
ISRAEL CHILDREN'S RIGHTS MONITOR
and DCI-Israel Three-Year Report 1988 • 1989 • 1990



Defence for Children International - Israel Section

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ISRAEL CHILDREN'S RIGHTS MONITOR • VOLUME TWO

and DCI-Israel Three-Year Report

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A WORD FROM THE COORDINATOR



Defence for Children International (DCI) is an independent, non-governmental organization, founded in 1979 to ensure ongoing practical, systematic and concerted international action to promote and protect children's rights. The organization, headquartered in Geneva, has branches in Argentina, Bangladesh, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Ecuador, Finland, India, Israel, Mexico, Nepal, the Netherlands, Pakistan, Paraguay, Senegal, Spain, Switzerland, Tanzania, the United Kingdom, Uruguay, and the United States. These sections, based on membership of *individuals*, can all count on the cooperation and back-up of the international DCI network.

The DCI-Israel Section was established in October, 1987, with the support of a host of local organizations. Our broad-based board consists of child welfare and children's rights experts from various parts of the country.

It can be said that the Israel Section experienced its first, telling success even before it was a full-fledged organization. When our lawyers submitted the legal forms to the Ministry of the Interior in order to officially register DCI-Israel as a non-profit organization, the forms were rejected and returned. The problem: Shay Grinfeld, chairman of the national Youth for Youth group and one of the founders of the Israel Section, was among the eleven signers of the forms — but he was a minor and, therefore, ineligible to sign! Thanks to our lawyers' tenacity, the bureaucracy quickly buckled and, within a relatively short time, DCI-Israel was officially recognized.

Since that day we have been working on issues such as: family reunification of Ethiopian-Jewish children, child labor in Israel, and the right to education for all children in Israel. We are intensively lobbying for Israel's ratification

of the UN Convention on the Rights of the Child and other international legal instruments. We monitor the situation in jails and detention centers and have a legal aid program for Palestinian minors arrested for security offenses whose parents cannot pay lawyers' fees.

In addition to our specific activities, I would like to note several outstanding features of DCI-Israel:

- We are an expanding group of volunteers. Except for a very minimal staff employed as part-time consultants, all our work is done on a voluntary basis.
- The board members of the Israel Section are Jewish and Arab professionals who are individually committed and actively engaged in promoting coexistence in the State of Israel.
- In the three and a half years of our existence, we have achieved credibility and a reputation for careful, unrelenting investigation and monitoring aimed at changing unjust circumstances which affect children.
- We have become a strong and effective lobby for children's rights, and with the assistance and cooperation of our international DCI network, we are able to make a unique contribution to Israeli society.

For some time, we have been looking forward to publishing a full report about our activities. There was only one obstacle: money. Since we operate strictly on a project basis, and all our projects are financed by earmarked donations, we did not want to appropriate funds from these projects in order to produce this report. However, in February, 1991, the Norwegian Human Rights Fund gave us a grant specifically to finance this combined publication — *The Israel Children's Rights Monitor* and our three-year report in English (and a separate volume in Hebrew). We take this opportunity to express our appreciation for their generosity.

We hope that this report will more than fulfill the expectations of our long-time friends in Israel and abroad, and that readers just making the acquaintance of DCI-Israel will join the ranks of our supporters. It is thanks to your help that we exist, and we trust that we will continue to enjoy your crucial assistance in the future as in the past.

Philip Veerman
Coordinator

WORLD SUMMIT FOR CHILDREN

Marion Brodie-Olles and Philip E. Veerman

It is a remarkable fact that on September 30, 1990, when the Iraq/Kuwait crisis and threat of war occupied the minds of world leaders, 80 heads of state and prime ministers gathered in New York with the sole purpose of giving children a better chance for the future.

In November, 1989, with the decline of superpower confrontation and international tension easing, six international leaders — Prime Minister Brian Mulroney of Canada, President Hosni Mubarak of Egypt, President Moussa Traore of Mali, President Carlos Salinas de Gortari of Mexico, Prime Minister Benazir Bhutto of Pakistan, and Prime Minister Ingvar Carlsson of Sweden — called for a World Summit for Children.

The World Summit was held at the United Nations headquarters. The initiating governments asked UNICEF to provide administrative staff to organize the meeting. The World Summit for Children marked the first time that leaders from around the globe — north and south, east and west — have met for a single purpose, joining hands to try to resolve some of the universal problems that children encounter in surviving and developing to adulthood.

The overall aim of the World Summit was to put children high and firmly on the agenda of the 1990s, giving them priority — or "first call" — on the world's resources in good times or bad, war or peace.

The principle of "first call" for children is so important, it should influence the nature of progress in all nations in the 1990s and beyond. In essence, it implies that the growing minds and bodies of children should have first call on society's capabilities, and that children should be able to depend upon that commitment in good times or bad. Whether a child survives or not, whether a child goes to school or not, should not depend on whether interest rates rise or fall, on whether commodity prices go up or down, on whether a particular political party is in power, on whether a country is at war or not, nor on any other trough or crest in the endless undulations of political and economic life. Nothing could illustrate the need for this principle more clearly than the damage which the debt crisis has inflicted upon children in recent years. In many parts of the world, cuts in government spending and falling



family incomes have meant that infant mortality has risen, malnutrition has increased, and schools and health clinics have closed. The result is that the poorest and most vulnerable children have been the most exposed to that lash of debt and recession. This is exactly the opposite of the principle of first call.

The principle of first call also applies to the industrialized countries. In New York, where the summit was held, the situation of children has deteriorated dramatically. The number of children living in poverty has risen and many children are homeless. In 1988, 1,000 children were born with the AIDS virus in New York (born of infected mothers).

In sum, the principle of first call is universally relevant. No matter what the nation and what the cause, the time has come to protect children, as far as is humanly possible, from the mistakes and excesses and vicissitudes of the adult world. Important as the principle of first call may be, the real challenge of the First World Summit for Children is to translate that principle into specific aims which are achievable and affordable in the decade ahead. As James Grant, the executive director of UNICEF said, the heads of state and prime ministers should try to "do the do-able."

Modern medicine today can prevent or cure many of the diseases that have

plagued the human race for millenia. Yet many children under the age of five die every day in the developing countries, largely from preventable causes, often for lack of little more than one dollar's worth of health care, a regular supply of nutritious food, or clean water and sanitation. The causes of most of those deaths can be listed on the fingers of one hand: dehydration (caused by diarrhoea), pneumonia, measles, tetanus and whooping cough. These five common illnesses, all relatively easy and inexpensive to prevent or treat, will account for over half of all child deaths and over half of child malnutrition in the decade which lies ahead.

During the World Summit, for instance:

- 2,800 children died from whooping cough
- 8,000 children died from measles
- 4,300 children died from tetanus
- 5,500 children died from malaria
- 22,000 children died from diarrhoea
- 12,000 children died from pneumonia

A program to prevent the great majority of child deaths and child malnutrition in the decade ahead might reach approximately US \$2.5 billion per year by the late 1990s, the same amount that US companies spend each year to advertise cigarettes, or the Soviet Union spends on vodka each month.

No government can act on its own to fight the enormous problems, and 90 Non-Governmental Organizations, such as Defence for Children International, asked for recognition of the fact that children have rights.

The World Summit also gave new political weight to the new United Nations Convention on the Rights of the Child which is now in force, having been ratified by 20 states on September 2, 1990 (a record in the United Nations, because the Convention was adopted only on November 20, 1989). Although Israel has signed the UN Convention, it has yet to ratify it.

The UN Convention on the Rights of the Child is now the standard below which any country, rich or poor, will be ashamed to fall.

Invitations to the World Summit were addressed personally to the head of state or government of each member-state of the United Nations. Though Itzhak Shamir received an invitation, unfortunately, neither he nor President Herzog attended. Since Israel was not represented by its prime minister or president, it could not actively participate in the Summit. ●

Marion Brodie-Olles is coordinator of the Israel National Committee for UNICEF.

UN RULES TO PROTECT JUVENILES DEPRIVED OF THEIR LIBERTY: WHY THE RULES?

In 1955, the first United Nations Congress on the Prevention of Crime and Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners, which are a comprehensive set of guidelines on the rights of prisoners and the administration of penal facilities. These Standard Minimum Rules contain no less than 95 articles covering topics ranging from the physical characteristics of cells and the discipline of prisoners to the recruitment of correctional staff and correctional philosophy. Updated in 1977, the Rules have lost none of their relevance with the passage of time but rather have become more influential and more widely accepted. Their influence is evident in the prison regulations of many countries and their study forms part of the professional training of correctional personnel around the world.

Some observers have asked whether it is necessary to have a separate instrument for juveniles deprived of liberty, or whether, given the existence of a detailed and comprehensive set of standards concerning the treatment of prisoners, a brief statement of general principles concerning the special needs of juveniles would not be sufficient.

There has always been some ambiguity regarding the application of the Rules for the Treatment of Prisoners to juveniles. One of the "Preliminary Observations" which preface the Rules states:

"The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions." (5.1)

It is true that the 1955 Rules were taken into account during the drafting of the new Rules, and that there is a superficial resemblance in the degree of detail, the length of the two texts and, to some extent, the subjects covered and the structure. In terms of substance, however, the differences are more important than the similarities.

Many important differences stem from the special psychological needs of juveniles. Such dissimilarities can be seen in the new Rules concerning records and the right of access to information, admission and transfer, the physical

environment and accommodations, classification and placement, discipline, grievance procedures, and juvenile justice personnel, among others.

The special importance of frequent and intimate contact between the institutionalized juvenile and his or her family, and the family's right to information concerning an institutionalized child, can be seen in the new Rules on admission, registration, movement and transfer, classification and placement, contact with the wider community, and notification of illness, injury or death. The special physical needs and greater vulnerability of juveniles have also influenced a number of the new Rules, including those on admission, registration, movement and transfer, classification and placement, the physical environment and accommodation, recreation, medical care, and limitations on physical restraint and on the use of force.

The importance of treating juvenile offenders in the context of a relationship between the juvenile and the community, even when institutionalization is necessary, has made the new Rules on classification and placement, the physical environment and accommodation, education and medical care quite different from the Rules for adults. The Rules on programmatic aspects of treatment, such as education, vocational training and work, also differ from those applicable to adults, of course.

Finally, it will be noted that, with the exception of two Rules concerning juveniles under arrest or awaiting trial, the new Rules are applicable to all juveniles deprived of their liberty. This approach, which disregards the formal legal categories employed in the 1955 Rules for adult prisoners, is based on the premise that the "principal criteria for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental, and moral integrity and well-being" (Rule 27).

In sum, it is difficult to find aspects of the new Rules that have not been influenced by the special characteristics and needs of children.

Some have questioned whether these Rules are really necessary, or might not be made much shorter. It took the United Nations 35 years to decide there are — or should be — substantial differences between an adult prison and a juvenile correctional facility, and that the management of juvenile institutions is important enough to deserve a modest effort to develop an internationally acceptable set of guidelines. Resolution No. 21 of the seventh Congress, which calls for Standard Minimum Rules for the Protection of Juveniles Deprived

of their Liberty, rather than Basic Principles, evidences awareness of the need for comprehensive standards developed specifically for needs of juveniles.

Some nations with highly developed legal systems may tend to see only the "standard-setting" side of such an instrument — that is, the contribution it makes to the development of international norms. However, instruments of this kind also constitute an important form of advisory service or technical assistance to developing countries. In many countries, the 1955 Rules serve as an important resource in the training of correctional staff, and have provided the basic framework for national legislation or administrative rules. The new Rules can serve these ends only if they are reasonably complete and detailed.

The new Rules are adequately adapted for these purposes. Now that they have been adopted, they should become as influential in the area of juvenile corrections as the 1955 Rules have been in the area of adult corrections. They could not be significantly shortened without substantially reducing the protection which they afford to children deprived of their liberty. ●

THE UN RULES TO PROTECT JUVENILES DEPRIVED OF THEIR LIBERTY: A CHRONOLOGY

1985 The seventh UN Congress on the Prevention of Crime and Treatment of Offenders adopts the UN Standard Minimum Rules for Administration of Juvenile Justice (also known as the "Beijing Rules"). Noting that the Rules "do not fully address the conditions in which juveniles deprived of liberty are detained," the Congress recommends that draft standard minimum rules for the treatment of children deprived of their liberty should be prepared for consideration by the eighth Congress.

1986 At the request of the Branch (UN Crime Prevention and Criminal Justice Branch), an NGO group — including representatives of Amnesty International, Defence of Children International, the International Catholic Child Bureau, the International Commission of Jurists, and Rädde Barnen — prepares a preliminary draft.

1987 The preliminary draft is circulated to experts, institutions and associations around the world for their comments. In seminars on juvenile justice organized by DCI and ILANUD (the UN Latin American Institute for the Prevention of Crime and Treatment of Offenders) in Mexico and Montevideo, juvenile justice and correctional practitioners study the draft and propose amendments.

1988 A revised version of the draft Rules, incorporating observations and proposals made during the process of consultation, is prepared and submitted to Dr. Günter Kaiser, the UN consultant responsible for submitting the final draft of the United Nations Secretariat to an interregional preparatory meeting on Item 4 (juvenile questions) in Vienna. The draft is considered, amended and approved by the Interregional Meeting of Experts in April, reviewed by the UN Committee on Crime Prevention and Control in August, and endorsed by the UN Economic and Social Council in Resolution 1989/69.

1989 The draft Rules are submitted to governments of Europe, Asia, Latin America, Western Asia and Africa for information and comments in a series of Regional Preparatory Meetings.

1990 The observations made in the regional meetings are reviewed by the Committee on Crime Prevention and Control meeting in Vienna during the month of February. The Committee, after adopting certain amendments, approves the revised draft, and it is then considered at the eighth UN Congress on the Prevention of Crime and Treatment of Offenders, held in Cuba from August 27 to September 7. Rules are adopted by the UN General Assembly in November.

UN RULES TO PROTECT JUVENILES DEPRIVED OF THEIR LIBERTY: DCI-ISRAEL CONFERENCE REPORT

At the beginning of March, 1990, the Institute of Criminology of the Hebrew University, Jerusalem, and DCI-Israel cosponsored a conference on the subject of minors deprived of their liberty, focusing on minors being held in detention and prison. The problems in this area have become more serious lately (one of the reasons being the Intifada) due to both their extent — there are more children being detained and imprisoned than in the past — and to the conditions in which the children are held. The conference, which was opened by Moshe Etzioni, President of DCI-Israel, addressed these and related issues in light of the UN's recently-passed Rules for the Protection of Minors Deprived of their Liberty. Following is a summary of the conference proceedings.

Minimum Conditions for Minors Deprived of their Liberty

Leslie Sebba, Professor of Law, Institute of Criminology, The Hebrew University, Jerusalem

1. THE DEVELOPMENT OF INTERNATIONAL STANDARDS FOR CHILDREN'S RIGHTS IN GENERAL, AND PUNISHMENT OF MINORS IN PARTICULAR

Human rights, including the rights of children, became a central issue after World War II. In 1959, the Universal Declaration of Human Rights was passed by the United Nations and since then, other documents dealing with human rights in general have been adopted. In recent times, we have witnessed a parallel development regarding of the specific issue of the rights of the child. In 1979, a declaration on this subject was passed in the UN but, according to the UN charter, a declaration is not binding on members of the organization.

Last year, a UN Convention on the Rights of the Child was adopted. The Convention, in contrast to the Declaration, is binding, albeit only for those nations who ratify it. The DCI hopes that Israel, which has not yet ratified the Convention, will do so in the near future. To date, there is no treaty

dealing with the specific issue of the rights of minors deprived of their liberty. However, the UN has now set "minimum rules" in this matter. It should be noted that "minimum rules," although they have been passed in the UN Assembly, are of similar status to a declaration rather than a convention, meaning that they are not binding on member states.

2. GENERAL APPROACHES TO JUVENILE DELINQUENCY AND THE PUNISHMENT OF DELINQUENTS IN INTERNATIONAL LAW

The various documents adopted to date on the rights of the child express different approaches, often contradictory, of this subject. There is consensus on its importance, but not on the content of specific rules. For instance, the fact that torture and exploitation of minors by authorities or by other prisoners/detainees exist and should be prevented by rules is not disputed, but there are divergences of opinion as to the content of such rules. The differences of approach stem, amongst other things, from the cultural variations that exist among nations. In disadvantaged societies, the rights of the child are not a priority and tend to be negligible. In the discussions accompanying the drafting of the minimum rules, differences of opinion were revealed even on the issue of the obligation to segregate juvenile and adult detainees although it would seem obvious that there would be general agreement on this issue.

An approach which is expressed in most of the documents, albeit not explicitly, is that juvenile delinquency is due largely to the fact that society does not provide minors with enough opportunities to advance. This can be seen in the strong emphasis placed on education and social support for minors during their detention/imprisonment. This can also be seen in the adoption of "labeling theory" by the Convention on the Rights of the Child. "Labeling theory" views the very bringing of the juvenile to court as detrimental to the child, both to his mental state and to his chances of rehabilitation; and it therefore advocates the closing of criminal files against minors. The Convention determines that "one should prevent, as far as possible, the bringing of minors to court." "Labeling theory" was adopted despite criticism of those who claimed that the theory negates the principles of justice and encourages discrimination between adults and juveniles committing identical offenses.

A subject on which there has been some progress is the child's status in society and his rights vis-à-vis his parents and the state. The attitude towards the child taken by earlier documents was that he should be the object of

treatment and rehabilitation. More recent documents perceive the minor as a more independent individual with rights, and in some respects the rights of a minor detainee are comparable to those of the adult prisoner. For instance, the Convention determines that the minor has the right to chose his religion, and the minimum rules give the minor the right to marry as well as the right to earn money during his detention/imprisonment.

3. SPECIFIC REGULATIONS IN THE MINIMUM RULES

First, to whom do the minimum rules apply? Who is a minor "deprived of liberty"? There would seem to be a gap between the literal definition contained in the draft and the actual intention of those who formulated it. The intention, according to the preparatory work that preceded the formulation of the draft, was that the minimum rules should apply to those whose liberty had been curtailed following the perpetration or suspected perpetration of an offense, but this is not stated in the minimum rules. The version that was finally adopted will have implications for minors in institutions such as mental hospitals who would benefit from the protection of the minimum rules only if they apply also to minors deprived of their liberty for reasons other than criminal offences. The narrow definition applies only to minors in detention, prison and sheltered hostels.

Second, what are the reasons that justify the deprivation of liberty? The need for rehabilitation, in itself, is not enough. The liberty of a minor can be taken away only for the perpetration of a serious offense. Rehabilitation treatment is mentioned, as is sociopsychological evaluation to determine the treatment program for the minor while he is deprived of his liberty, but, in general, it would seem that the draft on minimum rules places less emphasis on rehabilitation and the personal needs of the offender than previous documents on this subject.

Third, for what period should the juvenile be deprived of his liberty? The minimum rules determine that the deprivation of liberty be for the minimum period required but the aim of the deprivation of liberty is not stated (except as execution of sentence). Is the aim to rehabilitate the juvenile? To protect the public? To deter other juveniles from delinquency? It would seem obvious that the period of deprivation of liberty would vary according to its aim.

Fourth, the minimum rules grant the minor the right to view any documents related to him which are kept in the institution holding him. This is a fairly

revolutionary instruction and reflects the trend to relate to the minor as an individual with rights.

4. CONDITIONS UNDER WHICH MINORS DEPRIVED OF THEIR LIBERTY ARE HELD IN ISRAEL

In many areas, Israel does not reach the standards demanded by the minimum rules. For instance, it is not possible for a youth in detention (as opposed to prison) to work, and there are no educational facilities. In the territories, the situation is even worse. In Israeli law it is possible to extend — with the permission of the court — the deprivation of a minor's liberty in order to complete the treatment and rehabilitation process. The minimum rules determine, on the other hand, that the maximum duration of the deprivation of liberty be fixed in advance, before the minor's incarceration.

Report on the UN Meetings in Cairo

George Samaan, Attorney at Law, Jerusalem

Advocate Samaan represented Defence for Children International at a conference held in Cairo under the auspices of the UN. Fourteen countries participated from the Western Asian region — all of them Arab nations. The conference was held, amongst other things, in order to examine the recommendations and reservations of these nations regarding the minimum rules draft on the conditions of children deprived of their liberty. Similar conferences had already been held in other regions of the world. The DCI had observer status at the conference, with no right to vote but entitled to take part in the discussions.

The representatives of the countries had no reservations regarding the various clauses of the minimum rules brought up for discussion. However, a notable phenomenon of the conference, apparently a recurrent one in regional conferences, was the erosion of the minimum rules due to varied national interests, such as the economic inability of certain governments to implement the minimum rules, different religious beliefs, etc. The nations preferred not to set minimum rules on certain subjects — for instance, the minimum age for minors to be detained — and to be left with freedom to make their own decisions.

Advocate Samaan felt that there is a wide gap between the principles theoretically advocated by these nations (primarily to enhance their international image), and the implementation of these principles in practice. The principles are not always incorporated into local legislation, and if they are, the implementation of the law leaves much to be desired.

Aspects of the Detention of Minors

Menachem Horovitz, Chairman of DCI-Israel

1. POLICY ON DETENTION OF MINORS

Up till recently, little attention was paid to the subject of detention of minors in Israel and the rest of the world. Since the establishment of the State of Israel, only three studies have investigated this topic, the most recent in 1981. The policy on the detention and punishment of minors in Israel has not been influenced by these studies, nor is it influenced by international standards that are set from time to time regarding this issue. There is a wide gap between the declarations made by Israel on the international level, and actual policy and the real situation in Israel and the territories.

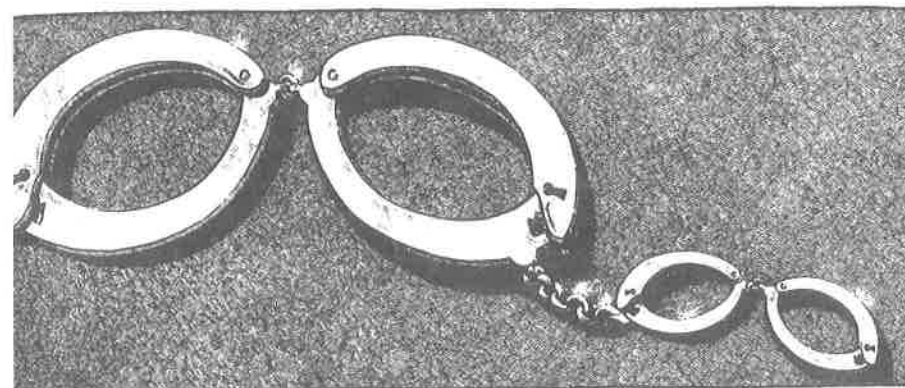
Policy is influenced to a much greater degree by other factors. Due to differing ideological perceptions, closed institutions accommodate, sometimes in the same room, juveniles placed there for punishment together with juveniles placed there for rehabilitation. Moral panic, a few years ago, led to the arrest and detention of all auto thieves; and today, all drug dealers are detained. Established prejudices and political processes, of course, also bear a strong influence.

2. GENERAL ASPECTS OF DETENTION

As to the aims of detention, there are declared aims and those that are undeclared. The declared aims include: investigative purposes; public safety; preventing escapes from a security institution; protecting minors; providing shelter in the absence of other alternatives; and removing minors from the custody of destructive persons. The undeclared aims include: punishment, creating a cooling-off period, pressure to elicit a confession or reveal information, etc.

Detention has various negative effects. It can be a first lesson in crime, and can cause identification with delinquent norms, loneliness at a time of

mental stress, stigmatization (labeling as a delinquent), anxiety, and danger of rape, exploitation, suicide, etc. In discussing the effect of detention on the minor, there are many opinions but no research. There are those who claim that detention creates a severe sense of crisis, induces apathy, or brings about satisfaction for some. Some claim that the "shock effect" of detention may constitute a therapeutic experience. There are even those who claim that a "good" detention center attracts detainees, and that it is therefore advisable to maintain bad conditions in detention centers.



3. INTIFADA DETAINEES IN ISRAEL

Dr. Horovitz stressed that his comments reflected his personal impressions and not necessarily those of all the members of the committee, and that he related general impressions only, not statistically verified data.

DCI-Israel visited prisons and detention centers, including military detention facilities, holding detainees and prisoners of the Intifada. In the military facilities there were about 170 juveniles aged 14-16, and in the prisons, 260 juveniles in this age group.

Conditions in the prisons are better than those prevailing in the detention centers and, in general, the prison personnel are better trained than the staff running the detention centers. The detention facilities (except for Megiddo) are usually improvised installations and suffer from many logistic problems.

Many of the minors noted that they would prefer no separation between juveniles and adults. The committee visited only one investigation wing, where the minors complained about unfair treatment. Dr. Horovitz' personal impression is that moderate physical pressure is the lot of one and all.

A particularly disturbing impression is that, although detainees should be granted more rights than prisoners (the latter already having been tried and found guilty), often the attitude towards the detainees is worse, as well as the conditions of their detention. It is of utmost importance that this trend be prevented and the situation corrected. Dr. Horovitz noted that the authorities listened attentively to the committee's comments, considered its suggestions, and accepted some of them.

Legal Means to Safeguard the Welfare of Minors in Detention

Neta Ziv Goldman, Attorney, Israel Association for Civil Rights (ACRI)

1. GENERAL BACKGROUND

When we examine how minors and adults are treated by the courts and as detainees/prisoners, we find that there are differences between what happens in Israel and the situation in the territories as well as between the various authorities involved.

Official policy is influenced by political and security developments. The logistic capacity to detain any certain type or number of persons also influences the decision on how to dispose of a case. For instance, up to recently, there was a clear policy not to detain girls from the territories for rioting offenses because there are no facilities for them - neither prior to their court appearance nor subsequent to it.

2. THE ABSENCE OF DEFINITION OF THE RIGHTS AND OBLIGATIONS OF THE DETAINED JUVENILE

The most difficult problem is the absence of a clear definition of the legal status of the detained juvenile. There is no legal code detailing the rights and obligations of the minor in detention. Instructions do exist as to the maximum period from the time of being arrested to appearing before the judge (juveniles up to the age of 14, within 12 hours, and juveniles over 14, within 24 hours), and it is compulsory to announce the detention. However, as regards the rights and obligations of the detained juvenile himself, the law is silent. There are no binding instructions for the holding authority, usually the police, in respect of the rights of the minor. For example, there are no regulations with regard to food, medical treatment, family visits, etc. The law does not determine whether the minor has the right to a bed, nor the maximum density allowed in the cells.

The Youth (Trial, Punishment and Modes of Treatment) Law of 1971 states unequivocally that there must be total separation between minors and adults in detention facilities. There is no doubt that this order is not fulfilled in police detention facilities. In the military facilities there is some separation.

The Jerusalem District Court recently ordered the release of girls from detention for the sole reason of noncompliance to the rule of separation. The girls had been held in Tel Mond Prison in conditions which permitted contact between them and serious security offenders. The court decided that the girls be placed under house arrest.

3. IN THE TERRITORIES: LENGTH OF DETENTION

In the military facilities in the territories, the detention conditions of minors and of adults are, in general, identical. However, sometimes attempts are made to ease the situation of minors, to some degree, by giving them the opportunity to work in the kitchen and to spend more time outside their cells, etc.

In the territories, in contrast to the situation in Israel, both minors and adults have to be brought before a judge within 18 days from arrest. The rules governing the military courts in the territories regarding extending the detention of minors do not differ from the rules applying to adults. The fact that a minor is involved bears little or no weight in the judicial decision to extend detention till the culmination of legal proceedings. The tendency, today, is to extend detention beyond 18 days almost automatically. It is rare for judges to release minors on bail. Usually, they are held in detention till the end of legal proceedings against them.

Neither in the territories nor in Israel is there a regulation making it compulsory to appoint a defense lawyer for a minor, this being left to the discretion of the court. Most of the detainees are not represented by a lawyer. Minors do not have any special rights with regard to family visits, or to daily outdoor exercise. Most of them are closed up in their cells for 22-23 hours a day and come out for exercise for only one or two hours daily.

4. THE PROBLEM OF OVERCROWDING

Overcrowding is one of the most serious problems in the detention and prison facilities. There is no regulation in Israel today determining the minimum living area per detainee. The Prison Service has an internal regulation set by the Service itself, determining a standard of two square meters per person. As

to military detention centers — there is a case of a petition being presented to the High Court claiming that detainees in a certain military facility were being held in living space of less than one square meter per person. This is an extremely small area, and the detainees are held in such conditions nearly 24 hours a day.

The overcrowding problem is especially severe in police detention facilities which, after security incidents, fill up and have to contain detainees far beyond their capacity.

5. WAYS TO IMPROVE THE CURRENT SITUATION

The most appropriate way of improving the detention conditions existing today would be by means of combined legislative, judicial and public action.

The Israeli courts have, in fact, over the years, ruled on the rights and obligations of detainees and prisoners by means of judicial legislation. The courts have ruled that the state has the jurisdiction to detain and imprison persons only if they are held in conditions that uphold human dignity and provide for the basic needs of any human being. As stated by Supreme Court Judge Barak, "Prison walls should not serve to remove a human being from humanity."

Two legal procedures are available for tackling the problem: a) Applying to the court to release a detainee because he is being held in conditions that do not conform to acceptable minimum human standards. A petition of this kind, if successful, will benefit only this particular detainee. In the past, there have been a number of such petitions to the courts and in several cases such petitions have been successful. b) Petition to the High Court against detention conditions in any particular detention facility. If the petition is successful, all the detainees will be released. It should be noted that the chances of such a petition succeeding are very slight.

In all instances, the court is the appropriate address for the basic solution of the logistic problems of the system.

Today there is a bill pending calling for the administrative release of sentenced prisoners in order to empty out the prisons to some extent. However, Neta Ziv Goldman claims that this would not solve the problem of overcrowding because detention centers and prisons have a way of filling up very quickly.

It is very important to ensure that there is public supervision over the detention system — supervision by Israeli bodies and also by international

bodies. The system today is opening the gates of detention facilities and prisons to inspection bodies, and it is important to take advantage of this.

Problems of Detention of Minors in Israel

Levy Eden, Director of the Juvenile Probation Service, Ministry of Labor and Social Welfare

1. THE LAW AND THE COURTS

The Youth (Trial, Punishment and Modes of Treatment) Law of 1971 grants the juvenile himself the right to state whether his detention is required to ensure his security, or to remove him from the custody of an undesirable person.

There is a problem of lack of adequate control on the part of the courts over the holding of minors in detention by the police. Such control is essential in order to prevent arbitrary detention. The law has fixed the maximum number of hours that a minor can be detained before appearing before a judge, but it also gives the police the authority to extend this period by a limited number of hours if this is deemed necessary for the security of the public and the judge is not readily available. In such a case, the police officer has to document the reasons for his decision for subsequent presentation before the judge. In practice, to the best of Mr. Eden's knowledge, the police do not present the judges with this information, nor do the judges demand it. The problem, in fact, is even more serious because not all minors are brought to court to stand trial or for extension of detention. Thus, the minor may be held in detention by the police without the court having the opportunity to examine the reasons for the extension of his detention.

An additional problem is that according to the law, the police are entitled to detain a minor who has escaped from an institution until he is returned to that institution, without having an arrest order. There is a case of a girl who, after running away from an institution, was held in custody for seven days before being returned to it. Again, we have a problem of lack of control over the holding of the minor in detention, the fault, in this instance, being in the law itself.

2. IMPLEMENTING POLICE AUTHORITY IN DAILY MATTERS

The police follow the instruction in the law obliging it to notify the minor's parents of his detention and, according to local agreements, informs the

probation service about the detention of a minor stating its intentions as to release or request for extension of detention.

As to separation between minors and adults: with regard to women, separation is not practiced, neither in the Neve Tirza Prison nor in detention facilities. Detention administrations have complained about the negative implications of the situation. Nor do the police segregate different types of minors: there is no separation between children and adolescents nearing the age of 18, recidivists and first-timers, bullies and weaker youth. Segregation along these lines is not compulsory by law, and although desirable, is not usually practiced.

Meals in detention facilities are at set times and a minor who is late for a meal because of an investigation or other reason not under his control often has to go without a meal. Another problem is that there are no changes of clothing in detention centers, and there are no funds for travel expenses for the detainee to get home after his release.

3. PROBATION OFFICERS' INVOLVEMENT IN DETENTIONS

The Juvenile Probation Service has taken on the responsibility of looking after juveniles being held in detention or in prison. Juvenile probation officers have begun to give evidence in court on the psycho-social condition of detained minors. Today, in the Tel Aviv juvenile court, discussions are postponed if the probation officer cannot make it to court.

Juvenile probation officers have begun to enter the detention centers. There are hardly any detention centers that are not visited regularly by a probation officer. There are prisons and detention centers (e.g., Abu Kabir in Jerusalem, and Tiberias) which have a permanent probation officer as an integral part of their staff (although he is under the Probation Service), and minors approach him with problems over and beyond those relating to their physical detention. However, probation officers do not succeed in reaching all detention centers due to lack of manpower and, sometimes, due to the remoteness of the detention center. The problem is that, very often, it is in these remote detention centers that the conditions of the detainees are most difficult.

The legal defense of detained minors is not regularized in the law. The probation service does not have enough funds to pay the high fees demanded by lawyers. The probation service has approached the Israel Bar Association for legal aid for minors but the approach was not fruitful.

The Activities of the Probation Service in the Jerusalem Juvenile Detention Center

Nava Kedar, Head Juvenile Probation Officer, Jerusalem District

The separate detention center for juveniles was established in 1986 and, at the time, it was regarded as modern and spacious. It includes four cells for boys and a separate wing for women containing two cells. When it was established, the center served, on the average, about 10-15 Jewish and Arab minors at any one time, each detention lasting just a few days.

With the outbreak of the Intifada, the situation in the detention center changed. It became stiflingly overcrowded and unable to fulfill the new demands made of it. The situation has been getting worse and worse over the past two years. Out of the four cells for boys, three accommodate the Arab juveniles and the fourth, Jewish minors. In each of the two big cells, originally intended for 12 minors each, there are 35-50 minors daily. The minors spend prolonged periods of three to eight months in detention. Most are arrested in East Jerusalem, a file against them is opened, and they are usually not released pending trial. Minors detained until the end of legal proceedings or minors already sentenced and waiting to be transferred to the prison service continue to stay in the detention center unlawfully simply because the prison service has no room for them.

Girls are held in the two cells in the women's wing together, unlawfully, with adult women, with segregation between Jews and Arabs.

The activity of the probation officers and volunteers in the detention center enables the speedy identification of special and urgent cases. The veteran detainees usually see to it that problems and distress among the new detainees are brought to the attention of the probation officers. In cases of complaints and special problems, the probation officers have direct access to the commander of the detention center, who responds personally and immediately.

The probation service can make legal aid available to detained minors, especially those from East Jerusalem, by means of the lawyer retained by Defence for Children International. Complaints, in special cases, can also be addressed to the ombudsman and other bodies. Mrs. Kedar stressed that the most severe problem in the detention center is the pressure and the overcrowding. Various measures are taken in order to help cope with the

problem, even if only minimally, such as spreading out the days for family visits over the whole week instead of allowing visits only at the weekend, as was the practice in the past. However, the problem is so severe that all the work and the efforts invested on behalf of the detainees seem marginal in comparison, nor do they help prevent breaches of the law and infringements of the basic rights of the detained minors. ●

Jerusalem Declaration: CHILDREN'S RIGHTS IN WAR AND ARMED CONFLICTS

This declaration is a synopsis of presentations and workshops at the conference, *Children in War*, sponsored by the Sigmund Freud Center for Study and Research in Psychoanalysis at The Hebrew University of Jerusalem, and held in Jerusalem on June 24-28, 1990. The conference was co-sponsored by the Cambridge (MA) Hospital Department of Psychiatry, The Center for Psychological Studies in the Nuclear Age (Harvard Medical School), DCI (International and its Israel Section), the Israel Psychoanalytic Society, and the World Federation for Mental Health. Credit for the success of the conference goes to its organizers, Roberta J. Apfel, MD, and Bennett Simon, MD, both of The Hebrew University's Freud Center. DCI-Israel was very pleased to work so fruitfully with them and with The Freud Center.

This was one of the few conferences convened with a primary focus on the psychological/psychosocial aspects of children in war and other armed conflicts. The conference brought together 250 clinicians and researchers from 32 countries, including many strife-torn areas of the world. Some of these participants work on the front lines; others work with the long-term follow-up of childhood survivors of war. Their backgrounds reflect a variety of conflict situations: organized persecution, genocide, chronic intercommunal strife, and inter-nation armed conflict. The underlying assumption of the Conference was that the well-being of children is a universal and trans-cultural value, and, as such, can be mobilized as an incentive for finding peaceful means of conflict resolution. DCI-Israel hopes that publication of this Declaration will stimulate interest in this topic within both DCI and the United Nations.

Reaffirmation

The conference reiterated and reaffirmed what has been observed and stated in previous conferences, declarations, and working documents about the vulnerability of children in war. It affirmed International Humanitarian Law

(the Geneva Conventions) and the UN Convention on the Rights of the Child and bears repetition:

- Separation, abandonment, and loss of family are the major losses for children in war
- War breeds violence and a propensity for violent solutions to conflict
- Being a child in war inevitably influences moral development
- There are severe long-term consequences beyond the immediate crisis
- Physical damage, death, and mutilation are the major visible consequences, but emotional damage can be quite severe and chronic without dramatic, immediately apparent results
- The poorest, least educated members of society are often affected the most acutely
- In times of war, children develop increased psychological symptoms
- Some achieve self-actualization at great personal cost
- Some become overtly psychotic or suicidal
- Intrafamily violence is increased
- War becomes the focus of play and talk, overriding all else

It is impossible to know the full long-term effect of a current war on future children. There is no adequate way to study the full consequences. However, we cannot afford to wait for the hypothetical "definitive study."

New Findings

1. INTERGENERATIONAL TRANSMISSION OF TRAUMA

There is a cycle in which war produces traumatized children who become adults who create (either as political leaders or their supporters) a propensity for further armed conflict. Those affected are loaded and sensitized for breakdown in other situations of personal and communal stress. Even the strongest childhood war survivors bear scars. For each childhood survivor, there is a spouse, family, children and grandchildren who are affected, e.g. by joylessness and anxiety. The costs are passed on to at least the second and third generations.

2. RESILIENCY

The apparent recovery of some children of war is a tribute to the human spirit and capacity to make the best out of terrible circumstances. "Recovery" is a relative concept; there is no one who is absolutely resilient. It reflects the ability of some children to use their competency to find fun and excitement, and to grow in age-appropriate ways, even in the worst war circumstances. The fact that some children do well enough does not mean that war is ever advisable or desirable. Children who do the best have strong affective bonds that wartime does not break, and may even strengthen. There are interventions that can enhance the native resilient capacities of children. Nevertheless, luck and fortune are big elements in survival. Destructiveness can easily undo personal resiliency. The concept of resiliency must not be used as an excuse to blame the victims who do not survive or do well. There is a point of trauma beyond which no human being can be resilient.

3. USES AND ABUSES OF CHILDREN IN WAR

Children can be used in a constructive way to enhance compliance with declarations and extant conventions. However, too often children are used as "living statues," memorials to what the enemy has done, and justifications for further violence breaching international accords. It is understandable and natural for human groups to idealize fallen heroes as martyrs. Orphans or otherwise traumatized children are used as monuments to the national cause; this is dangerous and destructive in the long run although it appears useful in the short run. Such use of children damages the children themselves by interfering with their mourning. Prospects for peace are diminished when children are frozen into the role of the perennially injured.

Using national ethnic solidarity as therapy short-circuits mourning of losses and problems of dealing with one's own aggression. Group identity and ideals are powerful medicine and can seem healing, but they also have pernicious side effects. Formation of strong group ethnic identity is often predicated on the existence of an external enemy, but it perpetuates the vision of an enemy, and the desire to get revenge.

The "Children of War" is a group of young people devoted to seeing war itself as the enemy, rather than any specific people or ethnic or national group. At the conference, the presence of these young people highlighted the positive possibilities for such groups and contrasted with other outcomes of group formation.

4. "PERCEPTICIDE"

Adults have strong, enduring defenses against seeing harm done to children in war. Harm to the enemy's children is blamed on the enemy. Harm to one's own children can be rationalized as being in their best interest, in terms of survival. Denial serves to protect the adult and his relationship with his children.

There is aggression and violence within each of us and in the world of human civilization. Psychoanalysts and social scientists do not understand this aggression. Either people do not want to acknowledge its extent, or the possibilities for controlling and modulating it. Acknowledging one's own aggressive impulses and acts allows more empathy for the enemy and his aggressive impulses toward oneself. The art of living humanely is to contain natural human aggressiveness in fantasy and dreams and to develop the symbolic capacity to contain violence rather than act impulsively upon it.

5. RESOURCES

Mental health needs are drastically underserved in areas with the most conflict. Mental health professionals gravitate to safe and stable areas. There are now models for serving and intervening in underserved and strife-torn areas. These models must respect the uniqueness of each culture while remaining informed by the best of what social science has produced. Advice and consultation is needed as a form of collaboration between the "haves" and "have-nots" in regard to mental health services.

6. HUMAN DEVELOPMENT

The natural course of human development takes its own time and cannot be rushed any more than the stages of pregnancy or infancy or childhood. This is a consistent finding of all child development studies: there are no shortcuts. When the time scale is altered, or timely human interactions are missed, the child continues to develop, but as if with a deficiency disease.

Lessons of post-war childhood survivors show how much love, care, individual attention, and thought was needed to begin to rehabilitate each one. The love of the best surrogate mother cannot be a substitute later in life for normal mothering in its own time. Loss of timely parental care and authority produces horrendous and incompletely reversible damage to the small child.

Even in the difficult conditions of armed conflict, focal opportunities for children to grow and develop emotionally, cognitively and socially are needed. The psychological analogues of "zones of peace" — which guarantee a certain amount of physical safety for children (e.g. immunization days, when a truce is called) — are institutions such as schools, and group activities for children; these, even for brief periods of time, provide space and time for such growth. Even in dire situations in ghettos and concentration camps during World War II, adults provided for childhood play and adult-led activities which contributed to the psychic survival of many.

7. AMNESTY, APOLOGY, AND FORGIVENESS

In conditions of prolonged combat and intergroup enmity, especially where children are forcibly enlisted as combatants on one side or another, it has been found that a policy of public forgiveness and amnesty is an integral part of rehabilitating the children. Treating such children as prisoners of war was found to be most deleterious, and some sort of official amnesty was needed for communities to take back and reintegrate such children. There are wider implications for considering the power of apology and forgiveness in the resolution of intergroup conflict.

Recommendations

1. Decision-makers are morally responsible for the fate of their compatriots' children and the next generation of children, and ultimately they share a responsibility for the fate of their enemies' children. Consider the children and the incalculable long-term damage to children as part of every discussion/action re: war and peace.

2. Political leaders and legislators must reduce arms expenditures which perpetuate the cycle of war and must divert the resultant savings to the basic needs of children — health, education, and family welfare — to interrupt the cycle of war.

US President Eisenhower summed it up when he said, "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children..." (1953) Political leaders and legislators must recognize that

the economic prosperity of people on earth depends upon the tending and proper care of the next generation.

3. Expect nations to report to one another in supra-national bodies such as UNICEF on the mental health of children in relation to war and chronic strife, as well as on their physical health. Concomitantly, international and national governmental bodies must include mental health professionals who can continuously call the attention of governmental leaders to the effects of war on children. These effects include some of the relatively invisible and long-term damages to the psychological well-being of children. There must be international accountability for the well-being of the children of every nation or group.

4. Political leaders, together with educators and mental health professionals, must pay increased attention to how children are socialized for war — in talk, games, and ambient violence — as well as in outright armed conflict. Educators — even/especially in environments where killing goes on — must strike a balance in teaching children, encouraging group solidarity (ethnic, national) on the one hand, and respect for the "outsiders," with all their differences, on the other.

5. Political leaders, together with educators and mental health professionals, must devote energy to finding creative outlets for the irreducible quotient of aggression and combativeness in human relations. There are, after all, major differences between armed combat among nations and soccer matches.

6. The media must focus particular attention on the suffering of children, individually and collectively on all sides, to create public awareness of the horrific consequences of war for children.

7. Judiciaries, national and supra-national, should show little leniency to perpetrators of crimes against children, because a crime against a child is a crime perpetuated for generations to come.

8. Mental health professionals, clinicians and researchers, must be encouraged to work in the field in areas of limited resources and major stress in order to bring their expertise to bear, and to learn more about human aggression and

adaptability. Modest support from governmental and international groups can do much to bring such skills into areas where they are desperately needed.

9. NGO's (non-governmental organizations) can help provide for mental health needs where governments are immersed in war and have neither the resources nor the attention to devote to such needs. NGO's often have easier access to mental health professionals and educators than formal governmental organizations.

10. Give aid to existing child- and family-care structures; build new institutions such as orphanages very cautiously, with continuous monitoring of their efficacy and humaneness. When decisions are made to expand or create such new institutions, careful thought must be given to whether they supplement or undermine existing, culturally-syntonic modes of caring for children.

11. "Zones of peace" for children must be created to permit their cognitive and emotional/relational development as well as their physical safety and well-being. Thus, schools and nurseries/kindergartens are places where children can continue to grow, even if there is civil strife around them, as long as both sides agree to preserve this space. ●

IDEOLOGY AND POLICY: FIRST INTERNATIONAL STUDY GROUP ON CHILDREN'S RIGHTS

The first international conference dealing exclusively with children's rights from an academic/scientific viewpoint took place on December 9-14, 1990. It was organized jointly by the Defence for Children International-Israel Section, the Faculty of Law, The Hebrew University, Jerusalem, and the Center for Youth Policy, Haifa University, with additional support from a number of agencies and foundations. The first days of the meeting were held at The Hebrew University, the final days in Haifa.

The goal of the Study Group was to produce, through its deliberations, a scientifically-based, theoretical framework of reference on the issue of children's rights. In spite of the tense political situation on the eve of the Gulf war, almost all those invited arrived, and a few late applicants were accepted to replace cancellations.

Thirty researchers from around the world — from the disciplines of law, criminology, psychology and anthropology — joined representatives of national and international organizations involved in promoting children's rights. The participants came from, among other places, the USA, Canada, western European countries, the Soviet Union, and Poland.

The conference was planned as a "closed" event. Sessions were attended by the overseas participants and a small number of local experts. Participation was intentionally restricted in order to maintain a high level of discussion, as well as continuity. Three sessions, however, were open to the general public and advertised accordingly.

One of these was held (in observance of International Human Rights Day) in the Senate Hall at The Hebrew University's Mount Scopus campus. The subject was "Children's Rights and Human Rights," and participants included Alexander Minkovsky of France, Trevor Davies, secretary-general of Defence for Children International, and Adam Lopatka of the Polish Academy of Sciences in Warsaw. Prof. Lopatka (former chairman of the UN working group that created the UN Convention on the Rights of the Child) delivered the first Janusz Korczak Annual Lecture on Children's Rights, sponsored

by the Raoul Wallenberg Chair for the Study of Human Rights at Bar-Ilan University.

A special session, chaired by the dean of the Law Faculty of The Hebrew University, was held on "Equity and Children's Rights." This reflected the close connection between the development of child protection and equity law, originating in the intervention of the Chancery Courts in medieval times to supervise guardians. Topics discussed at this session included natural law, the development of child protection law in the 19th century, and the extension of legal protection to the homeless and to the unborn. This session was funded by the Israel B. and Sara Mann Greene Fund for Equity Studies. A third public session was held at Haifa University. An impressive contribution was made by Anne McGillivray of the University of Manitoba (Canada) Faculty of Law.

"As a society, we don't like kids," was her startling conclusion of the discussion on "Child Abuse and Child Victimization." She pointed to the failure of social policy to come up with clear prescriptions for protecting and caring for children. Instead, child abuse has become the political scapegoat for the real concerns of the day. "Poverty and racism," she said, "hurt more children, but governments find it cheaper and more direct to grind out social concerns."

According to Prof. McGillivray, child abuse has no meaning except as a political term. Different forms of abuse are forever being discovered, discussed, and then forgotten, she said. Although the term itself is only some 30 years old, Western society has had some hundred years of experience in dealing with the phenomenon. Despite massive attention from all levels of society, there have been no solutions. No one has any clear idea what to do about it, she stated.

Indeed, the whole development of children's rights-consciousness has taken place in the context of Western liberal democracies. But whether Western definitions of child abuse are suitable for non-Western cultures, or are even politically and empirically "correct," the law professor said, must be questioned.

Prof. McGillivray's charges about the failure of social policy find specific expression in the problem of drug-exposed children. This problem is particularly acute in the United States, where two-thirds of all child-neglect cases are drug related, according to Janet Fink, assistant attorney-in-charge of the Juvenile Rights Division of the Legal Aid Society of New York City. The problem is a growing one. She pointed to the fact that about 11 percent of

all births in New York State involve a drug-exposed infant, a figure that has increased 3,000 percent in ten years.

Ms. Fink laid the blame for this situation, which she termed an "epidemic of drug abuse," on "crack," a smokeable derivative of cocaine. Crack use has been particularly prevalent among women of prime child-bearing age since the mid-1980's, she said. The result is that a new generation of cocaine-exposed children, some of them now reaching school age, has been growing up with a disproportionate share of physical and developmental disabilities.

A criminal response to the problem is now in vogue, she said. Thus policy-makers have called for criminalization of the prenatal transmission of drugs and the removal of drug-exposed infants to special orphanages. These solutions, Ms. Fink contends, constitute "an assault on the delicate balance of rights and interests among children, their parents, and the state." They are also of questionable efficacy in serving the children such policies are designed to protect.

Furthermore, application of child protective statutes may also be unacceptable since there is a tendency to discriminatory intervention against the poor and minorities, who are twice as likely to be reported or caught for drug-taking. Then, too, there is a lack of voluntary, community-based treatment opportunities. For these reasons, Ms. Fink believes, the medical, psychological, and educational problems of "cocaine's littlest victims" frequently cannot be met without court intervention. There is a need, however, to eliminate the adversarial process in such cases and to find a family-preservation type of solution to accommodate the interests of both sides.

The role of the state in protecting children, according to Malfrid Flekkoy, can be to prevent conflict between children and society. At least this is the aim of Norway's office of Ombudsman for Children's Rights, established in 1981. Ms. Flekkoy, its first holder, described how attitudes have changed toward this office. Children now know of it, as well as adults, and some 10 percent of all cases are brought to it by children, the youngest of whom was four years old. All told, some 600-900 cases per year are handled. The ombudsman's office acts as an instrument of law against acts that can be harmful to children, not just those that are. One result has been the promotion of child-impact statements by municipalities. For instance, will a particular building expansion take away playing space?

Ms. Flekkoy, who has been asked by UNICEF to write a book on her experience, listed four principles that may be useful for other countries in

setting up such an office. It should be independent politically and financially, accessible to children as well as to adults, have one single purpose and no hidden agendas, and base its opinions on sound research. She would not recommend that the ombudsman's office monitor the UN Convention.

George Kent of the University of Hawaii estimated that there are about one million child prostitutes around the world. These, in his definition, are children under the age of 16 who engage in regular sexual activity for profit, whether for themselves or for others. Some countries, particularly in the Third World, have a deep history of this extreme form of child abuse, he said.

The international dimension, Prof. Kent said, is reflected in several ways. One is child trafficking. One example he cited is a high percentage of fictitious marriages of Germans in Thailand for the purpose of bringing girls to Germany for prostitution. Another aspect is the traveling customer, with specially arranged sex tours. In recent years, children are preferred by such travelers, who include tourists, businessmen, and military personnel, because of the fear of AIDS. Children are thought to be safer.

The third dimension is international control. Prof. Kent finds, however, that international agencies like UNICEF and Interpol have not paid enough attention to the matter, especially to the problem of what happens to the children of prostitutes.

So far for the public meetings. The topics of the rest of the Study Group tended to fall within three main groups: general principles of children's rights; the International Convention on Children's Rights (which was adopted in December, 1989, and came into force a few weeks before the Study Group), and specific problems related to children's rights, such as homelessness, child labor and health, delinquency and child prostitution.

From the academic point of view, it was generally agreed that the conference was a success. At the close it was decided not only to publish the proceedings, but also to launch a new journal in the field of children's rights. The book will be published under the title "Ideologies of Children's Rights" and edited by Michael Freeman and Philip Veerman. The meeting was also significant in another respect: It was the first international meeting held at The Hebrew University after the outbreak of the Gulf crisis in August. All the other scheduled international academic meetings in Israel had been called off due to participants' cancellations. Our success was a tribute to the high motivation of the participants (most of whom, incidentally, paid their own expenses), as well as the enormous amount of work the secretariat of the DCI-Israel Section

put in. An unexpected bonus was that the meeting attracted wide attention in the press, on the radio, and on television.

The Israel Section of DCI made a meaningful contribution to an academic event, to the DCI movement as a whole and other bodies involved, and last, but by no means least, to the promotion of children's rights.

DCI-Israel is proud that leading academics in the field (among them, Michael Freeman from London and Gary Melton from the USA) participated. The Goethe Institut made possible the participation of three leading German experts (one from former East Germany), and the Swedish Institute subsidized the participation of a specialist from Lund. Above all, everyone enjoyed the cordial atmosphere in the group throughout the week.

A rich program of events contributed to this atmosphere. Informal discussions took place with persons and agencies working on children's issues in Israel. There were also visits to the Holocaust memorial (in particular the Children's Memorial), to the youth wing of Tel Mond prison, and to the Yemin Orde Youth Village (where we met with Ethiopian youngsters), as well as to a Druze village.

The YMCA in East Jerusalem hosted a meeting where the Study Group met with representatives of human rights organizations working for Palestinian children in the occupied territories. Speakers included representatives of the YMCA Rehabilitation Program for wounded youngsters, the Quakers' legal aid program, the Hotline for victims of violence, and the Human Rights Center, B'tselem. Charles Greenbaum of the Association of Civil Rights in Israel (ACRI) and Awni Habash, DCI's lawyer in East Jerusalem, also participated in this meeting, which clarified, again, the big gap between the rights of children in the State of Israel and in the occupied territories.

More purely social activities included an opening reception and a dinner with members of the Law Faculty and the directors of the Greene Fund, hosted by the acting rector of The Hebrew University. The Jerusalem Municipality held a reception at the Israel Museum, and the parents of DCI board member Prof. Sebba invited the Study Group to a luncheon at their country home.

The papers of the Study Group will be published by Martinus Nijhoff Academic Publishers in the Netherlands (part of the Kluwer Group). They will also publish, in 1992, the *International Journal of Children's Rights*, which was founded at the Study Group. An International Association for the Advancement of Study of Children's Rights is now in the making; it will own the *Journal* and organize an annual Study Group. ●



Study Group participants (left to right): Janet Fink, attorney (Legal Aid Society, Juvenile Rights Division, New York); Yvonne Mansbach, M. PH. (Treasurer, DCI-Israel); Prof. Ludwig Salgo (Wolfgang Goethe University, Frankfurt, Germany); Michael Longford (European Center in Vienna); Dr. Susan Wolfson (Institute of Education, London); Françoise Krill (International Committee of the Red Cross, Geneva); Trevor Davies (Secretary-General of DCI, Geneva); Dr. Hans-Joachim Heintze (University Bocum, Germany); Dr. Menachem Horovitz (Chairman, DCI-Israel); Malfrid Grude Flekkoy (International Child Development Center of UNICEF, Florence, Italy); unidentified guest of The Hebrew University; George Samaan (DCI-Israel board member); Prof. Adam Lopatka (Polish Academy of Sciences); Prof. Gary B. Melton (University of Nebraska - Lincoln); Prof. George Kent (University of Hawaii at Honolulu); Dr. Elaine Sutherland (University of Glasgow); Dr. Philip Veerman (DCI-Israel); Gwen James (A Voice for the Child in Care, London); Prof. Miek de Langen (University of Amsterdam); Dr. Collin Wringe (University of Keele); Mrs. Freeman (London); Dr. Heathcote (Keele); Prof. Michael D. Freeman (University College, London); Mrs. Lieve Verhellen (Belgium); Prof. Eugene Verhellen (University of Ghent); Drs. Coby de Graaf (University of Amsterdam).

Not in the photograph: Sergei Abramov (Editor, *Familia* magazine, Moscow); Dr. Zvi Eisikovits (Youth Policy Center of Haifa University); Prof. Gideon Fishman (Haifa University); Prof. Stanley Herr (University of Maryland); Prof. Ulla Jacobsen (University of Lund, Sweden); David Johnson (DCI Secretariat - Geneva); Dr. Hatem Kannana (Galilee Society for Health among Minorities in Israel); Prof. Motta Kremnitzer (The Hebrew University, Jerusalem); Albert Likhanov (Lenin Children's Fund, Moscow); Prof. Anne McGillivray (University of Manitoba, Canada); Mephodii, the Metropolitan of Voronez and Lipetsk (USSR); Dr. Joav Merrick (pediatrician of Tel Hashomer Hospital, Tel Aviv); Prof. Francis Raday (The Hebrew University, Jerusalem); Dr. Mike Saltman (Haifa University); Prof. Leslie Sebba (The Hebrew University, Jerusalem); Rona Shuz (London School of Economics); Prof. E. Shochetman (The Hebrew University, Jerusalem); Robert Vincke (DCI-Canada, Montreal).

INTERNATIONAL ADOPTION AND TRAFFICKING IN CHILDREN

In recent years, public opinion has become increasingly aware of the seriousness of the trafficking in children, including the sale of young children for the purpose of adoption. The purchase of human beings, whatever the motives of those concerned, is a serious violation of national and international law. It denies the child's right to identity, erodes the integrity of families in the countries of origin, and introduces legal and psychological insecurity in the newly constituted family.

In consequence, the international community has begun to take a new interest in more efficient instruments for the prevention and control of this practice. The United Nations Working Group on Contemporary Forms of Slavery has added the traffic and sale of children to its agenda and is developing a plan of action against this and other practices affecting children. The Hague Conference on Private International Law is preparing an international treaty on international adoption, and the Inter-American Children's Institute is also studying questions related to the kidnapping and trafficking of children. DCI participates actively in these international bodies, and its International Secretariat in Geneva has sent a questionnaire on this subject to DCI Sections in Canada, Finland, Israel, the Netherlands, Spain, Switzerland, the United Kingdom and the USA.

The information gathered will be the basis for the work of representatives from DCI's International Secretariat at the next important meetings (Hague Conference on Private International Law, UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, etc.).

International standards concerning adoption are still evolving and one purpose of this questionnaire, as indicated above, is to provide information to be used by DCI to develop more complete standards in this area. At the same time, many questions are intended to explore the extent to which national law and practice actually comply with principles already recognized by the international community in states where international adoption is fairly common. The goal: to elaborate strategies for encouraging compliance with

existing standards for the protection of the rights of the child in international adoption.

DCI-Israel appointed a subcommittee of three to compile the answers to the international questionnaire: Norman N. Liben, Counselor-at-Law (New York and Israeli Bars), Philip E. Veerman, DCI-Israel Coordinator, and Anita Weiner, Chairperson of the Council for the Child in Placement (and board member of DCI-Israel). Their report to the Secretariat in Geneva was based on interviews with the following individuals:

Pliah Albak, Adv., LL.M., Director of the Civilian Branch of the State Attorney's Office (one interview)

Eliezer Jaffe, The Hebrew University, School of Social Work. Prof. Jaffe has completed a study on adoption and on inter-country adoptions in Israel (one interview)

Aviva Lion, M.S.W., Director of the Department for Children and Youth (in charge of Adoption Service) of the Ministry of Labor and Social Affairs (two interviews)

Nili Maimon, Adv. LL.B., Deputy Legal Advisor of the Ministry of Labor and Social Affairs (two interviews)

We print here part of the DCI-Israel report, taken from Part III of the Questionnaire: Trafficking for Purposes of Adoption.

Question: Have specific instances of trafficking of children for the purpose of adoption been reported in your country? If so, please provide any relevant information, including:

- The source of the report
- Any official action taken
- Whether the report has been confirmed or discredited
- The public's reaction

Answer: In 1986 there was newspaper publicity about a Brazilian woman tourist who claimed that her child had been illegally taken from her and sold to an Israeli couple.¹

¹ Gazit, Yoram, "Brazilian Woman Remanded by Tel Aviv Court," *The Jerusalem Post*, April 16, 1986.

The case was brought before an Israeli court, but there were no verifiable witnesses and the case was dismissed.

If a person comes to Israel with a child and does not have the certification of a welfare officer, that person has no right to give the child to an adoptive couple. This is a criminal offense. Procedures are now being prepared to check every infant entering Israel in order to ascertain whether that child has been illegally taken.

In early 1988, six Israelis were arrested in Brazil on suspicion of baby trafficking. One of the five allegedly bought an infant from a poor Brazilian woman and sold it to an Israeli couple for \$10,000. (Source: Eliezer Jaffe)

And in April, 1988, a Brazilian woman, Rosalida Goncalves, appeared in Israel with a team from Britain's Independent Television Network and tracked down a child she claimed was her daughter Bruna, kidnapped from her and her boyfriend in Brazil two years earlier by a babysitter. The child was handed over to a child-smuggling ring by a female drug addict who was paid \$100. The woman was caught after her photograph appeared in Brazilian newspapers and was jailed for three years. The Israeli High Court ordered the child to be returned to the natural mother. The adoptive parents lost all claims to the child even though they were not party to the kidnapping.

In January 1990, according to the *Jerusalem Post*:

Israeli police arrested a ring of suspected child-thieves involved in acquiring children for adoption. The four members of the ring are to be brought for a remand hearing today at Petah Tikva Magistrates' Court on charges of illegal adoption and conspiracy to kidnap children and export them abroad.

The Serious Crimes Unit arrested a 53-year-old woman, two men aged 24, and another man aged 45. All live in and operated from the center of the country.

Police sources said the arrest of the four prevented the commission of several serious crimes including the kidnapping, illegal adoption and smuggling abroad of at least 10 children.²

² Goldberg, Andy, *Jerusalem Post*, January 3, 1990

Question: Has the use of false birth records or other false documentation to acquire children abroad been detected? [ED.: Fraudulent recognition of paternity of foreign children, or fraudulent birth certificates indicating that a national has given birth abroad, are methods for acquiring children illegally which often circumvent the need for adoption proceedings.]

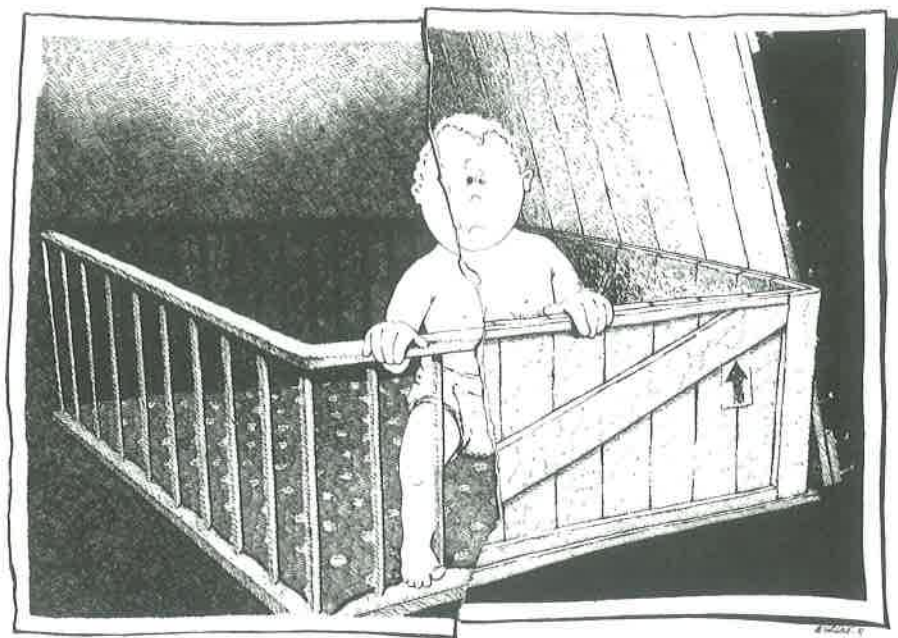
Answer: It is assumed that there probably has been some false documentation used for the adoption of children from abroad, but this has not been widely publicized and is very difficult to detect. Since such an offense is not committed in Israel, the Department of Justice in Israel is interested in developing an International Convention which would effectively regulate such documentation and prevent these illegal practices.

Question: Does the law regulate the fees charged by intermediaries with regard to inter-country adoption?

Answer: Under Israeli law, all fees for adoption are illegal. It is a criminal offense to request or to pay money, or any other consideration, for placing a child. However, this applies only to fees paid in Israel or to Israeli residents abroad. If fees are paid outside Israel to a person who is not an Israeli, Israeli law does not apply.

A research study by Prof. Jaffe, based on about 60 interviews, is mentioned here because it is informative. However, the number of people interviewed is not significant enough to enable us to draw scientific conclusions. All interviews are of couples from Israel who paid non-Israelis for adoption abroad. Most couples Prof. Jaffe interviewed (65%) went abroad with medical reports, home evaluations, and income documents, all certified by Israeli lawyers. When they arrived in the foreign country, a majority paid local facilitators to procure a child: 66% hired local brokers and/or lawyers (68%), doctors (79%), judges (39%), or social workers (29%). In 43% of the cases, the local broker handled everything; 23% involved some cooperation with a local social service agency. Only 18% were handled exclusively by social agencies, with no broker involved.

The median cost of adoption was \$10,000, with a minimum of \$2,000 and a maximum of \$30,000, including air fare and lodgings. The adoption itself costs between \$1,000 and \$13,000. Despite Israel's strict foreign currency regulations, 45% of the adopters took their money out with them; 53% used foreign accounts. Only 2% received government permission to purchase the necessary foreign currency. For 36% of the parents, this was their second



attempt to adopt abroad, so they had invested significant sums in the effort to build a family.

Although 96% of the parents had an opportunity to view (and reject) the child, 93% never met the biological parents, nor could they verify any of the information and documents they saw or were given pertaining to the child. Sixty percent of those who worked exclusively through brokers were worried about the legality of the adoption, and the same was true for those who obtained their child through a lawyer. These worries were significantly more the norm for couples who adopted in Brazil than from any other Latin American country. Apparently, illegality was the norm in Brazil; only 50% of the couples who adopted there are convinced that the procedure was legal, and 28% were not at all sure.

Ninety-six percent of the children were brought back to Israel with their own foreign passports. Only 52% had birth certificates attesting to the adoption, and only 38% of the children were registered on the adoptive parents' Israeli ID card. Almost all the children (91%) have ID numbers of their own.

Question: Does the information available suggest the existence of organized traffic of children for the purposes of adoption either in your country or in the countries of origin of the children involved in cases reported?

Answer: The information available, excluding the exceptional case mentioned in the *Jerusalem Post* of January 3, 1990, does not suggest the existence of organized traffic of children for the purposes of adoption within Israel. However, although Israel is actively working against intermediaries outside of Israel, it is a very profitable business, and there is a need for international cooperation in order to handle such cases outside the country. A woman in Brazil, who apparently did such trafficking for Israeli couples, was arrested in Brazil, having previously been arrested and released in Israel as mentioned above.

Question: What sanctions are provided under criminal law regarding trafficking or illegal acquisition of children, for parents and intermediaries? Have there been successful prosecutions, and if so, what sanctions have been imposed in practice?

Answer: A person who gives or receives money or valuables for brokerage in adoption is liable to three years' imprisonment. Anyone who receives a child for adoption other than through a welfare officer or through a court order is liable to one year in prison. Parents may not surrender a child to another person without the approval of a welfare officer.

Question: Does the law make specific provisions for the children illegally adopted or acquired abroad? If so, what does the law provide; if not, what legal provisions or principles would apply?

If specific cases of illegally adopted or acquired children have been resolved by the competent authorities in your country, what has been the disposition of such cases in practice? (E.g., legalization of custody of adoptive parents; foster placement or placement in juvenile homes; return to biological parents or competent authorities in country of origin, etc.)

Answer: Not to our knowledge. This is a very difficult situation which could lead to tragic consequences not in the best interests of the child.

There was one highly publicized case, referred to above (Goncalves vs. Turgeman, 1988) where the biological mother was able to prove that her child had been kidnapped. The Supreme Court decreed that the child be returned

to her biological mother (see above).

If a child is legally adopted in another country, under the rules of private international law, then Israel recognizes such adoption. When the adoption is not legally recognized in the other country, Israel also does not recognize it.

Within 30 days of the child's entering Israel, the adoption must be entered into the population registry, and it is assumed to be a legal adoption.

Question: What measures have been taken by competent authorities, such as immigration authorities, consular officials, child welfare agencies, police, etc., to prevent and detect illegal adoptions or the illegal acquisition of children abroad?

Answer: The Ministry of Justice has prepared regulations to be applied by the Interior Ministry at points of entry to the country, regarding infants being brought into Israel.

Question: Do the competent authorities consider that the trafficking of children and/or illegal adoption or acquisition is a serious problem for your country, and do they believe that present measures to control this problem are adequate?

Do such authorities consider that international cooperation in the prevention and detection of these practices, as well as the resolution of individual cases, is adequate at present? If not, what aspects need to be improved, in their opinion?

Answer: The competent authorities definitely consider the trafficking of children and illegal adoption as serious problems. However, it is very difficult to control such activities generating from abroad. An International Convention could be of great help. Stricter provisions for control and enforcement could then be enacted and enforced. ●

Copies of the complete report prepared by DCI-Israel, "International Adoption and Trafficking in Children – The View from Israel," may be obtained from our office, POB 8028, Jerusalem. Price, NIS 5 (\$2.50) per copy.

IS ISRAEL BECOMING A HAVEN FOR CHILD ABDUCTORS?

Philip E. Veerman and Yossi Miller

Not long ago, the story of four-year-old Lindsey Rein's abduction by her father, from England to Israel, was published in the newspapers. Studying the fact of this case and similar ones, one can't help asking whether Israel's attitude concerning child abduction by one parent from the other to another state is correct. Child abduction doesn't happen often, but it is getting to be less and less rare.

For the child, abduction is a painful trauma, caused not only by being cut off from his familiar environment, but also by the hard and cruel legal fight that follows between the parents. The mental harm the child suffers is generally grave and long lasting. It is therefore the duty of every enlightened state to do its best to minimize the harm caused by child abductions, both to and from the state, by preventing abductions as much as possible, and by minimizing the harm caused to children who are abducted nevertheless. In 1980, after the number of child abductions in Europe had tripled in the preceding five-year period, the "Hague Convention on the Civil Aspects of International Child Abduction" was concluded. Until today, the Hague Convention has been ratified by Australia, Austria, Canada, Spain, the United States, France, Luxemburg, Portugal, the United Kingdom, Switzerland, and Hungary, and at least four more states are in ratification procedures.

Israel has not yet ratified the Convention even though the Israeli government has been requested to do so by other states and by several institutions and organizations in Israel, among them DCI-Israel.

The reason for not ratifying the Convention (according to the Ministry of Justice's answer, March 23, 1990, to DCI-Israel's appeal) is that, "The State of Israel finds ratifying the Convention difficult, since it emphasizes the rights of each of the parents, while in Israeli law the child's best interest is the decisive and most important consideration in all disputes between parents concerning the place where the child will be."

No doubt, Israeli law sees the interests of children as of paramount importance in matters relating to their custody. But, with all respect, we don't agree that the Hague Convention takes a different approach.

After abduction, two questions must be answered: 1. Which parent should have legal custody of the child? 2. Which courts should decide the first question? (ie., the courts in the state from which the child was abducted, or those in the state where s/he is now?), and should the abducted child be returned to the state s/he came from until the first question is decided?

The Hague Convention confines itself to the second question only. The central and most important principle established by the Convention is that an abducted child should be returned forthwith to the state from which s/he was abducted, and that the question of long-term custody of the child will be decided in that same state. This principle achieves two desirable goals: First, the harm caused to the child by being cut off from a familiar environment is reduced. And second, in many cases, behind a parent's decision to abduct his child to a specific state, there is an assumption that his/her chances to win custody of the child would increase if the custody question is decided in the courts of that state, and not in those where the child now resides. This assumption is usually based on the fact that the abductor and/or the child are citizens of that state and/or belong to its central religion. The abduction of four-year-old Lindsey Rein is an example of that: As the parents separated, after living for years in France, the mother, a British subject, took the girl with her to England, and there sought and received a judgment providing her temporary custody, without her husband being present in the court. The father, who is Jewish, took the girl from England to Israel, where he is trying to get a judgment granting him custody of the child.

The central principle established by the Convention refutes the parent's above assumption, and one of the main incentives for abducting children to another state is thereby negated.

Surely, a principle like the above should not be absolute. The best interest of a specific abducted child may dictate that he not be returned from the state to which he has been taken, and that the long-term custody dispute be decided in that same state. The Hague Convention therefore establishes that the above principle shall not be binding if more than a year has passed since the abduction and "it is demonstrated that the child is now settled in his/her new environment" (Art. 12), or if "there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation... [or if] the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of his/her views" (Art. 13), or in any other case in which

the child's return is not "permitted by the fundamental principles of the requested state relating to the protection of human rights and fundamental freedoms" (Art. 20). It seems to us that the above central principle, together with its restrictions, builds a legal construction that best secures the interests of abducted children, and which indeed sees those interests as the decisive consideration, and not the rights of the parents.

Therefore, there is no real hindrance for Israel to ratify the Hague Convention. But why is it necessary and important that she do so?

1. Ratification will reduce the number of child abductions from Israel to other states. Parents in Israel who wish to obtain custody would realize that such abductions will not help them because the courts in the state to which the children are taken will be obliged (of course, only if that state has also ratified the Convention) not to decide on the merits of rights of custody, and to order the children's immediate return.

2. Every state which has ratified the Convention has designated, according to its instructions (Art. 6), a central authority, whose functions include assistance in relocating children abducted to and from the state. Ratifying the Convention will help parents in Israel whose children have been abducted to another state, as it will make it possible for them to apply for assistance from the central authority in that state in relocating the abductor and the child.

3. Not ratifying the Convention damages Israel's image in the eyes of other states. Not giving a hand to the international community's attempt to solve, through the Hague Convention, the hard problem of child abductions, does not help Israel's attempts to establish an image as a state where the guarding of human rights is of paramount importance. Furthermore, as long as Israel refrains from ratifying the Convention, it is a sought-after destination for potential child abductors in other states if they and/or their children are Jews and/or have Israeli citizenship. The statistics speak for themselves: Among the total of several dozens of cases a year, the number of child abductions to Israel is far greater than the number of child abductions from Israel. Israel's ratifying the Hague Convention is therefore needed to prevent Israel's becoming a haven for child abductors. ●

THE RIGHT TO EDUCATION: BEDOUIN CHILDREN, TOO?

Yossi Miller

Arab-El-Camane is situated at the top of Mt. Camon ("Jabel el-Camane" in Arabic) in central Galilee. Its residents are 800 Bedouin of the Suad tribe. It was established about 150 years ago, in the days of the Ottoman regime, but since the establishment of the State of Israel, it never gained official recognition as a permanent settlement.

At the beginning of the 1950's a school was opened in the village on the initiative of the Ministry of Education.

In the 1960's the government decided that all Bedouin should be concentrated in permanent settlements. Accordingly, it was decided that the people of Camane would move to Zalmon Wadi, at the foot of Mt. Camon on its southeast side. The majority of the village's residents naturally refused and remained in their homes, but the Israeli government insisted that the above decision would be carried out, taking the following measures to guarantee its implementation:

1. The planning and building authorities stopped issuing building permits to Camane village. Many of the villagers were consequently accused and convicted of building without permits. Fourteen houses and a mosque were demolished according to court orders. Five of the local inhabitants were arrested in 1984 for refusing to follow court orders to destroy their homes.

2. In a significant portion of the lands, which for many generations had served the inhabitants' agricultural purposes, young forest trees were planted in 1989, thus making the area unavailable for cultivation. The ownership of another significant portion of the lands was transferred to two new Jewish settlements, Camon and Michmanim.

3. Essential services for the village, such as water, electricity and an access road were not arranged.

4. In 1964 — and this is the issue of most relevance to our case — the school in the village was closed.

The problem of providing an education for the children — both kindergarten and elementary-school children — was not resolved for the next 20 years.

The Ministry of Education never opened a kindergarten in the village, and the only option the parents had was to send their five-year-olds to a kindergarten in another village called Nachaf. At the end of 1984, only seven children (out of 30) aged 4-5 were attending kindergarten, as compulsory by Israeli law. The reason for the low attendance was that the distance between the two villages was 15 kilometers, and the children had to walk this distance twice a day, no matter what the weather.

Although the Ministry of Education granted the villagers' requests and arranged transportation for the children, there was a fly in the ointment: since there was no access road to Camane, the bus could not enter the village, and the children still had to walk a distance of 3 km. to the main road, where the bus stopped.

In these conditions, the children were deprived of their basic right to education, and the state was actually infringing the Compulsory Education Law (1949), according to which these children were entitled to free educational services, and the state was responsible for providing them. According to the Compulsory State Education Regulations (Registration, 1959), the distance between the children's residence (for pupils up to fifth grade) and the school or, alternatively, the site of transportation, must not exceed 2 km.

Despite repeated appeals, both from the village's local board and from the Kibbutz Ha'artzi movement, which recognized the inhabitants' problem and decided to help, the Ministry of Education refused to open a kindergarten within the village. The official excuse was that Arab-El-Camane was not a recognized settlement and therefore did not have the right to receive official services. The ministry again advised the disappointed villagers to move to Zalmon Wadi, mentioning that a compulsory kindergarten and school do exist there.

In 1985 the inhabitants of the village decided to solve their children's problem themselves. They renovated a house and a yard which were contributed by one of the residents. With the support of the Kibbutz Ha'artzi movement, they purchased the needed equipment, chose two high school graduates to serve as kindergarten teachers, and succeeded in persuading a retired senior kindergarten teacher to instruct them.

The director of the Education Ministry's Northern District refused to honor the kindergarten's opening with his presence, explaining that the Ministry had not authorized (by issuing a license) the establishment of the kindergarten, as called for by the Schools Inspection Law (1969).

In December, 1985, a group of Ministry of Education inspectors from the Northern District visited the village. The kindergarten management was strictly tested, and the visitors openly admitted that they were impressed and convinced that the kindergarten was undoubtedly well run, in accordance with the ministry's requirements.



In April, 1986, the villagers submitted a request for a license for the kindergarten. The request was handled very slowly, and six months later the villagers registered a complaint with the public complaints commissioner. The complaint was rejected on grounds that the Ministry was acting within the time limits permitted by the law, but pointed out that the applicants had the option to complain again in the future. Nevertheless, a second complaint was also rejected.

Finally, towards the end of March, 1987, a negative answer to the request arrived from the Ministry. The explanation: "[The request] contradicts government policy concerning the status of your settlement and its right to maintain official and recognized educational institutes."

In January, 1988, the Director-General of the Ministry of Education ordered the closure of the kindergarten in Camane, invoking the authority given him in Section 32A of the Schools Inspection Law (1969), reasoning that it had been opened and run without authorization.

A month later, a new request for a license was submitted by the residents of the village. As a result, among other things, of pressure from the Public Committee for Arab-El-Camane (established jointly by Jews and Arabs), the Ministry issued a temporary license in November, valid till the end of the school year, for a "recognized and unofficial" kindergarten for up to 35 children. By defining the kindergarten as "unofficial," the Ministry of Education was not obliged to finance the kindergarten, and this issue was left to the Minister's discretion.

In February, 1989, Camane residents submitted a request that the kindergarten be recognized as "official" and be granted a permanent license. Alternatively, they asked to renew the temporary license. A month later, they approached DCI-Israel, requesting its support in their struggle for a license and financial support for the kindergarten. Financial assistance is needed to maintain and operate the kindergarten and to pay teachers' salaries.

Some of DCI's board members, among them its chairman, Menachem Horovitz, and Arab board member Sami Geraisy, visited the village. DCI-Israel decided not to take a stand on the question of whether the inhabitants should move to Wadi Zalmon, but to contribute their best efforts to the issue of the children's right to education. This is in keeping with DCI's principle that children should never be victims in such situations, and that it is the state's obligation to provide education for every child, whether or not he lives in a recognized settlement.

As a result of DCI-Israel's lobbying efforts, another temporary license was issued in June, 1990, to operate the kindergarten until the end of the present school year. Yet the Ministry of Education continued refusing to grant it official recognition and financial support. It should be noted that many unofficial Jewish educational institutions do receive financial support from the same ministry.

The urgent problem today is the Ministry of Education's refusal to financially support the kindergarten. As already mentioned, this support is subject to the Minister's discretion. The next step in the current struggle will therefore be to request that the Minister use his discretion and instruct his office to provide steady financial support for the kindergarten.

We hope that the Minister of Education will honor this request. In the meantime, DCI-Israel has hired the services of Haifa lawyer Adam Fisch to handle the Camane case. If the Ministry refuses to support the village kindergarten, the DCI-Israel board will go to the High Court of Justice in Jerusalem to assure the right of Camane's children — like children everywhere — to be educated in a quality compulsory kindergarten. ●

May 1, 1991: Although official confirmation of the Ministry of Education's decision has not yet been received, the Public Committee for Arab-El-Camane has just received its first payment from the Ministry to cover the salary of the kindergarten teacher. Hopefully, this indicates that the battle for Camane's kindergarten has now been won.

DCI-Israel Conference Report: YOUTH AND THEIR RIGHTS IN ISRAEL

Children's Rights Year was celebrated throughout the world in 1989. In Israel, during the course of the year, the rights of children were discussed extensively in various forums such as the Knesset and organizations working on behalf of children. However, what seemed to be lacking was a comprehensive and basic discussion on the subject with the participation of children and youth themselves. DCI-Israel considered it appropriate to correct this omission and, in cooperation with the B'nai B'rith Youth for Youth (*No'ar l'Noar*) organization, and under the auspices of the youth magazine *Ma'ariv l'Noar*, organized a symposium on the subject of youth rights.

The one-day conference was held in the Tsavta Club in Tel Aviv on March 17, 1990, with the participation of educators, youth (most of them members of school student councils), and members of DCI-Israel.

Three main topics were covered in the conference, each being discussed separately. Following is a summary of the discussions.

School Student Councils

Participants: Menachem Kaplan, Ministry of Education, director of the Southern Region. Nir Boms, coordinator of the Youth for Youth education team. Chair: Ofer Geldstein, member of Youth for Youth.

INTRODUCTION

It is not compulsory for schools to set up student councils. Thus, there are schools where the school council is active in various areas, independent, and enjoys the support of the school administration; then there are schools in which there is no student council at all. A third type of school exists in which there is a school council, but its jurisdiction, as granted by the school administration, to act and to influence is very limited, usually relegated to social activities such as parties and special events. Student councils differ from one another also in the degree to which they are successful in activating the student body as whole.

Question: What's the Ministry of Education's policy on student councils?

M.K. - The Ministry of Education encourages pupils' participation in the life of the school. Since the school council is a means towards this end, there is no doubt that the Ministry of Education views the activities of the student body as positive. However, the councils are granted authority only if they demand it and if they prove worthy of it.

Question: How does the Youth for Youth team work to improve the situation in this matter?

N.B. - The education team of Youth for Youth, a voluntary team of high school pupils, spent one and a half years investigating the situation as regards education towards democracy and involvement in the educational system in Israel. They compiled (in consultation with educationists in the various universities) a document on "ways to involve youth in the process of education towards democracy and the educational system in Israel." The main factor discussed in the document is the school student council. In the same vein, the team formulated a proposal for a declaration on the subject of school councils, defining the ways in which they are elected, their jurisdiction and mode of action. The proposal was delivered to the Education for Democracy Department of the Ministry of Education and sent to all school principals and heads of student councils. The Youth for Youth team is working to have the declaration recognized as binding for all schools in Israel.

Question: What is the ideal model for the student council? In what areas should it be involved?

M.K. - This an important and difficult question. For instance: Should pupils be allowed to take part in discussions on the appointment or replacement of teachers? Should the organization of social events be left solely in the hands of the pupils? Should they be represented at meetings discussing grades? What about granting them the right to publish a student newspaper free of any censorship? Should pupils be allowed to participate in decisions regarding annual projects to be undertaken by the school? The answers to such questions will inevitably be controversial. It should be remembered that the school receives its basic teaching syllabus from "above" and cannot deviate from it. In my opinion, one should not categorically deny pupils the right to participate in decisions on pedagogical matters. The student council should be allowed to send a serious representative to participate in the proceedings

of the school's pedagogic council. There should be student representation on the committees that choose educational projects to be undertaken by the school. On the other hand, pupils should not participate in discussions on personnel matters, such as the appointment and replacement of teachers.



Question: There are schools in which the administration blocks student initiative to establish and activate a strong student council. What can pupils do in such cases?

M.K. - The pupils should approach the Parents' Association, or, alternatively, a body superior to the school administration level. It is important that pupils know about such higher entities. An additional question that should be considered is the age at which pupils should be allowed to organize themselves into representative bodies such as the student council.

N.B. - I have yet to encounter any instance of direct supervision over principals in this matter. Pressure from the Ministry of Education and other bodies should be exerted on school administrations.

Question: In many cases pupils are not aware of their rights. What can be done about this?

M.K. - There are circulars from the Director-General of the Ministry of Education. These circulars are not secret, and they could be published by

the various youth organizations. Copies are to be found in all schools. The student council is entitled to know and should be aware of the content of these circulars.

N.B. - It would be good if a workshop were to be organized every year for all school councils on the subject of pupils' rights.

Comments from pupils in the audience:

- There is a serious problem of apathy on the part of pupils. This apathy is an important factor in the deficient functioning of many student councils. Very often, pupils who are not willing to help even cause harm by their unreasonable criticism of the council and the way it functions.

- A stigma is attached to those aspiring to get on the student council. The activists on the council are perceived as "suckers." The student public elects them, and from that moment on, does not assist them.

- The main question is how to get youth out of their apathy and get them involved. For this purpose, education towards democracy and social involvement should start from an early age.

N.B. - In practice it is always just a small minority of the youth who become involved and are active within the student body. The solution is that this same limited group of activists should continue to be active; if it functions well, then the student body at large, even if it doesn't become active itself, will at least support it. The rules of the councils are indeed important, but, basically, they are only guidelines. The actual content of the council's activities is decided by the students themselves.

The Child's Right to Privacy

Participants: Mibi Moser, counselor-at-law, board member of Defence for Children-Israel Section. Menachem Horovitz, chairman of DCI-Israel. Chair: Itto Aviram, deputy editor of Ma'ariv L'Noar.

Question: What protection does the law in Israel provide today for a person's right to privacy, in general, and the right to privacy of children and youth, in particular?

M.M. - I shall examine the legal situation existing today by means of a real case illustration. A man was arrested following a complaint registered by his

wife claiming that he was having a sexual relationship with their 12-year-old daughter. When he was brought to court, the prosecution did not request that the case be heard in closed session, and the discussions were completely public: anyone who wished to do so could come into the courtroom. The man was found guilty. A journalist who asked the court for permission to see the criminal file was granted his request in the absence of any instructions to the effect that the documents contained therein were confidential and not to be published. The journalist published the story of the case, and in his report gave full details of the man's identity. Obviously, by publishing the identity of the criminal father, the report revealed the identity of the daughter and therefore constituted an infringement of her right to privacy.

How does the law in Israel protect minors from invasion of privacy? The law protecting privacy applies to the whole population, adults and minors, but it could not help in the above case because it does not prohibit the publication of events in the courtroom. There exists a series of laws aimed at protecting the privacy of the minor by prohibiting publication likely to reveal his/her identity. For instance:

a. Section 24 of the Youth (Treatment and Supervision) Law is the most important section with regard to protecting minors up to the age of 18 from invasion of their privacy. It prohibits the publication of the name of the minor or any other information that might lead to his identification, such as circumstances which might reveal that the minor had been brought to trial, or that he had committed or attempted suicide, or any information that might connect his name with a breach of ethics, or hint that he is the brother, son or grandson of a person connected to a crime or breach of ethics.

It is obvious that the publication of the name of the offending father and his place of residence in the case described indirectly revealed the girl's identity, and therefore was illegal according to this law.

b. Section 24 of the Youth Law also prohibits the publication of nude pictures of a minor over nine years old if such publication might lead to his identification.

c. Section 352 of the Penal Law determines that the identity of a victim of a sexual offense shall not be revealed.

d. Section 70 of the Courts Law prohibits the publication of the name or any other details that might lead to revealing the identity of a minor undergoing investigation, or charged of an offense, or standing trial, or connected in any way to a moral offense.

Thus, in the law against invasion of privacy, minors have much wider protection than adults. In addition, the consent of a minor to publication liable to affect his privacy is meaningless in the eyes of the law and does not cancel out the prohibition against publication. In the case of adults, agreement to publication liable to affect privacy is permitted by law. The minor is not entitled to waive the protection against invasion of privacy provided for him in the law.

By the way, the conclusion of the case described above was that the newspaper and the journalist had to stand trial on criminal charges following the publication of the article. They were both found guilty of unlawful invasion of privacy of a minor.

M.H. - We often use the expression "invasion of privacy." What actually is the meaning of this expression? What actually is the right to privacy? The existing definitions are many and various. One definition which is widely supported is "the right to live one's life with a minimum of intervention from without." The body search of a person suspected of having committed a criminal offense, subjecting a prisoner to an enema, tapping telephone conversations, the publication of the contents of a private diary, the publication of a pupil's personal file, revealing details of a patient's psychological treatment — which of these constitute invasion of privacy and which do not? When the law does not lay out fixed rules, the answer is extremely difficult. Invasions of privacy are not uncommon in school. For example, teachers who confiscate notes written by pupils and then read them, sometimes in front of the whole class, even though they sometimes contain intimate details; teachers who, in front of the class, carelessly reveal information about the family members of one of the pupils; teachers who conduct searches of pupils' schoolbags for various reasons. There is a particularly serious case on record of teachers' demanding that pupils strip naked in the toilets because they were suspected of stealing a certain item.

The above examples are raised not to condemn or accuse all teachers or the whole of the educational establishment. But even if the above examples are exceptions to the rule, what is their source? The common denominator of all these instances is that they represent, at the very least, deviations from ethical norms, norms which one would expect to be binding on any educator. A possible solution would be to formulate a code of ethical norms for teachers. The famous Etzioni Committee did actually formulate such a code of ethics, but it was not adopted.

I.A. - Every journalist often finds himself in a dilemma. On the one hand, his job is to criticize and alert the public to negative phenomena. On the other hand, he is obliged to be careful not to invade the privacy of the individuals mentioned in his reports. As explained by Mr. Moser, the protection of the privacy of minors provided by the law is extremely broad. Therefore, since in *Ma'ariv L'Noar* a large part of the articles deal with youth, particular care must be taken. No small part of the stories published in the magazine begin with young girls and boys seeking exposure in the press of grievances and wrongs against them. However, if the journal is prohibited by law from revealing their real identity, the publication of the story becomes meaningless. The loss, in such cases, is not only that of the minor whose request for exposure of his/her problem has to be rejected, but also that of the reading public as a whole, because the subjects covered by such articles are often extremely important. It should be noted that publishing anonymously tends to reduce the credibility of the magazine and diminish the trust of the readers; and therefore the magazine will prefer not to print a certain article, even if the story behind it is real, rather than use fictitious names.

Balancing Youth's Rights and Obligations Inside and Out of School

Participants: Carmi Yogev, president of the Herzlia Gymnasium. Arieh Rogel, director of the Rehavia Gymnasium High School. Chair: Amit Burnstein, member of Youth for Youth.

Question: The many obligations imposed on the pupil in the school are usually well defined and known by one and all. On the other hand, the rights of the pupil are usually vague and not clearly defined. Most pupils are well versed in their obligations but not in their rights. It is not customary for school administrations to see to it that pupils are aware of their rights. Is it possible to improve this situation and create a balance in the school's attitude towards the obligations and rights of pupils? Is such a balance at all desirable?

C.Y. - All pupils are entitled to know their rights. In the Herzlia Gymnasium we send out a circular every year to parents and pupils listing the rights of the pupils in day-to-day affairs. For instance, the number of tests permitted per week, the number of days allotted for teachers to return the test, the right of the pupil to know his back-up grade in his matriculation examinations, the right of the pupil to appeal against grades, how pupils should act in instances of infringements of their rights, etc. With regard to social matters, the student

body is required to produce rules in writing. There is nothing wrong with the preliminary draft being formulated by the school administration as long as the student council is given the right to express its opinion and make its comments about it. In other words, for the good of both the pupils and the administration — the rules of the game in our school — the rights and obligations of pupils have to be written down and known to both sides.

Comment from pupil in the audience:

- The fact that the right of the pupil to register a complaint against a teacher is documented is no guarantee that the complaint will be dealt with.

C.Y. - The fact that the pupil has the right to register a complaint against a teacher does not mean that the headmaster of the school who receives such a complaint has to suspend that teacher automatically, definitely not. He is obliged to summon the teacher, ask for his explanation and reprimand him if it becomes evident that the teacher was in the wrong. Every pupil is a human being, a future citizen; no one has the right to humiliate him.

A.R. - We should examine why pupils come to school in the first place. Pupils come to school because they have to come to school. The reason for their coming is not usually because school is such a nice place to be, but because someone forced them to come. These are the rules and they should be clear both to the pupils and to the school administration.

Why, therefore, do the pupils not become embittered? Because, basically, most of them understand that school does give them something. The starting point of the discussion should be, therefore, that school is not a democratic system.

What we should examine is how can school, which is not a democratic system, become a system in which we can act as democratically as possible given the existing restraints. School can be democratic in matters which do not directly affect its *raison d'être*. Our society demands that pupils acquire a number of "musts" in order to graduate from school. The content of these "musts" are mainly dictated to the school "from above." In general, the school is not free to determine what the pupil will study, but only how he will study it (and even this degree of freedom on the part of the school, in practice, is fairly restricted).

Thus, the areas which, in my opinion, pupils should be occupied are pupil-pupil relationships, mutual help in studies, activating pupils after school hours, discipline relations between teachers and pupils, etc.

C.Y. - There are subtle differences between my approach and that of Mr. Rogel. I do not want the pupil to come to school just because there is a compulsory education law but because he finds it interesting there, and because he knows that in school he will progress and develop and become a more mature person. In my opinion, the student council should be granted rights in the area of studies. For instance, the pupil should, to a certain limited extent, have the right to determine what he wishes to study.

Comment from pupil in the audience:

- There are pupils who are active in the school's student body, take on responsibilities and occupy themselves in extensive community work after school hours. Does this not prove that it is not only the pupils who are to blame? Maybe, after all, there is something wrong with the educational system.

A.R. - There is no doubt that the student body is the responsibility of the teachers and the pupils. If it does not function, then the school is responsible. But we should see things in their proper perspective. The responsibility for non-functioning of the student body in high schools is mostly due to the pupils and less to the teachers.

Why is a student more willing to take on responsibility *outside* the structure and hours of formal study? The fact is that most pupils do not like being in school. There are teachers who earn the respect and appreciation of their students but the system, as a system, is not appreciated. One of the reasons for this is that a kind of "anti" norm prevails among adolescent youth, and school is the easiest target. A pupil will prefer to contribute outside the school because inside it he does not feel that he is doing it for his own sake.

Conclusion

N.B. - There is still much for Israeli youth to learn regarding rights. Apart from our studies, there are still many, many more things that we can and should do.

Many suggestions have been raised as to important actions that we can take. Whoever would like to work in these fields can come to us, the Defence for Children-Israel Section and the education team of Youth for Youth, and join the process we have initiated to improve education for democracy and further youth rights. ●



NEWS ROUND-UP, 1990 - 1991

Israel signs 'Rights of Child'

By JONATHAN SCHACHTER
Jerusalem Post Correspondent

NEW YORK — Acting UN Ambassador Johanan Bein yesterday signed the United Nations Convention on the Rights of the Child, making Israel the 94th signatory. The convention, a product of 10 years of intricate negotiations, protects children against exploitation and abuse, and provides safeguards for their survival, identity, education, and freedom of thought.

"It definitely sets a standard for the world which is very important, like the convention on human rights and the convention on the rights of women," Bein told *The Jerusalem Post*.

Only eight countries have so far ratified the document, which was unanimously adopted by the UN

General Assembly last November 20. For the convention to take effect, it must be ratified by the legislatures of at least 20 countries.

Among the convention's 54 articles are some provisions that may prove controversial, such as those calling for a small child's freedom to assert his or her own religion, and those dealing with procedures for adoption.

Bein stressed that certain of the provisions will be subject to each country's interpretation, and that many countries are expected to ratify the convention with some minor reservations.

Before being ratified by the Knesset, the document "still has to be studied very carefully by experts, both regarding questions of education and legal questions," said Bein.

The Jerusalem Post, July 6, 1990

September, 1990

- Haim Peri (director of Yemin Orde Youth Village) and psychologist Gadi Ben-Ezer return from Addis Ababa, where they investigated the situation of stranded Ethiopian Jewish children. [Their report is published in March, 1991, under the auspices of DCI-Israel (ISSN 965-222-220-8).]
- A DCI-Israel delegation headed by its president, Moshe Etzioni, meets with Minister of Justice, Dan Meridor. The aim of the meeting: To request Israel's ratification of the United Nations Convention on the Rights of the Child. The delegation also discusses matters relating to the Hague Convention on Civil Aspects of Child Abduction. The DCI-Israel delegation (Dr. Etzioni, Menachem Horovitz and Leslie Sebba) leave the Ministry quite hopeful: the Minister promised to speed up the ratification process of the UN Convention. With regard to the Hague Convention, the delegation is

informed that the Government published a bill on September 6, 1990, to enable Israel to join the Hague Convention.

- DCI-Israel is represented at the European Meeting of Experts on the UN Convention on the Rights of the Child by Samih Rizeq from Nazareth and Philip Veerman from Jerusalem. The DCI-Israel delegation's trip was made possible by the Spanish government. All of the European sections of DCI are represented as well as UNICEF and sections "in-the-making" (Bulgaria, Estonia, Romania and Poland).

December, 1990

- Menachem Horovitz, chairman of DCI-Israel, takes part in a meeting of experts held in Florence, Italy, on the monitoring of the UN Convention on the Rights of the Child. The meeting was organized by UNICEF and its International Child Development Center.
- From December 9-14, an international interdisciplinary study group on children's rights meets in Jerusalem and Haifa. This is a joint project of DCI-Israel, the Faculty of Law of The Hebrew University, Jerusalem, and the Youth Policy Center of Haifa University. Thirty guests from around the world participate in this, the first effort of its kind to give children's rights a sounder scientific base.

March, 1991

- The UN Convention on the Rights of the Child is prepared for presentation to the Knesset, after which the Israeli government will vote whether or not to accept it.
Legal registration begins for a new non-profit organization, the Israel Committee for the application of the UN Convention on the Rights of the Child. DCI-Israel tries to bring together all relevant Israeli organizations to lobby for ratification of the UN Convention, and, eventually, to monitor its enforcement.
- Minister of Justice Dan Meridor informs DCI-Israel that a new law which could eventually lead to Israel's ratification of the Hague Convention recently passed its first reading in the Knesset. DCI-Israel continues its intensive lobbying on behalf of this law.

Kidnapped children bill

The law committee completed its work on a bill fulfilling Israel's obligations as a signatory to the Hague Convention on kidnapped children. The bill, which is now due for final approval in the plenum, would speed up the handling of complaints filed from abroad regarding the kidnapping of children and their transfer here. The arrangements will be reciprocal with all other signatories of the convention. The bill calls for the establishment of an authority – in this case, the attorney-general – to give immediate attention to all such complaints.

The Jerusalem Post, May 8, 1991

Ongoing Activities

- DCI-Israel deals with a number of complaints against army authorities, the police and the Prison Commission, concerning the rights of children.
- DCI-Israel makes regular visits to jails and detention centers and to absorption facilities throughout the country. Copies of individual reports may be obtained on request from our office in Jerusalem.

LEGAL AID PROGRAM

DCI-Israel is currently operating two projects designed to provide legal aid to Palestinian youngsters. The emphasis in both program is on Intifada-related security offenses. It became apparent that while in the Jewish sector a legal aid program was already functioning (at least in Jerusalem), in the Arab sector many minors who were arrested and detained did not have the benefit of any legal representation. In addition to the right of all suspects/defendants to suitable legal representation, the unhappy state of the detention facilities (another topic with which DCI-Israel has been dealing) indicates the need for special sensitivity to the legal needs of juvenile detainees.

For the past twenty months, DCI-Israel has been operating a legal aid program in East Jerusalem, with the support of Rädga Barnen (the Swedish Save the Children Organization). The lawyer appointed by DCI for this purpose was Dr. Awni Habash, who, for example, in June-July, 1990, handled 17 cases of minors, aged 12 to 17, in need of legal aid (two of them girls). The legal representation focuses primarily on the initial appearance before the court, when bail is requested, but in a number of cases there is a need for representation at the subsequent trial.

The above program serves the legal needs of minors in East Jerusalem, but not in the occupied territories (not even when a minor detained in Jerusalem is subsequently tried in the territories). Therefore, we decided to establish a second legal aid program to assist minors detained or being tried in the territories. This program is supported by the European Human Rights Foundation.

Lawyer Osama Halabi was appointed to operate the new program. He has provided representation for a number of detained minors as well as for parents required to act as sureties for their children, who were suspected by the authorities of having committed offenses. When Mr. Halabi received a scholarship for further study, lawyer Ibrahim Nassar replaced him.

These programs are directed by a steering committee, whose members include Leslie Sebba, Chairman; Menachem Horovitz, Nava Kedar, Yvonne Mansbach, Philip Marcus, George Samaan, and Philip Veerman. The committee reports to the Board of DCI-Israel. ●

LEGAL AID: EAST JERUSALEM

The legal aid project aims mainly to help children who do not have the means to hire a lawyer. To reach these children, the DCI and the probation office have reached an arrangement by which the probation officer, who has the initial contact with the child after his arrest, refers the case to DCI's lawyer.

All cases referred to the project are considered social cases — poor and/or broken families. But since DCI's aim is to assist all children whose legal or civil rights are in jeopardy, we made serious efforts to link up with other social-legal organizations with the same interest. The result: the legal aid project is now familiar to many organizations in Jerusalem, East and West, including Women for Political Prisoners, Hotline for Victims of Violence, the Quakers, the Association for Civil Rights in Israel, and others.

Some of these organizations refer cases to the legal aid project. After two years' experience, the project has developed several sources for identifying and reaching the target population.

PROBLEMS OF MINORS

The problems encountered by DCI regarding children's rights violations often start at an early stage, from the moment of arrest. According to Dr. Habash, children seem to be maltreated frequently by the arresting police forces. The violations appear to continue in the detention center and during the interrogation process. Overcrowded cells, lack of awareness of children's rights on the part of police officers, and questionable means used by interrogators (such as beatings, intimidation, etc.) are all alleged to be part of the violations practiced, and submitted to us as complaints during the past two years.

It takes a lawyer a great deal of effort to persuade the courts to consider a defendant's personal socio-economic conditions. The issue assumes greater importance in light of the fact that most of the detained children are school pupils. Dr. Habash points out that sentencing them at an impressionable age to long terms in prison means preventing them from completing their elementary or secondary education. ●

LEGAL AID: WEST BANK

The main problems DCI has discovered on the West Bank can be summarized as follows:

1. ACCESS TO LAWYERS

The sooner a lawyer can be allowed to see his client, the more he can do for him or her. In many cases interrogators operate in such a way (one interrogator intimidates while the other draws up a statement) that the lawyer cannot do much for his client. However, clients get the feeling when they see the lawyer that at least somebody is behind them.

The problem in the West Bank is the long period (up to 18 days!) that a client can be held incommunicado. Moreover the security services can order that the lawyer may not meet the client. It may take several days for a lawyer in the West Bank to locate his client. Hearings are often held in the detention camps, and access to them is difficult. Usually the lawyer sees the charge sheet only in court.

2. LOCATING CLIENTS

The detained youngster is given a postcard to send home saying where he or she is. However, this system does not always work. In the West Bank it is often very difficult to find out where the client is. The Hotline offers help since they have access to a telephone number which verifies where the youngster is being detained. In the experience of one lawyer, it often takes more than a week before the client's data are entered in the computer. The office of the Army's Advocate General is no longer responsible for this problem, but the military police. In the Russian Compound there are two sections; as long as the youngster is being interrogated in the section run by the security services, his name often cannot be found.

3. CHARGE SHEETS

In the West Bank the lawyer is lucky if he finds the charge sheet before the court session. The client frequently signs something in Hebrew, and it is not translated into Arabic; in court, the client sometimes appears

surprised to learn what he has signed. Convictions may thus be based on statements/confessions which the clients did not understand.



Sheltered waiting area outside the Russian Compound, Jerusalem. (Photo: Barbara Gingold)

4. COMPLAINTS

Thousands of complaints are filed annually, but it appears that investigations of the complaints have become more and more superficial; files often cannot be found; and there is a general sense among those concerned with the problem that the whole system has broken down. There is also concern that these problems may gradually spread into the legal system in Israel proper.●

Call for awareness of the many children hurt or killed in intifada

By MICHAL SELA
Jerusalem Post Reporter

The "Defence for Children International" organization yesterday expressed its concern over the large number of children in the territories killed and wounded during the 22 months of the uprising, while saying it is aware that "there is no policy to kill children."

Speaking at a press conference, Dr. Menachem Horovitz, the children's affairs ombudsman in the Jerusalem Council for Children and Youth and chairman of the DCI Israel branch, said that the public should be aware of the tragedy of the children who have been killed and those who become disabled for life.

The movement based its report and concern on figures collected by *Betsalem*, the Israeli Data Centre for Human Rights in the Territories.

According to these figures, 126 children under 16 were killed between December 1987 and this week - 121 by gunfire, three when objects exploded in their hands, one by being fatally beaten and one child was killed as he was thrown off a moving jeep.

Horovitz also drew attention to the increasing proportion of children among the casualties. Until the beginning of this year, 15 to 20 per cent of the intifada dead were children; during the first six months of the current year the rate rose to 28 per cent and last month 46 per cent of the dead in the territories were children.

DCI is aware that the incidents do not occur in a vacuum, though the movement does not have data on the involvement of children in hostile activity. "We definitely know that there is no policy to kill children. But it is our duty to ask the military and security authorities to do their utmost to bring to the minimum the number of children casualties," Horovitz said. "It's not a cry of bleeding hearts but a moral obligation for each of us, regardless of political opinion."

There were some questions, however, that DCI failed to answer - for example, whether the number of children among the casualties has not been an indication of the involvement of children in the incidents. The movement also could not comment about the role the Palestinians themselves accord their children in the uprising.

The Jerusalem Post, September 21, 1989

Top priority: probe into children's deaths

The judge advocate-general, Brig.-Gen. (Tat-Aluf) Amnon Strashnow, yesterday ordered the military police to give top priority to the investigation of cases involving the death of children in the occupied territories.

Strashnow issued the order one day after the Defence for Children International movement expressed its concern about the high rate of

fatalities among Palestinian children during the intifada. Strashnow ordered the military police to carry out intensive and speedy investigations of such cases and refer the files to the military prosecution as soon as possible.

Strashnow also said high-ranking and experienced investigators should be appointed to examine cases involving child fatalities.

The Jerusalem Post, September 22, 1989



September 21, 1989: Representatives of DCI-Israel and Betsalem address the press in Jerusalem. (L. to r.) Drs. Leslie Sebba, Philip Veerman, and Menachem Horovitz (DCI) and Zahava Galon (Betsalem). (Photo: *Tav Or*)

PALESTINIAN FAMILY REUNIFICATION PROJECT

Jordanian citizen ordered to leave West Bank without her infant

By JOEL GREENBERG
Jerusalem Post Reporter

The Jordanian-born mother of a month-old infant in Nablus has been ordered to leave the West Bank without her child because she does not have a local residence permit.

The authorities have consistently refused to grant her a family-reunification permit, which would allow her to live permanently in Nablus with her husband and two infant children. The woman, Manal Nabulsi, faced a similar problem after her first child was born.

Manal is married to Mohammed Mahdi Nabulsi, owner of a textile factory. They have a one-and-a-half-year-old daughter, Ala, and a second daughter was born to them on September 30.

Under the terms of Manal's visi-

tor's permit, she may stay in the West Bank for a month at a time, and must remain out of the area for half a year between each visit. Because she lacks an Israeli-issued identity card, her newborn daughter was not registered in her papers, but in her husband's identity documents. This prevents her from taking the baby with her to Jordan.

Muhammad Nabulsi alleges that the authorities offered to grant his wife a reunification permit if he would agree to work for the security services. He has been permitted to travel to Jordan on condition that he remain there at least eight months, but the Jordanian authorities routinely permit West Bank residents only a one-month visitor's permit.

Defence sources refused to comment yesterday on the case.

The Jerusalem Post, November 3, 1989

Following DCI's inquiries (beginning in November, 1989) regarding the situation of the Nabulsi family, Israeli Prime Minister Yitzhak Shamir wrote to Moshe Etzioni, President of DCI-Israel, on April 1, 1990:

"In light of the humanitarian aspect of this matter, the matter was thoroughly investigated by the security services, and we are pleased to inform you that it has been decided, *despite the letter of the law*, to allow this woman and her children to continue to stay in the area."

CHILD LABOR

A year after the establishment of DCI-Israel, we organized a meeting with child labor specialists, the legal advisor of the Ministry of Labor and Social Affairs, and a juvenile employee (a 14-year-old Arab boy working at Tel Aviv's Carmel Market). The purpose of the meeting was to discuss DCI's forthcoming campaign against the exploitation of children in the labor market, scheduled for 1989, and how the new Section could contribute locally to the success of the international campaign.

It became clear at the meeting that the child labor phenomenon in Israel concerns a range of diverse cultural and ethnic groups including the Bedouins, the Arab population of the Galilee, migrant youngsters from the West Bank and Gaza, children in kibbutzim and moshavim (collective settlements), etc. Almost no data exist on the subject, and any serious study will call for an interdisciplinary approach involving anthropologists, sociologists and social workers, public health specialists, economists, and experts in labor law, youth policy, and education.

DCI decided to gather the necessary data on child labor in Israel and thence formulate recommendations which would lead to new preventative measures. Our proposal for such a study was consequently submitted to several foundations, but alas, with no positive results. Until funding can be found, a nine-member committee has been appointed to begin a preliminary study of the situation. The committee's first meeting will be held at the Hebrew University's Faculty of Law in July, 1991. ●

Jail-Watch: IN THE RUSSIAN COMPOUND, JERUSALEM

Project: Monitoring the situation of minors in detention
Field Visit: The Russian Compound, Jerusalem, March 21, 1990

The visit began with a meeting between the DCI sub-committee (Menachem Horowitz, Leslie Sebba, Philip Veerman), and the director of the jail, Superintendent Menahem Nidam. There followed a meeting with the jail physician, Dr. Weitzman.

General Findings

A shelter has been erected in the entranceway outside the building, financed by the Jerusalem Municipality and the Jerusalem Fund. The construction work is not yet finished, and floor tiles, benches, water taps are still being installed. The general impression, in the meantime, is somewhat dismal. It is not clear who will be responsible for the maintenance and cleanliness of this area.

The jail is situated in a maze of corridors; floor tiling is being carried out there too, and there are signs of constructional improvisations aimed at easing the terrible overcrowding. There is a plan for an additional wing which will provide fifty extra beds "at the expense" of office space of the Jerusalem Police. We understand that, adjacent to the jail, there is an archive belonging to the Ministry of Justice and areas occupied by the Ministry of Health, which could be used to enlarge the jail significantly.

On the day of our visit, there were 331 detainees and convicted offenders in the jail, with only 170 beds available in 22 cells:

- a. Adult wing: 14 cells, 116 beds.
- b. Women's wing: 2 cells, 12 beds.
- c. Youth wing: 4 cells, 34 beds.
- d. Isolation wing (for investigation and protection): 2 cells, 8 beds.

According to the commander, the jail does not have a punishment cell. On the day of the visit, the jail was holding 160 convicted offenders and detainees awaiting trial, sometimes for many months.

There was a big increase in the occupancy rate of the jail from 1988 to 1989, from a total of 11,923 admissions in 1988 to a total of 13,245 in 1989; of these, there were 1,366 minors in 1988 and 2,421 in 1989.

In 1987 there was a total of 33,000 detention days, increasing to 82,000 in 1988 and 94,300 in 1989.

The Youth Wing

In the separate youth wing, in a special corridor, there are four cells, two of them large and two small. At the time of our visit there were 83 detainees and convicted offenders in the wing (including two Jews being held separately in one of the small cells), although the total number of beds was only 34! In the other small cell there were five minors who had volunteered for cleaning jobs. Most of the minors were from Jerusalem and surroundings. There were 15 convicted offenders and 53 detainees awaiting trial, and the remaining 15 were minors being held for investigation. At the time of this writing, the convicted offenders had been transferred to prison facilities.

On the day of our visit there were 39 youths in a cell containing 12 beds. In the night, mattresses are spread out, but still there is not enough room and so two minors sleep in one bed or on one mattress. Each has three blankets.

The air is extremely stuffy and it is difficult to breathe despite ventilation arrangements. In the corner of the cell there is a small cubicle containing a shower and one toilet. It is impossible to maintain cleanliness under such conditions (despite the efforts made). The minor has no privacy in the toilet section even with the hanging blanket serving as a partition. There is hot running water 24 hours a day.

The minors have their own exercise yard. They are supposed to go to the yard or the playroom (run by the volunteers and probation officers) for about one-and-a-half to two hours a day. In practice, they spend much less time outside the cell because the volunteers who come every day for an hour and a half cannot handle more than 20 youth at a time. There are apparently days when they are outside the cell in the dining room and the playroom for only very short periods — half an hour.

'Inhuman conditions' for jailed youths

By MATTHEW SERIPHS
Jerusalem Post Reporter

The local branch of Defence for Children International has attacked the conditions in which minors are being held in Jerusalem's Russian Compound prison.

Most of these prisoners are Palestinians between the ages of 14 and 18, under detention for alleged security offences.

The international children's rights monitoring organization, which visited the jail in March, subsequently alleged in its newly published report, that in the prison's youth wing:

- 83 detainees and convicted offenders were being kept in four cells containing only 34 beds;
- one cell housing 39 inmates had only 12 beds, one shower and toilet;
- two Jewish inmates were allotted a cell, leaving all the other inmates in three cells;
- there have been cases of excessive use of force by police officers responsible for the minors (two police officers have already been suspended for using excessive force);
- visits by family members were being denied some detainees.

In its conclusions, the DCI report alluded to "the inhuman overcrowding in the youth wing [of the prison]. The ventilation arrangements installed...are totally inadequate....The members of the committee found it difficult to breathe or bear the stench" inside the prison.

The report made a number of recommendations, including vacating the rooms of the Justice and Health Ministries in the building to relieve some of the overcrowding and "convicted minors and detainees awaiting trial [should be transferred] to the prison service," while "visiting

rights of the family to prisons situated further from home [should be ensured.]"

The DCI received a response from the police, dated 13 April 1990, in which the Inspector General of Police informed it that "action would be taken in accordance with the spirit of your recommendations as far as we are in a position to do so."

The non-governmental child rights group was set up in Geneva in 1979, the International Year of the Child. It has sections in 25 countries and in Israel is headed by Dr. Menachem Horovitz, former Israeli Ombudsman for Children.

Horovitz told *The Jerusalem Post* that the youngsters had said they preferred to be kept in prisons administered by the prison service rather than in police jails, provided that their families could visit them.

Referring to the large Palestinian presence in the jail, Horovitz said, "Many inmates do not consider themselves criminal offenders but rather 'freedom fighters.' They have high morale, are not violent among each other, and there is no homosexuality."

Dutchman Philip Veerman, the coordinator of DCI in Israel, told *The Post*, "The detention of children and juveniles for a pretrial period should be as short as possible and, after sentencing, the rehabilitation of the youngster should be kept in mind as a policy."

DCI is trying to improve the legal representation of youth detainees from East Jerusalem and the West Bank, and has also launched a programme in Israel to assist Ethiopian children and teenagers who were separated from their families.

Special Problems

It is not possible, because of the overcrowding, to separate the 14/15-year-olds from the 16/18-year-olds. From time to time, there are attempts by the older ones to take control of the younger ones. There is no sodomy. According to the commander of the jail, the overcrowding prevents suicide attempts. There have been cases of violence for political reasons, e.g. suspicion of collaboration with the authorities. Complaints of exaggerated use of force by the police are passed on to the public complaints officer. Two police officers have been suspended for exaggerated use of force and an inquiry is being conducted regarding a third police officer. In the investigation wing of the "security services" there are hardly any minors. The commander of the jail is responsible for logistics.

Visits

All convicted offenders and detainees awaiting trial for 30 days or more are entitled to a weekly visit. Those who are being investigated, or cases detained for less than a month, have no visiting rights. No distinction is made, in this respect, between the rights of minors and adults. The visits are dispersed (as of 1.1.90) throughout the week and last for half an hour. Although conditions in prison are better, there are families who request that their children stay in the Jerusalem jail in order to make visiting easier for them. A canteen has been opened where families can purchase items which are delivered to the detainees on the same day. The order form employed for this purpose requires the signature of the recipient. This arrangement prevents parents' bringing food to the jail and the need for security personnel to check it. Clothing can be brought every day.

The International Committee of the Red Cross visits, bringing newspapers and books, which tend to disappear within a short time. Minors receive writing paper and pencils and can write home.

Medical Care

A medical orderly makes rounds twice daily and lists anyone needing treatment or medical examination. A doctor, a specialist surgeon, is employed on a full-time basis. When he is not in the clinic, he can be alerted by a

The Jerusalem Post, May 6, 1990

beeper. The clinic is well equipped and has an isolation room adjoining it. If necessary, outside specialists are called in and hospital facilities are available. A detainee can put in a request to be examined by a private doctor, and this is usually granted. Those who complain of having been beaten outside the jail are examined and the medical findings are recorded. In instances of complaints of beatings inside the jail, the medical findings are passed on to the director of the jail.

Food

We visited the kitchen and saw the lunch and evening meal of that day. The same menu as that of the Israel Defense Forces is provided, as well as vegetable surpluses from the Vegetable Marketing Board and, sometimes, smuggled agricultural produce which was confiscated.

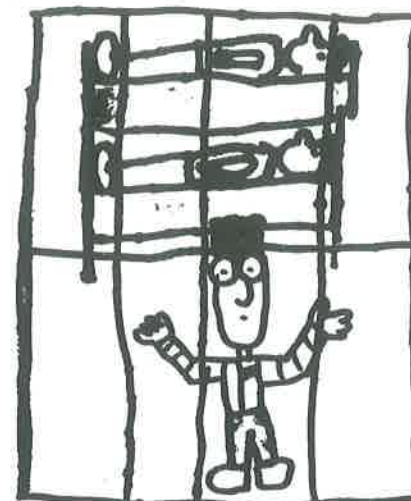
Women's Facilities

There were four girls being held in the jail on the day of our visit. There is no separation between girls and adult women. Since there are only two cells and Jews and Arabs have to be held separately, this is not possible.

Discussions with the Minors and their Complaints

We talked with the Arab minors in one cell (39 minors), first in the presence of the jail commander and afterwards without him. The crowded conditions did not facilitate a quiet orderly discussion. The main grievances were related to the short time spent outside the crowded cell. On the day of our visit, they claimed that they were given only five minutes after lunch. (The volunteers come every day only for one and a half hours, from 9.30 to 11.00, and cannot handle groups larger than 20). There are no games and no books. Newspapers are delivered but tend to be out of date.

There were serious complaints about the crowded conditions. Some have to share a bed or mattress with another minor. There is no light in the shower (the commander promised to have it repaired without delay). The food is not to their taste. Some claimed they wanted tea and not coffee. They complained that there have been instances when they received bad eggs. They mentioned the names of three policemen who had beaten them and a policeman who did not let them finish their meals properly. (The accusations were conveyed by us to the commander of the jail for investigation). There were also complaints



of having been beaten on their way to visit the doctor; they now avoid going to him. Two claimed that their parents hadn't received visiting rights. One claimed that his parents hadn't been notified about his detention. We visited the cell occupied by Jewish minors, too, but no special problems were raised.

Impressions

The most severe impression was the inhuman overcrowding in the youth wing. The ventilation arrangements installed when the wing was originally set up are totally inadequate under such overcrowded conditions. The members of the committee found it difficult to breathe or bear the stench. It is obvious that it is difficult to maintain cleanliness with only one toilet serving 40 minors. According to the commander, they do not make use of strong disinfectants since their fumes would make things even more difficult for the minors. There are no alternative disinfectants and no air purifiers. There is no separation between the toilet and the one shower.

Recommendations

1. The archives of the Ministry of Justice and the Ministry of Health storerooms, which are in the same building, should be *vacated immediately* in order to facilitate expansion of the jail and the youth wing. This recommendation was made years ago by an inter-ministerial committee when the youth wing was originally established.

2. Every effort should be made to transfer convicted minors and detainees awaiting trial to the prison service, at the same time ensuring visiting rights of the family to the prisons situated further from home.
3. Disinfectants and air purifiers for the overcrowded cells and the toilets should be supplied.
4. More toilets and showers should be installed and these should be separate from each other and the cell itself.
5. The activities of the volunteers should be expanded so that *all the minors* will be able to leave their cells *every day* to participate in games, ball play, etc. In our opinion, the detainees should be allowed to spend time in the recreation yard even without the volunteers' supervision.
6. Arrangements should be made for the provision of games (by the International Committee of the Red Cross or other agencies) in order to ease the lot of the minors locked up in their cells most of the day in crowded conditions. Such games have to be replaced frequently.
7. The possibility of introducing books or lending them under the supervision of Arabic-speaking volunteers should be considered.
8. The maintenance and cleanliness of the waiting area now being constructed outside the jail should be ensured.
9. Consideration should be given to adding food items preferred by the Arab detainees to the canteen.

In conclusion, it is our conviction that the overcrowded conditions and the sanitary arrangements do not conform to internationally accepted norms, and emphasis should be placed on improvement in these areas. ●

M.H., L.S., P.V.

This report was sent to the International Secretariat of DCI in Geneva on April 26, 1990, and was released to the press on the same day. Since the visit of our committee and publication of our report, police authorities have made an effort to improve conditions in the Russian Compound, particularly to relieve the overcrowding. As we go to press, the detention facilities, including those for juveniles, are being enlarged. DCI will report on the new situation in the next Monitor.

In the Territories: THE CASE OF OLFAT N.



Project: Monitoring the situation of wounded children
Field Visit: Tulkarm Refugee Camp, November 12, 1989
Subject: Olfat N. (born on December 6, 1983)

Background

Olfat is the sixth of ten children. Mr. N. says that he often works in Israel as a laborer, earning NIS 25 per day. Now, with the curfews, strikes, etc., he can hardly support his large family. The family lives in a very small, sparsely furnished house.

Mr. N.'s Description: How Olfat Was Injured

On October 9, 1989, at 5 p.m. he was visiting a friend a few minutes' walk away from his home on the main street of the camp. When a curfew was suddenly imposed on the camp, his daughter Olfat ran to his friend's house to tell him to come home.

Mr. N. showed us where he and his daughter had been standing — near his friend's house, in a small alley about 40-50 meters long, at the junction with the main street — when the tragic event took place. An IDF jeep was advancing slowly along the main street. Youths were throwing stones at

it from behind, not from the direction where he and Olfat were standing. He moved back into his friend's house and they heard a single shot. A few minutes later, they discovered that Olfat had been wounded and was bleeding from the head. The father crawled over to her and then took her to the Ramallah Government Hospital.

Medical Report

In his description of her condition when she arrived at the hospital, neurosurgeon Dr. Kidess noted that she was very pale and drowsy and that she had a gunshot wound in the head. The child was prepared for surgery and operated that same day. However, the bullet is still embedded in the left side of the brain and further surgery is required.

Olfat's Current Condition

Olfat relates to others in a friendly manner, with eye contact. During the talk with her father and mother, she sat quietly. She has two big scars on her right forehead. Her parents describe how she tends to sit in a corner "thinking," as they put it. She doesn't do anything at present and avoids contact with girlfriends. She is described by her parents as extremely nervous and restless.

Current Family Circumstances

Since the father earns very little and has to support ten children, the financial burden of Olfat's hospitalization, when she has to go back for her operation, is of great concern. Even the travel expenses to the Ramallah or Hadassah Hospital in Jerusalem will be costly and difficult to cope with, not to mention the impossibility of their paying the enormous hospital bills (for blood tests, etc., and the operation itself) which will be presented to them. They are also afraid that Olfat will be paralyzed after the operation since the bullet is actually stuck in the left brain. ●

On November 13, 1989, Betzelem and DCI-Israel wrote to the Minister of Defense, urging him to have this case investigated. In February 1990, an investigator came to Betzelem and conducted a serious inquiry into the situation, speaking with Olfat's father, Bassem Eid, and Philip Veerman. In March, he again saw the father, this time in Tulkarm. More than a year later we still await the results of this investigation.

Ethiopian Immigrants: FROM ADDIS TO ASHDOD

Project: Absorption Surveillance

Field Visit: Safed Absorption Center (Hotels Pisga, David, Nof HaGalil), July 16, 1990

The visit began with a meeting between Lea Veerman, coordinator of the Project for Ethiopian Jewish Children, and the housemother of the three hotels (mentioned above) currently used as an absorption center for Ethiopian immigrants. This meeting was followed by another with the director of this absorption center and with the director of an Emunah kindergarten with a large percentage of Ethiopian immigrant children.

Background

This report is the first in a series about Ethiopian children in Israeli absorption facilities. The visit to the absorption center in Safed was prompted by reports in the press (*Jerusalem Post*, Aug. 9, 1990) about dismal conditions in the three hotels housing Ethiopian immigrants. According to the article and to Rahamim Elazar, chairman of Ethiopian organizations for family reunification, the hotels are overcrowded, with little or no space for the immigrants to move around inside their rooms, and no possibility of accommodating guests. Other problems mentioned by the *Jerusalem Post* and Mr. Elazar concerned the bad quality and insufficient amount of food in the hotels, and a lack of organized activities for the immigrants in the afternoon and evening hours.

Findings

The three hotels are located on Har Canaan, a hill on the outskirts of Safed. There is a bus line connecting Har Canaan with the center of the town. The Pisga, David and Nof HaGalil hotels are situated next to each other and now constitute one absorption center.

Each of the three hotels has its own dining hall, TV room and reception area. The offices of the personnel and the ulpan are on the premises. Day-care facilities and schools for the children are in town.

The absorption center started operating in February, 1990. Most of the present 301 residents immigrated during the months of March and April, 1990. Of these 301 immigrants, 77 are children under the age of 12. The absorption center is headed by Oron Golan, who has a staff of about 25 (two full-time social workers, two translators, ten ulpan teachers, three receptionists, one housemother, six counsellors and a few woman soldiers and volunteers to assist in the ulpan).

The immigrants will stay and study for 11 months at the absorption center. After this period they are supposed to move out, find their own apartments and start working.

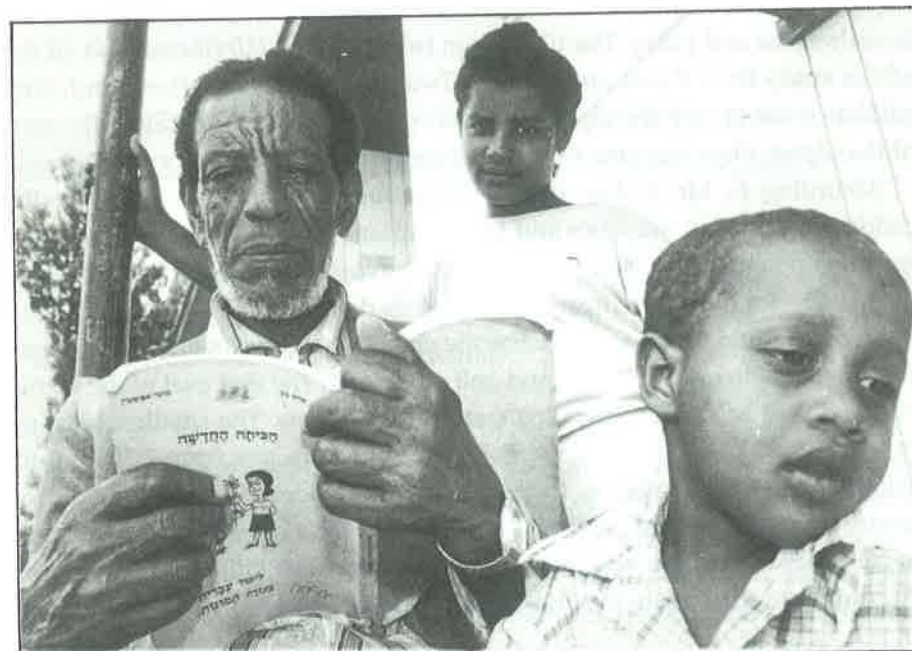
Problems

According to Oron Golan, the three hotels are not overcrowded since the official capacity of the hotels is bigger than the present number of immigrants staying there. The capacity of Hotel Pisga is 110 guests, and "only" 106 immigrants are presently living there. The capacity of Hotel David is 113 guests, with 104 immigrants staying there at the moment, and in Nof HaGalil 91 immigrants occupy the rooms, nine persons short of the maximum capacity.

After we saw the rooms we can conclude that although the hotels are probably not occupied up to their maximum capacities, the residents indeed have hardly any space in which to move around. The rooms that we saw were literally filled with beds, leaving just a small passage between the beds and the wall. In order to reach the furthest bed, residents often have to crawl over other beds.

By speaking about maximum capacities, Mr. Golan draws a picture that does not fit the current situation. The capacity of the hotel when it is used as a hotel is completely different from the capacity of a building where people have to make their homes. It is obvious that there is no space to accommodate guests, a problem which is especially acute since a lot of these new immigrants came in order to be united with their relatives, who for the most part live at a great distance from Safed. The impossibility of having their relatives come visit for a couple of days causes a lot of anguish among the immigrants.

According to Oron Golan, the immigrants receive three meals per day besides snacks and drinks during the morning and afternoon. He claims that the food is sufficient and relatively tasty.



Ethiopian Jews at Mevasseret absorption center. (Photo: Elda Roshan)

During our visit to the dining rooms, we got an idea of the quantity and quality of the food (in our case, lunch) served in this absorption center. This particular lunch consisted of three courses: soup, main course (potato or rice, meat, vegetables, salad), and dessert. The quantity per person was certainly sufficient judging from the food that remained on the table untouched. The food tasted like the standard food served in Israeli national institutions like the army or other absorption centers. However, since the Ethiopian immigrants are used to eating food that is very different from standard Israeli meals, there is a problem. They do not have the opportunity nor the money to cook the food that they are used to and are therefore forced to eat what is served in the dining rooms, or to go hungry.

Oron Golan notes that there has also been a problem with activities in and around the absorption center. While most of the immigrants arrived during March and April, they enrolled only in June in the ulpan. For the afternoons

and evenings there are no organized activities. The immigrants are more or less left to themselves. Mr. Golan claims that they started the ulpan late because they first had to undergo medical checkups. He says that things have improved tremendously between the time that the article appeared in the *Jerusalem Post* and today. The ulpan is in full operation (10 classes) and all the adults study from 8 a.m. until 1 p.m. Twice a week in the afternoon hours, soldiers come to help the ulpan students with their homework. Since the start of the ulpan, there was one field trip to Jerusalem, for parents and children.

According to Mr. Golan, there will be summer camp activities for the children enrolled in nurseries and kindergartens (30 children in five different *ganim*) and in primary schools (38 children in two schools). In fact, the children from 3-6 years old have already started their day camp. They start at 7:30 in the morning and finish at 12:30. For the children 6-12 years old, the summer camp will begin only in the second half of August. The first part of the school holidays will be spent at the ulpan, studying Hebrew. The smallest kids, up to three years old, will continue going to their nurseries from 7:30 a.m. till 3:30 p.m. Mr. Golan says that there will be an afternoon program for children from 3-12 years old: the older kids will practice their Hebrew and participate in all kinds of creative activities, whereas the smaller kids will play games. According to Mr. Golan, the afternoon program will start "very soon."

Recommendations

We would recommend that all organizations responsible for absorbing Ethiopian Jewish immigrants in Safed should find a way to facilitate overnight visits by the immigrants' relatives. Since these immigrants came to Israel specifically in order to be with their families, we think it is especially important to find a way to accommodate their guests in Safed.

We would also recommend that attention be paid to the children's needs regarding rest and leisure. Since most of the rooms of the absorption center are overcrowded, there is hardly any space or opportunity for the children to rest or to play.

Furthermore, we would stress the importance of continuing creative and recreational afternoon activities during the school year. ●

L.V.

Ethiopian Immigrants: FROM ADDIS TO ASHDOD

Project: Absorption Surveillance

Second Field Visit: Safed Absorption Center, December 27, 1990

Our second visit began with a meeting between the coordinator of the Project for Ethiopian Jewish Children and the director of the three hotels used as absorption centers. Later the housemother joined this meeting.

Findings

The complex has a new director, Asher Lichtraum. The three hotels currently house 280 immigrants: 91 children under the age of twelve and 189 adults. Occupancy has decreased by 21 in comparison with last July. Most of the people presently residing in the center arrived in April and May, 1990. In the following months, 35 additional immigrants arrived; and between April, 1990, and December, 1990, a total of twelve families left the premises.

Problems

Although the three hotels are a little less crowded than in July, 1990, there is still very little space, and hardly any room for the children to play. In winter when it is too cold to play outside, this tends to be a much greater problem. The children are confined to the rooms (where most of the space is taken up by beds and cupboards) and the narrow corridors of the hotel.

There are still no guest facilities, causing the immigrants a lot of grief. To be in the same country but not able to be together with long-lost relatives is difficult for many immigrants to accept. Some of them leave the absorption center for weekends and travel to visit relatives. However, since the immigrants in the Safed hotels do not receive the same stipends that people in other (regular) absorption centers receive, these journeys are a heavy burden on the monthly budget.

As far as the financial allowances are concerned, the residents of the hotels get a little pocket money. The rationale behind this is that they are being taken care of just like "hotel guests" with full board. The money that they get is barely enough to travel daily by bus from the hotel to downtown Safed and back. According to Mr. Lichtraum, the immigrants have to make a major effort (to walk to town and back) if they want to buy a ticket to a place far from Safed. The immigrants said that they would prefer to get a bit more money and no meals. They would like to be able to buy food of their own choice. Mr. Lichtraum said that he was very much aware of these wishes, but that there was not much that could be done since a hotel room is not an apartment with a kitchen.

Mr. Lichtraum said that the absorption center organizes activities for adults and children in the afternoon and in the early evening. The program includes: art classes, sport trips, lectures, and a variety of informative sessions where the immigrants learn about Israeli society. Special sessions are available for adults who need help with their Hebrew and children who need extra attention with homework, etc. Twice a month a group of Jerusalemites comes to Safed to organize and celebrate Sabbath activities in the hotels.

Mr. Lichtraum and the housemother stressed that they had a lot of trouble getting adequate medical care for the immigrants. Eye problems and psychological disturbances are said to be quite common. The eye problems range from blindness to infections and ordinary poor eyesight. Mr. Lichtraum states that he does not want to complain about the quality of the medical treatment people receive for their eye problems; rather, the troubles are caused by time-consuming bureaucratic procedures in the Kupat Cholim (health clinic) and the Jewish Agency. People with poor eyesight have trouble learning Hebrew since they cannot see what is written; thus they need glasses urgently. Unfortunately, it always takes quite a while to see an ophthalmologist: first they have to see a Kupat Cholim doctor, who refers them to a specialist in the hospital. When they have finally obtained a prescription for spectacles, it takes additional weeks or even months until they are actually able to buy them, because the Jewish Agency (according to Lichtraum and the housemother) is slow in processing and allocating money for these purchases.

Asher Lichtraum states that he needs extra staff to deal with the blind immigrants and 21 persons who are bedridden. Although most of these

people are cared for by their families, it would be extremely helpful to have an extra professional who could lift their burden a bit.

A further problem is that several people in the absorption center suffer from *zar*, a psychological illness characterized by hysterical outbursts. People who suffer from it are sent to mental health clinics and released without any change in their condition.

Lichtraum states that a few adults are too indisposed (as a result of physical and mental disorders) to take proper care of their children. Some families with an ill parent have left the absorption center in order to be cared for by their extended families. (According to the housemother, this was the reason for the departure of most of the twelve families who left since April, 1990).

Recommendations

We would recommend once more that all organizations responsible for the absorption of Ethiopian Jewish immigrants in Safed make it possible for these new residents to invite relatives to come and stay over.

We would recommend again that attention be paid to children's needs during rest and leisure time. The rooms of the three hotels are very crowded, particularly in the winter.

We would also like to recommend finding a way to eliminate the "red tape" in dealings with Kupat Cholim and the Jewish Agency concerning ophthalmic care. The whole procedure would be less time-consuming if there were an ophthalmologist ready to see the patients directly, without their going through Kupat Cholim.

Furthermore, we would particularly ask that professionals in the field turn their immediate attention to the *zar* phenomenon. It is important that people working to absorb Ethiopian immigrants know how to diagnose this illness, and that they have an address where they can refer these persons.●

L.V.

Ethiopian Immigrants: FROM ADDIS TO ASHDOD

Project: Family Reunification

Field Visits: To members of Wubedil's family in Israel, January 21 and 22, 1990

Subject: The Case of Wubedil T.

Background

DCI-Israel learned of the case of Wubedil T. from Haim Peri, director of Yemin Orde Children and Youth Village near Haifa. DCI-Israel coordinator Philip Veerman and Molly Savitz, DCI assistant, traveled to Ashdod to visit Wubedil's father, Mr. T., on January 21, 1990. The following day they visited Yemin Orde to meet Wubedil's older brother, Itay T., a bright, assertive and honest young adult. The discussions centered on Wubedil, still in Ethiopia, and her desire to join her family in Israel.

Findings

Mr. T. stated that he was born in 1928, month and day unknown. He, his wife and two sons have been in Israel since 1985. He lived at the Arad Absorption Center for approximately five years and now resides in Ashdod. He and his present wife Caseh have had two children in Israel.

When the family emigrated from Ethiopia, they left their daughter Wubedil, then seven years old and too young to make the journey, with her grandmother in the village of Simin, near Gondar. Three years ago, the grandmother died, and Wubedil was taken to Addis Ababa. She has no family in Ethiopia at this time.

Mr. T. does not know the person with whom his daughter, now twelve years old, is living. He does have an address and telephone contact for her. He last spoke with Wubedil a year ago. Occasionally he hears reports of her from new immigrants who stopped in Addis Ababa to check on her before

coming to Israel. Physically she is well, but emotionally and psychologically she is extremely disturbed. She does not understand why her entire family is in Israel while she remains alone. She wonders why they do not help her and bring her to be with them. For a long time she believed her father was dead.

Mr. T. has spent a good part of three years trying to bring Wubedil to be with him. He has been many times to every office he knows in Tel Aviv, urging the authorities to assist him. He has been unsuccessful each time. His emotional distress over the situation is great. He feels that he has failed his daughter and that efforts on her behalf have been futile. He thinks of her constantly and hopes that with some assistance they can soon be reunited.

According to Itay, aged 17, he and his 15-year-old brother Menachem have been students at Yemin Orde two years and one year, respectively. It is their third school in Israel.

The brothers have been in Israel for five years. They arrived from the village of Simin without their parents, who immigrated one month later. The father resides in Ashdod, and their mother is in Ashkelon.

In a letter of July, 1989, Wubedil wrote that she very badly wants to come to Israel and be with her family. When she thought that her father must be dead because so much time had passed, she was "broken." She cannot understand why she must stay without her parents and brothers.

Itay's father has been unable to find work here in Israel. He and the mother have both been trying, however, through government and agency channels, to bring Wubedil here. According to Itay, his father becomes sick whenever new immigrants come from Ethiopia and he is still without his daughter. Though Itay enjoys playing basketball and studying, he thinks of his sister often and worries about his father. He has a strong hope that they will be reunited shortly. ●

P.V., M.S.

DCI-Israel is pleased to report that Wubedil T. finally joined her family in Israel in December, 1990. On May 17-18, 1991, almost all the Jews remaining in Ethiopia were brought to Israel.