**COMMENTS OF**

**CCFISAEL – COALITION FOR CHILDREN AND FAMILY (ISRAEL)**

**for HALF DAY DISCUSSION**

**at GENEVA, JULY 14, 2015**

**On the**

**RIGHT TO LIFE, ART. 6, ICCPR**

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In modern times, the right to life should be extended to interact with the right to family life. There are too many situations where the governments’ overzealous interference with family life causes unnecessary loss of life, deprivation of lives and triggers of suicidality.

Certain governmental interventions drive people into frustration with life or with Court proceedings or they lose their ability to earn a living, or fight back in courts which provide no remedies, or are pre-designed to block access to justice.

Some examples to explain the phenomenon are in order. In certain countries, the powers of social workers are so extensive and extreme; they can arbitrarily and non-judicially remove children from the custody of their parents, even coercing adoptions without parental consent. Some families have just one or two children removed, not all of them, or via trickery. This practice is commonly called “Child Snatching”, and it is officially justified in the name of “the best interests of the child”.

However, many times child snatching or even the threat to do so may lead to suicide by the parent (often single or poor mothers), and as reported recently in Israel even the murder by a mother of children intended to be taken from parental custody into privatized outplacements, amongst other tragedies including children taking their own lives.

On the children’s side, it results in life without filial consortium, life prone to feelings of neglect, inferiority, criminality, promiscuity or rape by personnel in the privately run institutions. Often these children escape the outplacement facilities, and are indicted criminally for it, thus tarnishing their future and their employability. Such a life of misery and suffering does push children over the edge to the point of suicidality.

In the State of Israel for example, there are no effective remedies to fight social workers’ child kidnapping practices, as the Juvenile Courts of Israel do not appoint lawyers for the children or the parents; compel the parents to pay thousands of dollars to obtain professional opinions of parental fitness, and at courts, parents may not call witnesses; may not subpoena evidence and may not cross examine the social worker who already removed their child to a facility. The child himself is not a party to the proceeding and has no idea what detrimental information about him the social worker writes to Court in the form of pleadings. This results in sham proceedings with almost no chances at all to regain custody by the biological parents. Those parents embroiled in such proceedings often become indebted and impoverished; they lose their reason to live, which can lead to suicides.

Another example is the overzealous interference of social workers in divorce proceedings. In jurisdictions such as Israel where a government social worker is appointed in every divorce case and the social workers are trained in radical feminism, usually from the start of the case, social workers recommend that the father be restricted from seeing his child to no more than one hour in a supervised facility. Social workers in Israel also regularly encourage women to file false domestic violence reports against their husbands, so as to justify the limitation of visitations. Note that in Israel, women are immune from prosecution for false reports to the police, and the practice of false reports aimed at achieving parental alienation, is widespread.

In many cases, periods of 6-12 months can go by with no child access at all, depending on waiting lists at the social services or the severity of the false domestic violence claims. Such state-sponsored child alienation is another trigger for suicidality among men.

Finally, Israeli laws features at least three other situations that trigger deprivation of life and potential for suicides.

The first is exorbitant and outrageous child support levels, the highest in the world, which are not based on salary and earnings but rather on a religious formula, which is blind to the father’s earning abilities, and cannot be reduced even in cases of incapacity, infirmity, accidents, incarceration or new children. The child support awards can reach from 80% up to twice the net income, and wage garnishment can cover the entire earnings, thus leaving the father with no money whatsoever for food and shelter. Many men become child support slaves. About 50% of suicide cases in Israel are attributed to this.

The second example is Israel’s ruthless and usurious debt collection system, which applies to all civil debt collections, and not just child support. Upon filing, the principal amount of the debt is topped off with an added 20% in automatic attorney fees attached, and interest levels accrue at 18% p.a. or more compounded monthly. Debts in Israel easily multiply or triple the principal sum in a matter of a few years, resulting in almost automatic sanctions such as revocation of driving licenses, liens on salaries and bank accounts and other sanctions, which in turn lead to suicides, as the debtor has no way to settle his debts and the mounting sanctions only escalate. Debtors in Israel have offered to sell body organs to the State so as to reduce debts or child support, but the usual response is that they can do so only via the black market, and so long as the debt is reduced, the State cares less whether the citizen has sold his kidney or other body organ.

The third example is Israel’s liberal use of nè exeat orders in divorce against men, women and children. In child outplacement cases by social services against parents with foreign passports, and at the debt collection authority, nè exeat orders are automatically placed when arrears of 3 months accrue. The statistics and data are withheld by the government. When a person sees his entire salary being garnished, or his children taken away, he or she has no way to live and forbidden from exiting the country in hope for a new future, there may be no other solution but suicide, and indeed this is common. Some foreign citizens coming into the jurisdiction to visit their children, have reported orders to pay up to 20 years child support ahead in cash and provide guarantors, (usually an impossibility) while their income is overseas, and they are unable to work in Israel while the nè exeat is in force. They are trapped in a foreign land with access to means of survival.

In light of the foregoing, it is essential to start reviewing the scope and nature of the governments’ duty to respect and ensure the right to life also against the background of the right to family life and the right to freedom from excessive governmental intervention. Usually overzealous social workers and judges of family and juvenile courts, who usually operate under blanket gag orders, perpetrate such violent governmental intervention. Because of the blanket and automatic gag orders, public criticism of government officials’ actions is literally classified as a criminal offense.

Since the right to life is “protected by the law”, it is essential the governments begin to recognize that over-involvement in the right to family life, and the extensive use of social workers is beginning to encroach on the right to life, and is taxing a human death toll. This affects various trends in the world of jurisprudence to divert the dispensation of justice from courts and adjudications to avenues of “treatment” and social work, thus turning citizens into slaves to the compulsory “treatment” of the social workers.

To do so, governments must re-introduce legal rights, which have been replaced by reference of the litigants to sort out problems Vis a Vis social workers. To start with, juvenile courts where parents have no right to cross examine the social workers (who are the Plaintiffs in such proceedings) must restore basic rights such as the right to call witnesses, the right to cross examine, the right to know and address the accusatory charges, and the right to counsel.

States where there is no independent ombudsman or grievance committee over actions of social workers must introduce measures to establish complaint boards or independent liaison and information gathering.

Laws and legislations which result in dangerous or harmful conduct can trigger suicides and deprivation of lives, and family relations must be re-examined so as not to interfere with both basic rights, especially according to Basic Law 6 – the right to Liberty, Dignity and Freedom – the only semblance of human rights in the State of Israel.

Finally, laws that curtail the poor peoples’ right to access the courts must be reviewed. This includes infliction of the costs of parental fitness exams on the parents; exorbitant court fees to launch cases and applications, even more exorbitant appeal bonds that are beyond the reach of ordinary people, stricter requirements for the issuance of nè exeat orders, and finally, abolishment of criminal sanctions in cases of reporting to the media of cases under gag orders (in family and juvenile cases), when the courts themselves fail to provide remedies, and a severe injustice may result in triggers for suicidality, parental alienation, loss of family life, loss of the ability to work and earn a living, and the general right to life, particularly in the fundamental rights of freedom of speech and movement.

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