transparent public debate on the issue, while providing an opportunity for the expression of a range of opinions on the issue. As I see it, it is difficult to determine that regarding such a sensitive and important issue of equality in education and opportunities and of educational and social integration, matters shall be carried out without the approval of the legislative branch. However this is a matter for the legislator to decide.”



#### 4. C. 5. Recommendations: Parent Payments

##### 1. Objectives

- A. Abolish the burden of parent payments in the school system, while requiring the State to fund all the various activities and services of education institutions, including personal accident insurance, textbooks, culture basket, class parties, fieldtrips, parent committee and organization fees, additional study program ('Talan'), and the purchase of optional services and end devices. Establish that the aforesaid costs are imposed on the State, and the comprehensive prohibition to charge parent payments in an amendment to the Compulsory Education Law (1941).<sup>43</sup>
- B. As a supplemental measure to section A above, the Ministry of Education must set forth a service specification of all types of services currently funded by parent payments, while ensuring an adequate education standard for all education institutions.
- C. Complementing the budgetary sources in the aftermath of the abolition of parent payments may be achieved in accordance with the various solutions put forth over the years, for example through progressive collection of payments from the entire population by a minimal increase of several permille to National Insurance Institute payments, in the spirit of the Langerman Committee recommendations.

##### 2. Interim Measures

The following measures should be taken up until the full abolition of the burden of parent payments:

- A. Reduce the amount and scope of parent payments, up until their full cancellation within three years.
- B. Explicit application of the Long School Day and Enrichment Studies Law (1997) in all parts of the country, and cancellation of the additional study program ('Talan'), or at least its significant reduction.
- C. Separate the payment collection mechanism from the activities of the school staff, fully compartmentalizing educational staff from the issue of parent payments.
- D. Establish a clear and unequivocal procedure with respect to the activities of the educational staff during the interim period regarding collection of parent payments. This will include prohibiting the barring of a student from participating in an activity due to non-payment

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43 For example, a draft law in this spirit was submitted in the 20th Knesset by MK Yakov Margi: Compulsory Education Law (Amendment – Cancellation of Parent Payments), 2016. That draft law was formulated with the assistance of the NCC and sets forth that the State must fund the costs and that payments will be charged by the National Insurance Institute from all citizens of the State.



of parent payments, and prohibiting asking a student regarding payments, instead of directly asking the parents. This procedure will be published in education institutions and among parents.

- E. Tighten oversight and involvement of the legislature regarding parent payments, by receiving the approval of the Knesset Education, Culture and Sports Committee for all parent payments, including additional study program ('Talan') payments and the purchase of optional services.<sup>44</sup> This directive may be established as part of designated legislation, as part of regulations or as part of a Director General Directive.<sup>45</sup>
- F. Increase oversight and enforcement, including sanctions to be imposed by the Ministry of Education, regarding: (1) Deviations from the payment ceiling that is approved and published annually for the collection of parent payments, while activating sanctions against education institutions that charge payments in a manner that is illegal and which did not receive the approval of the exceptions committee; (2) Receipt of the approval of all parents of students in an education institution regarding 'Talan' additional study program services and the purchase of optional services, and approval of the institution's supervision prior to the purchase by the school, as required by the Director General Directive, while activating sanctions against education institutions that do not comply with the requirements. Furthermore, sanctions should be activated against education institutions that use means of punishment against students with respect to parent payments.
- G. Ensure increased security of databases pertaining to parent payments owing to data sensitivity, and this in accordance with the Privacy Protection Law (1981) and its amendments, and the recommendations of the Privacy Protection Authority regarding optimal privacy protection measures.

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44 Currently, only 'mandatory' and 'optional' payments for 'nutrition' require approval of the Knesset Education Committee, while payments for 'Talan' and for the purchase of optional services do not require approval of the Knesset Education Committee.

45 A draft law in this spirit was submitted in the 20th Knesset by MK Yossi Yonah: Compulsory Education (Amendment – Ensure Parliamentary Oversight of Parent Payments), 2015.



## Bibliography:

- ICESCR (1966). *The International Covenant on Economic, Social and Cultural Rights*, XXI 31, 205 (opened for signature in 1966) (ratified and entered into force in 1991).
- CRC (1989). *Convention on the Rights of the Child*, XXI 31, 221 (opened for signature in 1989) (ratified and entered into force in 1991).
- Center for Citizen Empowerment (2017). *Monitoring Report: Reducing Parent Payments*. (Hebrew)
- Weininger, A. (2020). *Parent Payments in the Education System – Summary of Information and Data*. Knesset Research and Information Center. (Hebrew)
- Weininger, A. (2021). *Analysis of Approved Parent Payments for Education Institutions to Charge in the 2019-2020 School Year (2019/20)*. Knesset Research and Information Center. (Hebrew)
- Trachtenberg Committee (“The Committee for Socioeconomic Change”) (2011). *Social Services – Main Recommendations*. (Hebrew)
- Langerman Committee (1992). *Report of the Public Advisory Council regarding Parent Payments*. (Hebrew)
- Rosenberg Committee (2004). *Report of the Committee for Examining Parent Payments*. (Hebrew)
- Shoshani Committee (2010). *Report of the Committee for Examining Parent Payments*. (Hebrew)
- Yaron, A. (2018). *Estimate of Parent Payments in the Education System in 2012-2016*. Knesset Research and Information Center. (Hebrew)
- Moshe, N. (2017). *Estimate of Parent Mandatory and Optional Payments in the Education System and Analysis of the Proposed Bill to Fund Parent Payments by Raising National Insurance Institute of Israel Contributions (Updated)*. Knesset Research and Information Center. (Hebrew)
- Ministry of Education (2002). *Director General Directive (Standing Orders) (2002/3(A))* (Hebrew)
- Ministry of Education (2019). *Updated Director General Directive: Standing Order No. 204, Charging Parent Payments and Tuition in an Education Institution that is not Official, and Charging Parent Payments for Study Subjects at an Advanced Level, Additional Religious Studies Program and in an Experimental and Unique Education Institution*. (Hebrew)
- Ministry of Education (2021). *Director General Directive, Parent Payments for the 2021/2022 School Year, Notification Number 0228 as from August 19, 2021*. (Hebrew)
- Shimshon Jacqueline and Others vs. Ministry of Education and Others, Gavriel Salomon vs Ministry of Education and Others, Supreme Court of Israel 5004/14, 6214/15 (2019). (Hebrew)
- <https://supremedecisions.court.gov.il/Home/Download?path=HebrewVerdicts/14/040/050/e62&fileName=14050040.E62&type=2>

# Non-Discrimination in Health: Israel Family Health Centers ("Tipot Chalav")

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#### 4. D. Family Health Centers (“Tipot Chalav”)

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Israel’s Family Health Centers (also known as “Tipot Chalav”) have rich roots in Israel’s history. The first Tipat Chalav was established a hundred years ago, by the Hadassah Women’s Zionist Organization (at 1921); tasked with the improvement of the health of infants, their establishment saw a major decrease in infant mortality, even before the establishment of the State of Israel. Nurses at the center would provide guidance about nutrition, child caring and education. In addition they would immunize babies and monitor their hygiene. The Family Health Centers were considered, then, a major success of the Israeli healthcare system (Weiss, 2019, p. 829).

Today, Tipot Chalav are still a critical service provider; their diverse operations in the community are critical and imperative to a universal and equal fulfillment of children’s right to health and development, and form also an important part in safeguarding their right to protection. These services, as per the directive of the Ministry of Health, are meant to be provided according to the principles of equality, accessibility, out-reach, and universality (Ministry of Health, 2007).

As will be discussed below, in more recent times, the centers have fallen out of grace due to lack of funding, shortage in staffing, and incapacity to catch up with population growth – thus impeding their ability to fulfill these crucial rights.<sup>46</sup> Inherently, the deterioration of a service which serves as a universal guarantor of such crucial rights interferes with the equal treatment of children on a nationwide basis.

In their current form, the centers provide preventive health care for children between the ages of 0-6. Nonetheless, it has been reported that in practice few evaluations take place for children aged 3-6 (*The State Comptroller* 2014, p. 659). The care includes immunizations, sight tests, weight and height measurements, developmental evaluations as well as detection of risk and abuse. Such care is crucial for children’s health and wellbeing as it is designed to prevent disease as well as for early detection and intervention. Tipot Chalav are also supposed to provide prenatal services for new and expecting parents, yet in effect this service is rarely provided.<sup>47</sup> There are about a thousand centers in Israel, some operated by the Ministry of Health and others by HMOs and municipalities. These centers serve close to a million children every year (*The State Comptroller*, 2014, pp. 647, 652).

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46 It should be noted that a comprehensive plan to address the present situation of Tipot Chalav in regards to these problems, as well as to design the future role of Tipot Chalav, has been drafted by the Ministry of Health in 2017-2018; however, this program has yet to begin full execution (Ministry of Health n.d. no.1, no. 2).

47 An estimate from 2020 by Dr. Dina Zimmerman, the head of the Department for the Mother and Child in the Ministry of Health, puts the number of women given prenatal treatment at Tipot Chalav at approximately 7,000 women (Committee for the Rights of the Child, 2020, p.5).





This chapter will address some of the challenges that the centers face in their current operations and barriers to implementing their mission. These include (1) lack of legislation that specifies their services, resources and staffing and how they adjust to population growth; and (2) policy and implementation challenges that include fragmentation of service providers, lack of information sharing, and lack of resources.

#### 4. D. 1. Legal and Regulatory Framework

Israel's Family Health Centers are mandated by Israel's National Health Insurance Law (1994) – the law mentions the Family Health Centers by name and states that they must provide regular follow ups and immunizations for babies and children (National Health Insurance Law, 1994, 3rd Addition §1(1)).

The National Health Insurance Law, however, does not provide any specific guidance as to the funding that will be made available for the Tipot Chalav. In addition, the law does not specify the number of centers that need to exist and the human resources they require. Nor does it provide guidance as to how the number of centers and their service capacities need to be adjusted to population growth. Furthermore, the law is silent as to the level of cooperation and information sharing that needs to take place between the centers and other crucial players in preventive care such as hospitals, specialized centers that diagnose developmental delays in children (Mercaz Hitpatchut Hayered), and the education system.

As such, the operation of Tipot Chalav is mainly governed by an internal directive of the Ministry of Health from 2007. The directive indicates that the Tipot Chalav are to provide preventive medicine based on the principles of equality, accessibility, out-reach, and universality. They provide standards with respect to the number of children per station, physical equipment, and oversight (*Ministry of Health, 2007, p. 1*). Furthermore, the directive provides for staffing standards: with one nurse per 50 pregnant women, 100 newborns, and 375 toddlers (*p. 3*).

In practice, these standards have not been complied with, and nurses' caseloads are higher than the ones set by the directive. Indeed, in 2020, it was reported that in the public sectors there is a 25% nurse staffing shortage, and that the Tipot Chalav are on the verge of collapsing.<sup>48</sup> In addition, a report by the State Comptroller found that since 2007, when these staffing standards were issued, the Ministry of Health expanded the tasks nurses have to perform. The Comptroller found that this resulted in partial provision of services and failure to conduct necessary procedures such as checkups and evaluations. The Comptroller found that as a result irreparable harm can be caused to children (*The State Comptroller, 2014, p. 648-651*).

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48 Comments by Moria Ashkenazy, Chair of the Public Health Nurses department of the Histadrut at a Knesset hearing in 2020 (Committee for the Rights of the Child 2020, pp. 7-8).



While many Tipot Chalav stations are now operated by HMOs (as well as by the Jerusalem and Tel-Aviv municipalities), it is clear that the final responsibility for the operation of Tipot Chalav across Israel – and thus for the elementary function of fulfilling children's right to health at such a critical stage of their development – lies with the state, through the Ministry of Health. As per the phrasing of the Supreme Court, "it is indisputable that the Ministry of Health is obligated to provide to each resident the preventive medicine services that are provided at the Tipot Chalav stations" (S.C. 6362/17, *Samaria et al. v. Ministry of Health*, 2017).<sup>49</sup>

#### 4. D. 2. Policy and Implementation

Currently, there are three major policy and implementation challenges for Israel's Tipot Chalav system: (1) lack of resources (2) limited provision of services, and (3) lack of information sharing.

##### i. Lack of Resources

A central problem plaguing the Tipot Chalav system in Israel is the lack of resources – a key tenet of which is an acute staffing shortage.<sup>50</sup> The State Comptroller, in his review of the Tipot Chalav system, has found that lack of staffing was putting the health of children at risk as it was causing delays and partial provision of services (*The State Comptroller*, 2014, p. 651), and it has been reported that lack of staffing is bringing the system to the verge of collapse; recent estimates indicate that the system is hundreds of nurses-short, and these kind of shortages severely impede the ability of Tipot Chalav to provide elementary services.<sup>51</sup>

The growing number of tasks for the Tipot Chalav (such as the increase in number of immunizations as well as the population growth) make the current staffing standards of the Ministry of Health (2007, p. 3) insufficient, and yet – past data indicates that even those staffing standards were not met in Tipot Chalav across most of the country (*Ministry of Health*, 2016). Ministry of Health data from 2019 reveals that Tipot Chalav operated by the Ministry and the Jerusalem and Tel-Aviv municipalities, were undermanned by a rate of 23%, compared to the set staffing standard (*The State Comptroller* 2020, p. 571).

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49 It should be noted that the relevant case itself and the subsequent ruling refer to the claim to a lack of coverage in a specific municipality (where the Tipat Chalav was formerly operated by the Ministry of Health).

50 A proposal to address this staffing shortage in the Tipot Chalav of the Ministry of Health, by increasing the apportionment of nurses in Tipot Chalav of all sizes, has been included in the Ministry's 'First Years of Life' strategic plan – however it had yet to see implementation (Ministry of Health, n.d., no. 1).

51 See for example the comments by Moria Ashkenazy, Chair of the Public Health Nurses department of the Hisadrut Labor Federation (Committee for the Rights of the Child 2020, pp. 7-10).



In addition to the general lack in nurses, staffing shortages are particularly salient in certain areas, such as the southern periphery and Ultra-orthodox municipalities.<sup>52</sup> Exemplifying these challenges was a 2018 decision by the Ministry of Health to forgo immunization of children in the periphery due to a shortage of nurses – a decision that was eventually reversed (*See Committee for the Rights of the Child, 2018*). The solution of these shortages is often dependent on centralized solutions, such as the financial incentives given to nurses working in Tipot Chalav of the Ministry of Health in the Bedouin communities (*Ministry of Finance, 2020*).

Furthermore, according to the Comptroller report, centers were not operating in the late afternoons, thus were inaccessible to working parents and their children. Most tellingly, the Comptroller report found that a large percentage of centers operated by the Ministry of Health were structurally deteriorating, and that some had visible wall leakages and mold (*The State Comptroller, p. 648, 650*).

The overall lack of resources plaguing the system is connected, of course, to budgetary shortages. Despite the fact that Tipot Chalav are required to service a larger cohort of children each year, there is no automatic budgetary mechanism to reimburse them – a budgetary lacuna repeatedly noted by the State Comptroller (see *The State Comptroller 2020, p. 589-591*).

## ii. Limited Provision of Services

Currently, due to various reasons, the provision of services by many Tipot Chalav across the country is limited to the bare minimum, thus unfulfilling their holistic potential, as well as many of their roles which go beyond their function as elementary health service (such as the detection of risk and abuse).

First and foremost of these reasons is the lack of resources, particularly staffing – as discussed above. A prime example of this limited provision of services is the lack of house visits done by Tipot Chalav nurses. While there is a Ministry of Health directive that mandates house visits to every first-born child (*Ministry of Health, 2004*), these are rarely actually performed; past data indicates that the operation of these house visits are severely lacking in Tipot Chalav operated by both HMOs and the Ministry of Health (*Rabinovitch, 2018, p. 30*). The Ministry of Health, in a strategic review of the functions of Tipot Chalav, has stressed the importance of performing house visits, and yet in the same breath has tacitly acknowledged that these are indeed rarely performed – except for the specific cases of premature birth and at-risk families (*Ministry of Health, n.d., no. 1, p. 97*).

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52 For data on the number of nurses vs. children in Tipot Chalav by selected municipalities, see Ministry of Health, no date, no. 1, p. 75. For general data concerning variety of medical personnel across different geographical districts, see Ministry of Health 2021, p. 40-43



Of course, in the current situation of the Tipot Chalav system, where even the provision of basic services proves demanding upon the stations, their ability to provide a wider set of services, which go beyond the basic vaccinations and developmental exam, is impeded – therefore undermining children’s welfare and the fulfillment of their right to development and equality.

For example, while the stations are supposed to provide services of parental guidance at the station (both in individual and group settings), the operation of this service in the stations is constrained by the lack of resources (*Rabinovich 2014, p. 6-7, 11-12*) - despite the fact that parental support is considered as an integral part of the fulfillment of children’s right to development, given the crucial importance of parental care to their lives (*p. 3-4*).<sup>53</sup>

This kind of resource shortage-driven lack of services poses risk not only to the fulfillment of children’s right to health, but to their protection as well. Furthermore, as exemplified during COVID-19, situations of crisis – such as thus in which further outreach is demanded, or in which nurses are required elsewhere – find the system at a particularly weakened state, thus further exacerbating its problems and curtailing the fulfillment of the most basic of functions.<sup>54</sup>

For example, during an outbreak of measles in the Jerusalem District in 2019-2018, despite special attempts to aid the Tipot Chalav system, the severe shortage in nurses has led to disruptions in vaccinations, as well as other elementary services given to children (*The State Comptroller, 2020, p. 572-573*).

Of course, in the current situation of the Tipot Chalav system, where even the provision of basic services proves demanding upon the stations, their ability to provide a wider set of services for children’s welfare is impeded. For example, while the stations are supposed to provide services of parental guidance at the station (both in individual and group settings), the operation of this service in the stations is again limited by the lack of resources (*Rabinovich 2014, p. 6-7, 11-12*).<sup>55</sup>

A second issue is the lack of universality in the provision of the service. Only the Tipot Chalav operated by the Ministry of Health serve all children<sup>56</sup> (*Ministry of Health Website, Tipot Chalav – Family Health Stations*). HMOs are designed to serve their members, as opposed

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53 See Rabinovitch, 2014. In their answers to the Center’s inquiries, this resource shortage in regards to the provision of parental guidance services was shared by both the Ministry of Health and HMOs.

54 For the functioning of the Tipot Chalav system during COVID-19, and the effect of the resource shortage on its performance, see Committee for the Rights of the Child, 2020.

55 See Rabinovitch, 2014. In their answers to the Center’s inquiries, this resource shortage in regards to the provision of parental guidance services was shared by both the Ministry of Health and HMOs.

56 The municipality-operated Tipot Chalav, which operate in Tel-Aviv and Jerusalem, are meant to serve all the residents of these municipalities, and thus also provide a universal service, albeit a local one.



to the providing of universal care for all families. While they are required to treat members of other HMOs, they might not be accessible to children who lack HMO membership, such as children who lack legal status in Israel. Indeed, there have been reported instances where children without legal status (and whose parents do not pay for a voluntary HMO membership) were not accepted for treatment at HMO-operated stations in their areas of residence, and had to receive services at governmental stations further away, in different localities.<sup>57</sup>

Third, there are questions about the amount of control and oversight that the Ministry of Health exerts over HMOs. In his 2014 report, the State Comptroller has found instances where an HMO refused to provide basic services to members of other HMOs, and where one HMO shut down its services in one municipality without giving due notice to the Ministry of Health; both instances in violation of the regulations that apply to HMOs (*The State Comptroller, 2014, p. 650, 667-668*). The then-current Director General of the Ministry of Health, Prof. Roni Gamzo, has stated that the Ministry exerts more control over governmentally operated stations over HMOs, and thus for example was able on an immediate basis to deploy nurses from hospitals and schools to these stations at a time of need (*Linder, 2013*).

### iii. Lack of Information Sharing

As of date, there appears to be challenges in implementing policies that will settle the sharing of information between the centers and other entities that serve children in order to better coordinate preventive care. One of the major gaps is that the centers do not receive notice about the birth of every child. Indeed, the State Comptroller report has warned that this gap may result in newborns not being seen, resulting in failures to immunize and evaluate children (*The State Comptroller, 2014, p. 649*).<sup>58</sup> In addition, the report found that the centers were not sharing information with schools. And that as a result schools would not know about lack of immunization, and would be unable to follow up on children whose evaluations revealed developmental issues (*p. 649*).

Finally, it is important to note that a lack of knowledge regarding the birth of children is not solely connected to the provision of different health services, but may also have serious impact on the detection of child abuse and neglect, given that Tipot Chalav perform an important role in this regard.

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57 This was confirmed in a conversation with Zoe Gutzeit, Director of the Open Clinic for Stateless People, Migrants, and Refugees - Physicians for Human Rights-Israel (at October 25, 2021).

58 Concerns about the lack of information sharing between HMOs and the Ministry of Health were reiterated by the State Comptroller's recent report about the healthcare system's handling of emerging and re-emerging epidemics; it was found that the data of Tipot Chalav operated by three HMOs, servicing an approximately quarter of children aged 0-6, was not shared with the central computerized system of the Ministry of Health, thus potentially impeding data transfer regarding the vaccination of children (*The State Comptroller, 2020, p. 554-555, 559-560, 567*).



#### **4. D. 3. Consultations with Civil Society Organizations**

The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth. As part of the formulation of policy recommendations regarding Tipot Chalav, consultations were held with the Goshen association.

Goshen is a non-profit organization, founded by Israeli pediatricians and the Australian Prof. Frank Oberklaid. It is concerned with the promotion of children's health and development through the improvement of services offered to children and families in the community. Thus, it works with both care professionals and policy-makers, and serves as a partner in key initiatives regarding early childhood development in Israel – including in a key partnership with the Ministry of Health regarding the future of Tipot Chalav in Israel.

As part of the consultations, a draft of the policy recommendations regarding Tipot Chalav was shared with the Goshen association, on whom they commented. Their professional expertise and experience has awarded the recommendations attached below with valuable insights.



#### 4. D. 4. Recommendations: Tipot Chalav

##### 1. Promotion of Legislation and Policy

- A. Formulate primary legislation to regulate all the functions of Tipot Chalav (family health centers) (as specified in item 2A) as well as an automatically-updating budgetary mechanism for the funding of clinic personnel positions (as specified in item 1D below).
- B. Limit the possibility to open new Tipot Chalav exclusively to the Ministry of Health, in both new and existing residential areas,<sup>59</sup> in order to maintain the universality and equitable dispersion of the service.
- C. Design a plan for the provision of all preventive care services for children by a national agency that will be directly funded by the State.
- D. Establish a relationship between the number of Tipot Chalav personnel and natural population growth, corresponding with the number of children in the locality; accordingly, the updated budget addition will be anchored in the Ministry of Health annual budget base.
- E. Formulate a uniform and updated procedure that will integrate the activity of all Tipot Chalav in Israel under a single regulatory agency, independent of the identity of the clinic operator. In establishing an oversight process, uniform quality metrics will be defined that will serve as objectives for all service operators (to ensure service universality, accessibility and uniformity).<sup>60</sup>
- F. Implement the Ministry of Health advisory forum action plan for the first years of life, among other things regarding: nationwide clinic dispersion, clinic renovation, expanding appointment availability, setting up an advisory call center, integrating health professions into the clinics, conducting house calls, training, and a salary framework for clinic personnel.<sup>61</sup>

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<sup>59</sup> Except in the cities of Jerusalem and Tel Aviv in which the local government operates the Tipot Chalav clinics.

<sup>60</sup> Following the recommendations of various committees, such as the Netanyahu Committee and the Amorai Committee, in 2006 the Ministry of Health planned to conduct a pilot in several local governments, transferring the responsibility for providing all Tipot Chalav services to the HMOs in order to establish one entity that will be responsible for providing care for children from birth and to create a care continuum. However, the pilot was not conducted and has not been reexamined since.

<sup>61</sup> “Plan for the Activity of the Steering Committee and the Advisory Forum for the First Years of Life”, Dr. Shoshi Goldberg, National Head Nurse and Head of the Nursing Administration, Ministry of Health, December 2, 2018.





## 2. Expand and Coordinate Community Services and Responses

- A. Expand the variety of services given in Tipot Chalav stations in order to provide a comprehensive response to the needs of children in Israel in their first years of life. The following services will be included in clinic activities: (1) mental health services for parents and toddlers; (2) paramedical and therapeutic services for toddlers and infants; (3) proactive detection and prevention of risk situations among parents and children; (4) guidance and advisory services for parents and soon-to-be parents; (5) an individual and group accompaniment program in the first months after childbirth,<sup>62</sup>; (6) initial information and treatment for parents raising toddlers with special needs; (7) conduct a structured house call (in terms of time, frequency and nature of the visit), while giving priority to children meeting unique criteria still to be determined (e.g., families who do not come for routine visits, first child, preterm child, child with special needs).
- B. Design a plan to renovate existing clinics in poor condition. To this end current deficiencies will be mapped and renovation will be funded based on an updated specification for building Tipot Chalav.<sup>63</sup>

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62 For example “Mother to Mother in the Community”, a support and accompaniment program for mothers in the first year after childbirth.

63 See State Comptroller, Annual Report 63C (2013), “Construction and Infrastructures in the Health System”, p. 717. According to the Comptroller’s report about Tipot Chalav clinics, the “Guide for Planning Family Health Centers” according to which the clinics are built has not been updated since it was written in 1993, and is not in compliance with the provisions stated by the Ministry of Health in its procedures after that date, such as provisions regarding the size of rooms in which certain examinations are performed.



### 3. Professional Clinic Staff

- A. Update and standardize the role of pediatricians in the clinics to include involvement in preventive medicine and detection of risk situations and developmental delays.
- B. Formulate a structured professional model for collaborative work between the medical and the paramedical staff and for a professional discourse between the various disciplines working in the clinics.
- C. Expand the availability of clinic appointments to the afternoon and evening hours and to weekends in order to enable access to children with working parents (while providing suitable remuneration to the clinic staff).
- D. Establish and operate a periodic professional training program for all Tipot Chalav nurses by the Ministry of Health, irrespective of the organization operating the clinic.

### 4. Information Sharing and Collaboration between Entities

- A. Reinforce collaboration between local government and the clinics operating in their jurisdiction, and integrate them into the routine work of the local government. Such collaboration will include joint preparation and coordination (e.g., joint meetings to map municipal needs), along with joint activity in the field (e.g., information campaigns conducted by the clinics in early childhood daycares).
- B. Unify and improve the information transfer process between hospitals, Ministry of Health, HMOs and Tipot Chalav computer systems, in order to register newborns and ensure optimal tracking and treatment (particularly, administering vaccinations, conducting screening tests, detecting risk situations). This information transfer is especially important with respect to population groups that do not have legal status (since in their countries of origin there are no established comparable services).
- C. Develop and strengthen platforms that will enable communication and information exchange between the various clinics (regional meetings between clinic staff), and between personnel in the various health professions working in the clinics and the HMOs (e.g., establish collaboration between professionals in the clinics and in the Child Development Institutes, the early childhood units, etc.); These platforms will enable the entities to identify early childhood trends, develop joint services and share information.



## Bibliography:

Citizen's Forum for Health Development in the Galilee (2017). *The Rehabilitation of Tipot Chalav in the North* (August, 2017). (Hebrew)

Davidovitch, F. (2020). *Family & Women Healthcare Services and Tipot Chalav at the Bedouin Communities in the Negev - Updated Report*. (Hebrew)

Labor, Welfare and Health Committee (2017). Recommendation of the Somech Committee to Privatize Tipot Chalav. *Meeting Protocol 561*, 4.7.2017. (Hebrew)

Committee for the Rights of the Child (2018). Risking the Health of Children in the Periphery and the Decision not to Immunize Them Against the Flu Next Year. *Meeting Protocol 220*, 28.5.2018. (Hebrew)

Committee for the Rights of the Child (2020), Tipot Chalav - Status during Corona Pandemic, *Meeting Protocol 26*, 8.9.2020. (Hebrew)

Linder, R. (2013). More Than Tipot Chalav – These Are Early Childhood Centers, *Haaretz*, 26.9.2013 (Hebrew)

Ministry of Finance (2020). *Incentives for encouraging the employment of nurses in Tipot Chalav and in Student Health departments in the South District of the Ministry of Health, that are employed in the in the Bedouin sector in the South of Israel*, letter dating from 8.5.2020. (Hebrew) <http://www.inu.org.il/wp-content/uploads/2020/09/%D7%94-2020-10.pdf>

Ministry of Health Website. *Communications about a lack of Telephonic Accessibility of Tipot Chalav*. (Hebrew)

[https://www.health.gov.il/Subjects/pregnancy/health\\_centers/Pages/FHC\\_Inquiries.aspx](https://www.health.gov.il/Subjects/pregnancy/health_centers/Pages/FHC_Inquiries.aspx)

[www.health.gov.il/Subjects/pregnancy/health\\_centers/Pages/FHC\\_Inquiries.aspx](http://www.health.gov.il/Subjects/pregnancy/health_centers/Pages/FHC_Inquiries.aspx)

Ministry of Health Website. *Tipot Chalav – Family Health Stations*. (Hebrew)

[https://www.health.gov.il/Subjects/pregnancy/health\\_centers/Pages/family\\_health\\_centers.aspx](https://www.health.gov.il/Subjects/pregnancy/health_centers/Pages/family_health_centers.aspx)

Ministry of Health (2007). *Director General Directive 12/07, Standard for the Operation of Preventive Service at Tipot Chalav*. (Hebrew)

[https://www.gov.il/BlobFolder/policy/mk12-2007/he/files\\_circulars\\_mk\\_mk12\\_2007.pdf](https://www.gov.il/BlobFolder/policy/mk12-2007/he/files_circulars_mk_mk12_2007.pdf)

Ministry of Health (2021). *Inequality in Health and the Confrontation with It*. (Hebrew)

Ministry of Health (n.d., no. 1). *First Years of Life – Strategic Conception and Operative Directions of Action*. (Hebrew) [https://www.gov.il/BlobFolder/reports/2-first-years-of-life/he/publications\\_data-sharing\\_2-2.pdf](https://www.gov.il/BlobFolder/reports/2-first-years-of-life/he/publications_data-sharing_2-2.pdf)

Ministry of Health (n.d., no. 2). *Tipot Chalav in Israel – the Next Generation*. (Hebrew)



[https://www.gov.il/BlobFolder/reports/2-first-years-of-life/he/publications\\_data-sharing\\_2-4.pdf](https://www.gov.il/BlobFolder/reports/2-first-years-of-life/he/publications_data-sharing_2-4.pdf)

Rabinovitch, M. (2014). *Parental Support and Guidance – Government Solutions*. Knesset Research and Information Center. (Hebrew)

Rabinovitch, M. (2018). *The State's Assistance to Pregnant Women and to Women after Birth Who Live in Poverty – Examples from the World and Situation in Israel*. Knesset Research and Information Center. (Hebrew)

Supreme Court of Israel, 6362/17, Samaria et. Al. v. Ministry of Health, 2018.

The State Comptroller (2014). *Annual Report 64C*. (Hebrew)

The State Comptroller (2020). *Annual Report 70A*. (Hebrew)

Weiss, D. (2019). Tipot Chalav Stations In Israel – Historical Overview. *Harefua* 158 (12), p. 826-831. (Hebrew)

# Non-Discrimination in Health: Mental Health Services for Children and Youth

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#### 4. E. Mental Health Services for Children and Youth

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A timely and sufficient access to mental health services forms an integral part of the fulfillment of children and youth's right to health, as well as essential part of the fulfillment of their right to education and development.

Mental health services are provided to children and youth in various institutional and extra-institutional capacities. This section will discuss the shortage of mental health services for children and youth in two major arenas, which form the immediate point of contact for psychological care for most children in Israel: (1) community-based mental health services, operated by HMOs and (2) educational mental health services that are designed to provide support for children attending Israel's school system.<sup>64</sup>

The issues indicated here regarding these two arenas are plaguing both of these public systems for a prolonged period. However, the recent COVID-19 crisis and the subsequent mental health crisis it has brought have further revealed the acuity of the issues plaguing these systems and their deficiencies and underlined the lack of resources apportioned to them.

While all of these prevent a significant number of children and youth from receiving due care at routine times, the COVID-19 has revealed the precariousness of the system, and its inability to fulfill children's rights to receive medical health care during a time of crisis. The repercussions of the mental health crisis were not limited 'merely' to children's health, but were also intimately connected to the fulfillment of their right to education and proper development, as indicated above.

##### 4. E. 1. Community-Based Mental Health Services

Israel's mental health services have undergone fundamental reform in 2015. Up until the reform, community-based mental health services that include psychotherapy, psychiatry, and day treatment centers, were all operated by the Ministry of Health. Under the 2015 reform, Israel's HMOs, responsible for the operation of most community health care services, took control over the operation of these mental health services as well. The goal of the reform was twofold: (1) to address and resolve severe shortage of providers, lack of funding, and neglect the system suffered during the decades it was operated by the Ministry of Health, and (2) to create and promote integration between physical and mental health care, contributing to the normalization of the latter.

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<sup>64</sup> There are other arenas in which children and youth receive mental health service, yet, besides hospitalizations, they are usually for narrower groups of children (for example, the Resilience Centers ["merkazei hosen"] located in various municipalities).



Unfortunately, several years into this major reform, there is still a lack of sufficient and timely community-based mental health responses for adolescents and children. While some issues in the implementation of the reform were shared for children and adults, it has been acknowledged that in several key aspects, the problems were facing the mental health care services for children and youth were more acute (for example, concerning personnel shortage and wait times, as will be expounded upon).

As will be discussed below, the main challenges regarding community based mental health services for children and youth are: long waits, shortage of mental health care professionals (especially in the geographic periphery and in the Arab community), and a lack of options for intensive mental health in the community (thereby causing an overreliance on psychiatric hospitalizations). Furthermore, certain billing and referral practices by HMOs have been discouraging preventive care in the community.

#### **i. Long Waiting Periods**

Timely access to mental treatment is integral to its function; yet, long waiting periods form a continuous problem for children and youth in Israel when it comes to the providing of mental care.<sup>65</sup>

The National Council for Mental Health, a body within the Ministry of Health that advises on policy decisions, has issued a report (Hereinafter the “Council for Mental Health report”), which indicated that it takes up to a number of months to get an appointment for a mental health evaluation for a child, and that it can take up to a year and a half before actual treatment resumes, with wide variations according to geographic areas, HMOs, and the child’s age (*National Council for Mental Health, 2019, p.17*). Additionally, the findings of Israel’s State Comptroller in its 2020 report indicated that the average wait for psychotherapy for a child is 150 days (*The State Comptroller, 2020, p.773*).

The providing a of reasonable and timely treatment is the duty of the HMOs to their insured patients, and indeed, in several cases where HMOs indicated to youth patients that waiting time for mental care treatment is very long (as indicated), or that there are no available dates for treatment, the National Health Insurance Law Ombudsman intervened, and forced HMOs to provide prompt treatment or pay for private treatment (*National Health Insurance Law Ombudsman, 2019*); while this indicates that these problems are indeed violations of the duties – these are but individual solutions to a systemic problem.

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65 The Ministry of Health has planned measures for the reduction of the long waiting periods in mental health services, as a part of its strategic planning for mental health services; while execution has not yet begun at the time of writing, measures for the reduction of waiting periods were fiscally approved as part of the 2021-2022 budget; for further details, see Ministry of Health 2021.





In that context, it is important to note that in Israel there are few services that provide immediate mental-health responses outside a formal referral system. In particular, there are few responses delivered via the web or by phone, platform that youth engage in on a daily basis. One such initiative was developed by the Ministry of Health during the COVID-19 pandemic where HMOs provided free telephonic mental health sessions to anyone who called in with a mental health crisis. However, the service was limited to only three telephonic sessions and it is unclear whether it will continue to exist post-pandemic.<sup>66</sup>

## ii. Personnel Shortage

A root cause of these waiting periods is a severe personnel shortage of mental health care professionals; while this shortage felt across several mental care specializations, it is acknowledged as particularly severe when it comes to children and youth. The Council for Mental Health has indicated that there is a severe shortage in practitioners and residents in the field of Child and Adolescent Psychiatry. In addition to the general shortage in practitioners, there is a specific shortage in different mental health sub-specializations including early childhood, autism, cognitive delays, eating disorders, mental illness coupled with physical illness, and post traumatic events that include sexual abuse (2019, p. 5, 16-17).

Indeed, the State Comptroller's report noted that in 2018, in the entire state of Israel, there were only 324 child and adolescent psychiatrists, with 70 of them above the retirement age of 67 (*The State Comptroller*, 2008, p.67). This shortage in clinicians is particularly evident in Israel's geographic and social periphery (*National Council for Mental Health*, p. 17).

An even more severe shortage has been noted in regards to Arab psychiatrists of the same expertise. This shortage stems from the general shortage in Arab psychiatrists in Israel, yet is felt more acutely, both due to its salient (qualitative) shortage,<sup>67</sup> even amongst other specializations, and due to the fact that the need for a mental care professional which shares the patient's native language is felt more acutely in children and youth. These factors have resulted in many Arab children and youth not receiving the treatment they require (*National Council for Mental Health*, pp. 17, 19-20). Furthermore, the State Comptroller's report noted that there was a severe shortage of psychotherapists in the Arab, Ethiopian, and Ultra-orthodox communities in Israel (*The State Comptroller*, 2020, p.19).

## iii. Lack of Community-Based Intensive Solutions

Due a lack of community-based solutions for mental care situations that require more than regular psychotherapy, for the public in general and for youth and children in particular,

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<sup>66</sup> For technical details of this service, see Ministry of Health 2020.

<sup>67</sup> The Council for Mental Health indicated that according to Ministry of Health figures, in 2015 Arab psychiatrists comprised only 1.9% of psychiatrists in Israel, and 2.5% of the psychiatrists of the child and the adolescent (p.19).



the hospital ward is the almost exclusive response to a psychiatric crisis or any situation requiring intensive mental care (*National Council for Mental Health, 2019, p.21*).

In that context, the National Council for Mental Health noted that there is a severe shortage of day treatment centers, that home visits by providers rarely take place and that mental health ambulatory (first response) services have not been developed, resulting in an overreliance on hospitalizations (*p. 14-15*). Such mental health services when provided in a timely and intensive manner can prevent exacerbation of mental health crises and in some cases prevent psychiatric hospitalization down the road.

In addition, the committee noted that overreliance on hospitalizations results in overburdened psychiatric wards and unwillingness to receive services due to fear of stigma. Furthermore, since the intervention in hospitals generally takes place late in a crisis, there is an increased risk that mental health crises will become chronic conditions with a long term impact on a patient's life (*p. 21*).

#### **iv. Billing Systems that Discourage Community Care**

The Council for Mental Health report raised a concern that the HMOs current referral and billing systems do not encourage preventive interventions which are critical for children and adolescents. Specifically it warned that HMOs are incentivized to avoid treating chronic patients who have complex problems and to leave those patients the hands of clinics and hospitals that are operated by the state. In their place, the HMOs are incentivized to recruit new patients who present better economic incentives under the current financing scheme, such as new patients, and those with 'lighter' issues (*National Council for Mental Health, 2019, p. 13-15*).

The report also noted that the current billing schemes does not reimburse practitioners for specialized services such as DBT (dialectical behavioral therapy) treatment for borderline personality disorders, and makes it difficult to bill for interventions that are not done with the patient (including interventions with school officials and parents). In addition, it found that provision of services and referrals are based on the decisions of individual HMO auditors, as opposed to being based on clear professional guidelines (*p. 13-15*).

#### **4. E. 2. Educational Mental Health Services**

Israel's Ministry of Education provides psychological services to children who attend the Israeli public education system; these services are operated jointly by the Psychological and Counseling Services Division and local authorities, and regulated by Ministry of Education guidelines (*Ministry of Education, 2010*).

According to guidelines by the Ministry of Education, the stated goal of these services is to promote the mental health and welfare of all students, and to provide them with early and



accessible treatment that will enhance their wellbeing and development. The mandate of these services include both treatment and prevention, and the stated goal of the Ministry is to provide these services to all students, aged 3-18. Given that Israel has compulsory education up until the age of 18, these services have the potential to positively impact children across the nation.

However, this potential is far from being realized fully. As of date, the official ratio of educational psychologists to students in Israel is 1 psychologist to 1,000 students between 2nd and 12th grade, one psychologist to 500 students in kindergarten (3-6) and the first grade, and one psychologist to 300 students in the special education system (*Ministry of Education, 2010, 4.2*) These ratios, incommensurate with correlate with the growing demand and various roles of educational psychologists and lay the ground for a *de facto* permanent personnel shortage; thus, they do not enable a satisfactory fulfillment of the stated goals of the service to provide mental support, treatment and prevention services in schools. Criticism of these personnel-to-student ratios and their execution is long outstanding; a similar criticism is mentioned in a State Comptroller report review the educational psychological service in the mid-2000s (*The State Comptroller, 2008, pp. 797-827*), and a research performed on the work on educational psychologists in Israeli elementary schools in 2013 corroborates many of these issues (*Ashkenazi, Angel & Topilski, 2014, p. 27-29*).

Additionally, in past years, data indicated the problem of undermanned educational psychological services was particularly severe in municipalities of lower socio-economic ranking and Arab municipalities (*Ashkenazi, Angel & Topilski, 2014, p. 12-13, 54-55*).

Furthermore, in contrast to their stated goals, and as the Ministry admits already in the guidelines themselves, due to resource shortages services are mostly provided in the 5-15 age group; thus, the provision of educational psychological services to the 3-4 and 16-18 age groups is still not obligated (*Ministry of Education, 2010, 3.1*).

Underlining this lack of resources is the fact that a significant number of those staff positions that are actually apportioned to educational institutes are not filled, due to the low salaries attached to them; an estimate from 2021 puts the portion of unfilled psychologist positions at approximately 30%,<sup>68</sup> further contributing to the strain on the existing services. These problems are not recent, and are similarly mentioned in the State Comptroller report (*The State Comptroller 2008*); thus they are ongoing, in some form, for almost two decades (at least).

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68 This estimate was given in a letter (dated 11.8.2021) by the Forum of Organizations for Public Psychology (comprised of different professional organizations of psychologists in Israel) addressed to the Knesset Committee on the Rights of the Child, concerned with the emotional support for children in the Israeli education system during COVID-19.



#### **4. E. 3. Consultations with Civil Society Organizations**

The NCC took it upon itself, as an integral part of the composition of the report, to engage with other CSOs and to consult with them regarding the report's content and recommendations, alongside the consultations with youth.

As part of the formulation of policy recommendations regarding Mental Health, consultations were held with the Bizchut association.

Bizchut is a non-profit organization, and serves as the leading and longest-running organization promoting the rights of people with disabilities in Israel. Bizchut operates at both the macro and micro levels, active in both the promotion of policy as well as with individual cases. Bizchut's activities concern multiple fields of action and many types of disabilities.

As part of the consultations, a draft of both the policy recommendations and the implementation chapter were shared with the organization, and multiple consultations were held regarding them – both in relation to the current implementation of policy and with regards to future policy design. Their professional expertise and experience has been invaluable to the writing of this chapter and its policy recommendation.



#### **4. E. 4. Recommendations: Mental Health Services for Children and Youth**

##### **1. Community Services**

- A. Formulate a multi-year plan to shorten waiting times for community psychotherapy services for children and youth, while establishing required standards for treatment availability and access. As part of this plan, and in addition to regular psychotherapy services, community alternatives to psychiatric hospitalization of children and youth (such as day treatment) which are the responsibility of the HMOs will be expanded. The aim is to provide interim solutions in the community which will be able to offer treatment for acute mental conditions and avoid hospitalization of children and youth owing to lack of suitable solutions in the community.
- B. Regulate and implement the responsibility of HMO community psychotherapy services to conduct interventions relating to children and youth that do not directly involve the patient (e.g., discussions with the parents and with the school staff), regulating HMO agreements with the government mental health clinics in this field.

##### **2. Training**

- A. Formulate a dedicated plan to address the shortage of child and adolescent psychiatrists. The plan will include budgeting specific grants to encourage specialization in child and adolescent psychiatry as part of the training of individuals specializing in psychiatry, and to promote filling child and adolescent psychiatrist positions in geographic areas with a long-term shortage of professionals in this field. This plan should specifically address the severe shortage of child and adolescent psychiatrists in the Arab society,
- B. Formulate a dedicated plan, in collaboration with the Ministry of Health and the Council for Higher Education, to promote the training of psychologists from the Arab society. This plan will foster enrollment, admission and completion of a Bachelor's degree in psychology, as well as the transition of psychology graduates to a Master's degree clinical psychology track.
- C. Map the existing shortage of specialized responses (treating sexual abuse, trauma, eating disorders, etc.) among child and adolescent psychiatrists and psychotherapists, and ensure routine training is conducted among mental health professionals in the required specialization fields.
- D. Formulate a plan for mandatory continuing education in mental health and in identifying suicide risks for healthcare system professionals working in the community who engage with children (particularly pediatricians and nurses).



### 3. Remote Mental Health Treatment

Operate a permanent service that provides remote, accessible and short-term emotional support services to children and youth – similar to the services provided and budgeted during the coronavirus period,<sup>69</sup> and based on professional criteria.

The service will be provided by the insured minor's HMO by mental health professionals, in addition to and not in lieu of the treatment service basket; if needed, the child will be referred to continued treatment. Contacting this service will constitute an additional initial contact channel, and will not replace the other mental treatment channels. These remote support services will be provided as a short-term intervention, without the need for preliminary diagnosis, but rather based on the child's inquiry and reporting.

These support services will enable initial and accessible contact to psychotherapeutic treatment for children and youth.

Digital access to psychotherapy services will create an available option for initial intervention and will also serve as a catalyst for receiving treatment, in a framework that may be more convenient for children and youth, many of whom are "digital natives". Furthermore, such a service is especially important in geographic areas with low availability of psychotherapy services in the community, or in emergency times.

### 4. The Educational Psychology Service

Formulate a plan to reinforce the educational psychology service by filling existing open positions and increasing the number of allocated positions. This plan should include improvement of current educational psychologist employment terms (salary, percentage of position, etc.) that hinder filling current open positions. The aim of these measures is to enable the provision of continuing treatment as well as conducting significant prevention processes that are not available due to the shortage of treatment professionals. As part of this plan the responsibility scope of the educational psychology service will be expanded, requiring full service to be provided to preschool (age 3-5 years) and high school (age 15-18) children and youth.

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69 See: Appendix – Support in Providing Emotional Support and Short-Term Intervention Services to Insured Persons, Ministry of Health.  
<https://www.health.gov.il/Subjects/Finance/Mtmicha/Documents/t31052020.pdf>



## Bibliography:

Ashkenazi, Y., Angel, M. Topilski, T. (2014). Psychological Services in Elementary School in Normal Times and in Emergencies. *Myers-JDC-Brookdale Institute*. (Hebrew)

The State Comptroller (2008). *Annual Report 58b*. (Hebrew)

The State Comptroller (2020). *Annual Report 70b*. (Hebrew)

National Council for Mental Health (2019). *Final Report of the Subcommittee on the Gaps in Community Services in the Mental Health Reform*. (Hebrew)

National Health Insurance Law Ombudsman (2019). *Mental Health Patients Fulfilling Rights according to the National Health Insurance Law: Decisions of the Ombudsman regarding Entitlements according to the National Health Insurance Law in Mental Health*. (Hebrew)

[https://www.gov.il/BlobFolder/reports/healthcare-insurance-annual-report-2019/he/files\\_publications\\_healthcare-insurance\\_healthcare-insurance-annual-report-2019-appendix1.pdf](https://www.gov.il/BlobFolder/reports/healthcare-insurance-annual-report-2019/he/files_publications_healthcare-insurance_healthcare-insurance-annual-report-2019-appendix1.pdf)

Ministry of Education (2010). *Director General Directive 5770/8(a), Outline of Educational Psychology Services*. (Hebrew)

<https://cms.education.gov.il/educationcms/applications/mankal/etsmedorim/3/3-7/horaotkeva/k-2010-8a-3-7-61.htm>

Ministry of Health (2020). *Annex - Support Criteria for Providing Emotional Support and Short-Term Intervention Services to Insured ]Persons]*. (Hebrew) <https://health.gov.il/subjects/finance/mtmicha/documents/t31052020.pdf>

Ministry of Health (2021). *Systemic Plan for Mental Health*. Presented in the Knesset Health Committee, 12.10.21. [https://fs.knesset.gov.il/24/Committees/24\\_cs\\_bg\\_608299.pptx](https://fs.knesset.gov.il/24/Committees/24_cs_bg_608299.pptx)





## Summary

### Children's Rights in Israel: Conclusions and Looking Ahead

'Realizing the Rights of the Child in Israel' provides, for the first time, a comprehensive view on children's rights implementation in Israel. In assessing legal frameworks as well as policy implementation, the report covers aspects relating to legislation, policy design, and administrative and other measures taken up by government ministries and authorities that relate to children's lives, and it carefully maps what exists and what remains missing in relation in the emerging and developing field of children's rights implementation.

The innovative aspects of the report and its contributions are four-fold. *First*, the report posits the CRC as the key framework for the discussion on children's rights implementation and analyzes the scope and meaning of the relevant rights in the Convention, as well as the concrete obligations they hold for States-Parties, based on the CRC and the authoritative guidance of the CRC Committee. *Second*, the report focuses on four selected issues relating to children's rights and well-being in Israel - youth participation in policy design, child protection from violence, children's rights in the digital environment, and equal opportunity and non-discrimination in education and health - making it especially relevant and connects it to on-going legal discussions and advocacy initiatives at both the international and national levels.

*Third*, the report includes a first-ever review and analysis of the current situation in Israel in relation to the four core issues from an implementation standpoint, covering legislative, policy, administrative and other measures. Based on the CRC framework and the review of the Israeli context, each part concludes with specific and actionable recommendations to government ministries and authorities to ensure a fuller and more effective implementation of children's rights in Israel.

*Fourth*, the innovative aspects of the report are also linked to the extensive multi-stakeholder work that it incorporated. The report reflects the concerns, insights, and suggestions of Israeli youth, collected through the NCC Youth Parliament, on the core issues discussed - thus fulfilling the CRC principal of the child's right to be heard and participate in matters relating to their lives, including in relation to the implementation of their rights under the Convention.

Finally, *fifth*, in addition to consultations with youth, the report also includes the views and suggestions of relevant CSOs, gathered through consultations conducted by the NCC on each chapter's recommendations. Incorporating CSOs in the report's work has provided valuable feedback and input on the topics at hand, as well as contributed to promoting dialogue on children's rights implementation in the CSO sector.

In doing so, by the very composition of this report, and particularly with regards to its engagement with youth and civil society stakeholders, it had already offered a glimpse into the changes it seeks to bring. Through the work with the engaged stakeholders, they were introduced to the perspective



of children's rights, not as a theoretical angle or abstract content, but as a pertinent framework and relevant tool, with which one can engage with issues pertaining to the world of children and youth.

The dissemination of children's rights-based thinking among relevant stakeholders – youth, civil society, state actors and others – is a core goal of this report, and its partial fulfilment through the various consultation processes has only served to further its demonstrable importance.

While the recommendations of the report relate to specific chapters, some general and cross-cutting points relating to children's rights effective implementation emerged. These include, among others, the need to:

- 1) Adopt a children's rights-based and child-centered approach in discussing relating to children's issues, and the implementation of children's rights, based on the CRC provisions and spirit.
- 2) Expand and ensure full protection and provision of children's rights legislative and policy measures (including the formulation of new policies and the establishment of new services or the expansion of existing ones), in order to ensure full protection and provision of children's rights. Such legislative and policy measures should refer to aspects relating to children's rights, services for children, training of professionals, remedies, redress, and communication mechanisms for children in cases of rights' violations, child participation, and the monitoring and evaluation of implementation.
- 3) Establish policies, programs, services, and mechanisms that are child-friendly and child-centered and that enable child participation in relation to their scope, development and effective operation.
- 4) Invest in systematic qualitative and quantitative data collection and in its analysis and periodic publication regarding children's rights issues.
- 5) Strengthen government, civil society and academia partnership concerning children's rights and increase consultative and participatory measures with all relevant stakeholders, especially with children and youth themselves.
- 6) Strengthen the research and dissemination of information relating to children's rights issues in Israel and children's rights implementation among policy-makers, professionals, parents, and the general public. In particular, such research and information should also be accessible and available to children (of different ages) in adapted and child-friendly versions.

Despite its significant contribution, we recognize certain limitations to this report which should be taken into consideration moving forward.

Due to its wide scope, the report could not possibly have covered all themes that relate to the implementation of children's rights in Israel. To tackle this, the NCC employed thoughtful selection criteria, as discussed in the introduction, narrowing the report to four core themes. While the focus themes selected were indeed justified and relevant, other issues not addressed in this report are also deserving of focused attention.



In addition, the report aims to present a working model on assessing and monitoring implementation of rights. Thus, its assessment was primarily based on legal analysis and relevant academic sources and reports. Yet, the assessment of the implementation of children's rights, from both qualitative and quantitative perspectives, requires additional conceptual development, namely through the establishment of specific, consistent, and clear indicators.

Furthermore, while the report focuses on the implementation of children's rights from the theoretical framework of the CRC and the children's rights discourse, the NCC recognizes the significant potential of linking the findings of this report with other policy themes and perspectives, such as social and economic mobility of children, the prevention of risk to children et cetera.

Finally, the report could have benefitted from detailed and in-depth analyses of budgetary allocations and the provision of government services, constrained either by the width of this report or by the lack of available data; while this aspect is somewhat lacking in this report, we recognize the importance of these data and perspectives in the analysis of the implementation of children's rights.

With this in mind, and in order to promote the implementation of children's rights in Israel, the NCC plans to pursue the following next steps:

- 1) Publish periodic implementation reports that touch on new and relevant themes regarding children's rights in Israel through the prism of the CRC and with cooperation of government, CSO, and youth.
- 2) Develop, through collaboration with CSO and academia, clear, consistent, and evidence-based indicators for assessing, analyzing, and monitoring the implementation of children's rights.
- 3) Engage in knowledge-sharing and learning opportunities about children's rights implementation in both the international and national arena. Children's rights implementation is a developing frontier that can benefit from increased cooperation and knowledge-sharing, particularly in relation to the assessment methods and indicators for implementation. This can be achieved through contacting and receiving guidance from the CRC Committee itself, as well as other States-Parties and CSOs working in this field. Specifically, the NCC plans to take actions to disseminate the model of the composition of this report (involving, as an integral part, consultation with youth regarding policy measures, as well as with a variety of relevant CSOs) in relevant international settings and establish cooperation with relevant stakeholders on this issue, among others, in relation to the importance of hearing children and youth on the implementation of their rights.

Engaging with relevant stakeholders and promoting learning on this issue proves also highly critical at the national level. The NCC aims to strengthen cooperation regarding the implementation of children's rights and work together with all relevant stakeholders in order to follow-up on the report's recommendations, identify new themes that can benefit from implementation reports, establish professional forums for learning and knowledge-sharing, and develop models and tools for assessment and monitoring of children's rights implementation.



In conclusion, the report aims to tackle children's rights implementation in Israel through legal and policy analysis and multi-stakeholder engagement, based on the CRC. In doing so, it goes beyond the discussions on the content and scope of children's rights, and the need to anchor them in legislation and policy, to address and assess if and how they are fulfilled in practice. The NCC will continue to push this theme forward, with an eye towards recognizing implementation as a fundamental issue in the discussion of children's rights in Israel