

## ISRAEL

### Global Alliance against Child Sexual Abuse Online

#### REPORTING FORM – ANNOUNCEMENT OF ACTIONS

#### Policy target No. 1: Enhancing efforts to identify victims and ensuring that they receive the necessary assistance, support and protection

Operational Goal:	Increase the number of identified victims in the International Child Sexual Exploitation images database (ICSE database) managed by INTERPOL by at least 10% yearly
Potential actions	<ul style="list-style-type: none"> <li>• Develop, improve, or support protocols and standard procedures to identify victims, and dedicate resources to the identification of victims<sup>1</sup>.</li> <li>• Ensure cooperation and coordination between law enforcement authorities of different States on victim identification.</li> <li>• Participate in INTERPOL's victim identification efforts, including by contributing with images to the ICSE database.</li> <li>• Develop, improve, or support policy and procedures regarding the provision of services to identified victims.</li> <li>• Ensure that law enforcement authorities have access to the ICSE database.</li> </ul>

#### Actions ALREADY UNDERTAKEN

#### **Improving Procedures to Identify Victims**

1. In recent years, there is continued progress in the field of victim identification, including improving law enforcement methods, and enhancing knowledge about Cyber Crimes in general, as well as about Cyber Sex Crimes and the exploitation of children through the web in particular.

#### ***Establishing the National Cyber Bureau***

2. According to Government Resolution No. 3611 dated August 7, 2011, a National Cyber Bureau (INCB) has been formed to promote the national capacity in cyberspace and to improve Israel's preparedness in dealing with the current and future challenges in cyberspace.
3. The INCB was established on January 1<sup>st</sup> 2012. Positioned directly under the Prime Minister, it functions as an executive and coordinating bureau which advises the Government on national cyber policy and promotes its implementation by working together with the different branches of Government.
4. Aiming to position Israel as one of the five leading countries in the cyber field, the INCB has been tasked with two main missions:

<sup>1</sup> See also INTERPOL resolution AG-2011-RES-08.

- Strengthening national cyber defense and enhancing national resilience in cyberspace.
  - Consolidating the national techno-scientific cyber capacity.
5. In the law enforcement arena, the INCB and the Cyber Task Force, which includes representatives from the State Attorney's Office and from the Attorney General's Department recently finalized a report and an action plan with a strategy for law enforcement enhancement in the cyber domain. This report parallels and corresponds with a similar policy step in the Israeli Police, which establishes a national cybercrime unit. The report aims to tackle the challenges that the cyber domain poses to law enforcement authorities, given its global nature, and its goal is to develop a novel strategy for law enforcement in the cyber domain. This strategy includes, *inter alia*, taking preventive measures that includes legal instruments for blocking illegal content, and establishing a designated unit in the State Attorney's Office for these tasks.

#### ***Cooperation with the Israel Internet Association (ISOC-IL)***

6. The Police is working in cooperation with the Israel Internet Association (ISOC-IL), a nonprofit organization, dedicated to promoting the use of the Internet for research, communication and collaboration. The ISOC-IL constantly and voluntarily provides the Police with information about suspicious websites that possibly contain illegal and/or pedophile/pornographic materials.

#### ***Cooperation with ISPs (Internet Service Providers)***

7. The Police expanded its investigation force, and established a Special Cyber Crimes Division (the CCD). Within the CCD, a designated unit was established, specializing specifically in investigations of sexual offences that occur on the web (the CSCU). ISPs fully collaborates with the CSCU; when a sexual criminal offence is identified online, the CSCU informs the ISPs that the content was illegally obtained and then requests its removal and the ISPs acts accordingly.

#### ***Initiation of Investigations***

8. In recent years the Police is using designated police officers in order to initiate investigations to identify sexual exploitation of children on the web. The purpose of using these officers is to locate pedophiles over the cyber in advance, before the crime was committed and children are hurt.
9. Designated virtual police officers were utilized in two different cases to date, both led to the arrest of dozens of pedophiles, and the indictment of many thereof. The use of designated virtual police officers is carefully supervised, to avoid any claims of wrongful instigation.

## **International Cooperation and Coordination between Law Enforcement Authorities**

10. Pursuant to bilateral and multilateral legal assistance treaties with various governments, Israel cooperates with law enforcement agencies of other countries to combat child exploitation, including prostitution, pornography, the sale of children and sex tourism. Israel is constantly working in cooperation with both the INTERPOL and with different local and regional law enforcement agencies worldwide and assists in cyber crimes investigations.

### ***The International Legal Assistance Law***

11. The *International Legal Assistance Law 5758-1998* (hereinafter: the "*International Legal Assistance Law*") allows for reciprocal legal assistance between Israel and other countries in legal proceedings. Such mutual legal assistance may be granted without specific agreements, and the State of Israel provides and receives such assistance on a routine basis, regardless of any specific agreements.
12. According to Section 2 of the *International Legal Assistance Law*, legal assistance includes the following: service of documents, collecting evidence, search and seizure operations, transfer of evidence and other documents, relocation of a person in order to testify in a criminal proceeding or to participate in an investigation, investigative acts, transmission of information, confiscation of property, provision of legal relief, authentication and certification of documents or the performance of any other legal act (civil and criminal proceedings).
13. In addition, Israel is currently engaged in several bilateral agreements for civil and criminal legal assistance, for example, with the United States (1991), Chile (1995), Turkey (1995), Ukraine (1995), Cyprus (1996), Greece (1996), Jordan (1996), Hungary (1997), Mexico (1997), Russia (1997), Latvia (1998), Malta (2000), Argentina (2002), Panama (2002), Romania (2002), Moldova (2004), India (2005), Italy (2007), and Serbia (2010).

### ***Extradition***

14. According to the *Extradition Law 5714-1954* (hereinafter: the "*Extradition Law*"), extradition is possible only if there exists an extradition treaty in force between Israel and the requesting state and if the requested person is either a defendant or convicted of an extraditable offence. It is important to emphasize that reciprocity is an important condition, applied when considering requests for extradition, unless determined otherwise by the Israeli Minister of Justice.
15. An extraditable offence is an offence that, if committed in Israel, would be punishable by at least one year imprisonment. As for extraditing nationals of the State, the *Extradition Law* provides that a person who, when committing an extraditable offence, was an Israeli citizen or an Israeli resident, may not be extradited unless the extradition request is for prosecution in the requesting State, and the requesting State has undertaken to return him/her to Israel for carrying out the sentence should he/she be found guilty and sentenced to imprisonment. An Israeli

citizen may waive his/her right to return to Israel for executing the sentence.

### ***Extra-Territorial Jurisdiction***

16. In regard to offences committed against an Israeli citizen or an Israeli resident, the *Penal Law 5737-1977* (hereinafter: the "*Penal Law*") applies to foreign offences committed against the life, body, health or freedom of an Israeli citizen or of an Israeli resident, for which the maximum penalty is one year imprisonment or more. However, if the offence was committed on a territory that is subject to the jurisdiction of another state, then the criminal laws shall apply to it only if all the following conditions are met (Section 14(b) of the *Penal Law*): (1) It is an offence also under the laws of that State; (2) No restriction on criminal liability applies to the offence under the laws of that state; (3) The person was not already found innocent of it in that state, or – if he/she was found guilty – he/she did not serve the penalty that was imposed. In such cases, the penalty imposed for that offence can not be more severe than the penalty that could have been imposed under the laws of the state in which the offence was committed (Section 14(c) of the *Penal Law*).
17. In regard to offences committed by an Israeli citizen or an Israeli resident, Israel's criminal laws apply to a foreign offence categorized as a felony or misdemeanor (maximum penalty of three months' imprisonment or more), which was committed by a person who, at the time the offence was committed or thereafter, was an Israeli citizen or an Israeli resident (Section 15 of the *Penal Law*), unless such person was extradited from Israel to another country because of that offence and was tried there for that offence. In cases where the *Penal Law* applies, the abovementioned restrictions in Section 14(b) and (c) applies as well. However, the double Criminality condition in Section 14(b)(1) of the *Penal Law* does not apply with respect to any of the offences set forth below if the person was an Israeli citizen at the time of commission of the offence: (1) An offence under Section 10 of Chapter Eight (Prostitution and Obscenity), committed by a minor or in connection to a minor; (2) Conveying a person beyond the boundaries of the State under Section 370; (3) Causing a person to leave a state for purposes of prostitution or slavery under Section 376B; (4) Trafficking in persons under Section 377A and (5) Polygamy offence

### ***Relevant International Agreements and Conventions***

18. Israel is a party to several treaties and agreements on mutual legal assistance as well as extradition:
- The European Convention on Mutual Assistance in Criminal Matters of 1959
  - The 1957 European Convention on Extradition (since 1967)
  - Bilateral extradition agreements, for example with the following states: United States (1963), Canada (1969), Australia (1975), Swaziland (1970) and Fiji (1972).
19. Israel has fully endorsed several international conventions and protocols to protect children from sexual exploitation, *inter alia*:

- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950)
- The Convention on the Rights of the Child (1989)
- The United Nations Convention against Transnational Organized Crime (2000)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2008).

20. The State of Israel is also active in a "24/7 network" mechanism established by the G8 in 1999, that entails mutual requests for a preservation orders of digital evidence, on a range of criminal offences, including pedophilia related offences; the G8 mechanism accelerates emergency requests for international legal assistance.

***International Cooperation Leading to Prosecution of Child Sex Offenders[***

21. With regards to child prostitution and child pornography, the Department of the International Affairs in the State Attorney's Office has engaged in several proceedings to ensure that persons involved in child sexual abuse on the web are brought to justice. For example:

**The Tedi Ness Case**

22. On May 6, 2013, following a successful cooperation with Georgian authorities, an indictment was filed against Mr. Teddy Ness for offences of trafficking in persons (multiple counts) under Section 377A of the *Penal Law*, rape (multiple counts) under Section 345(1) and (3), indecent act (multiple counts) under Section 348(b), obscene publication and display (utilizing the body of a minor) (multiple counts) under Section 214(b1), and possession of an obscene publication that includes the likeness of a minor (multiple counts) under Section 214(b3).

23. Following information received from the United States Immigration and Customs Enforcement, an investigation determined that the defendant had been creating and distributing pornographic materials, mostly of an 11 year old girl who resided with her mother in Georgia. In view of this investigation, the State Attorney's Office issued a request for legal assistance from Georgian authorities that included taking a hold of a camera and computer that contained information on the victim, identifying the hotels where the offences were believed to have taken place, sending recordings of conversations with the victim's mother, and allowing an Israeli computer expert to join in the investigation. The investigation was fruitful and revealed information on websites used by Mr. Ness, networks and affiliates that enabled him to carry out his crimes.

24. As of September 2014, proceedings against Mr. Ness are presently awaiting final

arguments before the Tel Aviv-Jaffa District Court.

### **The Viasslev Shendrin Case**

25. In this, presently ongoing case, an investigation led to suspicions against Mr. Viasslev Shendrin, who is believed to have contacted several minors in both Russia and the Ukraine between 2012 and 2014, and to have committed against them sexual offences through the web. Mr. Shendrin was arrested and admitted in part to the allegations, which included his involvement in the following offences: an indecent act involving a minor below age 14, even with her consent, in accordance with Section 348(a) of the *Penal Law*, sodomy (according to Section 347(b), if a person committed sodomy upon a minor, then he/she is liable to the penalties of a rapist) trafficking in persons (Section 377A), obscene publication and display (utilizing the body of a minor) (Section 214(b1)), and possession of an obscene publication that includes the likeness of a minor (Section 214(b3)).
26. As the investigation revealed that the suspect had contacted and visited several minors in Ukraine and Russia, the State Attorney's Office issued, in June and July 2014, requests for legal assistance from Russian and Ukrainian authorities, respectively. Among other things, the requests included obtaining the testimonies of the victims and their parents, information from various computers, cameras, bank accounts and cell-phones, and locating one of the suspected victims. In addition, the requests included the presence of Israeli computer experts in the course of the investigation.

### **Participation and Cooperation with the INTERPOL's Victim Identification Efforts and the ICSE Database**

27. Israel is working closely with different international partners, states and the INTERPOL, in the struggle against child sexual exploitation on the web: there is an ongoing cooperation between the Israeli enforcement authorities and the INTERPOL, including data sharing, as well as reciprocal work with regard to special requests, contribution and access to information on the *ICSE database*. As part of this cooperation, extensive efforts are conducted to locate sex offenders by finding pedophilic materials that are published on the web.

### **Assistance Provided to Identified Victims**

28. The Israeli law provides an extensive protection for crime victims, and in particular for child victims of sexual abuse.

### ***The Victims' Rights Law and Regulations***

29. In Israel, The main legislation regarding the rights of crime victims is the *Crime Victims' Rights Law 5761-2001* (hereinafter: the "*Victims' Rights Law*"), aimed at granting rights for a crime victims and to protect their dignity as human beings without prejudicing the legal rights of suspects, defendants and convicted persons.
30. The main notion of the *Victims' Rights Law* are that granting rights to the victim of a crime must be made while giving consideration to his/her needs, while protecting

his/her dignity and privacy, within a reasonable amount of time (Section 3 of the *Victims' Rights Law*).

31. The *Victims' Rights Law* applies to "victims of a crime". The term is defined as a person that suffered directly because of a crime, as well as a family member (spouse, parent, parent's spouse, children, brother or sister) of a person who died as a consequence of the crime (excluding the suspect, the defendant or the person convicted of the crime). For the purpose of this law, "crime" refers to an offence, excluding traffic violations, which is qualified as a misdemeanor or a felony (i.e. includes sexual offences), and which was either committed in Israel or committed abroad but prosecuted before an Israeli court by the official State authorities.
32. The Law grants victims of crime a wide range of rights, protecting the interests of victims of crime, including children, through all stages of the legal proceedings, while victims of sexual or violent offences (including indecent act with a minor under Section 348 of the *Penal Law*), are granted additional rights, stemming from the particular gravity of such offenses.
33. For example, the law stresses the importance of hearing the position of the victim of the offence in different stages of the criminal procedure and afterwards:
  - Section 17 of the *Victims' Rights Law* grants the victim of a "grave sexual or violent crime", as defined in that law, the right to express to the prosecutor his/her opinion, position and views concerning the plea bargain, prior to the court's approval of the plea-bargain, unless the District Attorney or the Head of the Prosecution Department of the Israel Police, as the case may be, determines that this would cause material harm to the conduct of the proceedings. A similar right is granted concerning a decision to delay the procedures against the defendant (Section 16 of the *Victims' Rights Law*).
  - Section 18 of the *Victims' Rights Law* grants the crime victim the right to submit a written statement to the investigating body or the prosecutor concerning any injury or damage caused to him/her as a result of the crime, including bodily or mental harm, or damage to property (*Victim Impact Statement*). In such a case, the prosecutor will present the above statement to the court during the sentencing hearing.
  - The Law also entitles a victim of a sexual crime to express in writing his/her position and views concerning the expected danger stemming from a possible early release of the sentenced offender from prison, before the Parole Board (*Section 19*), to express in writing his/her opinion, position and/or views, through the Pardons Department of the Ministry of Justice, prior to the decision concerning an application for a pardon or mitigation of punishment (*Section 20*).
  - Section 11 of the *Victims' Rights Law* provides for the right of victims to receive information concerning available support services provided by the State or by non-governmental bodies; The *Crime Victims' Rights Regulations 5762-2002* (hereinafter: the "*Crime Victims' Rights Regulations*") require the State to disseminate information leaflets which contain details concerning the legal rights

of a victim of a crime, the stages of the legal process, telephone numbers and addresses of bodies providing social and legal support to victims of a crime and details concerning available protection from perpetrators. Such leaflets have been published by print and via the Internet.

34. According to Section 18 of the *Crime Victims' Rights Regulations*, the rights of a child below the age 14 can be exercised through his/her parent or legal guardian, while the rights of a child who is 14 years old or older can be exercised either through his/her parent or legal guardian or personally if he/she so requests.

#### ***The Crime Victims' Unit of the State Attorney's Office***

35. The Crime Victims' Unit was established at the State Attorney's Office in accordance with the *Victims' Rights Law*. The Unit constitutes an expert body, which is in charge of providing professional consultation on crime victims' rights, guidelines to State and District Attorney's Offices and for protecting as well as promoting the rights of the crime victims'. The work of the Unit includes, for example: providing professional guidance to State and District Attorneys, with regard to their obligations under the *Crime Victims' Law*, promoting guidelines and setting proper standards in the field of victim rights, offering seminars and instruction programs, creating internet databases and newsletters, encouraging cooperation among professional, academic and civil society organizations for the purpose of protecting and promoting the legal rights of victims of crime in Israel. Lastly, the unit has made efforts to promote a clear, comprehensive, policy of victims' rights, in cooperation with civil society organizations.

#### ***Keeping Child Victims Informed During the Criminal Procedure***

36. Even though a child victim of a crime is not a party to the proceedings, the Israeli law grants him/her special status through all stages of the legal proceedings and imposes on all officials specific duties in this regard. This includes the duty to inform the victim of a crime regarding several matters concerning the legal process (Section 8 to the *Victims' Rights Law*). This provision applies extensively with regard to victims of sexual offence. (Section 8(c)(2)).

#### ***The Assistance to Sex Violence Minor Crime Victims' Law***

37. The *Assistance to Sex Violence Minor Crime Victims' Law 5769-2008* (hereinafter: the "*Assistance to Sex Violence Minor Crime Victims' Law*") constitutes the right of a child victim of a sexual or violence crime to immediate assistance in a crisis center designated by the Minister of Social Affairs and Social Services particularly for this purpose. Such centers provide an initial treatment in: diagnosis and medical care; providing for the victim's immediate and essential needs, including food and clothing; setting up a meeting with child investigator, police investigator, social worker or any other agent as needed based on the situation at hand; referring the victim to the Ministry of Justice Legal Aid Administration for legal assistance, appropriate medical, health, and/or psychological care, and referring to an emergency center for long-term treatment.

38. Today, five Crisis Centers operate in five districts of Israel: in the greater Tel Aviv-Jaffa area, Jerusalem, Be'er-Sheva, Haifa and Nazareth. A sixth center is scheduled to open within the next few months in the city of Ashkelon. Israel is also planning to establish two more Crisis Centers in Safed and Netanya.

39. In the last year, over 1,000 children were treated in the Crisis Centers and more than 550 children are being treated to this moment.

#### ***Special Treatment Centers for Child Victims who Suffered Sexual Abuse***

40. Whereas such centers provide initial treatment as well as for questioning of victims under a hospitable and therapeutic environment, the bulk of the treatment for these victims occurs in other centers, especially designated for the long-term treatment of child victims of sexual offences. These treatment centers do not fall under the purview of the *Crime Victims' Law*, but fully adhere to the policy of the Ministry of Social Affairs and Social Services, according to which all sexually abused children shall receive state-funded professional treatment, in an easily accessible location. There are thirteen such centers, and the Ministry is working to augment this number. In regions where such centers do not exist, the Ministry has provided special funds for its District Offices, so that treatment can be provided in private clinics administered by professionals who were authorized by the State.

#### ***The Child-Witness***

41. Investigating children, either as witnesses or as victims of a crime, is one of the most sensitive aspects of the legal criminal process, requiring a heightened level of awareness of the vulnerability of child victims. In Israel, the *Law of Evidence Revision (Protection of Children) 5715-1955* (hereinafter: the "*Protection of Children Law*") provides that children under the age of 14 may be questioned and investigated in connection with specific offences (which includes, *inter alia*, sex and violence offences), only by a specialized investigator trained in questioning children and appointed by the Minister of Justice (a "child-investigator"). A testimony, written notes or report edited by the child-investigator during the investigation or afterwards are admissible as evidence in a court of law. However, a defendant cannot be convicted based on such evidence without the presence of other corroborating evidence (Section 11 of the *Protection of Children Law*). Later, during legal proceedings in court, a child under the age of 14 may not testify, and his/her written statement may not be submitted to the court, unless the submission of such testimony or statement is authorized by the child-investigator. If that authorization is granted, the testimony will be given in closed doors in the sole presence of the prosecutor, the defendant, his/her attorney and the child-investigator. Other persons can be present only with the court's permission. Such testimony, depending on the circumstances, may be given through closed-circuit television (Section 2(c) of the *Amendment of Procedure (Examination of Witnesses) Law 5718-957* (hereinafter: the "*Examination of Witnesses Law*"). The names of the victims would be anonymous accordingly.

#### ***Protecting the Victims' Privacy***

#### ***Publication Ban***

42. Section 24(a) of the *Youth Law (Care and Supervision)* 5720-1960 (hereinafter: the "*Youth Law (Care and Supervision)*") provides an elaborated list of situations in which the publication or the exposure of an identification of a minor is forbidden, for example:
43. The Law provides that it is forbidden to publish the name of a minor-victim or anything else that might lead to the identification of a minor by the general public or by its close social environment, or that alludes to such identification, by the publication of voice, image, in whole or in part, or by publishing any names of figures that might lead to his/her identification, or otherwise. This, in a manner or under circumstances which would reveal that a sexual offence was committed against the minor, or a crime of violence was committed against the minor, or when the offence was committed by a person who is responsible for the minor within the meaning of Section 368 of the *Penal Law*, apart from regarding a minor who was involved in a car accident or in an act of terrorism.
44. With regard to a minor who is a witness in a criminal procedure or a party, or a defendant or a suspect of an offence under Sections 208, 214, 352-345, 374A or any of 377A(5) to (7) of the *Penal Law* (sexual offences and prostitution, obscenity offences, abduction for the purpose of trafficking and trafficking in persons), Section 24(a)(1)(f1) of the *Youth Law (Care and Supervision)*, provides that it is forbidden to publish the minor's name, picture, address or other details that can identify him/her without the court's permission.

#### ***Holding Court Sessions behind Closed Doors***

45. Generally, the hearings in Israeli courts are open to the public. However, for the sake of protecting victims of a crime or witnesses, the court may conduct the hearings behind closed doors in certain circumstances, for example in case of protecting a matter related to minors or persons in a state of helplessness; or in case of protecting a victim of a sexual offence; or in order to ensure that a victim or a witness is able to testify freely, if holding a public hearing might deter him/her from testifying or from doing so freely. In such cases, the court must clarify the prohibition to publish any details concerning that legal hearing to all persons present in the courtroom. A violation of this prohibition constitutes an offence (Section 68, 70 of the *Courts Law (Consolidated Version)* 5744-1984 (the "*Courts Law*"). In addition, Section 9 of the *Youth Law (Trial, Punishment and Modes of Treatment)* 5731-1971, provides that Juvenile Court will hold its discussions behind closed doors.
46. In addition, *Guideline No. 14.7* (section 35) of the State Attorney's Guidelines instructs that members of the State Attorney's Office must ask the court to explicitly mention the prohibition to disclose the child-victim personal details, so that everyone present in the court, including the media, are made aware of it.
47. Moreover, it is forbidden to publish (except with the court's permission) any details that can identify a child under the age of 14 who was investigated concerning an offence listed in the *Protection of Children Law* or who testified concerning such an offence in court, or to publish any part of their testimony. Violating the above

prohibition is an offence punishable by three years imprisonment, by a fine or both (Section 6 to the *Protection of Children Law*).

48. In cases where a minor who is less than 14 years of age is testifying during a criminal procedure under Sections 345-351 of the *Penal Law* (sexual offenses), the prosecutor may ask the court to allow the minor to testify without the presence of the defendant, but with the presence of his/her attorney, if he/she believes that doing so is necessary to prevent mental harm to the minor (Section 2 of the *Protection of Children Law*).

49. The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on 14 November 2001 (hereinafter: the Protocol), was ratified by Israel on 19 June 2008 and entered into force on 23 July 2008. The State of Israel continues to better address its provisions, and in particular, Article 8 to the Protocol, which requires the state parties to adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the Protocol at all stages of the criminal justice process.

### ***Compensation of Victims***

50. Section 77 of the *Penal Law* authorizes the courts to impose monetary compensation to the victim, as part of the verdict. Such a procedure is aimed to alleviate the victim's suffering and to prevent him/her the need to conduct a separate procedure for compensation and from enduring once again the difficulties of the legal process.

### ***Training Child Investigators***

51. As mentioned above, children under the age of 14 can be investigated as suspects, witnesses or victims of sexual abuse offences (Sections 199-214 of the *Penal Law*) only by a child-investigator, appointed by the Minister of Justice after consultation with an advisory committee headed by a juvenile court judge.

52. The training process of child-investigators includes an extensive course comprised of several stages, *inter alia*, learning about the various ways in which children are typically harmed, lectures, workshops, simulations, guidance and joining experienced child-investigators in real investigations. During this course, the investigators are taught both the legal basis for working as child-investigators, the unique aspects of such an investigation process, and child psychology including the memory process in regard to children, behaviour patterns that characterize children who have fallen victim to offences and more.

### ***Specific Additional Procedures for Protection of Victims***

53. *State Attorney's Guideline No. 14.7*, entitled "Assistance to Crime Victims and Prosecution Witnesses in a Criminal Proceeding" (last update – 1.8.2011) which instructs that members of the State Attorney's Office are trained to ensure that crime victims are provided with the information necessary to receive support, including urgent medical and social care, compensation according to the law and information on public and national bodies providing counsel and care.

54. *State Attorney's Guideline No. 2.5*, concerns the special circumstances of victims of

sexual crimes in a case of conflicting evidence. Whereas Section 240(a) of the *Penal Law*, provides that if a person makes statements or gives evidence on the same matter before different authorities, and if his/her statements or evidence are conflicting on a point of fact that is material for the matter, and he/she did so with the intention to mislead, then he/she is liable to five years imprisonment- *State Attorney's Guideline No.2.5*, states that if the case concerns a witness who was also the victim of a sexual crime, due to the exceptional mental state of the witness, than criminal proceedings against the witness should be initiated only rarely, and, in any case, detaining such witnesses is forbidden for the purposes of investigation. However, an investigation may be conducted in case of witness tempering.

Actions that WILL BE UNDERTAKEN	
Description of the actions that <u>will be undertaken</u> and timeframe	<p>55.The State of Israel is planning to continue with extensive victims' identification efforts, including international cooperation.</p> <p>56.Israel is investing in development of new tools and methods for effective identification of victims and offenders.</p> <p>57. Many efforts are made to further improve the use of special designated police officers, acting as minors on-line, adding investigative authorities to the investigating teams, specially adapted to the internet, through legislative amendments.</p>

**Policy target No. 2: Enhancing efforts to investigate cases of child sexual abuse online and to identify and prosecute offenders**

Establish the necessary framework for the criminalization of child sexual abuse online and the effective prosecution of offenders, with the objective of enhancing efforts to investigate and prosecute offenders

- Identify shortcomings in legislation and adopt the necessary legislative amendments, including criminalization of all forms of online child sexual abuse offences in line with international standards including, for instance, the possession of child pornography and the disqualification of offenders from working with children.
- Set up, where appropriate, specialised police units, prosecutors and judges.
- Support law enforcement by establishing or enhancing means of cooperation among domestic and international law enforcement agencies, and by ensuring adequate training and funding.
- Ensure that effective investigatory tools are made available to those responsible for the investigation and prosecution of cases of child sexual abuse online, including by allowing, where appropriate, for the possibility of covert operations in the investigation of online child sexual abuse offences, under circumstances and procedural guarantees defined by national legislation.
- Facilitate and support close cooperation between investigators and prosecutors in cases of child sexual abuse online, both domestically and internationally.
- Improve cooperation between law enforcement authorities and private sector actors, whose infrastructure and services may be used for the trade in child sexual abuse material, to facilitate effective investigations into these crimes, including all financial aspects.

Improve the joint efforts of law enforcement authorities across Global Alliance countries to investigate and prosecute child sexual abuse online

- Identify issues involved in international child sex abuse investigations, such as difficulties in determining which as-yet-unidentified offenders involved in online trafficking groups are the most serious, which hinder the effective and quick sharing of key investigative information among law enforcement authorities in Global Alliance countries, and propose solutions.
- Identify legal or practical issues, such as the requirements of domestic law or in the formal mutual legal assistance process, which hinder the sharing of key investigative information in certain circumstance among law enforcement authorities in Global Alliance countries, and propose solutions.
- Identify technological issues that make it difficult to investigate child sexual abuse online, and propose solutions.

- Promote, facilitate and support international law enforcement investigations among Global Alliance countries that dismantle networks of child sex offenders online, including, where appropriate, the setting up and use of Joint Investigation Teams.
- Increase training, both within Global Alliance countries and jointly among Global Alliance countries, of investigators and prosecutors handling child sexual abuse online cases.
- Participate in and support existing international law enforcement efforts such as the Virtual Global Task Force.

## **Legislative Framework**

### ***General Criminal Offences***

58. The *Penal Law* includes several sexual offences which goal is to protect every person, including children. The *Penal Law* requires a court to treat the abuse of a person under the age of 18 years, as an aggravating factor for sentencing purposes.

- ***Rape*** (Section 345 of the *Penal Law*): Rape consists of intercourse with a woman-

(1) without her consent;

(2) with consent which was obtained by deceit in respect of the identity of the person or the nature of the act;

(3) with a minor who is less than 14 years of age, regardless of whether the victim consented or not;

(4) by exploiting the woman's state of unconsciousness or other condition that prevents her from giving her free consent, or

(5) by exploiting the fact that she is mentally ill or deficient, if – due to her illness or mental deficiency – her consent was not given freely.

59. Generally, rape is punishable by 16 years of imprisonment. However, the maximum penalty for rape is increased to 20 years, if committed when the victim is a minor under the age of 16.

60. ***Forbidden Intercourse Despite Consent*** (Section 346 of the *Penal Law*): If a person has intercourse with a minor between the ages of 14 and 16 who is not married to that person, or if a person has intercourse with a minor between the ages of 16 and 18 by exploiting a relationship of dependence, authority, education or supervision, or by a false promise of marriage, then that person is liable to five years imprisonment.

61. ***Sodomy*** (Section 347 of the *Penal Law*): Sodomy is an introduction of a bodily organ or an object into a person's anus, or introduction of a sex organ into a person's mouth. Sodomy is punishable by five years' imprisonment, if the victim is between the ages of 14 and 16, or if the victim is between the ages of 16 and 18 but the act

was committed by exploiting relations of dependency, authority, education or supervision. If sodomy was committed against a victim under one of the circumstances specified in section 345, *mutatis mutandis*, then the offender is liable to the penalties of a rapist.

62. ***Indecent act*** (Section 348 of the *Penal Law*): Indecent act is defined as an act committed for the purpose of sexual stimulation, gratification or abasement. Generally, an indecent act committed against a person without his/her consent is punishable by three years of imprisonment. However, if an indecent act is committed under the circumstances set forth in items ((2) - (5)) in Section 345 above, or if it is committed by the use of force of any kind or by threat of using such force – against the victim or against another person, it is punishable by seven years imprisonment.
63. If the indecent act is committed against a minor or under other aggravating circumstances as detailed in the section, it is punishable by 10 years imprisonment. If the indecent act is committed against a minor who is above 14 years of age by exploiting relations of dependency, authority, education, supervision, work or service, it is punishable by four years imprisonment.
64. ***Responsibility*** (Section 350 of the *Penal Law*): with regard to all of the above mentioned offences (offences which are listed under Chapter 5 of the *Penal Law* - "*Sexual Offences*"), it is immaterial whether a person *performed* an act or *caused* an act to be performed on him/her or on another person.
65. ***Statute of Limitations*** (Section 354 of the *Penal Law*): in certain sexual offences committed against a minor, the period of limitation begins the day the victim reaches the age of 28. However, if ten years have elapsed since the offence was committed, filing an indictment requires the approval of the Attorney General.

### ***Child-Specific Penal Law Sexual Offences***

66. ***Offences within the Family and Offences by Persons Responsible for a Helpless Person*** (Section 351(a) of the *Penal Law*): this provision deals with sexual offences committed within the family, and prescribes harsher punishments than those prescribed for offences committed by someone who is not related to the victim. Note, that the *Penal Law* includes a broad definition of a family relative, that includes: (1) parent; spouse of parent, even if not married to him/her; grandfather or grandmother; and (2) a person who has reached age 15 and who is one of these: brother or sister, stepbrother or stepsister, uncle or aunt, brother-in-law or sister-in-law; however, for purposes of the offence of prohibited intercourse under subsection (b), or of an indecent act under subsection (c)(3), committed upon a person aged 16 or more, uncle and aunt, brother-in-law or sister-in-law shall not be included in the definition of "relative";
67. ***Offences that Impose Duties and Criminal Liability on Persons Responsible for Minors***: The *Penal Law* also includes other offences that impose duties and criminal liability on parents, legal guardians of minors or other persons responsible for minors, *inter alia*, to protect minors from sexual exploitation. For example:

68. A parent or legal guardian of a minor under the age of 14 who delivers or allows to deliver the minor to a person who is not his/her parent or his/her legal guardian, while renouncing his/her duties or his/her rights towards the minor, is liable to two years imprisonment (Section 365 of the *Penal Law*).

#### ***Taking Away or Detaining a Child***

69. Taking away or detaining a child by fraud, force, or enticement a minor under the age of 14 from his/her parent or legal guardian with the intent of depriving the parent or legal guardian from custody over the minor is an offence punishable by seven years imprisonment, unless the defendant proves that he/she has a *bona fide* claim to a right of custody (Section 367 of the *Penal Law*).

#### ***Offences Relating to Child Prostitution***

70. The Israeli legislation addresses the criminal aspects of prostitution by criminalizing the various ranges of conduct of those involved in the prostitution industry, from pandering to inducing prostitution to holding or renting a place for prostitution to publishing prostitution services.

71. The *Penal Law* imposes stricter penalties when child prostitution is involved, for example, according to section 203B the maximum prison terms are increased when an offence described in Sections 199, 201, 202 or 203, relating to prostitution offences, are committed against a minor.

72. Sections 203C and 203D of the *Penal Law* are additional measures demonstrating the severity with which the Israeli law deals with prostitution offences committed against minors. Pursuant to Section 203C, a person who accepts sexual services from a minor is liable to three years imprisonment. For this matter, as well as all other offences related to prostitution or producing pornography committed against minors, if the defendant claims that he/she did not know the age of the person with whom or in respect of whom an offence was committed, then he/she bears the burden of proof.

73. As an additional measure, aimed at reducing prostitution, the *Penal Law* provides that a person who delivers information or publishes any publication about the provision of a service that constitutes an act of prostitution provided by a minor, is liable to five years imprisonment or a fine of 226,000 NIS (U.S. \$ 59,473) (the amount is doubled if the offence is committed by a legal person) (as opposed to advertising adult prostitution where the offender would be liable for only three years of imprisonment or a fine - Section 205C of the *Penal Law*). The foregoing applies regardless of whether the prostitution service is provided in Israel or abroad, whether the information refers to a specific minor and whether the publication indicates that the person who provides the service is a minor (Section 205A of the *Penal Law*). In contrast, with respect to adults, the offence applies only to the publication of such services.

### ***Offences Relating to Child Pornography***

74. The Israeli legislator addressed the phenomenon of pornography in a comprehensive manner.
75. The *Penal Law* provides that if a person publishes obscene material or prepares such material for publication, or if a person presents, organizes or produces an obscene display in a public place, or in a place which is not public (other than a private residence or a place used by a group of persons which restricts membership to persons aged 18 years old and above for a continuous period), then he/she shall be liable to three years imprisonment (*Section 214 of the Penal Law*).
76. Additionally, if a person published an obscene publication and it includes the likeness of a minor, including a representation or a drawing of a minor, he/she is liable to five years imprisonment (*Section 214b of the Penal Law*) and if a person utilized the body of a minor in order to advertise an obscenity, or used a minor in the presentation of an obscenity, he/she is liable to seven years imprisonment (*Section 214(b1) of the Penal Law*).
77. The *Penal Law* provides that if an offence under subsections 214(b) or (b1), as mentioned above, was committed or consented to by a person responsible for a minor, as defined in *Section 368A of the Penal Law*, then that person is liable to 10 years imprisonment (*Section 214(b2) of the Penal Law*).
78. Moreover, in order to impair the profitability of this commerce and thereby reduce the use of children for pornography, the *Penal Law* provides that a person having in his/her possession an obscene publication that includes the likeness of a minor, is liable to one year imprisonment, except where such material was held by coincidence and in good faith (*Section 214(b3) of the Penal Law*).
79. In order to enable different officials to fulfil their duties, the *Penal Law* states that a person shall not be deemed to have committed an offence under *Sections 205A to 205C and 214*, if the provision of the information, its publication or the possession thereof was for a legal purpose, including true and fair reporting on the subject of prostitution and obscenity. This, subject to the condition that the provision of information, the publication or the possession are not prohibited under any other law and were not carried out in order to encourage acts prohibited under the *Penal Law* (*Section 214B of the Penal Law*).

### ***Offences Aiming to Prevent Child Sexual Abuse by Imposing the Duty to Report***

80. In order to protect minors, there is a legislated duty to report offences committed against minors.
81. *Section 368D of the Penal Law* provides a list of offences that when committed against minors by a person responsible for the minor (including a family member), they must be reported to a welfare officer or to the Police, for example: Prostitution and obscenity offence under *Sections 199, 201, 202, 203, 203B, 203C, 205A and 214(B1)* or a sexual offence under *Sections 345, 346, 347, 347A, 348 and 351*.

82. The duty to report is imposed on any person who has reasonable grounds to believe that such a crime was committed, on a person in charge of the minor, on a professional (physician, nurse, educator, social worker, social welfare employee, policeman, psychologist, criminologist, a paramedic, a director or staff member of a home or institution in which minors or persons under care live) in the course of his/her professional activity or responsibility. Violation of this duty constitutes an offence punishable by three months' imprisonment or six month if the offender is a professional or has responsibility for the minor.

### ***The Prevention of Sexual Harassment Law 5758-1998***

83. The *Prevention of Sexual Harassment Law* (hereinafter: the "*Prevention of Sexual Harassment Law*") prohibits sexual harassment and makes harassers, potentially personally liable for either the crime or tort of sexual harassment, or both.

84. The Law contains a specific reference to minors, according to which if the harassed person is a minor, than even if the harassed person has not demonstrated to the harasser that he/she is not interested in the said propositions or references, the following acts would constitute as sexual harassment toward a minor or helpless person, by exploiting a disciplinary, educational or treatment relationship; and, if a minor under the age of 15 years - even without the utilization of such relationship, provided that the harassing person is not a minor:

(1) Repeated propositions of a sexual nature, addressed to a person who has demonstrated to the harasser that he/she is not interested in the said propositions; Or repeated references addressed to a person and focused on his/her sexuality, when that person has demonstrated to the harasser that he/she is not interested in the said references;

(2) An insulting or debasing reference to a person in connection with his/her gender or sexuality, including his/her sexual preference.

### ***Sex Offenders Supervision Laws***

85. The following Israeli laws are aimed at persons convicted of sex offences in order to protect the public from repeated sexual offences:

86. *Limitations on the Return of a Sex Offender to the Surroundings of the Victim of the Offence Law 5765-2004* was enacted in order to protect the victim of the offence and to prevent additional harm that might occur as a result of frequent encounters with the sexual offender. The Law renders the court the authority to impose the sex offender an order providing restrictions on residence or work near the residence or place of work of the crime victim, in case the court was convinced that the crime victim suffer from a mental damage if the offender would live or work nearby him/her. However, the Law instructs the court to balance between the rights of the defendant and the rights of the victim in every case. Such request for an order can be filled by the victim or by other bodies listed in the law, including the Attorney General.

87. *Prevention of Employment of Sex Offenders in Certain Institutions Law* 5761-2001, prevents convicted sex offenders from working, *inter alia*, with children and persons with certain disabilities in order to mitigate the risk of repeated sexual offence. For example, the Law provides that it is forbidden for an adult sex offender (who committed the offense as an adult) to work in an institution which allows him/her to be in a regular contact with children, whether by a direct employment, provision of services or volunteering.

88. *The Protection of the Public from the Commission of Sex Offences Law* 5766-2006, entered into force on October 1, 2006.<sup>2</sup> The objectives of this law are to protect the general public from sex offenders, prevent sex offenders from repeating their crimes and establish the mechanisms for the treatment and rehabilitation of sex offenders. According to this law, certain restrictions (such as restrictions concerning the consumption of alcohol, driving, socializing with other sex offenders, socializing with minors, permissible places of work, use of internet and remaining in certain areas) may be imposed by a court of law upon adult sex offenders (including persons who have been convicted for publishing or creating obscene images of minors) if the limitations can mitigate the risk for another sexual crime. The restrictions are imposed by an order that is issued following the completion of their sentence or during the serving of their sentence. This, upon their return to life in the community, if the court was convinced that there is a probability that the convicted offender will commit another sexual offence. The maximum period of a supervision order shall not exceed five years. After five years, a new order can be issued if the assessment of the odds that the sex offender will commit another sex offence remains high. The total period of supervision shall not exceed 20 years.

### ***Recent Criminal Law Reforms***

89. The *Prevention of Sexual Harassment Law* was recently amended (Amendment No. 10 of 2014) in order to broaden the scope of the Law. According to the amendment, publishing a photograph, film or recording of a person, focusing on sexuality, in circumstances in which the publication is likely to humiliate or degrade a person, that did not consent to the publication, would as well constitute as a sexual harassment offence. Note, that, even if such an act does not constitute sexual harassment, it constitutes a criminal offence in any case, according to the *Protection of Privacy Law* 5741-1981.

### **Case Law**

#### ***The Possession of Child Pornography***

##### ***Cr.A. 490/11 The State of Israel v. Yafeem Gorivich***

90. On January 10, 2012, the District Court of Nazareth rendered a judgment in an appeal regarding a case concerning the possession of child pornography. The defendant was charged with multiple violations of Section 214(b3) of the *Penal Law* (possession of obscene photos, including images of children).

---

<sup>2</sup> The Law has entered into force gradually between the years 2006-2014.

91. In this case, following an investigation request from INTERPOL, the defendant's computer was searched and a large amount of child pornography was found. The Nazareth Magistrate Court found the defendant guilty, despite the State's inability to prove that he had actually watched or distributed the material. The Court ruling stated that the offence required the mere possession of the material, regardless of actual use or distribution. This perception stems from the purposes of the law, which include prevention of the exploitation of minors, by deterring the potential consumers of such material.

92. The Nazareth Magistrate Court sentenced the defendant to eight months' suspended imprisonment and fined him with 10,000 NIS (U.S \$ 2857). The State and the defendant both appealed to the District Court, which extended the sentence by an additional six months' imprisonment, to be served in community service. The District Court stressed the importance of sentences that will create substantial determent, but took into account the defendant's contribution to the community and his good behavior since the offences were committed, and therefore did not impose the maximum penalty.

***Cr.C. 14057/08 The State of Israel v. Itzhak Bruk***

93. On October 14, 2009, the Haifa Magistrate Court sentenced a defendant to five months imprisonment to be served in community service, nine months suspended imprisonment and a fine of NIS 2,000 (U.S \$ 571). The defendant was found guilty of possession of obscene publications and display (Section 214(b3) of the *Penal Law*). The Court emphasizes the gravity of the offence as it enables and creates the continuance demand for child pornography.

***Cr.A. 3890/09 Inbar Mor v. The State of Israel***

94. On May 17, 2009, the Supreme Court rejected an appeal filed by a convicted offender. The appellant was convicted by the Tel Aviv-Jaffa District Court based on his own admission for possession and display of obscene publications (Section 214(b3) of the *Penal Law*). The Supreme Court held that the purpose of Section 214(b3) is to eradicate sexual abuse of minors. According to the Court, the classification of this Section as a "misdemeanor" does not detract from the gravity of the crime or the severity of the defendant's actions that ultimately contributed to the production and distribution of pedophile materials.

**A Changing Perception of Cyber Crimes by the Courts**

95. Recent years have shown a number of developments in the perception of Cyber Crimes by the Courts, and a better understanding of its gravity. For example:

96. In an appeal for an alternative custody (*Cr.A. 2065/13 John Doe v. The State of Israel*), the Supreme Court stressed the risks and challenges that society is facing today with cyber crimes, drawing the conclusion that in these days, the law needs to adopt new ways to eliminate the phenomena of "Criminal Subculture" on the web [p.3]. The Court emphasized there we are facing a new era today, in which an

invasion to one's private, intimate cyber-sphere might be as grave as a physical penetration [p.3]. The Court then added that: "*The case before us reveals the dark side of the web. The internet is no longer a safe-sterile sphere. The internet invades the real life, raising real dangers in different fields and by different means. An indecent act that used to be bound with a physical touch has been replaced with criminal acts committed by a "remote control".*" [p.3] The Court emphasized that the accessibility and availability of the web, is a factor which increases the endangerment. [p.5]. The appellant's request for an alternative custody was therefore denied.

97. In several other cases, the Supreme Court has emphasized the importance of deterrence when it comes to sex crimes committed through the web, saying that the court needs to send a clear message to those who are using the web for criminal objectives and perverse offensive desires, and even more so when the web is used for purposes of reaching to innocent minors and abusing them (See in C.A 6357/11 *Braverman v. The State of Israel* [p.13-14]; C.A 2656/13 *John Doe v. The State of Israel*). "*Women and girls should not have to walk in fear with a shadow that follows their every step, not in an isolated street nor in the corridors of the web*". (see in C.A 2656/13 *John Doe v. The State of Israel*, p.12).

98. Moreover, the Court has repeatedly determined that the lack of physical contact does not lower from the relative seriousness of the offence (C.A 2656/13 *John Doe v. The State of Israel*, p.10). In C.A 9012/08 *John Doe v. The State of Israel*, the Court clearly concluded that for the purpose of definition of indecent act as defined in the *Penal Law*, there is no demand for physical contact; an indecent act can be considered as such according to the purpose of the act even when the persons involved are not located at the same physical space but in a virtual one, by technological means [p.13].

99. Finally, with regard to sexual harassment, in H.C.J 1201/12 *Ktiei v. The State of Israel*, the Court held that there is no difference between committing sexual harassment through an anonymous media communication and between committing it in any other means of communication, adding that "*There should not be an extraterritorial space on the web*"[p.26].

### **Expert Police Units**

100. As detailed above, the Police expanded its investigation force, and established a Special Cyber Crimes Division (The CCD). The CCD was established in order to better address web crimes.

101. The investigators of The Cyber Sex Crimes Unit (The CSCU) within the CCD are specially trained in digital forensic expertise, including aspects of identifying cyber sex crimes among minors, practices and patterns of distribution. This way, the CSCU will have the optimal capacity to investigate the crimes and maximize the ability to identify the victims and their location. The CSCU holds an extensive web intelligence, which is used to locate online sexual offenders.

102. Between 2004 and 2011, 468 Investigation Cases were opened concerning child

pornography (Section 214 of the *Penal Law*)

### **Training**

103. The Haruv Institute, which was established in Israel in 2007, with the mission to enhance the knowledge-base, as well as to develop advanced educational programs, for professionals and allied care-givers who work with abused and neglected children, and their families, conducted several lectures to lawyers through the Institute of Legal Training for Attorneys and Legal Advisors in the Ministry of Justice, on the subject of child sex offences and in particular cyber sex offences.
104. Lectures and Seminars about child sex offences and in particular on cybersex offences were also offered to judges through the Institute of Advanced Judicial Studies.
105. The State Attorney's Office conducted seminars to attorneys about juvenile delinquency, including about juveniles who commit sex offences against minors by using the web.

### **Cooperation between investigators and prosecutors**

106. A joint Experts Committee was established at the State Attorney Office, in collaboration with Police experts, in charge of cyber-crimes. This forum examines different practices, legal aspects, and jurisdiction developments.

#### Actions that WILL BE UNDERTAKEN

107. In February 2014, a bill amending the *Restriction on Use of a Place for Purposes of Preventing Commission of Offences Law 5765 – 2005* was approved by the Knesset. The Amendment, *inter alia*, authorizes a police officer (a District Commander or a unit commander with a rank of Brigadier General and above) to instruct an internet provider to block access to websites that serve the commission of certain **offences**, including exploiting a minor's body within an obscene publication (namely, child pornography). The amendment further allows issuing an order to block specific parts of a website that serve the commission of offences, in the event that the website serves also other, legal, purposes. The bill has undergone a first reading and is now awaiting the Committee's vote before being returned for second and third hearings. In addition, it allows the Police to order a web search engine to block the links leading to those websites or to the tainted materials within them.
108. In order to eliminate to the extent possible the use of child pornography, a government bill for the amendment of Section 214(b3) of the *Penal Law* is currently being promoted (hereinafter: "The 214(b3) Amendment"). The 214(b3) Amendment provides that not only the possession (download) of an obscene publication that includes the likeness of a minor but also accessing (streaming) such material, would constitute a criminal offence.
109. The State of Israel is in the process of amending the *Prevention of Employment of Sex Offenders in Certain Institutions Law*, so it would apply to sex offenders who committed a sex offence when they were minors, and also to juvenile sex offenders

under certain circumstances. This amendment, designated as a temporary three-year provision which is part of a more comprehensive amendment, asks, *inter alia*, to protect children in different forums where a minor can serve as a functionary on duty, for example: a tutor, an instructor in a summer camp, etc.

110. The Police aims to expand the use of special designated police officers in order to initiate investigations regarding sexual exploitation of children. The purpose of using the special designated police officers is to locate pedophiles over the cyber in advance.
111. The Police, together with the State Attorney's Office and different Internet Providers is making persistent efforts to find the most effective way to locate and block websites that contain obscene or other dangerous publications that might lead to sexual exploitation on the internet.
112. Israel is examining the possibility of joining to The Convention on Cybercrime (*ETS 185 – Convention on Cybercrime, 23.XI.2001*)
113. The State of Israel is planning to designate next years' training for police officers, investigators, attorneys and judges to the issue of cybercrime, including seminars and conferences hosting a variety of experts and professionals in the field of cybercrime.

**Policy target No. 3: Enhancing efforts to increase public awareness of the risks posed by children's activities online, including grooming and self-production of images that results in the production of new child pornography that may be distributed online**

Operational Goal:	Develop, improve, or support appropriate public awareness campaigns or other measures which educate parents, children, and others responsible for children regarding the risks that children's online conduct poses and the steps they can take to minimize those risks
Potential actions	<ul style="list-style-type: none"> <li>• Develop, improve, or support age-appropriate public awareness campaigns or other measures to educate children on how to be safe online.</li> <li>• Develop, improve, or support public awareness campaigns or other measures to educate parents, teachers, and others responsible for children regarding the problems of grooming and of online, self-exploitative conduct and methods to prevent such conduct.</li> </ul>
Operational Goal:	Share best practices among Global Alliance countries for effective strategies to inform the public about the risks posed by online, self-exploitative conduct in order to reduce the production of new child pornography
Potential actions	<ul style="list-style-type: none"> <li>• Develop public awareness material in commonly-used languages that can be tailored for use in Global Alliance countries, thereby reducing costs.</li> </ul>
<b>Actions ALREADY UNDERTAKEN</b>	
<p>114. Israel is in the process of developing a national strategy for the protection of children from sexual exploitation and raising public awareness for a safe use of the internet, for example:</p> <ul style="list-style-type: none"> <li>• "Safer Internet Day"</li> <li>• Extensive discussions within the relevant Knesset Committees.</li> <li>• Joint program of government authorities and civil society organizations.</li> </ul> <p><u>Educational Programs :</u></p> <p>115. The Ministry of Education is addressing the issues of internet safety, and online sexual abuse, in a variety of ways, as the internet becomes an integral part of the pupils' social life.</p> <p>116. A recent Director General's Circular (DGC), published by the Ministry of Education contains different guidelines and directives for educators, focused on three main issues:</p>	

117. (1) Cyber Violence, and in particular sexual harassment: this circular provided guidelines for situations of suspected sexual harassment, including a reference to the latest amendment to the *Sexual Harassment Law* which was recently amended (according to the amendment, publishing a photograph, film or recording of a person, focusing on sexuality, in circumstances in which the publication is likely to humiliate or degrade a person, not given consent to the publication, would as well constitute as a sexual harassment offence). (2) Internet Safety and Ethics: this circular addressed the appropriate manners and optimal behavior in which teachers, parents and pupils should use the web. (3) The Ministry of Education developed and disseminated instructing guidelines on how to address unusual incidents or violent events that might occur to pupils on the web.
118. With regard to the training of educators, the Ministry of Education's Psychological Services (SHEFI) operates the Unit for Sexuality and Prevention of Harm for Children and Youth. The Unit conducts intensive trainings for school counselors, teachers and educational teams on the prevention of sexual abuse on the internet as well as internet safety, including training for coping with situations of crisis or risk (such training constitutes an integral part of the basic training provided to counselors today).
119. In the 2014-2015 school year, over 500 school psychological counselors will undergo thorough training on subjects related to sexuality and sexual abuse. Over 500 Counselors have already been trained on those subjects, as well as on ways of treatment in such abuse. The counselors also provide guidance for the teachers in schools on those issues and on other situations of this kind. Schools also conducted seminars on life skills that aimed at explaining the benefits and the risks of the cyber.
120. In addition, the Ministry of Education is coordinating programs for parents aiming to raise awareness and to give some guidelines and support on sexuality and sexual abuse online.
121. In the 2013-2014 school year, approximately 5,520 parents were enrolled in an online program on *YouTube* and that more than 4,000 parents have watched its lectures, focusing mainly on premature exposure of children to pornography and sexual exploitation online.
122. Different educational programs on protective means of the use of internet were developed and are being taught in schools, for example: *An interactive program- "Cyber Bullies- Personal and social responsibility"*; *"The National Internet Day for Safety Internet"* and more.
123. Furthermore, a national educational program called *"Schools' Week for the Elimination of Sexual Violence"* was recently developed and is being taught in schools in Israel in collaboration with the Association of Rape Crisis in Israel (ARCCI). This program is being taught in a variety of schools and therefore, a special program was designed also for religious schools. The program focuses on the exposure of children and adolescents to sexual content on the internet, especially photographs, pornography, as well as self-photography and the risks in using ones'

own intimate photos.

124. Finally, the Ministry funds psychological therapy for children who have fallen victim to sexual abuse, including on the cyber.

**Actions that WILL BE UNDERTAKEN**

125. Israel is planning to increase the national programs and develop more initiatives in that field, as well as to continue working in cooperation with civil society organizations.

126. The Ministry of Education will distribute in the next few months an extensive Teachers' Handbook, titled: "Right and Responsibility in the Virtual Space – Crossing the Web with Care and Responsibility". Addressing the use of the web in line with the Convention on the Rights of the Child. This unique handbook was compiled by the Ministry of Education with the assistance of UNICEF - Israel and the Citizens Empowerment Center in Israel. The handbook provides a general overview of the rights and responsibilities of using the internet and examples of potential misuses of the internet, also addressing the issue of child sexual abuse on the internet. For example: the Teachers' Handbook includes a chapter that addresses the different issues and risks that raise in using social networks (for example: the Facebook) by 11-13 year old pupils, and the different dilemmas of teachers and parents in the boundaries of intervention in the private sphere of the child, including the phenomena of Cyber Bulling, identifying children at risk and psychological distress, etc.

**Policy target No. 4: Reducing as much as possible the availability of child pornography online and reducing as much as possible the re-victimization of children whose sexual abuse is depicted**

Operational Goal:	Encourage participation by the private sector in identifying and removing known child pornography material located in the relevant State, including increasing as much as possible the volume of system data examined for child pornography images.
Potential actions	<ul style="list-style-type: none"> <li>• Facilitate the setting up of Public-Private Partnerships focused on identifying and eliminating child pornography material.</li> <li>• Evaluate whether, according to domestic law, there are any impediments to the participation by the private sector to identify and eliminate known child pornography images, and adopt the necessary legislative amendments.</li> <li>• Set out guidelines for cooperation between the private sector and law enforcement authorities on such strategies.</li> <li>• Facilitate the development and the use of technologies to identify and remove known child pornography images uploaded into, downloaded from or hosted in servers under each country's jurisdiction.</li> <li>• Improve international cooperation on child pornography elimination strategies, with a view towards developing consistent approaches and information exchange between countries.</li> </ul>
Operational Goal:	Increase the speed of notice and takedown procedures as much as possible without jeopardizing criminal investigation
Potential actions	<ul style="list-style-type: none"> <li>• Facilitate the setting up of Public-Private Partnerships in this field.</li> <li>• Set up standardized interfaces between hotlines and ISPs/ESPs.</li> <li>• Provide model Memoranda of Understanding between law enforcement authorities and hotlines and between law enforcement authorities/hotlines and ISPs/ESPs avoiding gaps and bottlenecks, and ensuring effective investigations and preservation of evidence.</li> <li>• Ensure and support the trust of law enforcement authorities in hotlines (e.g. requirements on personnel, procedures or vetting of staff).</li> <li>• Ensure that the necessary conditions are in place for hotlines and ISPs/ESPs to play an effective role in notice</li> </ul>

	<p>and takedown procedures, including by removing legal or administrative obstacles for hotline staff to analyse child abuse images and to take appropriate action.</p> <ul style="list-style-type: none"> <li>• Develop, improve or support easier reporting mechanisms.</li> <li>• Ensure follow-up by law enforcement authorities to reports on child sexual abuse online.</li> </ul>
<b>Actions ALREADY UNDERTAKEN</b>	
<p>127. As detailed above, recent years had shown that the courts in Israel have changed their perception of cyber-crimes, in particular sex crimes committed through the web, emphasizing that invading the cyber-sphere might even be as grave as a physical penetration in certain circumstances.</p> <p>128. Israel law enforcement authorities are blocking the access to websites that contain illegal materials including materials that might raise a reasonable possibility for the possession of pedophilic materials.</p> <p>129. On the same aspect, the Israel law enforcement authorities are working in cooperation with internet providers (ISPs, see section 1 above), as well as with private associations that complain regarding inappropriate content to the ISPs, the Police and the State Attorney's Office.</p>	
<b>Actions that WILL BE UNDERTAKEN</b>	
<p>130. The recently established National Cyber Bureau is working to develop new technological, operative ways that would contribute to the development of new ways to eliminate child sexual abuse online.</p>	