



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/3/ISR/1  
25 September 2008

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Third session  
Geneva, 1-15 December 2008

**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Israel**

---

\* The present document was not edited before being sent to the United Nations translation services.



## **I. INTRODUCTION AND METHODOLOGY**

1. Israel's national report for this review has been prepared in accordance with the principles formulated in the Elements for a Roadmap based on resolution 5/1 of 18 January 2007 by the Human Rights Council, and on the General Guidelines for the Preparation of information under the Universal Periodic Review contained in Document A/HRC/6/L.24. The present report is submitted pursuant to the United Nations General Assembly resolution 60/251 of 15 March 2006, which established the Human Rights Council. Accordingly, this report should be read as a supplement to existing reports for the other United Nations human rights mechanisms. The Report was prepared in an extensive consultation process involving the relevant Departments and Ministries.

2. Israel is deeply committed to the promotion and protection of human rights, and in 1991 it completed a process of ratification of all core United Nations human rights instruments. Its accession to the human rights treaties reflected a commitment to human rights principles already enshrined in its existing law, and developed in a body of jurisprudence dealing with the protection of human rights and liberties.

## **II. THE NORMATIVE AND INSTITUTIONAL FRAMEWORK**

### **A. Constitutional aspects**

3. Israel is a parliamentary democracy, based on the principle of separation of powers, and is comprised of three branches - the Legislative (the Knesset (parliament)), the Executive (Government) and the Judiciary. Israel has no formal constitution. It has nevertheless enacted instead a number of Basic Laws dealing with various aspects of its constitutional regime and enshrining fundamental human rights. Among the most significant of these laws, which can be seen as a "constitution-in-the-making" are Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation, both adopted in 1992.

### **B. The Legislative: the Knesset**

4. The Knesset is the Legislative Branch of the State. Its main functions are legislation of laws, overseeing the Government's work, appointing the President and the State Comptroller, and serving as a link between the public and the State Authorities. Israel's Parliament plays a growing role in human rights areas, not only by means of legislation, but also by scrutinizing governmental activity and initiating debates in its various Committees. Thus, for example, the Constitution, Law and Justice Committee in the Knesset has convened extensive debates over sensitive human rights and security issues, in which members of the various Governmental branches, including the Military, have been requested to participate and explain the compatibility of certain counter-terrorism measures and security considerations with human rights.

5. Human rights considerations are part and parcel of the process of drafting new bills, and compatibility with human rights standards including international standards, is examined throughout the legislative process, both by external bodies which are consulted with by the Government, as well as by the executive branch.

6. One significant piece of legislation designed to ensure the rights of victims of crime, is the Crime Victims' Rights Law (2001). Its aim is to protect their personal dignity, without prejudicing the rights of suspected, accused or sentenced persons under the provisions of any law. Under this Law, the courts and authorities are to take all necessary measures to safeguard the rights of the crime victim. According to the Law, a crime victim is entitled to the rights

including: protection, right to receive information on criminal proceedings, right to receive information on imprisonment or other means of custody, right to be present at in-camera hearings and other related and important rights. In order to ensure the proper exercise of rights under the provisions of the Law, the State and District Attorneys' Offices have established support departments whose functions include: ensuring the transfer of information from the State and District Attorneys' offices to crime victims, and from crime victims to the State and District Attorneys' Offices; directing and assisting the employees on the implementation of the provisions under the Law and other functions to that end.

7. On 15 May 2007, the Knesset enacted the Criminal Procedure Law (Amendment no. 51), (2007), accepting the legal doctrine regarding "Abuse of Process" into Israeli criminal law. According to the doctrine, which had been previously recognized by the Supreme Court in a number of cases, the court is permitted to strike an indictment or halt criminal procedures against a defendant where there is a deficiency in the procedures caused by some fault of the executive authority and where resort to the deficient procedure would damage the right to fair trial of the defendant.

8. Among the substantial legislative safeguards for protection of human rights is the Freedom of Information Act, 1998. The Act imposes upon public authorities a duty to disclose information held by them, upon request from any Israeli citizen or resident, subject to certain limitations, comparable to those common in freedom of information legislation in other countries. The Law also allows requests from foreign residents, regarding their rights in Israel. A denial of the request can be appealed to an Administrative Court. In 2005, an amendment to this Law imposed a duty on any public authority to make information it holds concerning environmental issues available to the public through the authority's internet website and via alternative methods to be determined by the Minister of Environmental Protection. In 2007 another amendment imposed the provisions of the Freedom of Information Law on all Governmental Corporations, excluding corporations determined by the Minister of Justice, and approved by the Knesset's Constitution, Law and Justice Committee.

### **C. The Executive: accountability mechanisms**

#### **1. The Attorney-General**

9. The Attorney-General plays a crucial role in safeguarding civil liberties in Israel. The office of the Attorney-General enjoys complete independence and functions separately from the political establishment. Its four main functions are to serve as the Head of the Prosecution, to provide legal counsel to the Government, to advise the Government on legislation, and to represent the public interest in the legal sphere. Decisions of the Attorney General are subject to judicial review. The High Court of Justice, however, has followed a policy of restraint, and judgments overturning a decision of the Attorney General are rare.

#### **2. The Public Defender's Office**

10. In 1995, the Public Defender's Office (PDO) was established in order to provide high quality professional legal representation to suspects, defendants, detainees and convicted persons. The right to be represented by the PDO is defined by law and depends, among other things, on the severity of the offence and the economic status of the person requesting the service. From 2003 up until 2006, the percentage of representation by public defenders in magistrate court cases, (including in youth magistrate courts), increased from approximately 35 per cent to 54 per cent. This increase is the

result of a gradual decrease in the number of indictments submitted to Magistrate Courts, and a gradual increase in criminal cases represented by the PDO.

### **3. The State Comptroller**

11. According to Basic Law: State Comptroller (1988), the State Comptroller carries out external audits and reports on the legality, regularity, economy, efficiency, effectiveness and integrity of the public administration in order to ensure public accountability and the rule of law. The State Comptroller also fulfills the function of a *Public Complaints Commissioner (Ombudsman)*, receiving complaints from the public against State and public bodies subject to the comptroller's audit. The scope of a State audit in Israel is very extensive and includes the activities of all Government Ministries, State institutions, branches of the security system, local municipalities, Government Corporations, State enterprises, and other bodies or institutions subject to audit. In addition, the State Comptroller may inspect the financial affairs of political parties represented in the Knesset, including election campaign accounts. In cases of financial irregularities the State Comptroller may also impose monetary sanctions.

## **D. Security and police forces**

### **1. Israel Defense Force**

12. Promoting human rights value and respect for human dignity are an integral part of the Israel Defense Force (IDG) training. The IDF maintains a strict policy of investigating every claim of maltreatment by IDF soldiers. The IDF instructions specifically prohibit any improper attitudes towards detainees, and instruct as to the denunciation of any instance of an inappropriate behaviour of a soldier in relation to detainees. In cases of misbehaviour towards detainees and interrogatees, soldiers are either court-martialed or face disciplinary proceedings, depending on the severity of the charges. The interrogation of soldiers suspected of the above violations is performed by the Investigative Military Police. This unit is subordinate to the IDF General Staff which is independent from the IDF regional commands, and therefore autonomous to handle the investigations within the auspices of the Military Advocate General's Office.

### **2. Department for the Investigation of Police Officer**

13. The Department for the Investigation of Police Officers was established as part of the Ministry of Justice to investigate complaints concerning police personnel independently. The cases investigated generally involve acts of unlawful use of force and related offences. The Department may recommend the initiation of administrative and/or criminal proceedings against the suspected officer. Tenders intended to turn the Department into a civilian body, are currently underway.

### **3. Israel Security Agency**

14. Complaints against Israel Security Agency (ISA) personnel alleging the use of unlawful investigation techniques are dealt with by the Inspector for the Complaints within ISA (hereinafter, "the Inspector"). The head of this unit is appointed directly by the Minister of Justice and is granted the authority of a disciplinary investigator. According to ISA rules of operation, the Inspector functions independently and under the close supervision of a high-ranking prosecutor from the State Attorney's Office. Following a full examination of the complaints, the Inspector's report is thoroughly reviewed by the prosecutor and in cases in which the issues at hand are sensitive or circumstances so necessitate, also by the Attorney General and

the State Attorney. The decision is an administrative decision, subject to the judicial review of the Supreme Court sitting as High Court of Justice.

#### **4. Israel Prisons Service**

15. Every prisoner or detainee under the care of the Israel Prisons Service (IPS) has available the following complaint mechanisms regarding the staff and wardens' use of force: filing a complaint to the director of the prison; petitioning the relevant District Court in a prisoner's petition; filing a complaint to the Warden's Investigation Unit (WIU), through the IPS or directly to the Unit. This Unit is part of the Israeli Police, and its members are police officers. The findings of the WIU are subject to the State Attorney's Office scrutiny, who decides whether to institute disciplinary measures or criminal proceedings; other complaint mechanisms include filing a complaint to the Prisoners Complaint Ombudsman, who is a member of the Ministry of Public Security's internal comptroller unit that has the authority to inquire. Additionally, official visitors in prisons are appointed by the Minister of Public Security and are comprised of lawyers from the Ministry of Justice and other Governmental Ministries.

16. Section 72 of the *Prisons Ordinance* grants official visitor authorities to Supreme Court judges and the Attorney General in prisons throughout Israel, and to District and Magistrate Courts judges in prisons in their jurisdiction. Dozens of official visitors are allowed to enter the prisons at any given time (unless special temporary circumstances apply), inspect the state of affairs, prisoners' care, prison management, etc. During these visits, the prisoners may approach the visitors and present their complaints, including grievances pertaining to use of force. Prisoners may also make a complaint with the director of the prison and ask for an interview with an official visitor. Attorney General's Guidelines broadened the scope of the above to also include detention facilities and detention cells in police stations.

### **E. National Commissions and Ombudsmen**

#### **1. The Commission for Equal Rights for People with Disabilities**

17. The Commission for Equal Rights for People with Disabilities was established according to the Law for Equal Rights of People with Disabilities (1998), and operates within the Ministry of Justice as a national regulator and counselor for advancing and ensuring the equal rights of people with physical, sensory, mental, intellectual and cognitive disabilities. It includes three main units: Accessibility, Integration in Society and the Legal Department. The Commission's work is aimed at promoting public policies regarding the rights of persons with disabilities and providing assistance to individuals who encounter difficulties.

18. The Commission's enforcement role has been enhanced by virtue of an amendment in 2005: in addition to filing a civil claim for violation of the provisions of the employment chapter, in relation to violation of accessibility provisions the Commission may either file a civil claim or, subject to providing notice as required by the Law, issue an accessibility order setting out the various steps required in order to make a particular place or service accessible, together with a time frame for so doing. Alongside the Commission operates a steering committee, composed mainly of persons with different disabilities who represent the main organizations operating in the field.

#### **2. The Commission for Equal Employment Opportunities**

19. On 11 November 2007 the Government adopted Resolution No. 2578, concerning the appointment of an Equal Employment Opportunities Commissioner. This position is the first of

its kind in Israel. The Commissioner is responsible for collecting information and hearing complaints from workers concerning instances of sexual harassment, and/or discrimination based on gender, sexual orientation, parenthood, religion and race. Where necessary, the Commissioner is also responsible for initiating legal action on behalf of any adversely affected workers. The Commissioner also has the authority to intervene in court proceedings and request that Courts issue special orders prohibiting sexual harassment in places of work. Violation of these orders will be considered a criminal offence.

20. In addition, the Commissioner is responsible for encouraging special programs relating to equality in employment as well as other educational and promotional activities in working places. Additional tasks of the Commission are fostering public awareness through education, training and information; handling complaints regarding the violation of equal employment legislation; and instructing employers to take general measures regarding all or part of their workforce or employment applicants, to ensure compliance with duties imposed by employment equality legislation or to prevent violations of such duties. Under the amendment, a 21-member advisory committee to the Commission was appointed, including representatives of the Authority for the Promotion of the Status of Women, the Commission for Equal Rights of People with Disabilities, relevant Government Ministries, organizations engaged in the promotion of equal employment rights, trade unions and employers organizations, as well as experts in areas associated with the work of the Commission.

### **3. The Authority for the Advancement of the Status of Women**

21. The Authority for the Advancement of the Status of Women in the Prime Minister's Office, focuses on promoting legislation and policies for the advancement of women, as well as raising public awareness on the matter, primarily the education system and the media. Its fields of activity include the formulation and encouragement of policy and activities to advance the status of women, equality and the prevention of violence against women, the coordination of activities in Government Ministries, local authorities and NGOs in the field of women's rights, establishing oversight and follow up of Government Ministry activity in the field and providing consultation for Government Ministries regarding the enforcement of laws under the purview of the Authority.

### **4. The Ombudsman of the Ministry of Health**

22. The Ombudsman of the Ministry of Health serves all citizens, including children, who may file a complaint against any Health Maintenance Organization (HMO), including employees and affiliates.

### **5. The Military Ombudsman**

23. The Military Ombudsman – The IDF Ombudsman (Soldiers' Complaints Commissioner) is authorized to receive complaints from soldiers, concerning their conditions of service. The Ombudsman is accountable in these matters to the Minister of Defense and to the Knesset's Foreign Affairs and Security Committee.

### **F. The Judiciary: the Supreme Court**

24. As a common law country, Israel's Supreme Court judgments constitute a binding precedent. The Supreme Court has been at the forefront of Israel's human rights mechanisms, monitoring and safeguarding the protection of the rule of law. For this reason it has gained considerable international recognition and respect throughout the years.

25. For historical-political reasons, Israel's basic laws concerning human rights do not include all the political and social human rights. Thus, there is no explicit clause concerning equality, freedom of expression or the right to education. Hence, Israel's Supreme Court has played a central role in developing a broad framework of human rights, by basing its constitutional jurisprudence on the democratic character of the state, and developing an "Israeli-made" bill of rights. In resolving the formal legal lacuna, the Supreme Court has interpreted the right to dignity in a broad manner, recognizing other human rights derived from this principle such as the freedom of expression, the right to equality, the protection from the degradation and discrimination, freedom of expression and a number of social rights such as the right to work, the right to organize a trade union, the right to strike, the right to an adequate standard of living, guaranteed minimal conditions for human subsistence, shelter, food and access to basic medical treatment. The Supreme Court has also recognized additional rights as deriving from the broad concept of human dignity, such as freedom of religion, freedom of assembly, the freedom to choose one's attorney, and the freedom to choose one's name. Based on this Basic Law and as part of the patient's rights, with the recognition of the patient being an autonomous individual, the Court also recognized the patient's right to refuse medical treatment. Furthermore, the Court has interpreted the Law to protect the rights of prisoners and detainees in many criminal cases.

26. Furthermore, in recognition of the right to a dignified death, the Knesset enacted on 6 December 2005, the Terminally Ill Patient Law, which provides an answer to the medical-ethical dilemma present in the treatment of terminally-ill patients. The Law attempts to create a balance between the values of sanctity of life, quality of life and respect for a person's autonomous will. The Law states that a terminally ill patient's will to not have his/her life extended shall be respected, and that providing them with medical treatment is to be avoided. Nevertheless, the Law does not allow committing an act, including a medical act, which is intentionally directed to cause the terminally ill patient's death, or which will certainly result in death, even if committed from means of grace and compassion. In addition, assisting the patient to commit suicide or stopping a consecutive medical treatment are both prohibited.

27. Since 1967, the Supreme Court sitting as High Court of Justice has adopted a policy of opening its doors to petitions filed by non-residents. Among the explicit goals for liberalizing the Court's rules of standing was the protection of human rights. This was further entrenched by recognizing the standing of entities and institutions which lacked a personal interest in the case but whose role is to protect human rights. Hence, under Israel's broad rules of standing, virtually any person or group who claims an interest in the legal or humanitarian issues involved, beyond the alleged victim and his/her family, may petition Israel's highest civil judicial instance, having the petition heard within 48 hours of being filed.

28. Another major development concerns the Supreme Court's approach to claims of non-justiciability. The Court has limited these claims, asserting, *inter alia*, that they do not apply where a violation of human rights is alleged. As a result, the Court hears issues concerning human rights which otherwise would not have been litigated due to their non-justiciable character. For example, the Court examines the question of respect for human rights in the course of active hostilities. Such petitions are heard on an expedited basis, sometimes within hours, during which time – military operations under review may be suspended and the security forces required to desist their military operations pending a court order, and even cease them completely upon the Court's decision.



### III. INTERNATIONAL COMMITMENTS

29. Israel is a party to the core United Nations human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and its two Additional Protocols on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Pornography and Child Prostitution. Israel has also recently ratified the Protocol to the Palermo Convention on Transnational Organized Crime, on the prohibition of trafficking in persons, especially women and children. Additionally, Israel is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It is also signatory to the Convention on the Rights of Persons with Disabilities and in the process of its ratification. Israel was actively engaged throughout the process of drafting this Convention and has significantly contributed to the inclusion of specific Articles such as on access to justice. Israel has also ratified numerous international labor conventions such as No. 138, on minimum age, and No. 182, on the worst forms of child labor, as well as those under the auspices of UNESCO. Israel regularly reviews its reservations to human rights treaties, in considering the possibility of withdrawing them.

30. While international treaties are not directly incorporated into Israeli legislation, given its dualistic system of law, Israel's general approach, however, is to ensure that domestic legislation, policies and practice comply with its international commitments. Furthermore, Israeli courts recognize and apply *a presumption of compatibility* as an interpretive tool, assuming that the Knesset, when enacting new legislation, has no intention of derogating or deviating from international obligations, and therefore Israeli legislation should be interpreted in conformity with international law, unless an express intention to the opposite exists.

31. Certain laws integrate some of the human rights treaties into Israeli legislation. For instance, the stated objective of the Pupil Rights Law (2000), is the spirit of human dignity and the principles of the International Convention on the Rights of the Child (CRC); the Victims of Offences' Rights Law, (2001), refers directly to the CRC when addressing a victim who is a minor; and the Law for the Authority for Advancing the Status of Women, (1998), states that one of its goals is to implement the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

32. As part of its bilateral relations, Israeli legal experts provide legal training, upon request, on human rights issues to counterparts in developing countries. Israel's International Development Program through *the Center for International Cooperation* of the Foreign Ministry (MASHAV), shares technology and know-how with developing countries to alleviate problems of hunger, disease, and poverty by means of technical training and technology transfer. These programs encourage professionals from developing countries to find their own solutions to problems and adapt them to their respective cultural and social values, economic potential, natural resources and regional priorities. Training concentrates on areas in which Israel has gained experience: The largest scope of Israel's development activity focuses on adapting new technologies to eliminate hunger and poverty affecting millions of people in the developing world. It also includes training on education, social development, public health, environmental and natural resources protection, and empowerment of women in a developing society. Short-term and long-term consultancies are arranged at the request of the host country, with Israeli experts sent to provide specific advisory services or assistance in program implementation, to

conduct a survey on a particular topic or to provide support. Problems arising from inadequate medical and preventive health services in developing countries continue to be of great concern. Cooperation in this field focuses on the areas of ophthalmology, epidemiology and HIV/AIDS.

33. MASHAV adheres to the *Millennium Development Goals* (MDGs) set by the international community to halve poverty by 2015, as well as the *Paris Declaration on Aid Effectiveness*, calling for greater synergy among donor and partner countries.

### **Civil society**

34. Israel has an open, vibrant and pluralistic civil society, actively engaged in raising priorities and challenging the Government's conduct. The Government is engaged in an ongoing dialogue with numerous NGOs, which has led occasionally to forging joint alliances in the endeavor to advance issues of common concern, such as in the fields of combating trafficking in persons and enhancing the status of persons with disabilities.

35. Thus, for example, *the Association for Civil Rights in Israel* (ACRI) is the largest and oldest organization which deals with the entire spectrum of human rights and civil liberties issues. ACRI has contributed significantly to the protection of human rights in Israel. Its work encompasses litigation and legal advocacy, bringing precedent-setting litigation to the Supreme Court, providing expert opinions before the Knesset, running human rights education programs for school teachers, conducting training workshops for security forces, and mounting public outreach campaigns, including the provision of free legal information and advice through a public hotline.

36. *The National Council for the Child* is an independent non-profit organization, which as part of its work for the advancement of child rights, has established a position of an Ombudsman for Children and Youth, who receives referrals concerning the infringement of children's rights. There is also a special ombudsman for Arab children and for the many immigrant children in Israel, from the former Soviet Union and Ethiopia.

37. Furthermore, as part of its commitment to safeguard human rights and open itself to international scrutiny and dialogue, Israel has adopted a policy of constructive engagement and cooperation with various international human rights mechanisms and NGOs. Israel attaches considerable importance to the participation of NGOs in the United Nations activities and recognizes the professional contribution of many of them to the deliberative processes on human rights.

38. Recent examples of such engagements are the visits, in the past three years, by the High Commissioner on Human Rights, the United Nations Special Representative of the Secretary General on Children in Armed Conflict and the Special Mechanisms of the Human Rights Council such as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, Representative of the Secretary-General on the human rights of internally displaced persons, in addition to the recent visit of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

#### **IV. IDENTIFICATION OF ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS: ACHIEVEMENTS AND BEST PRACTICES**

39. As a melting pot for immigration from over the world, and given the unique composition of its population, and the concomitant problems which arise in the integration, absorption and day to day dealing with diversified communities of differing religions and cultures, Israel continues to face numerous challenges, both internally and from the outside. Added to this, are the tensions created by ongoing security threats, including acts of terrorism against Israel's civilian population.

##### **A. Trafficking in persons**

40. Israel is a country of destination for victims of trafficking in persons for the purpose of prostitution, and there have been isolated cases of forced labor. Israel is deeply committed to combating this grave phenomenon.

41. Among the measures taken by the Government have been the appointment of a *National Coordinator* to assist policy making in this area, particularly with regard to protection of victims, as well as the establishment of a National Plan to Combat Trafficking for Prostitution, and a National Plan to Combat Slavery, Trafficking for Slavery and Forced Labor. Furthermore, important Government Resolutions adopted these National Plans and decided upon the establishment of a shelter and apartments for victims of slavery and trafficking for slavery and forced labor. Additional procedures and guidelines were introduced to ensure harmonious law enforcement by the relevant bodies, training activities, awareness campaigns and in particular a precedential case in which traffickers for organ removal were convicted.

42. On 29 October 2006 the Anti Trafficking Law came into force, paving the way, among other things, for Israel's recent ratification in August 2008, of the United Nations Optional Protocol to the Convention on the Sale of Children, Child Pornography and Child Prostitution, as well as the Protocol to the Palermo Convention on Transnational Organized Crime, on the prohibition of trafficking in persons, especially women and children.

43. The new legislation places an emphasis on the prohibition of all forms of slavery, as well as forced labor with heightened sentencing and heightened punishment for exploitation of vulnerable populations. Before the new Law, Israel did not have a slavery offence. Now, it is a crime with a maximum punishment of 16 years of imprisonment and 20 years if committed against a minor.

44. The promulgates a broad trafficking crime for a number of illegal purposes: prostitution, sexual crimes, slavery or forced labor, removal of organs, pornography, and using the body of a person to give birth to a baby who is then taken from her. The trafficking and slavery crimes do not require use of force, coercion, pressure, or fraud, under the assumption that the Israeli society will not countenance these practices even if the victim "consented".

45. The Law further establishes a special fund for fines and forfeited property, with the purpose of allocating money for protection, prosecution and prevention of trafficking crimes. At least 50 per cent of the fund will be allotted to the rehabilitation and protection of trafficking victims. In addition, the fund will reimburse trafficking victims who have received a judgment for compensation by traffickers (whether in criminal or civil proceedings) and can establish that they have used all reasonable means to collect the compensation but have failed.

46. The Law revises the abduction offences and creates two new crimes: abduction for the purposes detailed in the trafficking crime (prostitution, pornography, sexual crime, removal of organs, slavery or forced labor, etc.), and the crime of causing a person to leave his/her country of residence in order to engage him/her in prostitution or hold him/her under conditions of slavery.

47. In practice, law enforcement agencies such as the Police, the Immigration Administration and the Enforcement Department in the Ministry of Industry, Trade and Labor, have greatly intensified their efforts to combat trafficking.

48. *The “Maagan” shelter* for victims of trafficking for prostitution began operating on 15 February 2004, creating a supportive climate for victims and providing access to psychological, social, medical and legal assistance. In addition, procedures have been developed in the framework of the shelter to allow for the return of victims of trafficking to their countries of origin in safety aimed towards promoting their rehabilitation.

49. *Information and Education Campaigns.* The Authority for the Advancement of the Status of Women in the Prime Minister's Office has been increasingly active in the area of promoting awareness to combating trafficking in women, and in conducting promotional activities in the education system. Its activities are aimed at the following target audiences - the Civil Service, the Local Authorities, the Education System, the Kibbutzim Movement and the IDF.

50. *The Courts* for their part, interpret the relevant legislation in a broad manner, thus facilitating the conviction of a maximal number of traffickers, resulting in dozens of verdicts annually. While sentencing is not uniform, it is increasingly severe, including cases where traffickers were sentenced to periods of incarceration of 18 and 15 years.

51. *The State Attorney* vigorously espouses a broad interpretation of these crimes and initiates appeals when lower court interpretation falls short of these principles and when sentences do not reflect the gravity of the crimes. The Supreme Court has accepted the State Attorney's position and interprets the offence broadly while meting out substantial sentences.

52. *Witness Protection* – in this context it should be noted that the groundwork continues, following the Government Resolution on “A Witness Protection Program in Israel,” dated 1 January 2006, regarding the establishment of an Authority for the Protection of Witnesses in Israel, as part of the Ministry of Public Security. On 10 February 2008, the Ministerial Committee on Legislation and Law Enforcement approved the bill.

53. *The Parliamentary Subcommittee of Trafficking in Persons* is a Subcommittee of the Committee on the Status of Women, designed to focus on the battle against trafficking in women. This Subcommittee remains active in the realm of control, monitoring and overall supervision of trafficking for prostitution, through legislation, regular meetings, advocacy of relevant causes, etc. There is also a special Parliamentary Committee on the Issue of Foreign Workers, where the needs and conditions of employment of migrant workers are addressed.

54. *Non governmental organizations* too, serve as watchdogs to ensure that issues be properly addressed by the Government. One of the most important developments in the field has been the growing cooperation between actors concerning victim protection. Noteworthy examples are the campaign to have the police severely enforce the crime of advertising prostitution services; the criticism of police efforts to close places of prostitution; the constant push and pull to increase and broaden victims' rights. The activities of these organizations have

led to public awareness of the problems of female trafficking victims, and the need to treat them and view them as victims.

## **B. Rights of persons with disabilities**

55. The disability rights revolution which has swept the world over the past decade is a prominent feature of the Israeli landscape. A major landmark in the Israeli disability rights movement is the enactment of the Equal Rights for People with Disabilities Law in 1998, together with a major, extensive amendment to the Law passed in 2005, dealing with accessibility of public places and services, as well as to those operated by the private sector. The new accessibility regime under the 2005 amendment will only enter into force once the regulations have been published, and this process has not yet been completed due to the complexity of the subject matter. Implementation is considerably more advanced where accessibility of public transport services is concerned.

56. In general, legislation predating the Law was not focused on an approach treating the state of people with disabilities as a human rights issue, whereas the new Law embraced a holistic approach.

57. It was the Supreme Court decision in the *Botzer case* in 1996 (HCJ 7081/93 *Botzer v. Local Municipality Ma'cabim-Reut*) which made the legal breakthrough, ruling that a boy with muscular dystrophy who is confined to a wheelchair, was entitled to access all areas in his school, basing the decision on general principles of equality and human dignity.

58. The Law enshrines the basic right of a person with disabilities to equality, human dignity, and active participation in society in all walks of life. Patronizing interference with personal autonomy is replaced by the right of a person with disabilities to make decisions regarding his/her own life. Another fundamental principle is the legitimacy of affirmative action programs for the disabled. The Law establishes the universal right of a person with disabilities to exercise rights within the existing institutions of society, as opposed to segregated frameworks. Similarly, an extensive amendment to the Special Education Law passed in 2002 makes a series of provisions for the right of children with disabilities to integrate into the regular school system.

59. The prohibition on discrimination in all of these areas includes, but is not limited to, failure to make reasonable accommodations which will enable persons with disabilities to integrate into the workplace and to access public places and services as others do. The employment chapter requires the Civil Service and other employers with more than 25 employees to promote "appropriate representation" of persons with disabilities in the work force. In two precedent-setting cases in 2006, the Tel Aviv and the Haifa Labor District Courts ruled that people with intellectual and/or mental disabilities, who work for private employers, are not to be regarded as "volunteers" but as "workers" entitled to the benefits of the employer-employee relationship and the applicability of all relevant labor laws. In both decisions, the employers were obligated to retroactively compensate the disabled and provide their inherent rights as employees. (L.C (Tel-Aviv) 10973/04 Goldstein v. Na'amat; L.C (Haifa) 3327/01 Roth v. Ram Buildings Ltd).

60. Implementation of the third and final operative part of the Law, concerning the establishment of the Equal Rights Commission, has come a long way since the establishment of the Commission in August 2000. Since then the Commission has been active in a number of areas, including the promotion of co-operation between the various bodies - public private and voluntary - active in the field, expansion of accessibility to public places and services, including

public transport, adaptation of emergency services to the needs of people with disabilities, commissioning research and surveys, taking an active role in the formulation of new legislation, public relations campaigns raising awareness in the field of accessibility and to the rights of people with disabilities in general.

61. The Law has profoundly changed the nature of public discourse concerning persons with disabilities. Public authorities now employ the language of human rights in this context, a fact evidenced by the State Comptroller's Report of 2002, although there is still room for improvement.

62. In 2005, the Investigation and Testimony Procedures (Suitability to Persons with Mental or Physical Disability) Law was issued. This is a precedential Law which regulates methods adjusted to investigate people with mental or intellectual disabilities and also adjusted methods for their testimonies. The Law applies to all suspects, victims and witnesses, to specific offences enumerated in the Law (violence offences, sexual assaults and prostitution). The implementation of the Law on victims and witnesses will proceed gradually until the year 2010.

63. In December 2007, the Prohibition of Slander Law (1965) was amended by the Israeli Knesset. According to the revised Law, making a mockery of, or humiliating persons with disabilities because of said disability - whether it is a psychological, mental (including cognitive) or physical, permanent or temporary, shall be considered unlawful and prohibited slander.

64. In this context it should also be noted that as a signatory to the United Nations Convention on the Rights of Persons with Disabilities and an active contributor in its drafting process, Israel is currently reviewing its legislation in this field, in order to assess which adjustment need to made in its domestic law as part of the process of advancing towards ratification.

### **C. Sexual orientation**

65. On 21 November 2006, the Supreme Court handed down a landmark decision concerning the rights of same sex couples. It held that a wedding certificate from a foreign country in which same-sex marriages are recognized, could allow the couple to be registered as married by the Ministry of the Interior. The Supreme Court based its decision on a previous ruling in which a distinction was made between the duty to register marriages, and the question of recognition of their status. The Supreme Court determined that the Ministry of the Interior must not discriminate against same-sex couples who hold a wedding certificate from a foreign country that permits same-sex marriages. Nevertheless, it noted that by doing so, it did not grant a new status to same-sex marriages, and reiterated that it is the role of the Knesset to endow as much.

66. On 19 April 2007, The Haifa Labor District Court accepted a claim against a pension fund, and determined that a surviving partner of a lesbian relationship was eligible to the legal rights of an "insured widow," and not of an "insured widower" (D.L.C 1758/06 Moyal-Lefler v. Mivtachim). The Court stated that "the distinction between men and women in the rules of the respondent and the Social Security Law derives from a similar rationale- a reflection of the economic situation in which we live, where women's incomes are lower than men's, and their promotion in the labor market is more difficult. Therefore there is a justification for the preference of female widows as it narrows the existing gap between men and women." The Court held that the plaintiff should be classified as a female widow, and not as a male widower. She was therefore eligible for the rights of an "insured widow," and the pension as stated in the rules of the pension fund.

67. In a decision dated 23 January 2005, the Attorney General established a new precedent in which the State is willing to grant legal status to same-sex adoptions of the birth-child or adopted child of the other spouse. Furthermore, it states that the State is willing to allow the adoption of a non-biological child by same-sex couples, while considering the best interest of the child. In a significant decision dated January 2005, (C.A. 10280/01 *Yaros-Hakak v. The Attorney General*) the Supreme Court accepted the appeal of two women, a same-sex couple, to adopt each other's children. The Court emphasized that the decision solely concerns this couple and is not a principled one, thus leaving the question of same-sex relationships for a later date, recommending that the Knesset amend the Law to provide a solution to a real problem.

#### **D. Prohibition on corporal punishment of children as a method of education**

68. In a significant ruling of the Supreme Court in 1999, corporal punishment was completely banned from the educational system and later expanded to the framework of the family unit. In reaching this conclusion, the Supreme Court relied on the United Nations Convention on the Rights of the Child and on Israel's Basic Law: Human Dignity and Liberty, recognizing that a child is autonomous, with rights and interests of his or her own. The Supreme Court determined that corporal punishment is not a legitimate method to be used by preschool or other teachers or other staff in the education system. The Court ruled that physical violence against a student is prohibited, and that the old case law "no longer conforms to acceptable social norms." Similarly, it unequivocally stipulated that flogging, beating and ear pulling have no place in school. A student's dignity as a person is violated when physical violence is exercised. Likewise, striking a student's hand with a ruler is not a sanctioned teachers' means of warning.

69. In 2000, the legislature annulled the defense against the civil tort of battery in the Tort Ordinance, which was used by parents and teachers who inflicted reasonable and moderate corporal punishment on children. The Pupils' Rights Law (2000) was consequently enacted in 2000, determining that the rights of the pupil were not to be punished corporally or in a humiliating way in as much as it is inconsistent with human dignity.

70. The Ministry of Education imposes an absolute ban on the use of any form of corporal punishment as a means of discipline. The same holds for verbal violence - that is, injurious or humiliating remarks. These directives are enforced through the criminal justice system and through disciplinary measures.

### **V. CHALLENGES AND CONSTRAINTS**

#### **A. Combating terrorism while preserving rule of law**

71. Since its establishment, Israel has faced serious security threats, including suicide terrorism, external hostility and indiscriminate armed attacks against its civilians. With the conflicting imperatives of preserving its democratic character, and maintaining public security and ensuring the inherent right to life of individuals under its jurisdiction, Israel has consistently sought to maintain its democratic nature, and to preserve and safeguard human rights.

72. As part of the international community, Israel has always been committed to abiding by international norms, and ensuring that its fight against terrorism is carried out within the framework of the law. Given its ongoing challenges in countering terrorism, the upsurge of international terrorism since 9-11 onwards did not change Israel's approach nor create new and stricter balancing formulas, recognizing that as a democracy, it must fight with one hand tied behind its back, as not all means are acceptable to it in its fight against terrorism.

73. It is a reflection of this conviction that Israel's Supreme Court, in an unprecedented and exceptional role, continues to play an active and independent role in scrutinizing the most detailed aspects of the governments' counter-terrorism measures, in real time, both in Israel and beyond its territory, even amidst fierce fighting and active hostilities. Thus, for example, in the case of interrogation techniques of suspected terrorists, the Supreme Court, in an expanded panel of nine judges, in September 1999, unanimously prohibited the use of moderate physical means during interrogations of suspected terrorists. The Supreme Court stated that the Israeli Security Agency had no authority under Israeli law to use physical force in its interrogations. As if to further-sharpen the dilemma, this ruling was given less than eighteen hours after two car bombs exploded in the heart of two northern cities - Haifa and Tiberias.

## **B. Equal rights of women and men**

74. Complete equality between men and women before the law is entrenched in Israel, except in some of the matters governed by religious law. The Equal Rights for Women Law (1951) establishes that the same laws shall apply to men and women regarding any legal action, and that any law discriminating against women shall be null and void. The Law also equates the legal status of women to that of men. This Law was amended by the Knesset in 2000 and in 2005, the latter stipulating that any task force appointed by the Government for the creation of foreign and/or interior national policies (including negotiation teams working towards a peace agreement) must include an appropriate number of women.

75. On 20 November 2007, the Knesset enacted the Gender Implications of Legislation Law (Legislative Amendments) which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. The Law is aimed to expose any hidden inequalities between men and women that might be present in different bills, in order to advance the status of equality between both genders. Accordingly, among the official functions of the Authority for the Advancement of the Status of Women is the submission of opinions to the relevant Knesset committee concerning the gender implications of any bill or secondary legislation, when brought for its consideration or approval.

76. In terms of representation in political parties, women are still under-represented in political positions, both in the national and municipal levels. However, there have been significant positive changes in the past few years. In national elections, several of the large parties included women's representation as a dominant factor in the establishment of party lists (through appointments, quotas, affirmative action etc.). Of the 120 members of the current Knesset, 17 are women, and from among those women, one is of Arab descent.

77. On 11 March 2007, the Government resolved to obligate Ministers to appoint women to directorates of Government Corporations until they achieve a 50 per cent representation of women within two years from the date of the Government Resolution. The Governmental Corporations Authority supervises closely and effectively any appointments made to directorates of Government Corporations.

78. The number of women featured among the top three ranking senior staff positions in the civil service is slowly increasing. The civil service has four main classifications which comprise the main sources in which administration managers may be ranked. In 1997, women comprised 61 per cent of all civil servants, yet high ranking female civil servants numbered less than 15 per cent. In October 1999, women still comprised 61 per cent of all civil servants, only the number of high ranking women had increased to 16.4 per cent. As of 31 December 2006, 45 per cent of the top four ranking positions, and 43 per cent of the top three ranking positions were held by



women. These figures do not include women in the security forces, but does include all other ranks such as nurses and advocates, in which the representation of women is very high.

79. In terms of representation of women in the legal arena in the public sector, the percentage of women in the Judiciary has substantially increased. There has been a growth of 72 per cent in the National Labor Court, 42 per cent in the District Courts, and 28 per cent in the Supreme Court. In all of the different civil courts combined, there are 317 female judges, and 304 male judges, so that 51 per cent of the civil judiciary in Israel is now composed of women (compared to a total of 40 per cent in 1998). In 2007 alone, 49 new judges were appointed, 27 of whom were females.

### **C. Racism, hate crimes and incitement**

80. Given its history as homeland of the Jewish people, and in view of its democratic tradition, Israel views the challenge of combating racism, Anti-Semitism and hate crimes as a priority. In addition to being a party to the United Nations Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide, Israel is committed to tolerance and addressing all manifestations of racism, xenophobia and anti-Semitism. This is done, through awareness raising projects, educational programs and events regarding the importance of fighting and denouncing these phenomena.

81. On 12 April 1951, the Knesset (Israel's parliament) proclaimed Holocaust and Ghetto Revolt Remembrance Day (Yom Hashoah U'Mered HaGetatot) to be the 27th of Nissan. The name later became known as Holocaust and Heroism Day (Yom Hashoah Ve Hagevurah). One important educational activity is the March of the Living - an international program that brings Jewish teens from all over the world to Poland on Yom Hashoah, Holocaust Memorial Day, to march from Auschwitz to Birkenau, the largest concentration camp complex built during World War II, in Poland. The goal of the March of the Living is for these young people to learn the lessons of the Holocaust and to lead the Jewish people into the future vowing "Never Again". It is this conviction that led Israel, together with the United Nations and numerous other countries, to initiate in 2005 the "Holocaust Remembrance" resolution, which designates 27 January as an annual International Day of Commemoration in memory of the victims of the Holocaust – observed with ceremonies and activities at United Nations Headquarters in New York and at United Nations offices around the world.

82. In the domestic arena, Israel focuses on the prevention of racially motivated crimes through the use of comprehensive and complementary strategies, including through criminal and administrative tools focusing on the prohibition of public incitement to racist discrimination, violence or hatred; public racist insults or threats; public denial of the Holocaust; leadership or support of activities carried out by racist groups, political parties and movements; hate speech; criminal offences motivated by hatred.

83. Protecting ethnic minority communities from hate speech is the foundation of effective debate and dialogue in multi-cultural societies. The challenge of striking a constant delicate balance between ensuring freedom of expression and the prohibition of incitement, is one which Israel continues to face as a liberal democracy, applying the test of actual possibility and other safeguards as developed by extensive jurisprudence of Israel's Supreme Court.

84. In order to ensure an effective response to hate, violence and aggression, racism is widely defined in the Israeli *Penal Law 5737-1977*, as constituting persecution, humiliation, degradation, a display of enmity, hostility or violence, or causing violence against the public or

parts of the population, merely because of their color, racial affiliation or national ethnic origin. Israel *Penal Law* prohibits publication of racist incitement or possession of racist publications. However, publication of a true and a fair report of an act shall not be deemed an offense, on condition that it was not intended to cause racism. Furthermore, the 2002 Amendment to the *Penal Law* prohibits incitement to an act of violence or terrorism.

85. State Attorney Guideline No. 14.12 requires approval by the Deputy State Attorney, (Special Functions), to initiate investigations into matters of great public sensitivity, i.e. offences of incitement to racism, incitement to violence, hate offences, and other incitement offences. The Law also requires the Attorney General's approval to file an indictment for these offences.

86. The State Attorney's Office regards racial remarks against the Arab population as incitement to racism, and initiates criminal proceedings on their behalf. Criminal investigations have been conducted into a number of cases of incitement to racism against the Arab population, and indictments have been filed. Some of the cases were concluded with the defendants convicted as a consequence.

87. Hate crimes - Racial motivation is recognized as an aggravating circumstance in the Israeli *Penal Law*. Accordingly, racist and xenophobic motivation, as well as hostility based on religion, ethnic origin, sexual orientation, disability or on being a foreign worker, are to be taken into account as an aggravating factor by the courts.

88. In numerous instances of criminal offences motivated by hatred, investigations have been opened and indictments filed. An example of such a case is Cr. A. 9040/05, *Yitzhak Orion and Yehuda Ovadia v. The State of Israel*; in which the Supreme Court, on 7 December 2006, rejected an appeal filed against a judgment given by the Jerusalem District Court, which had convicted the two appellants of various charges of violence and assault of Arabs, and sentenced each of them to 3 years imprisonment, 6 months suspended imprisonment, and compensatory payments to their victim, in the amount of 7,500 NIS.

89. Israel further combats hate crimes through other constitutional, criminal and administrative provisions, such as its *Basic Law: the Knesset* which forbids any political party from running for election to the Knesset if, *inter alia*, its objects or actions, explicitly or by implication, show incitement to racism or denial of the democratic character of the State. In addition, the Knesset By-Laws forbid the submission of any legislative bills which, *inter alia*, are racist in content.

90. Under section 173 of the *Penal Law* a person who "publishes any printed, writing, picture or effigy calculated to outrage the religious feelings or belief of other persons", or who "utters in a public place and in the hearing of another person any word or sound calculated to outrage his religious feelings or belief" is liable to imprisonment of one year.

91. Under the *Second Television and Radio Authority Law* (1990), the holders of concessions for cable television services may not broadcast any material containing racial incitement, and they bear a duty to ensure that none of their broadcasts will be liable to incite discrimination on grounds of religion, race, nationality, ethnicity, lifestyle or origin.

92. The *Prohibition of Defamation Law* (1995) prohibits defamation of any group as such, including national, racial or religious groups. To the extent that such defamation, in each particular case, constitutes incitement to discrimination or hostility, it may fall under the provisions of the *Penal Law* as well.

93. The *Prevention of Terrorism Ordinance* (1948), makes it an offence to publish, in writing or vocally, any praise, support or encouragement to acts of violence that are likely to result in death or injury. The *Safety in Public Places Law* (1962) specifically prohibits racially motivated expression at sporting events. The Israeli Police has the authority to deny, restrict or place conditions on a demonstration permit due to the likelihood of incitement or violence having a racial or religious cast. In such cases, the formal reason for denial of a demonstration permit will be a concern for violation of public order and security.

94. In 1986, the Knesset enacted the *Denial of Holocaust (Prohibition) Law*, which prohibits denial of the Holocaust and the publication of expressions sympathizing with Nazi crimes. On September 2007, Israeli Police announced that it exposed a group of eight young men aged 16 to 21, suspected of Neo-Nazi activity, following an extensive under-cover investigation. The young Israeli men are suspected of abusing foreign workers and religious Jews, the burning and desecrating of synagogues, and also planning to harm groups of punks, homosexuals and drug addicts.

95. Israel continues to focus on the prevention of racist crimes through education and training. The education system regards the concept of preventing hate crimes and propaganda from a wider point of view which emphasizes the concepts of tolerance, pluralism, prevention of racism and improved attitudes toward foreigners. These concepts are part of special educational programs designated for school pupils of all ages aimed at exposing them to different groups within Israeli society. In addition, the pupils learn about the principles of democracy, the rule of law, human rights, rights of minorities and pluralism in the framework of civics lessons.

96. The Israeli Police has introduced educational programs for police officers in order to raise awareness. The activities accord knowledge and understanding of the characteristics of minority groups in Israel, including Arabs, immigrants, the homosexual community and persons with disabilities, and provide tools for professional, sensitive police work among these groups. The concept of "equal and suitable service in a multi-cultural society" was set as the annual education target for 2007.

97. Despite all efforts made by the State to prevent hate crimes, racist violence and crime remain a problem in Israel. In order to eliminate the phenomenon, Israel continues to implement its comprehensive and complementary strategies which, as noted, include education, legislation and penal action.

#### **D. State of Emergency**

98. A State of Emergency has existed in Israel since 19 May 1948, due initially to the basic threat and realization of hostilities directed by neighboring states, both aimed at Israel's existence. The on-going struggle against acts of violence and terrorism committed by extremist groups and individuals in centers of civilian life, including public markets and means of transport, has compounded the problem and obliged the Government to take measures to meet the exigencies of the situation, both for the defense of the State as well as for the protection of life and property. Such a need was addressed by the declaration and maintenance of the state of emergency, which included the exercise of powers of arrest and detention.

99. In 1992 the Knesset approved the *Basic Law: the Government* which provided that a state of emergency could only apply for one year and could only be renewed by vote in the Knesset. This altered the pre-existing situation in which a continuing state of emergency had

existed ever since the establishment of the State. Consequently, a state of emergency is no longer necessarily a permanent situation, but is subject to annual parliamentary debate and scrutiny.

100. In recent years, Israel has been considering refraining from extending the state of emergency any further. However, the actual termination of the state of emergency could not be executed immediately, as certain fundamental laws, orders and regulations legally depend upon the existence of a state of emergency. These acts of legislation must be revised, so as not to leave crucial matters of the State unregulated when the state of emergency expires.

101. Following the present extension of the state of emergency, the Israeli Government and the Knesset have embarked on a joint program to complete the necessary legislative procedures required in order to end the state of emergency. As a result, measures toward removing the linkage to the state of emergency have been taken. Over the past few years, several laws have been amended, and they are no longer linked to the state of emergency, and a number of other bills are now before the Knesset. In addition, the *Military Service Law* (1951) was amended. As a result, none of its articles are now linked to the state of emergency.

102. Since January 2000, the Government has decided to ask the Knesset to extend the state of emergency for a reduced period of six months, and not for a year, the maximum period prescribed under section 49(b) of Basic Law: The Government, as was the former practice. In a recent petition to the High Court of Justice, there was a demand to pronounce the declaration regarding the existence of a state of emergency void, or alternatively, order that it is to be immediately terminated. The petitioners claim that the ongoing state of emergency poses a threat to democracy and to civil rights and that in the present circumstances it is no longer vital. At present, the matter is still pending before the High Court of Justice. The Government has submitted to the Court, upon its request, a comprehensive estimated schedule regarding the measures required in order to replace the acts of legislation linked directly to the state of emergency.

### **E. Reports to treaty bodies**

103. Israel attaches importance to the preparation of accurate, self critical periodic reports to the United Nations human rights treaty bodies, and to submitting them on time. Much effort and energy are devoted to ensure that the reports are drafted accurately and coherently, taking into account the recommendations made by the treaty bodies on previous sessions. In the endeavor to comply with the treaties' requirements for reporting, the Ministry of Foreign Affairs and the Ministry of Justice embarked in 1991 in a joint concerted effort to prepare Israel's periodic reports. The reporting burden places heavy demands on the institutional capacity, especially given the time pressure to meet the reporting deadlines to the various treaty bodies. Furthermore, throughout the initial phase of reporting to the United Nations treaty monitoring bodies, one of the main challenges was the development of expertise in the preparation of professional self-critical reports. Hence, since 2000, the Department for International Agreements and Litigation in the Ministry of Justice formulates these reports following extensive research, where Government Ministries as well as other relevant government institutions are asked to supply information and data concerning their areas of operation.

### **F. Death penalty**

104. Although the imposition of a death penalty formally exists in a limited number of extremely severe cases under Israel's criminal legislation, Israel has applied a *de facto* moratorium on executions, and with the exception of the Nazi war criminal Adolph Eichmann in

1962, who was convicted by the Magistrates Court of committing genocide under the 1950 Nazi and Nazi Collaborators (Punishment) Law. The death penalty has not been applied since. The most recent case in which the death penalty was an option, was that of John Demjanjuk, who, after having been sentenced to death for war crimes, genocide and crimes against the Jewish people, was acquitted in 1993 on appeal to the Supreme Court due to a reasonable doubt as to whether he was indeed “Ivan the Terrible” from the Treblinka death camp.

105. This policy complies with Israel’s obligations as a state party under United Nations human rights treaties, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the child and Israel’s sponsorship of United Nations resolutions in support of a moratorium on the imposition of the death penalty.

106. In theory, under Israeli law, the death penalty may be imposed in four exceptional instances: *the Nazi and Nazi Collaborators (Punishment) Law* (1950), the *Crime of Genocide (Prevention and Punishment) Law*, (1950), and under the *Penal Law*, and the *Military Justice Law*, (1955), for offenses constituting treason during armed hostilities.

107. Finally, the *Defense (Emergency) Regulations*, 1945, allow for imposition of the death penalty for offenses involving illegal use of firearms against persons, or use of explosives or inflammable objects with intent to kill or to cause grievous bodily harm (Regulation 58). In practice, however, the State Attorney’s Office does not request the death penalty, even for the most severe offenses.

108. Israel’s *Youth (Judgment, Punishment and Modes of Treatment) Law*, (1971), prohibits the imposition of the death penalty on any person who was a minor at the time the offense was committed (section 25(b)).

109. The death penalty in Israel can only be imposed when judges decide unanimously. Furthermore, in every case in which a death penalty may be imposed, the *Criminal Procedure Law [Consolidated Version]*, (1982), requires an automatic appeal to the Supreme Court, even if the defendant has not appealed the sentence or conviction (section 202). As with any other convicted person, a person sentenced to death has the right to petition the President of the State for pardon, clemency, or commutation of sentence.

### **G. National priorities**

110. Among Israel’s highest priorities is creating an environment of security and stability, through reaching peace agreements with its neighbors.

111. Reducing social gaps through combating social distress and poverty is another national priority, to be achieved by taking a range of actions to reduce unemployment rates and improving the public health system, and the components of the health basket in particular. Israel views a stable and growing economy as a national goal of the highest importance. Achieving maximal transparency in the state budget and its implementation, and the implementation of reforms in the budgetary process are important elements in this process. Continued immigration is an important component in the growth and prosperity of the economy and society in Israel, and in strengthening national security.

112. Reducing inequality and ensuring respect of civil right of citizens belonging to minority sectors continues to be a central priority. To this end, making an effort to the equal integration of non-Jewish citizens in the civilian society, and ensuring equality in access to education,

infrastructure and in receiving health care and welfare are an ongoing challenge; in particular, the increase of integration of women in the workforce, in the political and economic leadership of Israel, and Arab women in particular, in accordance with their skills and relative to their proportion in the population.

113. Raising public awareness in relation to human rights, including within the Establishment continues to be a principal task, together with the aim of reducing domestic violence, especially against women and children.

-----



UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review \*

Israel

\*Previously issued under document symbol A/HRC/WG.6/3/L.8. The annex to the present report is circulated as received.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1 - 4	3
I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS ...	5 - 99	3
A. Presentation by the State under review.....	5 - 18	3
B. Interactive dialogue and responses by the State under review.....	19 - 99	5
II. CONCLUSIONS AND/OR RECOMMENDATIONS.....	100 - 102	23
<b>Annex</b>		
Composition of the delegation.....		32



## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council (Council) resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Israel was held at the 8th meeting, on 4 December 2008. The delegation of Israel was headed by H.E. Aharon Leshno-Yaar, Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva. At its 12th meeting, on 9 December 2008, the Working Group adopted the present report on Israel.
2. On 8 September 2008, the Council selected the following group of rapporteurs (troika) to facilitate the review of Israel: Republic of Korea, Azerbaijan and Nigeria.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Israel:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/3/ISR/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ISR/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ISR/3).
4. A list of questions prepared in advance by Cuba, the United Kingdom of Great Britain and Northern Ireland, Denmark, Latvia and the Netherlands was transmitted to Israel through the troika. These questions are available on the extranet of the universal periodic review.

## I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

### A. Presentation by the State under review

5. At the 8th meeting, on 4 December 2008, the Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva, H.E. Aharon Leshno-Yaar, introduced the national report, indicating that Israel appeared in an attitude of humility and respect. Although Israel has reservations about aspects of the Council's work, it has approached preparation of the national report and its appearance as an opportunity for genuine introspection and frank discussions.
6. The representative stated that Israel was founded as a refuge for Jewish exiles from all over the world, and the founders were committed to creating a society which would enshrine protection against human rights abuses. Despite decades of conflict and terrorism, Israel is proud to have established a democratic society based on the rule of law.
7. Israel is party to the core human rights treaties and has hosted eight special rapporteurs in the last three years. Israel has several domestic mechanisms that constantly review its human rights record, the most prominent being the Supreme Court. Israel indicated it will make a concerted effort to incorporate its vibrant civil society groups when considering how to implement recommendations emanating from the universal periodic review.

8. Concerned about the challenges of balancing the rights of freedom of movement and privacy with protection against terrorist attack, Israel is also pained at the denial of basic rights such as notification of whereabouts and visits by the International Committee on the Red Cross (ICRC) to missing Israeli soldiers, including Gilad Schalit, Ron Arad and the Sultan Yakoub MIAs.

9. The Deputy Attorney General of the Ministry of Justice cited the Declaration of Independence re-establishing the State of Israel 60 years ago, according to which the new State would be based on freedom, justice and peace as envisaged by the prophets of Israel; ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; and guarantee freedom of religion, conscience, language, education and culture.

10. Since its establishment, Israel has faced continuous security threats, including suicide terrorism and indiscriminate armed attacks against civilians, a context requiring recognition that many rights are not absolute. Competing rights are weighed up in the Knesset, the parliament of Israel, and in its independent judiciary. The Supreme Court refers frequently to international law and does not hesitate to rely on international norms in its rulings.

11. Israel is proud of its social rights system. All Israeli residents are entitled to free primary and secondary education and to public health insurance. Israel has a relatively well developed social security system for its residents, assisting financially, inter alia, people with disabilities, the aged and the unemployed. In recent years, Israel has made great progress with regard to gay and lesbian rights, though the issue remains controversial.

12. The principle of equality is a basic one in the legal system, although not formally mentioned in the Basic Laws. This principle is an important tool in advancing the equality of Arab citizens in Israel and the Government is aware of the difficulties they face.

13. The delegation said Israel is aware of its shortcomings and the challenges that lie ahead and would welcome constructive criticism.

14. The Senior Deputy Legal Adviser of the Ministry of Foreign Affairs thanked those delegations who submitted advance questions, and stated that Israel recognizes that, in many of the issues it faces, especially those which require a balancing of rights, there are no right answers, and the most effective way of navigating the dilemmas is to share experience and best practices.

15. On questions on the application of international humanitarian law rather than human rights law, Israel indicated it would make every effort to share information, without prejudice to its reservations about the applicability of this framework within the context of the review. On questions touching on current bilateral negotiations with the Palestinians, both sides have agreed to keep the contents confidential, but Israel would be as forthcoming as possible.

16. The question asked by the United Kingdom of Great Britain and Northern Ireland about independent human rights institutions led Israel to share information about a significant number of independent monitoring and review bodies that play a crucial role in the protection of human rights. On its question about the Government's engagement with civil society in preparing human rights reports and in human rights monitoring, the delegation said Israel recognizes the value of dialogue with civil society and engages in preparatory dialogue with relevant non-government organizations for many of its treaty body reports. Regrettably, this was not possible during

preparation of its national report but they are hopeful that their engagement will be deepened in future reports.

17. The Netherlands and the United Kingdom asked about measures to ensure protection of minorities in Israel, including Israeli Arabs and the Bedouin population. Israel recognizes the discrepancies between different communities in Israel, and is committed to narrowing these gaps. There is a concerted effort to ensure that Israeli Arabs are represented in policy and decision-making positions. The historically nomadic Bedouin population, many of whom live in scattered clusters numbering several dozen houses, presents particular challenges, and an advisory committee on policy in this regard was established. The Committee, chaired by a former Supreme Court Justice, includes two Bedouin representatives.

18. Regarding the request of the United Kingdom for elaboration on measures taken to raise public awareness of human rights, Israel indicated that human rights education has become an integral part of the school curriculum and that continuing education on human rights issues is an important part of the training of the State's law enforcement authorities.

### **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue, statements were made by 54 delegations.

20. Brazil, Australia, the Netherlands, Slovenia, Sweden, Norway, Canada, Denmark, Ireland, Italy, Maldives, Mexico and Latvia thanked Israel for its participation, openness and willingness to cooperate in the universal periodic review process.

21. The State's efforts and challenges upholding human rights and its institutions were noted by France, Austria, Belgium and Brazil, with particular reference to the Supreme Court; Ukraine and Turkey to the National Council for Children; Turkey to the Ombudsman for Children and Youth and a special Ombudsman for Arab children and immigrant children; the United Kingdom and Ukraine to the appointment of a national coordinator on trafficking in persons; Burkina Faso to the commission for equal rights for persons with disabilities; and Burkina Faso and Finland to the commission for equal opportunity in employment. Maldives mentioned the State's signature of the Convention on the Rights of Persons with Disabilities, Latvia the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Maldives and Japan, the cooperation with treaty bodies; and Switzerland, Maldives and Latvia, the cooperation with special procedures. The following delegations made reference to developments in the legal framework: Romania referred to the enactment of the Criminal Procedure Law in 2007 and amendments to the 1998 Freedom of Information Act; Turkey and Latvia to the Gender Implications Legislation; Greece to the enactment of the Equal Rights for Women Law; and the Philippines and Romania to the 2006 anti-trafficking law. Latvia, Japan, Ukraine, Mexico, Brazil and Romania highlighted the State's efforts in combating trafficking; Burkina Faso and Ukraine, the efforts to promote the rights of the child; the Holy See, the United Kingdom, Burkina Faso, Mexico, Japan and Brazil, the efforts to promote the rights of persons with disabilities; the United Kingdom and Japan, the banning of corporal punishment throughout the education system; the Holy See, Latvia, Burkina Faso, Japan and Guatemala, the promoting of gender equality; the United Kingdom and Brazil, the promotion of the rights of same-sex couples; and Australia, the Parliamentary scrutiny of the state of emergency.

22. The Syrian Arab Republic noted that the report submitted by Israel omitted the reality of Israel being a State for Jews, where Jews alone are the citizens of the country. The report also failed to point out that the laws of the occupying power ensure that Israelis are subject to civil laws, whereas the Arabs are subjective to military laws. It recommended that Israel set a clear timetable to commit itself to the principles of human rights and humanitarian laws in all occupied Arab territories, and to releasing all Arab prisoners and detainees in Israeli prisons imprisoned for years without trial. Israel should enable ICRC to provide for needs and health care, in conformity with Council resolution 7/30, given that health standards are deteriorating on an ongoing basis; respect religious and cultural rights of Palestinians in all Occupied Palestinian Territories, including Jerusalem, in accordance with Council resolution 6/19; and commit to implementing the recommendations made after the review of its report to the Committee against Torture, and put an end to physical and mental torture of Arab prisoners.

23. Egypt noted that the State's report omits to mention that it remains the occupying power of lands of three Arab countries and that, since 1967, more than 20 per cent of the Palestinian population has been detained by Israel. Egypt noted that Israel ignored the advisory opinion of the International Court of Justice requesting it to cease the construction of the wall being built in the Occupied Palestinian Territories, including in and around East Jerusalem, and to dismantle those parts built on the Territories. Egypt referred to Israeli practices in the occupied Syrian Golan, including the confiscation of lands and imposing its citizenship on the Syrian people. Egypt recommended that Israel end its occupation of all Palestinian and Arab Territories occupied since 1967, including Jerusalem and the Syrian Golan; respect the right of Palestinians to self-determination and the establishment of their independent State, with Jerusalem as its capital; respect the right of Palestinian refugees to return to their homelands and be compensated for losses and damage incurred and to retrieve their properties; fully implement the advisory opinion of the International Court of Justice concerning the wall; annul its illegitimate decision to annex the occupied Syrian Golan, and to end all settlement activities therein; end all settlement activities in the Occupied Palestinian Territories, particularly in and around occupied Jerusalem; immediately cease its military operations in the Occupied Palestinian Territories and lift the closure imposed on the Gaza strip; and immediately release all Palestinian, Syrian and other Arab prisoners and detainees.

24. France asked if Israel envisaged limiting the use of administrative detention, particularly for minors, based on "secret proof for security reasons". It noted that there are laws and regulations that favour the Jewish majority, particularly with regard to access to citizenship and land, a major concern being the Bedouin population, forbidden from living on their traditional lands in the south of Israel. France asked about concrete measures to eliminate discrimination against Arab minorities. It said restrictions on the freedom of movement in the occupied territories have serious humanitarian and economic consequences, contravening the Fourth Geneva Convention. The blockade of the Gaza Strip is a major concern and Israel should conform to international humanitarian law and allow humanitarian personnel to pass, particularly those from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the World Food Programme. France recommended the reopening of points of passage to and from the Gaza Strip. It expressed concern that, in overcrowded Israeli prisons, visitation rights are refused to families of Palestinian prisoners, and about the incarceration of minors. It recommended that Israel respect the principles for the protection of persons subjected to detention or imprisonment and implement the recommendation of the Committee against Torture that it adopt specific legislation to ban torture. France also recommended that Israel, to ensure best protection of human rights and follow-up on implementation of international instruments, establish an independent national human rights institution, in accordance with the

Paris principles. France recommended that Israel sign the International Convention for the Protection of All Persons from Enforced Disappearance.

25. The Islamic Republic of Iran emphasized that the universal periodic review does not constitute a sufficient mechanism for addressing this specific situation. It also emphasized that occupation is the root cause of all human rights violations and atrocities against the Palestinians. It expressed concern that grave and systematic violations of human rights against the people of Palestine, the Syrian Golan, Lebanon and other occupied territories have been documented in international reports, such as extrajudicial killings, demolition of houses, imprisonment of innocent people, racist and discriminatory policies and practices, use of torture, expansion of settlements, increasing checkpoints, closure of crossings and military incursions, and violations of human rights and humanitarian law, such as the construction of the illegal apartheid wall, targeted killings and the use of Palestinians as human shields. It noted the conclusions of the fact-finding mission established by the Council (A/HRC/9/26) that the shelling of Beit Hanoun constituted a war crime. It stated that the severe blockade of Gaza is the most recent atrocity against the Palestinians, and that these actions constitute severe breaches, amounting to crimes against humanity. It called upon the international community to take all necessary and concrete measures to put an immediate end to all forms and manifestations of occupation, aggression and violations of human rights against the people of Palestine and the Syrian Golan.

26. Morocco noted violations of rights in Jerusalem, particularly cultural rights, the right to freedom of religion and belief. Morocco recommended the implementation of all international resolutions confirming the need to preserve the character and characteristics of Jerusalem, not to change its legal status and to preserve its Islamic and Christian spiritual monuments and symbols; ensuring the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration of Human Rights, and allowing them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restrictions, preserving cultural heritage, taking all measures to protect these places and to preserve their dignity; implementing all resolutions adopted by the Council, particularly its resolution 7/18 in which it requested Israel to cooperate with the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 and to immediately withdraw all legislative and administrative measures aimed at making the occupied East Jerusalem Jewish, including measures that allow archaeological digging around the Aqsa Mosque, the building of a synagogue, the establishment and expansion of settlements and the shutting down of Palestinian institutions; respect for all United Nations resolutions and obligations under international human rights and international humanitarian law, with a view to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, including East Jerusalem, through combating all forms of discrimination they are subjected to; and ensuring the enjoyment of the rights of the Palestinian people to, inter alia, housing, education, health, freedom of expression and freedom of movement.

27. Yemen stated that the suffering in the Gaza Strip was grave, and recommended that Israel immediately free all Palestinian, Syrian and Arab detainees, including women, children and journalists; allow international organizations, including ICRC, to visit detainees and examine their situation in all Israeli prisons to ensure that detention conditions conform to minimum standards; put an end to all forms of torture and degrading and inhuman behaviour; give families the right to visit detainees; remove crossing points; facilitate movement of Palestinians; and end its occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem.

28. Australia encouraged continued cooperation with non-governmental organizations in promoting and protecting human rights, particularly those of minorities. Australia recognized the security threats faced by Israel, including ongoing terrorist attacks against Israeli civilians, which affect fundamental human rights. Australia noted reports by non-governmental organizations alleging mistreatment of detainees and asked about steps to promote a culture of personal accountability, to ensure that treatment of detainees is in accordance with international standards, and that those responsible for ill treatment are prosecuted. It noted movement restrictions in the Palestinian territories, seeking information on steps taken to reduce the humanitarian impact of its security measures.

29. Kuwait stated that the report did not address the rights of the Palestinian people nor issues raised by international organizations, including the Council. The Israeli occupation authority has denied the rights of Palestinian people to self-determination, despite recognition of this right by the Security Council, the General Assembly, the International Court of Justice and the occupation authority itself. It noted the continued suffering of Arab detainees in occupation prisons, the detention conditions and the deteriorating health of detainees. Kuwait requested the implementation of Council resolution 7/30 with regard to Syrian detainees in occupation prisons. Kuwait recommended ending the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967; ending Israeli violations in the occupied Syrian Golan; respecting the right of the Palestinian people to self-determination and the right to the creation of its independent sovereign State, with Jerusalem as the capital; applying international human rights and humanitarian law in the Occupied Palestinian Territories and the occupied Syrian Golan; and implementing Council resolutions.

30. Germany noted that the difficult security situation in and around Israel must be borne in mind when the Government considers its human rights policy. It condemned the missile attacks from Gaza against Israel and was concerned about the closure of border crossings and the resulting humanitarian situation. It asked Israel how access to humanitarian personnel, diplomats and international media representatives to Gaza could be ensured.

31. Turkey reiterated its commitment to the peace process and the efforts aimed at reaching a two-State solution in accordance with Security Council resolutions. It stated that sustained improvement of the humanitarian situation in Palestine territories can only be achieved by a permanent settlement of the conflict. Turkey encouraged the international community to continue its efforts to that end. Turkey stated that measures must be taken to ameliorate the living conditions of the Palestine people. It called on all parties concerned to refrain from any action that could undermine the process leading to a durable solution. Noting the State's intention not to extend the state of emergency, the revision of certain fundamental laws, orders and regulations that depend on the existence of a state of emergency, and that the matter is pending before the High Court of Justice, Turkey requested further information on the schedule for the remaining procedures. Turkey requested Israel to share some best practices in the field of children's rights.

32. The Holy See was concerned about discrimination against Israeli Arabs and Palestinians. It noted that, for Arab Israeli citizens, with few exceptions, reunions with members of their family in the West Bank and Gaza are not allowed because of the Citizenship and Entry into Israel Law. The negative effect on these families is severe. The Holy See recommended suspension of the afore-mentioned law. It noted the State's non-recognition of interreligious marriages, asking whether the Israeli authorities are working to meet the rights of these citizens. It encouraged Israel to continue its negotiations with the Palestinian leadership to achieve the

two-State vision of an independent, viable, sovereign Palestinian State living side-by-side with Israel in peace and security.

33. Austria noted the lack of a formal constitution in Israel acknowledging the important progressive role of the Supreme Court in developing the scope of human rights protection. It asked about ongoing consultations for the development of a constitution and about measures to ensure that all parts of society benefit from it. It noted concerns expressed by treaty bodies and two Israeli commissions about the inequality of civil rights of citizens, namely between Jewish and Arab Israeli citizens, on issues such as employment, property and public administration. Austria requested information about measures to tackle them and recommended that Israel increase efforts to implement the recommendations of treaty bodies, particularly using the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens. Austria requested the Government's views on the recommendations of the Special Rapporteur on the situation of human rights defenders concerning the increased vulnerability of Arab and Palestinian communities and Palestinian human rights defenders, because of their isolation and restrictions on movement and communication. It recommended that Israel do its utmost to ensure that human rights defenders can carry out their legitimate work in a secure and free environment.

34. Switzerland recommended that Israel incorporate the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture into national legislation as soon as possible. It encouraged Israel to respond favourably to requests for special procedures visits. Noting the difficult situation faced by the Bedouin in Southern Israel, mostly owing to displacement from their ancestral lands, resulting in harm to their right to adequate housing, health and education, Switzerland enquired about measures to be taken to improve their socio-economic and legal conditions. Switzerland recommended that Israel not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-discrimination. Noting the Government's statement that integration of non-Jewish citizens in society, including the improvement of the integration of Arab women, constituted a priority, Switzerland enquired about actual measures envisaged. Switzerland recalled that Israel must respect its international humanitarian law obligations with regard to other parties to the conflict. It recommended that Israel fully respect human rights obligations not only in its own territory but also in places under its control, such as the Occupied Palestinian Territory, as recalled by treaty bodies and the International Court of Justice; cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families; and lift blockades in the Gaza Strip and remove restrictions on movement currently placed in the Occupied Palestinian Territory that gravely harm the human rights of Palestinians.

35. Palestine stated that Israel's presentation did not refer to its responsibility as an occupying power to the human rights situation in the Occupied Palestinian Territory. Palestine recommended putting an end to its occupation of the Palestinian and Arab territories, as occupation is the most severe form of human rights violations; reporting to the Council on the situation of human rights in the Occupied Palestinian Territory, being responsible as an occupying power; adhering to the realization of the right to self-determination of the Palestinian people in line with its commitments as a party to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights; adhering to the advisory opinion of the International Court of Justice on the construction of the wall; recognizing the right to return for the Palestinian refugees to their homeland in line with the

Fourth Geneva Convention; immediately halting all settlement activities in the Occupied Palestinian Territory; stopping the misuse and destruction of the natural and agricultural resources of the Palestinian people; abolishing the illegal annexation of East Jerusalem, and all measures taken to “Judaize” the city and obliterate its Arabic, Christian and Muslim nature; ensuring freedom of worship and access to worshippers; immediately releasing all Palestinian prisoners and administrative detainees; abolishing all procedures legitimizing the use of torture in line with its commitment to the Convention against Torture and immediately halting extra-judicial killings; removing all military checkpoints in the West Bank to enable Palestinians to enjoy their rights to education, freedom of movement and health; putting an end to the policy of collective punishment against Palestinians; lifting the closure and siege imposed over the Palestinian territories, namely over the occupied Gaza Strip; and implementing all resolutions and recommendations of the Council and all special rapporteurs, including those of the Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Committee on the Israeli practices in the Arab land occupied in 1967, in addition to extending full cooperation with them.

36. Saudi Arabia subscribed to the statement by Palestine. It stated that, despite the opinion of the International Court of Justice and what the international community, including the Council, has said, Israel continues with construction of the wall. It added that Israel’s continued creation of illegal settlements goes against the decisions and standards of the international community and article 49 of the Geneva Convention. Saudi Arabia urged the international community to help resolve this crisis. It said there would be no peace unless there is respect for the inalienable rights of Palestinians and withdrawal of Israel from occupied Arab territories.

37. Pakistan noted that the State’s national report ignored the very large number of Palestinians and other Arab citizens suffering from policies of occupation. It noted that almost all human rights mechanisms reported extreme human rights violations against these people and in the Occupied Palestinian Territory, including the grave concern of the Committee on Economic, Social and Cultural Rights about the deplorable conditions of Palestinians in the territories and the continuing practice of home demolitions, land confiscations and restrictions on residency rights; the concern of the Committee on the Elimination of Racial Discrimination over the implementation of the policy in relation to prosecutions of public figures who indulge in hate speeches against Arabs; and the concern of UNRWA over illegal settlements that continue to expand and encroach upon Palestinian land and restrictive permit systems for Palestinians. Pakistan endorsed the recommendations of the Special Rapporteur on the situation of human rights defenders and the recommendations made by Palestine.

38. Belgium regretted that the national report did not deal with the situation in the Occupied Palestinian Territory. The situation of minorities, particularly Arab Israelis, was addressed in a limited way. Obstacles to free movement of Palestinians from the West Bank and Gaza are serious humanitarian and human rights problems. Israel has prevented human rights defenders from participating in meetings abroad. Difficulties faced by journalists and diplomats in gaining access to Gaza are equally causes of concern. Belgium asked about measures to lighten the controls and administrative procedures which weigh daily on the population and to restore the right to movement for Palestinians, including human rights advocates. Belgium recommended that Israel limit restrictions of free movement only to situations that require security guarantees; in accordance with international law, particularly the International Covenant on Civil and Political Rights, in a non-discriminatory way, proportionate to the desired aim.



39. The United Kingdom recommended that Israel engage with civil society in the follow-up and implementation of the universal periodic review process. It expressed concern about the State's minority Arab population, including the Bedouin, who suffer from institutional, legal and societal inequalities and discrimination. It asked if minority groups were consulted in preparation for the review and recommended that Israel ensure that the rights of minorities are fully protected. Concerned about the administrative detention of Palestinian prisoners, especially teenagers, in Israeli prisons, the United Kingdom recommended that Israel take immediate action to ensure that all cases are reviewed by a court in accordance with fair procedures, and that the rights of detainees, particularly the right to a fair trial and family visitation, are upheld. It noted that, although not mentioned in the national report, the Occupied Palestinian Territory is also cause for serious concern. It noted that, according to reports, in the first half of 2008, Israel expanded settlements in the West Bank and East Jerusalem at a faster rate than in the previous seven years, adding that this has resulted in serious restrictions on the movement of Palestinians in the territories, the destruction of homes and appropriation of lands. It said that settlement building is illegal, corrodes trust and should stop. Expressing concerns about restrictions in the West Bank and Gaza, it urged Israel to respect its obligations under the Fourth Geneva Convention and to allow passage and distribution of relief consignments and asked about steps being taken to address the situation. The United Kingdom recommended that Israel take action to ensure Palestinians are fully able to enjoy their economic, social and cultural rights.

40. The Netherlands enquired whether all recommendations of the 2003 Or Commission had been implemented. While fully endorsing the State's need to provide security for its own people, the Netherlands emphasized this cannot be used to justify violent actions against Israeli civilians. It recognized the importance of providing residents of Palestinian territories with the opportunities to reach an adequate standard of living. It requested an explanation of how Israel will work towards significant improvements for residents of Gaza and the West Bank and recommended that Israel guarantee access and freedom of movement to these residents, notwithstanding the necessary security measures.

41. Slovenia noted with concern the information in the OHCHR compilation and stakeholders' reports on the refusal to the right to conscientious objection, part of the right to freedom of thought, conscience and religion, and on imprisonment in this regard. It asked if Israel intended to review this, and recommended ceasing imprisoning conscientious objectors and considering granting the right to conscientious objection to serve instead with a civilian body independent of the military. It asked about concrete steps planned to implement the recommendations of the Committee on the Rights of the Child, and recommended that Israel develop mechanisms for overseeing their implementation in the West Bank and Gaza. Concerned about the lack of or limited right to education of Palestinian children held in Israeli detention, some in administrative detention, and about reports of mistreatment, it asked about steps to bring the State's policy towards Palestinian minors in detention into line with international norms and standards. It recommended establishing a separate juvenile justice system to try accused Palestinian children. Noting that the definition of a child under Israeli military law for children in the Occupied Palestinian Territories differs from its civil law and from the international standard of 18 years of age, it asked about steps to consistently define the age of the child as 18. Slovenia commended the de facto moratorium on death penalty and encouraged the State to move towards its formal and final legal abolition.

42. The Israeli delegation expressed appreciation to the many delegations who commended efforts made to date in many areas and expressed support for the State's democratic tradition, its Supreme Court, its ratification of core human rights instruments and constructive engagement

with the universal periodic review process. It said it was willing to engage in bilateral dialogue on issues on which it was asked to share best practices.

43. Israel was reluctant to construct the security fence, which was built after waves of suicide bombings, which began in 2002, killed hundreds of people. To protect the inherent right to life, a temporary fence was built as a defensive measure and has proven to be extremely effective in the fight against terrorism. Israel recognizes that its construction raises complex humanitarian questions. There is extensive consultation with the local population in each area regarding the route and humanitarian arrangements, including agricultural gates, access to medical facilities and school buses for children separated from their schools.

44. For much of its length, the fence runs on the green line or within Israeli territory. Where, for security reasons, the route must run inside the West Bank, any proposed section of the route is published, notifying the population of the right to submit objection and claims. Measures are taken to limit the effect of the fence on the environment; for example over 60,000 olive trees have been replanted. Any individual affected by the fence, Israeli or Palestinian, has a direct right of access to petition the Supreme Court sitting as the High Court of Justice. Unlike the International Court of Justice, which was asked to address the issue in a sweeping manner and without the facts needed to weigh up humanitarian and security considerations, the High Court of Justice examines each individual stretch of the fence and subjects it to a stringent proportionality test under international law. The Court's decisions have resulted in dramatic changes to the route of the fence and humanitarian arrangements.

45. On the use of administrative detention against Palestinians, particularly against minors, and on concerns regarding visitation rights and court review, the delegation said Israel is aware that administrative detention measures can be susceptible to abuse; however, the Geneva Conventions recognize circumstances where it may be necessary and justified, the guiding principle being that it can only be used in situations of imperative military necessity and in full conformity with article 78 of the Fourth Geneva Convention. In practice, this means it can only be considered where the usual judicial procedures would endanger sources of information or to safeguard classified information. The Supreme Court has insisted that, before administrative detention can be considered, normal criminal proceedings must always be weighed. Israel outlined restrictions to use of detention orders and the rights of individuals subjected to them.

46. There are currently six Palestinian minors in detention, all over 17 years of age, a figure to be considered against a context in which terrorist groups are making deliberate efforts to recruit youngsters. The delegation cited figures to demonstrate that Palestinians incarcerated in Israel have the same access to education as Israelis.

47. On family visitation rights, it said over 20,000 visits take place each month. Sometimes, security considerations can affect approval of family visits, and in such cases, even though the Supreme Court has upheld the principle that security restrictions can constitute grounds to prevent a family visit, a procedure has been developed to enable such visits to take place without compromising on security, through the Red Cross.

48. On the humanitarian situation in the Gaza Strip and the West Bank, the delegation said all Israel Defense Forces were withdrawn from Gaza and the military administration dismantled in 2005. Since then, under the control of Hamas, the Gaza Strip has become a hotbed of terrorist activity.

49. The crossing points, which are the lifeblood for transferring goods and humanitarian assistance, have been directly targeted by terrorists. In late November 2008, on four different occasions attacks were directed against the Nahal Oz, Karni and Erez crossings and their vicinity and a rocket was launched against the Kerem Shalom crossing.

50. On a daily basis, Israel engages in a careful assessment of how best to ensure fulfilment of its humanitarian obligations, including the continued provision of fuel, electricity and water, while making efforts to protect its own civilians. In November 2008 alone, 454 trucks and over 12,700 tons of humanitarian goods entered Gaza, and 398 residents of Gaza were permitted to enter Israel to receive medical treatment.

51. Regarding the West Bank, Israel has been taking steps to improve freedom of movement and access. Since the beginning of 2008, over 130 roadblocks and checkpoints have been removed and subsequently, through these and other measures, the Palestinian economy has shown signs of strengthening.

52. Unfortunately, there remain abuses of the access arrangements, as shown by several recent attempts to smuggle explosives across checkpoints, and a recent incident of a woman using the urgent humanitarian lane, who sprayed toxic acid on Israelis, injuring Palestinians as well. Nonetheless, the Israel Defense Forces and the Civil Administration are continuously examining measures to improve movement.

53. It said Israel recognizes the importance of the Convention on Enforced Disappearances and is considering the implications of signing it and examining its domestic legislation in this context.

54. Jordan asked why Israel had not ratified the Rome Statute of the International Criminal Court. It recommended extending a standing invitation to all special procedures; ratification and/or accession to the Rome Statute or acceptance of its jurisdiction; establishment of a national human rights institution; refraining from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property. Regarding the Occupied Palestinian Territories, it said Israel, as an occupying power, has an obligation to abide by international humanitarian and human rights law. It regretted that Israel does not fulfil its obligations to respect the right to freedom of religion, and that it is implementing a systematic policy aimed at emptying Jerusalem of its Arab residents by discriminating against them in municipal services and the use of a set of Israeli laws designed to enable Israel to take possession of property of Arab residents in East Jerusalem in the event of their travel and/or temporary residence outside Jerusalem. It stated that Israel violates the rights relative to the Islamic Waqf in Jerusalem, including by housing Israeli settlers in Waqf homes. It recommended that Israel ensure protection and welfare of civilians in the Occupied Palestinian Territories; ensure safe and unhindered access for all humanitarian personnel and humanitarian assistance to civilian population, and most importantly refrain from imposing blockades on the Gaza strip; refrain from subjecting the civilian population to collective punishment; ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites; refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf; refrain from evicting Arab residents from their homes in Jerusalem; recognize and ensure the right of refugees to return to their homes and be adequately compensated, in accordance with relevant

United Nations resolutions and international law; stop all settlement activities; recognize, accept and implement the advisory opinion of the International Court of Justice on the wall; and end its occupation and withdraw from all the territories occupied since 5 June 1967.

55. Bahrain noted that Israel, as an occupying power, continues to carry out military operations in violation of human rights and humanitarian law. It stated that it is important to end the occupation of Palestinian and other Arab territories, to apply the provisions of the Fourth Geneva Convention to civilians, including East Jerusalem, to end the Israeli destruction of Palestine infrastructure and to be committed to the resolutions of the Council. Bahrain recommended that Palestinians enjoy economic social and cultural rights as well as civil and political rights; be able to reach places of worship; and that religious freedom be protected in accordance with article 27 of the Fourth Geneva Convention, and the occupying power must bear its responsibility in this respect; and that Israel allow the international community organizations, particularly ICRC, to ascertain the health conditions of Arab detainees in Israeli prisons. Bahrain stressed the need to push forward the peace process in the Middle East and to forge a permanent solution to the Arab-Israeli dispute, based on two States living in peace.

56. Sweden recalled the Human Rights Committee's recommendation that Israel end the use of targeted killings of suspected terrorists. Sweden recommended that Israel intensify its efforts to ensure that human rights are fully respected in the fight against terrorism. Sweden also noted that the Special Rapporteur on extrajudicial, summary or arbitrary executions has criticized Israel for not thoroughly investigating claims of killings committed by the Israeli police. Sweden recommended that Israel spare no effort to investigate allegations of violence and killings committed by the police and also ensure that the State at all levels fully respects international human rights standards.

57. Cuba said that the notion of Israel being a democracy is incompatible with its position as an occupying power humiliating and denying the fundamental rights of Palestinian people. It noted flagrant, massive and systematic violations of human rights generated in the context of the Israeli blockade in the Gaza strip in the past few months causing a humanitarian catastrophe, noting also the massacre in Beit Hanoun. It recommended that Israel end the occupation of all occupied Arab territories, including the Occupied Palestinian Territories and the occupied Syrian Golan; end construction of, and dismantle the already built, illegal separation wall; stop the policy of colonization through illegal settlement; end the blockade in the Gaza strip and guarantee full access of the Palestinians to basic services; end military attacks against the civilian Palestinian population; and meet provisions of international humanitarian law, particularly the Fourth Geneva Convention.

58. Norway noted the amendment made to the Basic Law by the Knesset in June 2008, prohibiting a person who has visited an enemy country from standing for election for seven years, regardless of the purpose of the visit. Norway asked how Israel intends to ensure its legislation conforms to freedom of speech and assembly and political rights to elect and to be elected for all citizens. Norway asked about steps to protect the rights of human rights defenders. It further recommended that Israel issue a directive to the military with a view to expanding the category of "humanitarian exceptions" to permit human rights defenders to enter and leave Gaza for their work. Noting that some existing criminal provisions could be inconsistent with the Basic Law on Human Dignity and Liberty and with freedom of speech, Norway recommended that Israel bring the old criminal provisions that would be seen as inconsistent with the above-mentioned law into conformity with modern human rights law standards.

59. Canada recommended that Israel strengthen efforts to ensure equality in the application of the law, counter discrimination against people belonging to all minorities, promote their active participation in public life and provide public services and infrastructure fairly; ensure access of Bedouin populations to basic public services such as sanitation, electricity and water; ensure that prisoners are informed of charges and evidence against them, have prompt access to counsel of their choice, be charged with recognizable criminal offence and be given a fair trial; and ensure prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture. It noted that the State's right to defend itself is undeniable and Canada's support for Israel's right to live in peace with its neighbours with secure boundaries cannot be questioned. However, it expressed concern about the humanitarian impact on civilian Palestinian populations of restrictions on movement and access and recommended that Israel comply with its obligations under international human rights and humanitarian law, to ensure the rights to health, education and work and protection of family rights in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights.

60. Spain asked about measures to lift the current impediment to entry of humanitarian aid in Gaza. Noting that Israel has demolished various Palestinian homes in the Occupied Palestinian Territories, particularly East Jerusalem, through administrative permits, it asked about measures to offer these permits to Palestinians so that this practice can end. Noting that Israel continues to control entry and exit of people both in Gaza and West Bank, it asked about legal guarantees and recourse for citizens whose entry is denied.

61. Chile, while understanding the security imperatives of Israel, expressed concern over people in administrative detention without access to lawyers. It recommended that all detainees be given reasons for their detention in respect of their fundamental rights during detention. Chile asked how many security and police force agents had been sanctioned for misconduct, and about measures taken to implement a 1999 Supreme Court decision prohibiting the use of physical force during interrogations of people in connection with terrorism. Noting that in 2005, the Committee on the Elimination of Discrimination against Women expressed concern over Israel's statement about the inapplicability of polygamy laws, Chile enquired about obstacles in its application and recommended that Israel put it into effect. It said the State's treaty obligations must be applied to all the territories and people under its effective control. Chile expressed deep concern over restrictions on freedom of movement of people living in the occupied territories, and that the construction of the wall poses an obstacle to their enjoyment of human rights. It expressed particular concern over targeted killings that could lead to the death of innocents and the denial of fundamental justice. Chile recommended that Israel guarantee the enjoyment of human rights and humanitarian laws for those living in the occupied territories.

62. Qatar indicated that Israel's practices outside of its borders contradict its treaty obligations. It noted Israel's continued policy of collective punishment, the use of blockades and checkpoints to prevent the movement of individuals and trade, including of United Nations humanitarian assistance. Qatar asked whether these were necessary to protect citizens or a political manipulation to impose more suffering on Palestinians and to weaken their will. Qatar recalled recommendations of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. It noted the deterioration of the health and the psychological situation of Palestinians, particularly of children, as a result of preventing entry of food, medication and other basic needs. Qatar indicated that the restriction of the right to movement is a violation of the rights to medical care and to education, since it prevents students and teachers from reaching educational institutions. Qatar indicated that Israel is obliged as an occupying power to implement the conventions to which it is a party in the occupied Arab territories. Qatar

called for an expeditious opening of the crossing and checkpoints and urged Israel to release all Palestinian and Syrian detainees and put an end to all the practices which seek to modify the demographic composition and architecture of Palestine and the Syrian Golan. Qatar also recommended respect for all resolutions and decisions of the Council and for the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination, and that a standing invitation be addressed to all special procedures.

63. The Democratic People's Republic of Korea shared the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Palestinian Territories, the Special Rapporteur on the promotion and protection of human rights while countering terrorism and the High Commissioner for Human Rights on the continuous deterioration of human rights and the humanitarian situation in the Occupied Palestinian Territories emanating from, among others, the construction of the security wall. It stated that this has been a major obstacle to the enjoyment of human rights by Palestinians, especially in education, health care, employment and basic social services. It noted the advisory opinion of the International Court of Justice on the wall, noted with concern the 2008 report of the International Labour Organization on the confiscation of lands of and discrimination against Syrian citizens in the occupied Syrian Golan, and the Council resolution on the situation in the occupied Syrian Golan. It stated that these acts violate international human rights law, particularly the treaties to which Israel is party, and called for the violations to be addressed immediately, including through the cessation of the occupation.

64. Finland noted that, despite the State's proclamation of equality for citizens, its Bill of Rights does not guarantee equality and the Arab minority continues to suffer from several forms of discrimination. Finland recommended that the Government address the problem of discrimination against minorities and implement the recommendations made by the Or Commission in 2003, and asked about steps taken in this regard. It expressed concern about the number of Palestinians detained in Israel and that the majority of Palestinians detained in the Occupied Palestinian Territories are held in facilities located in Israeli territory, in breach of the Fourth Geneva Convention stipulating that detainees must be held within the occupied territories.

65. Denmark asked about the use of torture, concerns about impunity and the use of administrative detention, recommending that Israel ratify the Optional Protocol to the Convention against Torture and recognize the competence of the Committee against Torture to examine complaints against Israel; ensure the prompt investigations into allegations thereof and bring to justice those committing attacks against Palestinian human rights defenders; and ensure that administrative detention is carried out in accordance with international human rights standards.

66. Latvia noted that, while Israel has invited and received several special rapporteurs in recent years, several visits have been requested, but not yet agreed upon. In the light of generally positive cooperation, it recommended that Israel step up cooperation with special procedures and eventually consider extending a standing invitation to all of them.

67. Ireland noted that Gaza has effectively been isolated as a result of the Government's actions, as all border crossings for people are closed, with very limited exceptions. It noted restrictions on the passage of goods to the Gaza Strip, including the supply of fuel and electricity, and the most recent severe disruptions of humanitarian supplies to Gaza. Ireland asked what the Government is doing to ensure its policies do not constitute collective punishment prohibited by article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Ireland recommended that the Government take all

necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which were ratified by Israel in 1991. Ireland noted that, under international law, it is illegal to build settlements in the Occupied Palestinian Territories, including East Jerusalem. It sought information on action taken and planned to freeze construction of settlements and to dismantle existing settlements or outposts. Noting the detrimental impact on civilians' access to essential services and their freedom of movement, Ireland recommended that the Government abide by its international obligations, including those under the Fourth Geneva Convention. Noting the concern of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism over the use of administrative detention and similar concerns by the Special Rapporteur on the situation of human rights defenders, Ireland recommended that the Government actively seek to address these concerns and review the use of administrative detention, which operates to deny people of their rights to liberty, due process and fair trial. Ireland also sought details on the policies on detention of minors.

68. Italy asked about concrete steps on the recommendations of the Committee on the Rights of the Child, particularly on the situation of children in the Occupied Palestinian Territories. Italy recommended applying the definition of a child as a person under 18 years also in the territories, in line with article 1 of the Convention. It recommended progressive removal of restrictions that prevent Palestinian children from access to basic services, including schools and health care. Italy noted with satisfaction that freedom of religion and the protection of places of worship are guaranteed by law, but noted that, in practice, some sacred places do not benefit from the same legal protection as official Jewish places of worship. Italy recommended that Israel guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places. It also recommended that it lift unnecessary restrictions on the granting of visas, particularly multiple entry visas, to members of the Christian clergy in the exercise of their religious duties. Italy expressed its firm commitment to the legitimate rights of Israel to ensure its own security, but noted that, although the Government recently announced that the Israel Defense Forces had removed more than 70 physical obstructions in the West Bank, investigations by some human rights organizations indicate that, in some places in the northern West Bank, obstructions previously removed had been moved back into place. Italy recommended ensuring more freedom of movement for the Palestinians in the West Bank and particularly Gaza in order to ensure adequate standards of living for Palestinian people and improve their access to health, education and work.

69. The Israeli delegation said that, with respect to the issue of settlements in the West Bank, it had been agreed by Israel and the Palestinians to deal with this in the final status negotiations, which are currently taking place at the highest levels; it was agreed that the two sides should keep the content of the negotiations confidential. It said Israel adopted numerous unilateral policy decisions to ensure that all options for a permanent status agreement remain open, including a Government policy not to commence any new settlements in the West Bank and to ensure that no private land is expropriated for the purpose of construction. The delegation noted the introduction of new requirements to ensure that any approvals for construction, including for natural growth, as well as essential facilities such as schools and health centres, require specific authorization by the Ministry of Defense in coordination with the Prime Minister. Any such authorization can be challenged by any affected individual before the Supreme Court sitting as the High Court of Justice. The delegation added that Israel is aware that a final status agreement with the Palestinians will require painful territorial concessions, and it has shown its willingness to engage in such painful processes in the disengagement from the Gaza Strip, in which, in

addition to withdrawing all military presence, it withdrew some 8,000 civilians along with their homes, kindergartens, synagogues and cemeteries, and dismantled four settlements in the West Bank.

70. On family reunifications and limitations on entry of the Palestinians from the West Bank to Israel, the delegation noted the involvement of the Palestinians from the West Bank and the Gaza Strip, using the procedure of family reunification, in acts of terrorism. The Government decided to suspend temporarily granting these individuals legal status in Israel through the process of family reunifications. A subsequent law enacted in 2003 limits the possibility of granting residents of the West Bank and the Gaza Strip Israeli citizenship pursuant to the Israeli Citizenship Law, including means of family reunification. The law allows entry to Israel for medical treatment, employment and other temporary grounds for up to six months, and was amended to expand humanitarian elements contained in it in 2005 and 2007. Its constitutionality has been scrutinized and upheld by the majority of the Supreme Court sitting in an expanded panel of 11 judges.

71. On the freedom of worship and access to holy places, including East Jerusalem, the delegation stated that special entry permits are broadly granted and limitations on such entries are imposed only exceptionally, in the event of specific security threats.

72. With regard to the detention of Hamas members, the delegation stated that, in 2006, members of the Hamas terrorist organizations, including Hamas ministers, were arrested and tried for terrorist attacks in open courts. The delegation further noted that they do not enjoy immunity from legal proceedings, despite holding positions in the Hamas Government. The delegation noted that several appeals were filed both by the Military Prosecution and the defendants, some of which are still pending.

73. Burkina Faso encouraged the State to continue its efforts to overcome constraints and difficulties to implement all human rights and fundamental freedoms for everyone.

74. Mexico encouraged continued intensive efforts to combat trafficking. It urged Israel to follow up the recommendations made by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006 in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification and freedom of expression, belief and religion. Mexico recommended that the Government respect freedom of movement in all territories under State jurisdiction in conformity with international standards. While noting the renewed state of emergency, Mexico urged Israel to respect and ensure respect of international humanitarian law, particularly the 1949 Geneva Conventions and the Optional Protocol I thereto, including in the Occupied Palestinian Territories. Mexico recommended that Israel redouble efforts to guarantee the protection of human rights and fundamental freedoms in the fight against terrorism, paying particular attention to the recommendations of the Special Rapporteur on human rights while countering terrorism on this subject. Finally, Mexico strongly recommended that Israel ratify the Optional Protocol to the Convention against Torture and the Convention on the Rights of Persons with Disabilities and the optional protocol thereto.



75. Maldives noted that human rights improvements in Israel are not matched by improvements in the territories under its effective control, especially the Occupied Palestinian Territories, reflecting the State's refusal to recognize the applicability of international humanitarian law and human rights law beyond its territory. It noted that the human rights of the Palestinians are undermined on a massive scale and that, until their fundamental rights are fully protected, the inalienable right of every person in the region to live in peace, security and prosperity will never be realized. Maldives recommended that Israel end the occupation of the Occupied Palestinian Territories; recognize and respect the right of the Palestinian people to self-determination and to establish an independent sovereign Palestinian State; respect its obligations under international human rights and humanitarian law with regard to the Palestinian people; acknowledge and fully implement the ruling of the International Court of Justice and immediately cease work on the construction of the wall in the Occupied Palestinian Territories and begin dismantling it; fully and immediately implement all Council resolutions on the situation of human rights in the occupied territories.

76. Indonesia, although acknowledging that Israel has been living in a state of emergency for over 40 years, was concerned that it continues to use the conflict to justify practices contravening international law; this applied particularly to the protection of basic rights of the civilian population in the Occupied Palestinian Territories and other Arab occupied territories, including the Golan Heights. It asked how denying the rights of Palestinians to have access to their place of work and to a job, attend school, receive medical care or enjoy such basic necessities as clean water and electricity could help its cause in the war. It asked if, on the contrary, being deprived of these basic rights acts as a permanent and grievous irritant for these populations, keeping the hostilities going unnecessarily. Indonesia asked whether a plan or timetable was being considered to dismantle the wall, adding that it was important that the many resolutions and the ruling of the International Court of Justice on the matter be implemented rather than systematically flouted or disregarded.

77. Argentina, noting that Israel placed a de facto moratorium on the death penalty, suggested that Israel evaluate the possibility of ratifying the second optional protocol to the International Covenant on Civil and Political Rights with a view to abolishing the death penalty. Argentina requested Israel to consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of its Committee.

78. South Africa expressed concern that the national report does not cover the Occupied Palestinian Territories nor the occupied Syrian Golan. It noted that the State's position, that its obligations under international human rights treaties do not apply beyond its own territory, has no basis in international law. It requested clarification. It noted as commendable the measures highlighted in the national report on implementing the economic, social and cultural rights of Israeli citizens, including the right to land and housing. It asked how these can be regarded as having implemented international human rights treaties if they are in direct contradiction to the enjoyment of the human rights of Palestinians, especially the right to self-determination and the right to return. South Africa recommended that the Government take urgent and immediate steps to end its occupation of all Palestinian and Arab Territories occupied since 1967; implement all Human Rights Council, General Assembly and Security Council resolutions with regard to the Occupied Palestinian Territories and other Arab territories; introduce measures to respect the right of the Palestinian people to self-determination and their right to return; accept its obligations under international human rights and humanitarian law; cease action that would alter

the demographic situation of Palestine; dismantle the separation wall; and grant access to safe drinking water to Syrian citizens living in the occupied Syrian Golan.

79. The Sudan recommended immediately ending the occupations of all Palestinian and Arab territories occupied since 1967, including Jerusalem and occupied Syrian Golan, and to recognize and respect the right of the Palestinian people to self-determination and their right to establish an independent sovereign Palestinian State with Jerusalem as its capital.

80. Brazil took note of the decision of the Israeli Supreme Court on the prohibition of physical force in interrogations. It acknowledged the special attention in the State's report to the challenges faced in combating terrorism and the preservation of the rule of law and the issues of racism, hate crimes and incitement. It asked Israel to comment on the position of several treaty bodies, reaffirming that the State's obligations under each treaty apply to all territories and populations under its effective control. Brazil asked about the main steps taken in the fulfilment of the rights of the child, with special attention to the issue of penal age. It asked for comments on the concerns reported by the Human Rights Committee and the Committee against Torture on interrogation techniques. Brazil asked for further elaboration on the mention in the national report that publication of a true and fair report of an act shall not be deemed an offence on condition that it was not intended to cause racism. Brazil recommended that Israel reach the human rights goals set by the Council in its resolution 9/12; consider ratifying the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention against Torture; consider strengthening the present dialogue and cooperation by issuing a standing invitation to special procedures; and dismantle the wall in the Occupied Palestinian Territories and refrain from the expansion of settlements.

81. Malaysia found it unacceptable that the report made no reference to implementation of treaty body recommendations in ensuring the full enjoyment of rights by peoples under the State's occupation. It expressed sadness that, by excluding any reference to the human rights situation in the Occupied Palestinian Territories, Israel appeared to have turned its review into a farcical exercise. It recommended, as a matter of urgency and priority, that Israel include in its next universal periodic review report measures taken to comply with the recommendations of treaty bodies, especially with regard to the situation of human rights in the territories; recognize and respect the right of the Palestinian people to self-determination; fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement; and fully implement its obligations under international law, including international humanitarian law, particularly the Fourth Geneva Convention of 1949 relating to the treatment of non-combatants in the hands of an occupying power.

82. Japan welcomed the State's ongoing efforts, including the work of the Knesset to establish a constitution that enshrines fundamental human rights for all. It expressed hope that further action will be taken regarding the State's commitment to embrace tolerance of other races and ethnicities, including those who express anti-Semitism. It is of crucial importance to continue efforts for further integration of non-Jewish citizens into society including by ensuring equality in access to education, health care and other aspects of social infrastructure. Japan strongly hoped that Israel will do its utmost to protect children from acts of violence and that all parties concerned will ensure that citizens enjoy the full range of human rights.

83. Ukraine requested more information on mechanisms such as the Military Ombudsman, the Ombudsman of the Ministry of Health and the Ombudsman for Children and Youth,

particularly on the way that their activities are coordinated to avoid duplication or in the case of multi-sector problems.

84. Romania asked for more information on policies to implement legislation on human trafficking, prostitution, slavery and child pornography in all its dimensions, including transnational organized crime. It recommended and hoped that the relationship of the Government with civil society would intensify. Romania asked for information on the role of the Authority for the Advancement of Women in the national action plan and in implementing its cooperation with treaty bodies and special procedures. Romania recommended that Israel expedite ratification of the Convention on the Rights of Persons with Disabilities so that it may become effective at the earliest opportunity.

85. Greece asked if the Government envisaged additional measures or strengthening of existing legislation with a view to the improvement of the status of women in Israeli society. While fully sharing the Government's security concerns, Greece asked for elaboration on the state of emergency regime established in 1948 and under review on an annual basis. It asked if Israeli authorities had taken into consideration potential negative repercussions of the continuation of the state of emergency regime on fundamental freedoms. It asked if the Government had established necessary guarantees for strict implementation of the Basic law: human dignity and liberty. While noting a High Court of Justice ruling in 2000 that the State could not discriminate between Arab and Jewish citizens in the allocation of State lands, it understood that discrimination continued. Greece recommended that the Government take all necessary measures to reduce the existing situation of discrimination and proceed in the near future to the equal allocation of lands, irrespective of the nationality of the owners.

86. Guatemala noted the State's efforts to promote gender equality within the civil service, but noted also that women continue to be a small minority of high-level civil servants and recommended that Israel continue and strengthen its efforts to achieve gender equality in Government and public services at all levels.

87. Tunisia noted that the report prepared by OHCHR showed some of the daily suffering of the Palestinian people as described by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. It showed that the conditions of detention of Arab prisoners are in blatant violation of international regulations for the full respect for human rights and thus of great concern. Tunisia calls upon the Council to remind the Israel authorities of international obligations, notably its obligations to protect civilians in time of war, as well as those reflected in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in international humanitarian law.

88. Azerbaijan recommended that Israel accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party; in line with ongoing work to promote gender equality and eliminate discrimination against women, redouble efforts to increase women's representation in society and to join the Optional Protocol to the Convention for the Elimination of All Forms of Discrimination against Women; improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms, inter alia, to improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there; and honour its obligations under international humanitarian law with regard to the situation in those territories. It asked about concrete measures envisaged to allow Palestinians in the occupied territories to fully enjoy their human rights. It asked about concrete steps to ensure civil society's

involvement in the follow-up to the present review and in the elaboration of future reports. Azerbaijan also asked about steps envisaged to overcome instances of racist violence and crime.

89. The Philippines noted that, under the law, trafficking and slavery crimes do not require the use of force, coercion, pressure or fraud, because human trafficking should not be condoned even if victims have “consented”. The Philippines positively noted a special fund for the rehabilitation and protection of victims of trafficking. Noting that the national report did not address the situation of migrants, the Philippines requested information on Government policies with respect to migrants and protection of their rights. It remained concerned about the humanitarian situation of Palestinians, strongly encouraging Israel to urgently address their humanitarian needs and increase efforts towards attaining a peaceful and lasting solution in the Occupied Palestinian Territories. The Philippines recommended that Israel consider the establishment of an independent national human rights institution.

90. Nigeria recognized the security threats faced by Israel and commended its efforts to improve the human rights programme. It encouraged Israel to extend protection of all human rights to all citizens and in the Occupied Palestinian Territories, without discrimination. Nigeria urged the leadership of Israel and Palestine to commit to a peaceful settlement that would lead to the independence of Palestine and guarantee the security and existence of the State of Israel, based on the peace process initiated by the United Nations. Nigeria encouraged Israel to continue to implement international humanitarian law, taking into account applicable rights, including equality and non-discrimination, the right to life, liberty and security of the person, freedom of movement and the recommendations of the special rapporteurs.

91. China noted that, since the continuation of the peace negotiations between Israel and Palestine and the ceasefire of June 2008, tension in this region has diminished, but the human rights situation of the Palestinian people remains critical, particularly in the Gaza Strip, where the closing of ports has prevented humanitarian aid from getting to the population and has thus made daily living conditions very difficult. China made an appeal to Israel to take positive and constructive measures in order to effectively reduce the deprivation under which the Palestinian people are living.

92. Israel expressed appreciation to the representatives who commended its efforts and progress, specifically with regard to persons with disabilities, women’s rights, children’s rights and trafficking in persons. Israel indicated it wanted to correct a few misconceptions in a number of statements. One representative suggested that persons under administrative detention were not entitled to access to a lawyer; in fact, individuals under administrative detention are entitled to counsel and the legal representation of their choice.

93. An impression was given in at least one statement that an exit from the Palestinian territories for humanitarian reasons was not possible. In fact, since the beginning of 2008, over 13,000 ill persons and their escorts have been permitted to leave Gaza into Israel and 135,000 from the West Bank into Israel to receive medical treatment that they would have been unable to receive in the Palestinian territories.

94. On conditions of detention within Israel, over the past two years, responsibility for all military prisons has been transferred to the Israel prison service and it outlined provisions for health care, special detention for prisoners with physical and mental problems and for prisoners with chronic illnesses, and access to a variety of established complaint mechanisms. Additionally, official visitors appointed by the Minister for Public Security and comprising

public sector lawyers are allowed to inspect prisons at any time. Israeli prisons and the prison service are routinely subject to inspections by the State Comptroller.

95. Israel recognized that the process of interrogation must be subjected to scrupulous regulation and oversight. Following a landmark High Court of Justice ruling in 1999, the use of torture or any forms of cruel, inhuman and degrading treatment is prohibited in interrogations. Israeli Security Agency interrogators must operate in accordance with detailed procedures, setting out permissible interrogation techniques, and are monitored by a complaints inspector, who operates independently and is also under the instruction and close guidance of a high-ranking attorney in the Ministry of Justice. Since October 2000, thousands of investigations have been conducted, and relatively few complaints have been filed, which if found to be justified, have resulted in measures against the investigator involved.

96. On the question from Cuba regarding the incident in Beit Hanoun in November 2006, Israel said the events were the subject of an extensive investigation led by an investigator with the rank of General and reviewed by the Military Advocate-General, and revealed that the damage was not intentional and was caused by a severe malfunction. New recommendations and procedures have been put in place to prevent such a tragedy from recurring.

97. On the question by Slovenia on conscientious objectors, the Supreme Court has affirmed that, where conscientious objection can be proved and is distinguished from political motivation or civil disobedience, exemption from army service must be granted.

98. Finally, Greece and Guatemala asked about steps to advance the status of women in public life. Israel said women's equality has always clearly been part of public discourse. The enactment of the Equal Rights of Women Law in 1951, and amendments throughout the years, is a reflection of the commitment to improve women's rights. Today, the Speaker of the Knesset, the President of the Supreme Court, three Government Ministers and five Directors-General in various Government ministries are women. There are 17 women in the Knesset. Approximately half of the senior positions in the civil service are held by women and the number of female judges continues to climb.

99. In his concluding remarks, the Ambassador and Permanent Representative of Israel expressed his appreciation for the comments, which reflected a thoughtful awareness of the complexity of many of the subjects. Israel will continue to explore ways to improve its human rights record, and remains open to dialogue both internally and bilaterally with other States, from whose experience Israel is pleased to learn.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

100. In the course of the discussion, the following recommendations were made to Israel to:

1. Continue its efforts to overcome constraints and difficulties in order to implement all human rights and fundamental freedoms for everyone (Burkina Faso); take all necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights with regard to the situation in Gaza (Ireland);
2. Evaluate the possibility of ratifying the second optional protocol to the International Covenant on Civil and Political Rights to abolish the death penalty

- (Argentina); consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of its Committee (Argentina, France); ratify the Optional Protocol to the Convention against Torture (Denmark, Mexico, Brazil), recognize the competence of the Committee against Torture to examine complaints against Israel (Denmark) and ratify the Convention on the Rights of Persons with Disabilities (Mexico, Romania) and the optional protocol thereto (Mexico); ratify/consider ratifying the Rome Statute of the International Criminal Court (Jordan, Brazil);
3. Accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party (Azerbaijan);
  4. Incorporate the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture into national legislation as soon as possible (Switzerland);
  5. Bring the existing criminal provisions that could be seen as inconsistent with the Israeli Basic Law on Human Dignity and Liberty and basic human rights law provisions guaranteeing freedom of speech into conformity with modern human rights law standards (Norway);
  6. Ensure best protection of human rights and follow-up to the implementation of international instruments (France); establish an independent national human rights institution in accordance with the Paris Principles (France, Jordan, Philippines);
  7. Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council (Latvia, Jordan, Brazil); reach the human rights goals set by the Council in its resolution 9/12 (Brazil);
  8. Increase efforts to implement the recommendations of treaty bodies and to use the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens (Austria); follow-up the recommendations made by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006, in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups of population in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification, freedom of expression, belief and religion (Mexico);
  9. Redouble efforts to increase women's representation in society and to join the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Azerbaijan); continue and strengthen its efforts to

- achieve gender equality in Government and public services at all levels (Guatemala);
10. Take all necessary measures to reduce the existing situation of discrimination and proceed in the near future to the equal allocation of lands, irrespective of the nationality of the owners (Greece);
  11. Move towards the formal and final legal abolition of the death penalty (Slovenia);
  12. Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment (Austria);
  13. Respect the principles of the protection of persons subjected to detention or imprisonment and implement the recommendation of the Committee against Torture that specific legislation to ban torture be adopted (France); ensure prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture (Canada); commit to implementing the recommendations made after the review of its report submitted to the Committee against Torture and end physical and mental torture of Arab prisoners (Syrian Arab Republic); put an end to all forms of torture and other cruel, inhuman or degrading treatment or punishment, give families the right to visit detainees in places of detention wherever they are (Yemen); suppress all decisions allowing the use of torture in accordance with the Convention against Torture, and refrain from using arbitrary and summary executions (Palestine);
  14. Spare no effort to investigate allegations of violence and killings committed by the police and also ensure that the State, at all levels, fully respects international human rights standards (Sweden);
  15. Take immediate action to ensure all cases are reviewed by a court in accordance with fair procedures and that the rights of detainees, particularly the right to a fair trial and family visitations, are upheld (United Kingdom);
  16. All detainees be given the reasons for their detention respecting their fundamental rights during detention (Chile); ensure that prisoners are informed of charges and evidence against them, have prompt access to counsel of their choice, be charged with a recognizable criminal offence and be given a fair trial (Canada);
  17. Ensure that administrative detention is carried out in accordance with international human rights standards (Denmark); actively seek to address these concerns and review the use of administrative detention, which denies people their rights to liberty, due process and fair trial (Ireland);
  18. Put the law on polygamy in effect (Chile);
  19. Respect freedom of movement in all territories under State jurisdiction in conformity with international standards (Mexico);
  20. Do not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-

- discrimination (Switzerland); suspend the Citizenship and Entry into Israel Law (Temporary Order of 31 May 2003) (Holy See);
21. Lift unnecessary restrictions on the granting of visas, in particular multiple entry visas, to members of the Christian clergy in the exercise of their religious duties (Italy);
  22. Cease imprisoning conscientious objectors and consider granting them the right to serve instead with a civilian body independent of the military (Slovenia);
  23. Refrain from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property (Jordan);
  24. Implement all international resolutions confirming the need to preserve the character and characteristics of Jerusalem, not to change its legal status and to preserve its Islamic and Christian spiritual monuments and symbols (Morocco);
  25. Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places (Italy); refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf (Jordan); stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship (Palestine, Pakistan);
  26. Ensure access of Bedouin populations to basic public services, such as sanitation, electricity and water (Canada);
  27. Refrain from evicting Arab residents from their homes in Jerusalem (Jordan);
  28. Ensure that the rights of minorities are fully protected (United Kingdom);
  29. Address the problem of discrimination against minorities and implement the recommendations made by the Or Commission in 2003 in this regard (Finland); strengthen efforts to ensure equality in the application of the law, counter discrimination against persons belonging to all minorities, promote their active participation in public life, and provide public services and infrastructure fairly (Canada);
  30. Intensify its efforts to ensure that human rights are fully respected in the fight against terrorism (Sweden); redouble efforts to guarantee the protection of human rights and fundamental freedoms in the fight against terrorism, paying particular attention to the recommendations made by the Special Rapporteur on this subject (Mexico);
  31. A sustained improvement of the humanitarian situation in the Palestine territories can only be achieved by the permanent settlement of the conflict. Encouraged the international community to continue its efforts to that end; necessary measures must be taken to ameliorate the living conditions of the Palestine people. Call on all parties concerned to refrain from any action that could undermine the process leading to a durable solution (Turkey);



32. Respect its obligations under international human rights and humanitarian law with respect to the Palestinian people (Maldives); fully respect its human rights obligations, not only in its own territory, but also in places under its control, such as the Occupied Palestine Territories, as recalled by treaty bodies and the International Court of Justice (Switzerland); comply with obligations under international human rights and humanitarian law, and ensure the rights to health, education, work and protection of family rights in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights (Canada); honour its obligations under international humanitarian law with regard to the situation in the Occupied Palestinian Territories (Azerbaijan); apply international human rights and humanitarian law in the Occupied Palestinian Territories and the occupied Syrian Golan (Kuwait); set a clear timetable to commit itself to the principles of human rights and humanitarian laws in all occupied Arab territories (Syrian Arab Republic); guarantee the enjoyment of human rights and humanitarian law for those living in the occupied territories (Chile); respect all United Nations resolutions and its obligations under international human rights law and international humanitarian law, with a view to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, including East Jerusalem, by combating all forms of discrimination; and ensure the enjoyment of the rights of the Palestinian people, inter alia, to housing, education, health, freedom of expression and freedom of movement (Morocco);
33. Abide by its international obligations, including those under the Fourth Geneva Convention (Ireland); meet provisions of international humanitarian law, particularly the Fourth Geneva Convention (Cuba); fully implement its obligations under international law, including international humanitarian law, in particular the Fourth Geneva Convention of 1949 relating to treatment of non-combatants in the hands of the occupying power (Malaysia); respect and ensure respect of international humanitarian law, particularly the 1949 Geneva Conventions and the Optional Protocol I thereto, including in the Occupied Palestine Territories (Mexico);
34. Recognize and respect the right of the Palestinian people to self-determination (Malaysia, Maldives) and their right to establish an independent sovereign Palestinian State (Maldives); fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement (Malaysia); grant Palestinians economic, social and cultural rights as well as civil and political rights; allow Palestinians to reach places of worship, and protect religious freedom in accordance with article 27 of the Fourth Geneva Convention, as the occupying power, and bear its responsibility in this respect; and allow the international community organizations, particularly ICRC, to ascertain the health conditions of Arab detainees in Israeli prisons (Bahrain); respect religious and cultural rights of the Palestinian people in the Occupied Palestinian Territories, including Jerusalem, in accordance with Council resolution 6/19 (Syrian Arab Republic); end the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan (Egypt, Kuwait, Cuba); end Israeli violations in the Occupied Syrian Golan (Kuwait); end the occupation of all Palestinian and Arab territories occupied, including Jerusalem (Yemen, Maldives, Jordan, Palestine, Pakistan); and

- withdraw from all the territories since 5 June 1967 (Jordan); respect the inalienable rights of Palestinians and end all occupation of occupied Arab territories (Saudi Arabia); end the occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem and occupied Syrian Golan, and recognize and respect the right of the Palestinian people to self-determination and their right to establish an independent sovereign Palestinian State with Jerusalem as its capital (Sudan); in the light of the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Territories, the Special Rapporteur on human rights and counter-terrorism and the High Commissioner for Human Rights regarding the continued deterioration of human rights and the humanitarian situation in the Occupied Palestinian Territory emanating from, among others, the construction of the security wall, address the violations immediately, including through the cessation of the occupation (Democratic People's Republic of Korea); respect the right of the Palestinians to self-determination and the establishment of their independent State with Jerusalem as its capital (Egypt, Kuwait, Palestine), as stipulated in various international treaties (Palestine, Pakistan);
35. Acknowledge/recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall (Egypt, Maldives, Jordan, Palestine, Pakistan) that Israel immediately cease work on the construction of the wall being built in the Occupied Palestinian Territories, and begin dismantling it (Maldives); end construction of, and dismantle the already built, illegal separation wall (Cuba); dismantle the wall in the Occupied Palestinian Territories and refrain from expansion of settlements (Brazil); dismantle the separation wall (South Africa).
  36. Take urgent and immediate steps to end its occupation of all Palestinian and Arab territories occupied since 1967; implement all Human Rights Council, General Assembly and Security Council resolutions on the Occupied Palestinian Territories and other Arab territories; introduce measures to respect the right of the Palestinian people to self-determination and their right to return; accept its obligations under international human rights and humanitarian law; cease action that would alter the demographic situation of Palestine; and grant access to safe drinking water to Syrian citizens living in the occupied Syrian Golan (South Africa);
  37. Develop mechanisms for overseeing the implementation of the Convention of the Rights of the Child in the West Bank and Gaza (Slovenia); apply the definition of a child as a person under 18 also in the Palestinian territories, in line with article 1 of the Convention on the Rights of the Child (Italy);
  38. Immediately cease its military operations in the Occupied Palestinian Territories and lift the closure and seizure it imposes on the Gaza Strip (Egypt); end military attacks against the civilian Palestinian population (Cuba); ensure safe and unhindered access to all humanitarian personnel and humanitarian assistance to the civilian population, and most importantly refrain from imposing blockades on the Gaza Strip (Jordan); refrain from subjecting the civilian population to collective punishment (Jordan); ensure the protection and welfare of civilians in the Occupied Palestinian Territories (Jordan); end collective punishment in the

Occupied Palestinian Territories, in particular in the Gaza Strip (Palestine, Pakistan);

39. End all settlement activities in the Occupied Palestinian Territories, in particular in and around occupied Jerusalem (Egypt); stop the policy of colonization through illegal settlement (Cuba); annul its illegitimate decision to annex the occupied Syrian Golan and end all settlement activities therein (Egypt); cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families (Switzerland); stop all settlement activities (Jordan); end all construction in the Occupied Palestinian Territories and the destruction of natural and agricultural resources of the Palestinian people (Palestine, Pakistan);
40. Improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms to, inter alia, improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there (Azerbaijan);
41. Fully and immediately implement all Council resolutions (Qatar, Kuwait, Maldives, Palestine, Pakistan) in relation to the situation of human rights in the occupied territories (Maldives) and respect the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination (Qatar); implement all resolutions adopted by the Council, in particular resolution 7/18, in which the Council requested Israel to cooperate with the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 and to immediately withdraw all legislative and administrative measures aiming at making the occupied East Jerusalem Jewish, including measures that allow archaeological digging around the Aqsa Mosque, the building of a synagogue, the establishment and expansion of settlements and the shutting down of Palestinian institutions (Morocco); implement the recommendations of the Council (Kuwait, Palestine, Pakistan) and special procedures, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Committee on Israeli Practices in the Occupied Palestinian Territories (Palestine, Pakistan); endorse the recommendations of the Special Rapporteur on the situation of human rights defenders (Pakistan);
42. Ensure prompt investigation into allegations of and bring to justice those committing attacks against Palestinian human rights defenders (Denmark); issue a directive to the military with a view to expanding the category of “humanitarian exceptions” to permit human rights defenders to enter and leave Gaza for their work (Norway);
43. Immediately release all Palestinian, Syrian and other Arab prisoners and detainees (Egypt); release all Palestinian and Syrian detainees and put an end to all the practices that seek to modify the demographic composition and architecture of Jerusalem and the Syrian Golan (Qatar); free all Palestinians, Syrian and Arab detainees, including women, children and journalists, and allow international organizations, including ICRC, to visit these detainees and examine their situation in all Israeli prisons to ensure that detention conditions conform to minimum

- standards (Yemen); commit itself to releasing all Arab prisoners and detainees in Israeli prisons imprisoned for years without trial; enable ICRC to provide for needs and health care in conformity with Council resolution 7/30, as the state of health is deteriorating on an ongoing basis (Syrian Arab Republic); ensure the release of all prisoners and administrative detainees (Palestine, Pakistan);
44. Refrain from subjecting the civilian population to collective punishment (Jordan);
  45. Establish a separate juvenile justice system to try accused Palestinian children (Slovenia);
  46. Guarantee access and freedom of movement to the inhabitants of Gaza and the West Bank notwithstanding the necessary security measures (Netherlands); limit the cases in which restrictions to free movement are applied to situations that require guaranteeing its security, in accordance with international law, in particular with the International Covenant on Civil and Political Rights, non-discriminative and proportionate to the desired aim (Belgium);
  47. Expeditiously open crossing points and checkpoints (Qatar); lift blockades in the Gaza Strip and remove restrictions of movement currently placed in the Occupied Palestine Territories that gravely harm the human rights of Palestinians (Switzerland); reopen points of passage to and from the Gaza Strip (France); end the blockade in the Gaza Strip and guarantee full access of the Palestinian population to all basic services (Cuba); lift all military checkpoints and end all restrictions on the rights of Palestinians to movement and their rights to health and education (Palestine, Pakistan); ensure more freedom of movement for the Palestinians in the West Bank and particularly Gaza in order to assure adequate standards of living of the Palestinian people and improve their access to health, education and work (Italy); open crossing points (Yemen);
  48. Ensure the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration for Human Rights, and allow them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restriction, and in order to preserve the cultural heritage, take all measures to protect these places and preserve their dignity (Morocco); take positive and constructive measures in order to effectively reduce the deprivation under which the Palestinian people are living (China); take action to ensure that Palestinians are fully able to enjoy their economic, social and cultural rights (United Kingdom);
  49. Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites (Jordan);
  50. Progressively remove restrictions that prevent Palestinian children from having access to basic services, including schools and health care (Italy);

51. Respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred and to retrieve their properties (Egypt, Jordan), in accordance with relevant United Nations resolutions and international law (Jordan); acknowledge the right of refugees to return to their homes, according to the Fourth Geneva Convention (Palestine, Pakistan);
52. Submit a report on the situation of human rights in the Occupied Palestinian Territories since Israel is in charge as the occupying power (Palestine, Pakistan);

**Follow-up to the universal periodic review**

53. Include in its next review report measures taken to comply with the recommendations of treaty bodies, especially with regard to the situation of human rights in the Occupied Palestinian Territories (Malaysia);
  54. Engage with civil society in the follow-up to and implementation of the universal periodic review process (United Kingdom).
101. The response of Israel to these recommendations will be included in the outcome report to be adopted by the Council at its tenth session.
102. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Israel was headed by H.E. Aharon Leshno-Yaar, Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva and composed of eight members:

Advocate Malkiel Blass, Deputy Attorney General (Legal Counseling), Ministry of Justice;

Advocate Daniel Taub, Senior Deputy Legal Adviser, Ministry of Foreign Affairs;

Advocate Ady Schonmann, Deputy Head of the International Law Department, Ministry of Foreign Affairs;

Advocate Hila Tene, Acting Director (Human Rights/Liaison with International Organizations), Department of International Agreements and Litigation, Ministry of Justice;

Advocate Michal Michlin-Friedlander, Senior Deputy State Attorney, High Court of Justice Department, Ministry of Justice;

Mr. Walid Abu-Haya, First Secretary, Human Rights and Humanitarian Affairs, Permanent Mission of Israel, Geneva;

Ms. Hilary Stauffer, Adviser, Human Rights and Humanitarian Affairs, Permanent Mission of Israel, Geneva.

-----



# General Assembly

Distr.: General  
9 November 2009

Original: English

---

## Human Rights Council

Tenth session

Agenda item 1

Organizational and procedural matters

2–27 March 2009

## Report of the Human Rights Council on its tenth session

*Vice-President and Rapporteur:* Mr. Elchin **Amirbayov** (Azerbaijan)

issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

*30th meeting  
19 March 2009*

[Adopted without a vote. See part II, chap. VI.]

## **10/112**

### **Outcome of the universal periodic review: Israel**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Israel on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Israel which is constituted of the report of the Working Group on the review of Israel (A/HRC/10/76), together with the views of Israel concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

*31st meeting  
20 March 2009*

[Adopted without a vote. See part II, chap. VI.]

## **10/113**

### **Outcome of the universal periodic review: Cape Verde**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Cape Verde on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Cape Verde which is constituted of the report of the Working Group on the review of Cape Verde (A/HRC/10/81), together with the views of Cape Verde concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/10/29, chap. VI).

*31st meeting  
20 March 2009*

[Adopted without a vote. See part II, chap. VI.]





# General Assembly

Distr.: General  
28 October 2013

English only

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Seventeenth session**  
Geneva, 21 October–1 November 2013

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Israel**

---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

## I. Methodology and consultation process

1. The Report of the State of Israel was prepared in line with guidelines set out in Resolution 16/21 (A/HRC/RES/16/21) and its Annex, and Decision 17/119 (A/HRC/DEC/17/119) of the UN Human Rights Council. The report is based on the results of consultations between a wide range of government ministries and agencies.

## II. Normative and institutional developments

### A. International instruments

2. **Further to Recommendation 2 (Mexico, Romania)**, on 28 September 2012 Israel ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) marking the successful end of a lengthy process of internal discussions.

3. The ratification signifies another milestone in the promotion of disability rights agenda in Israel throughout the last decade, which started with the Israeli *Equal Rights for Persons with Disabilities Law 5758-1998* and continued with the establishment of the Commission for Equal Rights of Persons with Disabilities in August, 2000.

4. In order to enforce and enhance accessibility compliance, an Inspection Department was established in 2008 under the auspices of the Commission for Equal Rights of Persons with Disabilities. This department currently employs nine inspectors, acting mainly in the fields of public transportation, telecommunication and planning and building. The Commission also employs four attorneys in its legal department and a fifth attorney who handles accessibility queries.

5. Since the submission of Israel's 2008 UPR national report, Israel has enacted an additional 9 sets of regulations mandating accessibility to all existing and new public buildings and services. Another set of regulations mandating accessibility to other public places such as beaches, parks, zoos and graveyards was finalized in Sept. 2013. Largely due to the enforcement efforts of the Commission and the courts, significant achievements may be noted:

(a) 70% of municipal buses in Israel are now accessible to people with sight, hearing, cognitive and mobility disabilities. This accessibility includes vocal announcement of bus stops, ramps, accessible signage, and wheelchair fastening belts.

(b) 60% of municipal bus stops, train stations and airports countrywide are accessible to persons with mobility disabilities.

(c) The Commission has informed all planning and building committees in Israel about their duties under the accessibility laws and regulations. Sample inspections have shown that, currently the committees have complied with the accessibility laws in about half of the cases.

(d) All major cell phone and telecommunications companies now offer disability-accessible phones, as well as telecommunications relay services for persons with hearing disabilities.

(e) The *National Insurance Law (Amendment no. 109) 5768-2008* enables persons with disabilities to earn a monthly salary relative to their level of disability, without having to forgo their disability benefit, thus creating a powerful incentive to reenter the work force.

6. In addition to the aforementioned information, in 2012, the Civil Service had designated for the first time 90 positions for persons with disabilities, for the first time. A circular regarding these positions was disseminated to all Government Ministries. This was done in order to better integrate persons with disabilities in the labour market.

7. Israel's Commissioner for Equal Rights of Persons with Disabilities, Mr. Ahiya Kamara, was elected in September 2012 to the General Assembly to the Bureau of the Committee on the Rights of Persons with Disabilities for a term of two years. Israel has been involved in organizing side events, with the help of Israeli NGOs and human rights organizations, during recent annual sessions of the Conference of State Parties to CRPD. Two examples of such events are "Access to Justice in the Criminal System for Persons with Disabilities", together with the Israeli Bizchut, The Israeli Human Rights Center for People with Disabilities (13.9.2012); and "Persons with Disabilities' role in Developing Accessible Environments", with the International Disability Alliance (17.7.2013).

8. MASHAV - Israel's Agency for International Development Cooperation at the Ministry of Foreign Affairs was involved in sharing Israel's knowledge and expertise on issues pertaining to persons with disabilities. In 2010-2011 MASHAV organized several workshops on equal educational opportunities for preschoolers with special need for Latin American decision makers and NGOs. Similarly, in 2011-2012 MASHAV worked in cooperation with the U.N. Economic Commission for Europe and INAPAM (Instituto Nacional de las Personas Adultas Mayores), the umbrella organization for older people in Mexico, to focus on the special needs of the elderly and disabled within the community.

## **B. Engagement and dialogue on human rights issues with International Bodies and NGOs**

9. **Further to Recommendations 7, 40 (Latvia, Jordan, Brazil, Azerbaijan)**, Israel has been regularly subject to significant, and often politically motivated scrutiny over the years, disproportional to the international attention received by other world regions. Nevertheless, Israel regularly cooperates with various international and domestic bodies and NGOs that deal with human rights issues. Israel complies with requests for dialogue as an expression of its appreciation for transparency and dialogue in a democratic society. This includes intensive relations with a variety of human rights bodies, compilation of detailed State reports and interactive dialogues with high ranking delegations who visit Israel. In 2008-2013 Israel was visited by a number of UNHRC Special Rapporteurs including the Special Rapporteur on Adequate Housing (30.1-12.2.2012); the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (6-18.11.2011); and The Special Rapporteur on Freedom of Religion or Belief (20-27.1.2008). Israel also hosted visits by the Special Representative for Children and Armed Conflict (2-6.2.2009) and by the Program Officer in the Office of the Special Representative for Secretary General for Children and Armed Conflict (14-16.1.2013).

10. Israel is making genuine efforts to involve civil society in the process of articulating its periodic reports to all human rights treaty bodies. In addition to letters that are sent out to all the relevant Ministries and Governmental bodies, letters are also sent out to the relevant and leading NGOs, inviting them to submit comments prior to the compilation of the report through direct application, Moreover a general invitation to submit remarks is posted on the Ministry of Justice web site.

11. Israel is one of four states representing WEOG in the NGO Committee for two consecutive terms. Mission member, Mr. Yoni Ish Hurwitz, served as the 2012 Vice Chair and Rapporteur of the Committee on behalf of WEOG. During this period, Israel has helped NGOs from various countries receive "ECOSOC consultative status." One key area of

focus has been promoting the inclusion of LGBT organizations. In May 2013, together with the US, Belgium and Bulgaria, we successfully lobbied for two LGBT organizations from Austria and Australia to receive ECOSOC consultative status.

12. Since 2012, Government representatives participate in a project initiated by the Minerva Center for Human Rights at the Hebrew University of Jerusalem's Faculty of Law, with the aim of improving the cooperation between State authorities and civil society organizations in the working process of reporting to the UN human rights treaty bodies. Although civil society has always been invited to submit information in the process of preparing reports to treaty bodies, this innovative enhanced dialogue is the first of its kind in Israel. The first part of the project entailed creating a joint forum, attended by representatives of various state authorities, scholars and representatives of civil society organizations, which conducts an ongoing symposium to improve the cooperation between the parties in composing State reports that are submitted to these committees. The second stage includes inviting the civil society organizations participating in the project to comment on the State's draft report prior to its submission to the Committee. The first report that was chosen for this project is the 4<sup>th</sup> Periodic Report by the State of Israel to the ICCPR Committee. The overarching purpose of the project is to increase civil society's involvement in the process of forming the reports, and ultimately to enhance cooperation in implementing those human rights conventions in Israel.

13. In 2012, the concluding observations relating to Israel by the various human rights treaty bodies from 2007 onwards were translated to Hebrew and published on the Ministry of Justice website. Where available, links to UN translation into Arabic of these concluding observations were also published.

14. Human rights are given an additional valuable form, and are further entrenched into domestic law, by the Israeli Supreme Court. The Supreme Court has relied in a number of landmark cases on international human rights law, including citing international and regional human rights treaties and their interpretation by treaty bodies. Such cases include H.C.J. 5373/08 *Abu Libdeh et. al. v. The Minister of Education* (6.2.2011) (the right to education); H.C.J. 10662/04 *Salah Hassan v. The National Insurance Institute (NII)* (28.2.2012) (the contours of social and economic rights, primarily the right to a minimum standard of living); H.C.J. 7426/08 *Tabeka v. The Minister of Education et. al.* (31.8.2010) (the freedom from discrimination in education); H.C.J. 1181/03 *Bar Ilan University v. The National Labour Court* (28.4.2011) (the right to unionize and retirement rights); and H.C.J. 11437/05 *Kav-Laoved v. The Ministry of Interior* (13.4.2011) (rights of women migrant workers).

15. **Further to Recommendation 12 (Austria)**, the State of Israel places no specific restrictions on the right of organizations to engage in activities for the promotion and observance of human rights. For legal purposes, these organizations are indistinguishable from any other organization: to the extent that they are registered as associations, they must comply with applicable law; in every other sense, human rights defenders fully enjoy the freedom to associate and to pursue their various aims. There are nearly 15,000 Israeli registered organizations working freely and fruitfully in the promotion of all human rights including gender equality, sustainable development, health, welfare, and education. It is worth noting that virtually any person or group who claims an interest may petition either an Administrative Court, or Israel's highest civil instance, the Supreme Court residing as the High Court of Justice, including the residents of the West Bank and the Gaza Strip and any NGO. The organizations' complete access to the Courts has proven highly effective in guaranteeing human rights promotion and protection.

16. **Further to Recommendations 3, 6 (Azerbaijan, France)**, in 2001 Israel established a joint inter-ministerial committee, headed by the Deputy Attorney General (Legal Advice), for reviewing and implementing concluding observations of human rights

treaty bodies. This inter-ministerial team meets periodically and has promoted several significant changes in regard to various human rights issues.

### C. Newly established institutions for protection and promotion of human rights

17. **The Freedom of Information Unit** – established within the Ministry of Justice, by Government Resolution no. 2950 of March 6, 2011. The establishment of a central unit aimed at promoting transparency is an expression of Israel's adherence to the value of open governance. The principle of transparency and the right of citizens to obtain information from government authorities has been enshrined in case law since the mid 1960's. The Unit constitutes a center of professional knowledge in the field of freedom of information and gathers relevant information, conducts public awareness campaigns and trains civil servants and other public employees. The Unit's primary role is to manage the work of freedom of information officers in the various Government Ministries and handle public complaints concerning freedom of information in the various Ministries as well as rectifying the errors discovered in the process. The Unit submits annual reports to the Government on the compliance of Israeli Ministries and other authorities with the provisions of the law. The first report was submitted in May 2013. The Courts have also played a key role in developing the freedom of information in Israel. In August 2012 the Supreme Court accepted an appeal by the NGO, Movement for Freedom of Information in Israel to publish the results of national assessment scores of elementary and middle school students. The former Deputy President of the Supreme Court, Justice Eliezer Rivlin, emphasized: "Information is the property of the public held in trust by the authorities, so that the authorities cannot decide for the public if exposure to said information would benefit them... A Government which takes the liberty to determine what is best for its citizens to know will end up deciding what is best for its citizens to think - and nothing contradicts true democracy more than this." (A.A. 1245/12 *The Movement for Freedom of Information v. The Ministry of Education* (23.8.2012)).

18. **The Inspector for Complaints Against the Israel Security Agency (ISA) Interrogators** – Following comprehensive deliberations, the Attorney General announced in November 2010, that the Inspector for Complaints against ISA Interrogators, which has been an administrative part of the Israel Security Agency, would become part of the Ministry of Justice and be subordinated - administratively and organizationally - to the Director General of the Ministry of Justice, as an external inspector. Israel is pleased to announce that the procedure of transferring the Inspector to the Ministry of Justice is nearing completion. In June 2013, Colonel (Ret.) Jana Modzgvishvily was chosen to serve as the Inspector. Following this nomination, the Ministry of Justice is operating to create the additional required positions. Following the completion of the manning of these positions, the unit in the ISA will be dispersed.

19. **Witness Protection Authority** – established in 2008 within the Ministry of Public Security, pursuant to the *Witness Protection Program Law 5769-2008*. The Authority protects witnesses and their families prior to, during and after trial. The Authority is responsible for formulating policies for the protection of witnesses at risk, setting criteria for assessing threats and developing tools to protect witnesses based on those assessments. The Authority is also responsible for initiating relevant legislation and promoting international cooperation with foreign States. In April 2010, the Authority completed its initial phase of deployment and now has more than a dozen witnesses under its protection. Witnesses who do not meet the criteria for this heightened protection by the Authority are still provided protection by the Police or the Israeli Prisons Service (IPS).

20. ***National Council for Nutrition Security*** – established in 2011 within the Ministry of Social Affairs and Social Services, and tasked with the promotion and implementation of a national nutrition security plan for the Israeli population. The Council is chaired by Prof. Dov Chernichovsky, a professor of health economics and policy at Ben-Gurion University. The Government of Israel has allocated NIS 200 Million (\$56 Million) for nutrition security which will be distributed based on the recommendations of the Council scheduled to be published in 2014.

### **III. Promotion and protection of human rights – progress and best practices**

#### **A. Gender based equality**

21. **Further to Recommendation 9 (Azerbaijan, Guatemala)** Israel has been committed to gender equality ever since its establishment, and continues to promote and aspire to full and real equality in all aspects of life. While Israel, like many societies faces real challenges on gender equality issues, major progress has been made in recent years towards gender equality in the workplace and appropriate representation of women.

22. The Knesset enacted the *Expansion of the Appropriate Representation of Women Law (Legislative Amendments) 5771-2011* which obligates appropriate representation for women in inquiry commissions and national examination committees. According to the new Law the Authority for the Advancement of the Status of Women in the Prime Minister Office (the "Authority") will establish a list of women who are suitable and qualified applicants to take part in such committees. According to Section 3(4)(3) to the amendment, a woman who consider herself as suitable to be included in the Authority's list may apply to the Authority in order to be included, specifying her education, experience and training.

23. With the establishment of the 19th Knesset in February 2013, the percentage of female MK's increased from 19% to 22.5%. There are four female Ministers in Israel's new government, an increase from 9.7% (in the former Government) to 18%. There has been a significant increase of women in Israel's civil service. Currently, women comprise 64% of all civil servants. As of 2011, the percentage of women in high ranking positions in the civil service has risen to 32.6%. In government corporations, the percentage of female directors was 39% in 2011 and by the end of 2012 women comprised 42% of the directorates.

24. Israel's Supreme Court ruled in 2012 that according to the *Equal Pay Law 5756-1996*, once a female employee proved that her salary was significantly lower than that of a male employee performing the same task, the burden of proof shifts to the employer to prove that the difference in salary could be justified. If the employer fails to justify such difference a *prima facie* case of gender discrimination would be established. The former President of the Supreme Court, Dorit Beinisch determined: "The principle of equality and the prohibition against discrimination are essential principles in our legal system and serve as a prerequisite for any democracy based on fairness and justice." (H.C.J. 1758/11 *Orit Goren et. al. v. Home Center (Do It Yourself) Ltd., et. al.* (17.5.2012)).

25. One of Israel's challenges in the area of gender based equality has been recent attempts by some groups to exclude women from the public sphere, within certain religious communities. The Government in December 2011 formed an inter-ministerial team whose task was to recommend various solutions for this problem. In close proximity, on January 5, 2012, the Attorney General appointed a team headed by the Deputy Attorney General (Civilian Affairs), to examine the legal aspects and ramifications of marginalization of women from the public sphere. The inter-ministerial team concluded its work and reported its recommendations to the Government on March 11, 2012. The Ministry of Justice's team

submitted its own report to the Attorney General in March 2013 and in a meeting held on May 6, 2013, the Attorney General decided to adopt the team's recommendations urging local authorities to act swiftly and without delay to end all expressions of exclusion of women as they manifest in their respective jurisdictions. The work of both teams and other Israeli authorities has shown significant progress in a number of fields:

(a) The Attorney General ruled illegal the policy practiced by the Jerusalem-based ultra-orthodox radio station Kol Barama, which bars songs performed by women from its playlist and will not hire women as on-air presenters. The attorney General ordered the Second Television and Radio Authority, which has jurisdiction over local media stations, to end its negotiations with the radio station on the matter within six months, further stating that unless Kol Barama ends its discrimination against women, it will be taken off the air;

(b) Following some incidents of separation of women and men during funerals, the Director-General of the Ministry of Religious Services published in March 2012 a memorandum emphasizing the illegality of coercing gender separation in cemeteries, including the ban placed on women delivering a eulogy;

(c) Following a Supreme Court judgment from January 2011, all buses now include signs clarifying each passenger's right to sit wherever he/she wishes and that harassing a passenger in this regard may constitute a criminal offence (*H.C.J. 746/07 Naomi Ragen et. al. v. The Ministry of Transport and Road Safety et. al.* (5.1.2011)).

26. A very recent and significant example of the prominent role played by the Israeli judiciary in safeguarding women's rights and the rule of law is the conviction of the then incumbent President of the State of Israel, Moshe Katzav, of committing serious sex offences. On 30 December 2010, the Tel Aviv District Court found Mr. Katzav guilty of several serious sex offences, including rape. (S.Cr.C 1015/09 *The State of Israel v. Moshe Katzav* (30.12.10)). On March 22, 2011, the Court sentenced Mr. Katzav to seven years imprisonment, two years suspended imprisonment and compensation in the amount of 125,000 to his victims. In May 2011, Mr. Katzav appealed against his conviction and sentence and on November 10, 2011, the Supreme Court unanimously rejected his appeal.

## B. Minority rights

27. **Further to Recommendations 28, 29 (United Kingdom, Finland, Canada)**, Israel sees it as a national priority to increase equality between different communities in its diverse population. As noted by Israel in its first UPR presentation this challenge receives continued attention. In recent years, Israel has adopted long term programs, the total cost of which surpasses NIS 3 Billion (\$831.4 Million).

28. *Public Representation*: Since 1994, the Government has been taking affirmative action measures to enhance the integration of Arab, Bedouin, Druze and Circassian populations into the Civil Service, including issuing legislative amendments and publishing tenders for mid-level positions solely to members of minority communities. Data indicates a steady increase in the rates of Arab, Druze and Circassian employees in the Civil Service. In December 2012, 8.4% of all the Civil Service employees were Arabs, including Bedouins, Druze and Circassians in comparison to 6.17% in 2007, 6.67% in 2008, 6.97% in 2009 and 7.52% in 2010. The number of Arab and Druze women employed in the Civil Service has also significantly increased in recent years. In 2011, there has been an increase of 30.6% in the rate of Arab and Druze women employed in the Civil Service in comparison to 2008.

29. The Knesset enacted the *Expansion of Adequate Representation for Persons of the Ethiopian Community in the Civil Service (Legislative Amendments) Law 5772-2011* and

the *Expansion of Adequate Representation for Persons of the Druze Community in the Civil Service (Legislative Amendments) Law 5772-2012*. These laws dramatically expand the affirmative action scheme applicable to persons of the Druze community and individuals who were born in Ethiopia or who have at least one parent born in Ethiopia. The new legislation requires Government Ministries and agencies, government corporations with more than 50 employees, and municipalities to apply the law regarding hiring for all positions and ranks. Furthermore Government Resolution 2506 from November 2010 which designated 30 positions (13 of which are new positions) in the Civil Service to persons from the Ethiopian population will be implemented during 2013. Currently the Ethiopian population constituted 1.5% of the Israeli population which actually closely parallels its representation in the Civil Service.

30. *Economic, Social and Cultural Programs for the Arab Community –*

(a) The Authority for the Economic Development of the Arab, Druze and Circassian populations within the Ministry of the Economy, created in 2011 a program aimed at the development of industrial zones in the Arab population. The program is expected to increase employment opportunities in 13 Arab communities and villages. In some of the towns new industrial zones were established and in others existing industrial zones were expanded and upgraded. The budget for the five year program is NIS 81.5 Million (\$22 Million). An additional NIS 15 Million (\$4 Million) will be used for the establishment of regional financial companies.

(b) A professional team was established in 2011 to examine barriers to broader participation by the Arab population in higher education. The team issued an interim report that included recommendations for a holistic support system, including establishing a national center for information, strengthening pre-academic preparatory programs, strengthening assistance to the Arab population during academic studies and supporting programs to reduce student dropout from academic institutions. To implement the recommendations NIS 305 Million (\$84.53 Million) has been allocated for a five-year period.

(c) The Government approved in September 2010 Resolution no. 2289 which introduced a multi-year plan for the integration of women of minority populations in higher education institutions. The Authority for Economic Development of the Arab Localities, including Druze and Circassian was tasked with the execution of this plan with a budget of NIS 4 Million (\$1.14 Million). The plan, intended for up to 500 Arab girls, includes preparations for entry examinations for higher institutions, strengthening English and Hebrew language skills, creation of support groups, and employment guidance workshops at the end of the studies.

(d) The Ministry of Culture initiated and funded in 2008 the establishment of a new museum dedicated to the Arab culture. The Ministry allocated NIS 600,000 (\$162,000) for the purpose of acquiring the collection of the museum, which will be based in Um Al-Fahm, and for locating additional contributors.

31. *Economic, Social and Cultural Programs for the Druze and Circassian Communities –*

(a) Government Resolution no. 2861 of February 2011 launched a comprehensive four-year program (2011-2014) for the promotion of economic development and advancement of the Druze and Circassian populations. The program aims at investing primarily in employment, education, infrastructure and transportation. The Program's total budget is NIS 680 Million (\$184 Million).

(b) The Knesset enacted in 2007 the *Druze Cultural Heritage Center Law 5767-2007* aimed at facilitating the establishment of a Druze Cultural Heritage Center. The



Center, which location and structure are still under development, will promote research and organize educational programs. It will also coordinate different activities including tours, lectures, conferences and exhibitions geared towards developing, enriching and promoting knowledge relating to the different aspects of the Druze culture, history and heritage.

32. *Economic, Social and Cultural Programs for the Ethiopian Community* –

(a) The Government approved Resolution 4624 in May 2012 "Improvement of the Absorption of Persons from Ethiopia". Additional support and budgets will be allocated to assist the Ethiopian population in housing, employment, adequate representation in the Civil Service, awareness raising and increasing access to religious services.

(b) The Knesset enacted in April 2012, the *Ethiopian Jewish Community Heritage Center Law 5772-2012*, aimed at establishing a center for research and commemoration of the Ethiopian community's heritage and an archive. The center will collect and map archive materials concerning the Ethiopian community and will centralize research activities concerning this community. The Law established the Center's Council, which is composed of 13 members, at least one third of which are required to be of Ethiopian origin or their descendants. As of June 2013, the Center's Council is in advanced stages of appointment and will begin its activity as soon as all its members are appointed.

(c) The Knesset enacted in July 2008 the *Sigd National Holiday Law 5768-2008*, to be celebrated every year on the 29th of the Hebrew month of Cheshvan (scheduled in 2013 for 31 October). The Sigd is a traditional Ethiopian fast day, dedicated to prayers and giving of thanks. The Ethiopian community celebrates the holiday by holding a large ceremony on Mount Zion in Jerusalem, followed by a procession to the Western Wall.

(d) The Ministry of Culture initiated in 2012 an Ethiopian culture festival in 12 cities and localities with large Ethiopian communities. The festival included music, dance shows, exhibitions of Ethiopian artists, traditional Ethiopian food and clothing fairs.

(e) In 2010, the Supreme Court ruled in a case which dealt with the insufficient integration of Ethiopian pupils into educational programs within the city of Petah Tikvah. The Court noted that "the right for education and the right for equality in education are constitutional rights" (H.C.J. 7426/08 *Tebeka- Advocacy for Equality & Justice for Ethiopian Israelis v. The Minister of Education et. al.* (31.8.2010)).

### C. Combatting racism, discrimination and anti-semitism

33. *Penal Law (Amendment no. 96) 5768-2008* was enacted in February, 2008 and amended section 145 of the Israeli Penal Law pertaining to illicit association. The amendment prohibited the gathering of people who preach to, incite for or otherwise encourage racism. In accordance with section 147 of the Law any adult member, employee or agent of an illicit racist association will be subject to imprisonment of up to one year.

34. On September 9, 2013, the Haifa District Court sentenced a man to four years in prison after he was convicted of arson and threats of a racial nature against a group of Ethiopian tenants of a residential building in Haifa where the convicted person's mother lived. At four different occasions the accused threatened the tenants by calling "to burn the Ethiopians down" and in two occasions he set fire to one of the tenants' car and to the building's entrance. In her sentencing, Judge Sela noted that: "there exists a clear sense of hatred and racism manifested in the accused's actions and words. This phenomenon must be rejected and uprooted." (C.C. 40112-07-12 *State of Israel v. Logasi* (9.9.2013)).

35. On November 10, 2011, the Tel-Aviv Magistrate Court accepted a suit filed by a man, claiming he was refused to enter a nightclub in Tel-Aviv due to his skin color. The Court stated that the club violated the *Prohibition of Discrimination in Products, Services*

and *Entry into Places of Entertainment and Public Places Law 5761-2000*, since no rational reason regarding the refusal of entrance was given. Moreover, the respondents have failed to prove that their business' policy does not constitute prohibited practice of customers' discrimination on the grounds of race and/or origin, as required by the Law. The Court stated that according to the Law, the club's owners are liable for the violation, since they did not prove they have taken reasonable steps to prevent discriminative behavior at their business. The Court awarded the plaintiff compensation of 17,000 NIS (4,500 USD) (*C.M. 969-03-11 Jacob Horesh v. Teshu Bakikar LTD* (10.11.11)).

36. On September 6, 2009, the Tel-Aviv Labor Court ruled that the prerequisite of serving military service set by Israel Railways Company as part of its requirements for employment of new supervisors constituted discrimination against citizens who do not serve in the Israel Defense Forces (IDF), which consists mainly of Arab Israeli citizens. The Court emphasized the importance of the right to equality and the prohibition of discrimination, which form the basis of all other basic rights, as well as the values of democracy, and noted that the Law also prohibits indirect discrimination (*C.M. 3863/09 Abdul-Karim Kadi et. al. v. Israel Railways et. al.* (6.9.2009)).

37. In 2010 the Supreme Court determined that the Jerusalem Municipality must allocate financial support for activities of the Jerusalem Open House for Pride and Tolerance. The Court emphasized in its judgment that the right not to be discriminated against on the basis of sexual orientation is a constitutional right and granted the Open House NIS 500,000 (\$140,800) in damages (*A.P.A. 343/09 The Jerusalem Open House for Pride and Tolerance v. Jerusalem Municipality et. al.* (14.9.2010)).

38. Israel is a leader within the Global Forum for Combating Anti-Semitism, which convened for the fourth time in Jerusalem in May 2013. In addition, Israel partners with EU Member States in an annual seminar on the fight against Anti-Semitism and Xenophobia. Both Israel and the EU assign great importance to this seminar, which reflects a common stance against the challenges of Anti-Semitism and Xenophobia.

#### **D. Ensuring LGBT rights**

39. Israel adamantly protects the rights of its citizens to live freely according to their sexual orientation. The LGBT community is widely represented throughout Israeli society - serving in the military, government, business community and the arts.

40. The prohibition of discrimination on the basis of sexual orientation is found in several laws, such as *Patient's Rights Law 5756-1996*, *Equal Employment Opportunities Law 5748-1988* and *Prohibition of Discrimination in Products, Services and in Entry to Public Places Law 5748-2000*. In addition, in 2011, two Knesset Members initiated a lobby to promote legislation in the struggle against homophobia.

41. Israel is a member of the Core Group on LGBT issues and was deeply involved in organizing the special event on LGBT rights in December 2011 and 2012.

42. In recent years, there have been a significant number of judgments and decisions promoting the rights of same-sex couples in Israel. Some examples include:

(a) The Regional Labour Court found that a same-sex spouse is entitled to receive a dependent pension, as a widower. The Court emphasized that it reached this decision despite the fact that the couple hid their relationship from their families and friends, and despite the fact that when one partner's son arrived home on army leave they stayed in a separate apartment (*La.C. 3075/08 Anonymous v. "Makefet" Pension and Compensation Center* (12.4.2010)).

(b) The Tel Aviv District Labor Court recognized in 2012 three children (twins and a boy), that were born to a homosexual couple in two different surrogacy procedures within two months from each other, as triplets for the purpose of an enlarged birth grant payment from the NII. The Court stated that the intention of the legislator was to relieve the burden on parents and support them when having more than two babies, and that the law should suit modern family structures in light of the *Embryo Carrying Agreement (Agreement Authorization and Status of Newborn Child) Law 1996* (L.C. 12398-05-11, *S.S.K et. al. v. The National Insurance Institute* (7.9.2012)).

(c) The Jerusalem Magistrate Court ruled in favor of a lesbian couple who sued the Yad HaShmona Guest House for its refusal to provide a venue for the couple's nuptial party. The guest house refused, claiming the couple's sexual orientation as grounds for refusal and stated that Yad HaShmona, as the owner of the guest house, is a residence of a group of Messianic Jews, who consider homosexual relationships as contradicting their religious beliefs. The Court determined that the venue met the definition of a "public place" under the *Prohibition of Discrimination in Products, Services and in Entry to Public Places Law 5761-2000*. Therefore, the owners were prohibited from refusing to hold an event on grounds of sexual orientation. The Court addressed the appropriate balance between religious freedom and the prohibition of discrimination and rejected the defendant's claim. The Court ordered that the appellants be compensated both as restitution and to serve towards education and awareness-raising for such an important issue as human dignity and equality (C.C. 5901-09 *Yaakovovitch et. al. v. Yad Hashmona Guest House et. al.* (14.4.2013)).

## **E. The fight against trafficking in persons**

43. Israel has achieved significant progress in the struggle against trafficking in persons. This success was recognized by the United States Department of State in its last two annual Reports on Trafficking in Persons (2012 and 2013), ranking Israel in Tier One, the highest ranking, indicating that Israel has acknowledged the existence of human trafficking, makes efforts to address the problem and complies the minimum standards.

44. As a result of cooperation between Government, civil society and the Knesset, Israel has managed to nearly eradicate trafficking for prostitution. A landmark achievement in this regard was the *Rami Saban* trial, which ended in May 2012 with the conviction of five defendants on charges of trafficking for the purpose of prostitution and other related offences. All convicted defendants received lengthy sentences that included imprisonment ranging from 10 months to over 18.5 years, high fines and compensations to each of the 13 victims. The District Court of Tel Aviv-Jaffa stated that the case was one of the most complex and widespread trafficking affairs Israel had dealt with in recent years (S.Cr.C. 1016/09 *State of Israel v. Rahamim Saban et. al.* (10.5.2012)).

45. The Jerusalem District Court in a precedential decision convicted on 29 February 2012 two defendants for holding a person under conditions of slavery. The victim was a Philippine housekeeper who was held under conditions of slavery, though notably, the circumstances did not include physical violence. The Court sentenced the defendants to four months community service, suspended imprisonment, NIS 2,000 and NIS 15,000 (\$5,000) to be paid as compensation to the complainant (S.Cr.C. (Jerusalem) 13646-11-10 *The State of Israel v. Ibrahim Julani and Basma Julani* (12.6.2011)).

46. In addition to the exiting shelter for female victims of trafficking, a new shelter was opened in 2009 for male victims of trafficking in persons. Between 2011 and 2013 three transitional apartments for trafficking victims were opened. Recently the Ministry of Social Affairs and Social Services announced the allocation of resources for housing solutions for further 18 female victims.

47. A new procedure for identifying trafficking victims in Israeli Prisons Service detention facilities was established in early 2012. According to this procedure, a staff member who suspects they have encountered a trafficking victim must report to the facility's social workers who in turn report to the police coordinator and to the Legal Aid Branch in the Ministry of Justice. As a result of this procedure, the number of identifications of victims and the protection granted to these individuals, has increased markedly.

48. In May 2012, following extensive cooperation between Israeli authorities and the European Union Rule of Law Mission in Kosovo with regards to an international organ trafficking network, Israel Police arrested ten suspects for trafficking in organs offenses, as well as offenses related to the *Organ Transplant Law 5768-2008*. Most of these cases are currently pending.

49. MASHAV has long been involved, through the Mount Carmel International Training Center (MCTC) in regional and international development programs on the topic of trafficking in persons. These programs involve cooperation with various international organizations and states including the Organization for Security and Cooperation in Europe (OSCE), the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the U.S. Government. In August 2013, MASHAV, together with the Ministry of Justice and the MCTC hosted an international seminar for judges on the topic of "The Critical Role of the Judiciary in Combating Trafficking in Human Persons". In October 2012, MASHAV hosted a conference on violence against women and children, with the help of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Finally, in May 2012, MASHAV cooperated with the Ministry of Justice to lead a course titled "International Workshop on Profiles of Trafficking: Patterns, Populations and Policies", which included a day-seminar focusing on the importance of Government-NGOs dialogue in this field.

## **F. Protection of persons subjected to detention**

50. **Further to Recommendation 13 (France, Yemen)**, under Israeli legislation all acts that may be considered as torture or other cruel, inhuman, or degrading treatment or punishment constitute criminal offences. Any allegation of perpetration of such acts should be brought before the relevant authorities so that investigations and prosecutions could be brought up against the perpetrators.

51. **Further to Recommendations 13, 15 and 16 (Yemen, UK, Chile, Canada)**, the right of persons under detention to conditions ensuring their human dignity is acknowledged as a fundamental right in Israeli law. The enactment of *Basic Law: Human Dignity and Liberty 5752-1992* has spurred significant legislative reform bearing on the treatment of detainees, as well as policy changes in the education, hiring, and training of police and prison personnel who deal with detainees. Today, the *Prisons Ordinance 5732-1971* preserves all rights of prisoners, including the rights for family visitation which is strictly upheld. Even before the enactment of the *Basic Law*, the High Court of Justice repeatedly affirmed the rights of prisoners for dignity. In H.C.J. 355/79 *Katlan v. The Prisons Service* (10.4.1980), then Chief Justice Barak held that "The walls of the prison do not separate between the prisoner or detainee and Human Dignity... The prisoner or detainee might be temporarily deprived of their freedom but not of their Human character".

52. Since 2008 there were certain advancements in the protection of the right to due process and the right of prisoners and people in detention:

(a) In 2012 the Knesset enacted the *Prisons Ordinance (Amendment no. 42) 5772-2012* which echoed, on a statutory level, prisoners' rights to be held in adequate

conditions that would not harm their health or dignity. The amendment stipulates that a prisoner is entitled to adequate sanitary conditions including, a bed, mattress and blankets, food and water, clothes, reasonable lighting and ventilation conditions, daily walks, and rehabilitation frameworks (if such are found suitable).

(b) In 2012 the Knesset additionally enacted the *Courts Law (Amendment no. 69) 5772-2012* and included further limitations on the publication of a suspect's name. The amendment allows the Court to prohibit the disclosure of names if found that the expected damage to the suspect would exceed the public interest in making the name public. Moreover, the police are required to notify the suspect of his/her right to ask the Court to prohibit such disclosure.

(c) The Supreme Court held in November 2009 that the *Prisons Ordinance (Amendment no. 28) 5764-2004*, which allowed for the privatization of prisons, violates the right of prisoners to human dignity in a disproportional manner and is therefore unconstitutional. The Court noted that: "the human rights of prison inmates are violated *ipso facto* by the transfer of powers to manage and operate a prison from a the State to a private concessionaire that is a profit making enterprise" (H.C.J. 2605/05 *Academic Center of Law and Business, Human Rights Division v. The Minister of Finance* (19.11.2009)).

(d) The Central District Court ruled on 26 July, 2012 that the IPS should consider under certain conditions allowing conjugal visits for couples that are both serving a prison sentence at the same prison. The Court relied in its decision on the right to family life (P.P. 14733-04-12 *Liliana Mandoza v. The Israeli Prisons Service* (26.7.2012)). Moreover, IPS spokesperson publicly stated on July 2013 that the IPS does not discriminate against homosexual couples and allows them to have conjugal visits.

## **G. Developments in the protection of children's rights**

53. Israel maintains an extensive system of laws designed to protect children's rights. It is a signatory to numerous international conventions and provides full health, education and welfare services to children. Special protections apply in the areas of child labor and sexual exploitation. Below are a few examples of developments in the field of Children's Rights Protection in recent years.

54. The National Program for Children and Youth at Risk was launched in 2007. The Program is a national, inter-ministerial program, led by the Ministry of Social Affairs and Social Services which aims to reduce the extent of risk situations among children and youth. In 2012 the program was expanded to include the most underprivileged local authorities, and will eventually be implemented in a total of 166 local authorities which encompass nearly two thirds of Israel's children. The National Program gives priority to Arab localities and localities with large populations of immigrants and ultra-Orthodox Jews. Since 2008 over 156,000 children in a range of risk situations were identified and offered support in a range of spheres, including in particular welfare, education and health. It is estimated that an additional 60,000 children and youth will be identified and offered support in the coming years. The Israeli Government will be allocating NIS 215 Million (\$60 Million) annually, until 2017, to support programs and services to meet the challenges of these children.

55. In 2008 the *Rights of Pupils with Learning Disabilities in Secondary Education Facilities Law 5768-2008*, was enacted. This law affirms the rights of pupils with learning disabilities to adjustments in the criteria for admission to secondary educational facilities, as well as in exams and other academic requirements.

56. The *Legal Capacity and Guardianship Law (Amendment no. 17) 5772-2012* entered into force in 2012 adding the right of grandparents to file requests for guardianship over

their grandchildren and authorizing the Court to determine if this would be in the best interest of the child.

57. In recent years, there have been a significant number of rulings and decisions promoting the rights of minors in Israel. Some examples include:

(a) The Supreme Court determined in October 2008 that a child and his German mother may temporarily immigrate to Germany despite the objection of the Israeli father. The Court stipulated that the leading principle in such cases is the best interest of the child. This principle obligates parents and Courts alike, and is a guiding principle in determining custody and residency issues. (F.M.A. 10060/07 *Anonymous v. Anonymous* (2.10.2008)).

(b) The Supreme Court ruled in July 2009 that the National Insurance Institute was required to recognize all children who fall on the autistic spectrum, as children entitled to full disability pensions. (H.C.J. 7879/06 "*ALUT*" *The Israeli Society for Autistic Children v. The National Insurance Institute of Israel* (19.7.2009)).

(c) The Supreme Court convicted a defendant charged with exploitation of minors by way of induced prostitution in March 2012. The Supreme Court sentenced the defendant to eight years imprisonment for a lack of precedent, but ruled that future cases should receive harsher sentences (Cr.A. 3212/11 *The State of Israel v. Anonymous* (22.3.2012)).

## H. Religious freedoms

58. **Further to Recommendations 23, 24, 25 (Jordan, Morocco, Italy, Pakistan)**, freedom of religion is an important aspect of Israeli society, and includes also the freedom from religion (freedom of conscience, and) the freedom to practice one's religion. All of these are basic principles in Israeli law, enshrined in key constitutional legislation such as *Basic Law: Human Dignity and Liberty* 1992.

59. In practice access to holy places and freedom of worship for members of all faiths is protected with exceptions relating to the maintenance of public order or morals. The Israeli police are instructed to protect the freedom of religious worship and access of persons of all religions to their places of worship without interruption. Some of these religious events take place on daily or weekly basis and demand special deployment of Police personnel. For example, Muslim Friday prayers on the Temple Mount, which takes place with the participation of thousands of worshippers. An additional example is prayers during Christian holidays, also involving thousands of believers and demand special care and sensitivity.

60. A pertinent example of police activity to protect the right to worship can be found in the case of "the Women of the Wall", a group of Jewish women who wish to wear prayer shawls, pray and read from the Torah collectively and out loud at the Western Wall. In May 2013, the members of the women's prayer group were allowed to pray for the first time near the Western Wall. They were free to wear prayer shawls and tefillin (phylacteries), and were protected by the police. This prayer was authorized following a ruling of the Jerusalem District Court in C.A. 23834-04-13 *State of Israel v. Ras et. al.* (24.4.2013) The Court reechoed the right to worship in accordance with individual practices and beliefs, and in good faith, as a basic human right.

61. The Ministry of Interior strives to ensure the freedom of religion to all non-Jewish communities and assists in the construction and development of houses of worship and other religious sites. The Ministry employs religious personnel, as civil servants, to assist in services in mosques and churches. On Christian holidays, the State allows the increased entry of Christians from the West Bank into Israel for the entire holiday period for participants to partake in ceremonies. In addition, Israeli Christians are permitted to travel

to the Church of Nativity in Bethlehem on Christmas and other holidays. For all these purposes, Israel allocates significant budgets.

62. Following a number of petitions on the subject, in August 2011, The Ministries of Finance and Religious Services announced a significant increase in the budget for alternative burial in Israel. The State notified that a budget of five Million NIS (1.350 Million USD) for each of the years 2011 and 2012 will be allocated instead of the original budget of 300,000 NIS (85,000 USD) for 2011. In 2012 the Ministry for Religious Services has allocated four Million NIS (1.081 Million USD) for development of new civilian cemeteries. As of November 2012, there are 11 cemeteries for alternative civilian burial which are contracted with the Israeli NII, in accordance to the *National Insurance (Burial Fees) Regulations 5736-1968*. These cemeteries which are located throughout Israel provide burial services for any person who desires to be buried in a civilian burial. In addition civilian burial in Israel may also be conducted in agricultural localities, in which residents may be buried without any payment. These alternatives provide solution for every Israeli resident who wants to be buried in a civilian burial.

63. **Further to Recommendation 21 (Italy)**, Israel does not impose any unnecessary restrictions on the granting of visas, and in fact provides preferential treatment to members of the Christian clergy in their entry into Israel. This policy is promoted in view of the importance Israel attaches to assisting clerics in the exercise of their religious duties. The proper procedures and requirements for a visa application, and the responsible authority within Israel, may change in light of the particular circumstances of each applicant. Any difficulty encountered throughout this process can, and should, be referred to the Consular Division of Israel's Ministry of Foreign Affairs.

## I. The right to an adequate standard of living

64. During the summer of 2011 wide-spread demonstrations for social justice in Israel was launched and hundreds of thousands of Israeli citizens took to the streets to demand economic reforms in the areas of housing, social services, health, and taxes. In response to these events the Government appointed a committee chaired by Prof. Emmanuel Trajtenberg, chair of the Planning and Budgeting Committee of the Council for Higher Education in Israel. The committee was tasked with examining ways to implement social change and recommend practical solutions. The Committee's final report was approved by the Government in October 2011 and is being gradually implemented in accordance with the Government's plan and in due consideration to changes in world economy.

65. A groundbreaking judgment was handed down by the Supreme Court on the right to minimum standard of living. The petitions challenged legislation that predetermined that ownership or use of a vehicle would preclude eligibility for unemployment benefit. In her last ruling as Supreme Court President Justice Dorit Beinisch presented the majority decision which found the legislation violated the right for a minimum standard of living. The justices agreed unanimously that this right enjoyed constitutional status and thus form the basis for the right to human dignity and other rights (H.C.J. 10662/04 *Salah Hassan v. The National Insurance Institute* (28.2.2012)).

66. In 2009 the *Israel Lands Administration Law (Amendment no. 7) 5769-2009* was enacted to allow for the conveyance of lands managed by the Israeli Land Administration (ILA), to lessees, who will be able to take any action with respect to the property as if they were its legal owners. This amendment was enacted as part of a broad organizational reform in the ILA and is aimed at improving accessibility and the quality of service provided.

67. In June, 2012 the Knesset enacted the *Sheltered Housing Law 5772-2012* which aimed to regulate sheltered housing for the elderly population including low-rent housing and care service providers. The new law establishes a process of licensing for operators and institutes general guidelines for the interaction between service providers and tenants. By doing so it limits the power possessed by sheltered housing operators in their contracts with the elderly, a particularly vulnerable social group.

## J. Right to education

68. Since 2008, Israel has been gradually changing and reforming its educational system, putting a special emphasis on equal access to education, strengthening learning environments, strengthening the status of teachers, and preventing violence in schools. Following are some of the most fundamental improvements in education in recent years.

69. The "Ofek Hadash" (New Horizon) reform is an educational and professional reform program implemented in elementary schools and junior high schools in Israel. The program introduced fundamental changes including an increase in teachers' salaries, the lowering of the number of pupils in math and language classes, and the allocation of additional individual hours as may be needed. This reform is intended to be fully implemented in all pre-schools and elementary schools by the end of 2013.

70. The "Oz Betmura" (courage for change) reform, initiated in September 2011, is a complementary program for high schools which purpose is to promote pupils' achievements and strengthen the role of the teacher as an educator. The reform promises an increase in teachers' salaries alongside performance-based financial incentives. This reform is intended to be fully implemented by 2015.

71. In 2007 the *Compulsory Education Law (Amendment no. 29) 5767-2007* was enacted in order to extend compulsory education to youth between the ages of 15-17 for the 11<sup>th</sup> and 12<sup>th</sup> grades. The law was gradually implemented during 2008-2011. Government Resolution no. 4088 of January 2012 extended free education to all public kindergartens for children aged 3-4. Beginning in the 2013-2014 school year, the State has been providing free and compulsory education for these young children.

72. In 2009 the *Pupil's Rights Law (Amendment no. 2) 5769-2009* was enacted in order to allow for the dismissal of pupils from schools following severe disciplinary or violence-related incidents. In 2009, reporting guidelines were put in force in the fight against physical violence in schools. These were complemented by a Directive from the Director General of the Ministry of Education which established a new policy for the prevention of violence and the creation of a safe environment in schools.

73. **Further to Recommendation 8 (Mexico)**, the State of Israel and its education system invest significant budgets and efforts in the promotion and advancement of equal opportunity for the various minority communities and implements programs towards equality in education together with affirmative action where necessary, including in access to education in all levels and grades, and to higher education.

74. The Ministry of Education developed a program to close the gaps within the Israeli education system. The Ministry has allocated additional hours for math and science classes; opened more than 100 centers for career guidance and preparation assistance leading toward college admission exams in Arab high schools and communities. Other projects in the Arab education system include improvement of infrastructures, building new classrooms, and the introduction of new teaching and learning aids. For example The Government of Israel allocated NIS 420 Million (\$115.7 Million) for the purchase of computers for all elementary schools serving the Bedouin and Arab communities.



75. The Jerusalem Municipality and Ministry of Education remain committed to improving the quality of education in the eastern neighborhoods of Jerusalem and the access of children to equal and free education. In 2012 NIS 400 Million (\$111.4 Million) was budgeted for the planning and building of 400 new classrooms in the eastern neighborhoods of Jerusalem and in the 2012-2013 school year, 34 new classes were opened, 24 in a new high school in Ras Al-Amud, and 10 in a new kindergarten in Beit Hanina. Six of these classrooms are intended for children with special needs.

76. The Supreme Court ruled in February 2011 that every child in the eastern neighborhoods of Jerusalem must be able to register to an official public school in their residential area or receive tuition reimbursement if forced to register at a private or unofficial school. The Court ruled that improvements were necessary as "such a reality infringes on the constitutional rights of children in East Jerusalem to enjoy equality in education." (H.C.J. 5373/08 *Abu Labda et. al. v. The Minister of Education et. al.* (6.2.2011)).

77. The efforts devoted to improvement of education in Arab localities resulted in higher rates of matriculation certificate eligibility among Arab pupils. In 2010, 95.6% of the female pupils and 87.6% of the male pupils in the Arab education system took the matriculation exam (compared to 94.9% and 87.2% in 2008). In 2011, 59.7% of the female pupils and 43.6% of the male pupils in the Arab education system were entitled to a matriculation certificate (an increase of 5.8% among the girls and 13.5% among the boys compared to 2010).

## **K. The right to family life**

78. Israel is committed to promoting the right to family life and has adopted in recent years policies to ensure the right to start a family or to adopt a child is secured. Following are some of the most significant improvements in this field.

79. In 2010 and 2011, the *Women's Employment Law 5714-1954* was amended in order to grant employment rights and mitigations to new mothers, adoptive parents, intended parents and parents in foster families. According to the *Women's Employment Law (Amendment no. 45), 5770-2010*, the firing of female or male employees who are undergoing fertility treatments. This protection applies to both permanent and temporary employees after employment of six months. In accordance with Amendment no. 46, the maternity leave of an employee who is employed for at least one year prior to her maternity leave shall be prolonged to 26 weeks. Of which 14 weeks are with pay, and an additional 12 weeks are without pay, during which the employer must reserve her rights at the workplace. Finally, Amendment No. 48 provides maternity leave for parents in foster families and parents who adopt children and further extends the protection of the law to parents in such cases.

80. In 2011 the *National Health Insurance Order (Amendment to the Second Supplement to the Law), 5771-2011* was enacted to include fertility preservation treatments for women who undergo chemotherapy or radiation treatments.

81. The Knesset enacted in 2010 the *Career Service in the Israel Defense Force (Female Soldiers in Career Service) Law 5771-2010*. The law determines that a female career soldier may not be dismissed from the IDF due to her pregnancy, during her maternity leave, or in the 60 days following, without the authorization of the Minister of Defense.

82. The Courts have played an active role in promoting the right to family life. The Supreme Court ruled in March 2009 that a person's right to family life is a constitutional right, protected under Israel's *Basic Law: Human Dignity and Liberty* 1992. According to

Justice Ayala Procaccia "The right to family life and parenthood espouses both the right of the biological parent to raise their children, and likewise the right of the child to be raised by their parents...This is the source of the constitutionality of the right to family and parenthood, about which there is no dispute" (H.C.J. 4293/01 *New Family et. al. v. The Minister of Labor and Welfare* (24.3.2009)).

83. The Supreme Court considered in 2013 a precedential case which involved a request by a sperm donor to withdraw his consent to donate, despite the interest of the petitioner, who had already been conceived once from his donation, to have more children who might share the same genetic makeup. The Court ruled that while the right to parenthood is a fundamental right, in such a conflict, the donor's autonomy and free will should prevail (H.C.J. 4077/12 *Anonymous v. The Ministry of Health et. al.* (5.2.2013)).

## L. The right to health

84. Israel recognizes the right to health care as a fundamental human right. As stipulated in Israel's *National Health Insurance Law 5754-1994*, every Israeli resident is entitled to health services "in accordance with principles of justice, equality, and mutual support."

85. The *Foreign Workers Law 5751-1991* obliges employers of foreign workers to provide health insurance for their employees throughout their employment period at the employer's expense. The legal duty to provide health insurance remains upon the employer regardless of whether the employee holds a legal working visa. Furthermore, an employer will receive an employment permit for a foreign worker only after showing proof of health insurance. Violation of this provision is considered a criminal offence punishable by substantial fines.

86. In an attempt to improve accessibility to dental services for youth in general, and for low-income families in particular, the Ministry of Health announced in December 2009 that it would gradually include dental treatments for children up until the age of 10 within the State medical basket covered by the National Health Insurance. In July 2010 this program was expanded to children up until the age of 12.

87. **Further to Recommendations 28 and 29 (Canada, United Kingdom, Finland)**, in 2009 a national plan for the reduction of inequality in health was developed by the Ministry of Health based on a number of international studies that were conducted. The plan was included as an integral part of the Ministry of Health Objectives for 2011-2014. Below are a few of the steps taken by the Ministry to realize the plan.

88. The Ministry of Health published a circular on cultural and lingual adaptation and accessibility within the health system to obligate all health organizations to provide services in accordance with the spoken languages and special cultural traits of patients. These guidelines are intended to remove lingual barriers before many Israeli residents, including immigrants and members of the Arab population. The Ministry determined that Hebrew, Arabic, Russian, English and Amharic are all languages in which patients are entitled to receive service, through translation or a professional that speaks the language. The Circular entered into force in early 2013 and plans for its implementation are being put in place.

89. The Ministry, in coordination with its various health funds, operates dozens of programs promoting the health of Israel's general population, including its Arab population. In fact, one third of the Ministry's Health Advancement Department's annual budget is dedicated to funding health plans in Arab communities. It is important to note that most of these communities are concentrated in peripheral areas to the north and the south of country, thus making each investment placed, that much more crucial.

90. Examples of steps taken by the Ministry of Health in recent years to reduce inequalities in health care include:

- (a) Improving infrastructures in peripheral areas, including additional 1,000 hospital beds and manpower to peripheral hospitals.
- (b) Opening nurses training courses targeted specifically towards Bedouin population, in order to improve medical services and overcome language barriers.
- (c) Allocation of NIS 13.6 Million (\$3.75 Million) for the development of health service and intervention plans as part of the five year plan for the promotion of the Bedouin population in the Negev.
- (d) Establishment of a medical school in the northern galilee and new emergency rooms in peripheral localities, both in the north and the south of Israel.
- (e) Allocation of additional medical equipment to peripheral areas, including new MRIs, linear accelerators and PET scan devices.
- (f) Developing financial incentives, including grants and state sponsored salary increase, for specialized doctors to move to peripheral areas.
- (g) Reduction of the maximum co-pay fees of chronic elderly patients who receive income supplements.
- (h) Discount on the purchase of the amount of co-payment for generic medications.

91. Finally, Israel's agency for international cooperation and development, MASHAV, has joined international efforts to fight against HIV/AIDS. In 2010, MASHAV organized, in cooperation with UNAIDS, a regional workshop on "Women, Girls, Gender and AIDS" for participants from Africa. Emphasis was placed on empowering women and girls with HIV and using the media to raise awareness to the right to healthcare. In 2010, an additional workshop took place in cooperation with UNAIDS on the topic of "Care and Support of Children Affected by HIV/AIDS and their Reintegration into Society". This program was held in Russian and geared towards participants from countries of the former Soviet Union. The participants were high level professionals representing a broad spectrum of healthcare spheres, promoting societal treatment of HIV/AIDS as a holistic issue from the perspectives of health, education and welfare.

## IV. Challenges, constraints and opportunities

### A. Polygamy

92. **Further to Recommendation 18 (Chile)**, as in other countries with traditional communities, Israel faces challenges in regard to polygamy. It is clear that there are social, societal, and legal aspects to the phenomenon that demands certain sensitivity to tradition, while also protecting the rights of individuals and the rule of law.

93. Section 176 of the Israeli *Penal Law 5737-1997* prohibits polygamy in Israel making it punishable by a maximum sentence of five years imprisonment. In 2008, 31 criminal cases were at a variety of stages within Israel's judicial process. A similar number of cases were opened in 2009, of these 18 (35%) were transferred to the State Attorney's Office for indictment. During 2009, four cases were eventually brought to trial and the offenders convicted. In 2010, 18 investigations were opened and 8 cases were transferred to the State Attorney's Office. 24 investigations were commenced in 2011 and an additional 32 investigations were launched in 2012.

94. In 2010 the Minister of Justice formulated a working plan for combatting polygamy and bigamy. In an interagency meeting chaired by the Deputy Attorney General, it was clarified that this issue was a challenge among Muslim population in the north (1%-2% of the population) and among the Bedouin population in the South (nearly 35% of the men, approximately 15,000). According to the police only few indictments were served for bigamy, due to the difficulty of obtaining evidence and the lack of cooperation by the local community. Nevertheless education activities are being regularly implemented among women, both in the north and in the south, in order to raise awareness and to reduce the phenomenon. A special team was established within the Ministry of Justice in order to come up with state incentives for monogamist families, primarily in the fields of national insurance benefits, land administration, education, welfare and employment. Finally joint teams of both the Police and the relevant District Attorney's Offices in the north and the south were established to handle cases which might be suitable for prosecution.

95. In the case of Cr.C. 31077-05-10 *The State of Israel v. Asama Duad* (4.9.2011), the Petah Tikvah Magistrate's Court cited the severity of the polygamy offence and the need to achieve public deterrence by imposing severe punishments. Yet, the Court also considered the defendant's personal background, including his will to have a child and his first wife's infertility, as well as the first wife's endorsement of the second marriage which did not involve any mistreatment or neglect. The Court sentenced the man to four months imprisonment to be served as community service.

## **B. Conscientious objectors**

96. **Further to Recommendation 22 (Slovenia)** Israel considers the freedom of conscience to be a fundamental human right and views this attitude as integral for maintaining a tolerant society, being that conscientious objection is a human phenomenon. According to Section 36 of the *Israeli Defense Service Law (Consolidated Version), 5746-1986*, the Minister of Defense has the authority to exempt any man or woman from fulfilling his or her national army service for reasons that are listed in the Law or, as an alternative, to defer his or her conscription.

97. The IDF respects the views of conscientious objectors, provided that these views are proven genuine. To this end, a special military exemption committee, headed by the IDF's Chief Enlistment Officer (or his/her deputy), reviews the applications of those who wish to be exempted from the army on the basis of conscientious objection. Among the other members of this committee are an officer with psychological training, a member of the IDF Military Advocate General Corps and a member of the Academia.

98. The Committee operated under the directions and criteria determined in the High Court of Justice's rulings in the subject (see for example: H.C.J. 7622/02 *David Zonsien v. Military Advocate General* (31.12.2002); H.C.J. 2383/04 *Liora Milo v. The Minister of Defense et. al.* (9.8.2004)). According to these rulings, given that an applicant's conscientious objection to military service and use of force in unconditional and complete it will be recognized as a cause for exemption from military service. The Committee is authorized to exempt an individual from military service, or, alternatively to recommend certain easements in the applicant's service, such as the permission not to hold weapons or an assignment to a non-combat position.

## **C. Fighting terrorism within the law**

99. **Further to Recommendation 30 (Sweden, Mexico)**, Israel remains committed to precedents set by the Supreme Court which determined the war on terrorism should not be

waged outside the law, but within the framework of the law using means that the law affords to the security forces. Israel continues to seek to strike a delicate balance between the security needs of the civilian population in Israel and the human rights of those suspected of participating in terrorist activities.

100. The most recent development in the efforts is the current legislative work on the *Fight against Terrorism Bill 5771-2011*. In August 2011, this draft bill was approved by the Knesset in a preliminary first reading and is currently waiting to be reviewed by the Knesset Constitution, Law and Justice Committee. The bill includes comprehensive consideration of many core legal issues in the fight against terrorism introducing, among other things, definitions of "act of terrorism", "terrorist organization", and "member in a terrorist organization". Some of these definitions match similar definitions in other states. The goal of the bill is to offer law enforcement authorities with effective tools in their fight against terrorist organization and terrorism in general, but in a balanced manner that will protect human rights and due process. The bill will also allow the annulment of current long-standing legislation in the field of fighting terrorism, such as the *Fight against Terrorism Ordinance 5708-1948*, *Prohibition of Financing Terrorism Law 5765-2005*, and some provisions in the *Defense Regulation (State of Emergency) 5705-1945*.

101. The Magistrate Court in Nazareth convicted Nazam Abu Salim, the Imam of the local Shihab A-Din mosque, on April 2012, for incitement to violence and terrorism and for supporting a terrorist organization. The Court found that the director abused his position by disseminating messages of violence and incitement. According to the indictment, the defendant established a movement "Allah supporters group - Jerusalem in Nazareth", used a symbol which is recognized with the Taliban terrorist organization and distributed thousands of leaflets supporting points of view identical to those of the Islamic Jihad and Al-Qaida. The indictment further alleged that the defendant established an internet site to spread his hateful ideas among his congregation and beyond. The Court convicted Abu-Salim and ruled that he used his sermons and articles for publication of incitement with the understanding that his words would be accepted by his followers which would raise chance that some of them will be persuaded to carry out violent acts.

102. One reflection of Israel's continuing commitment to advancing the rule of law in the fight against terrorism can be the recent Turkel Commission of Inquiry's Second Report. On 14 June 2010 the Government of Israel established a public Commission of Inquiry mandated, among other responsibilities, to assess whether the mechanisms for examining and investigating complaints and claims raised in relation to violations of the laws of armed conflict conforms with the obligations of Israel under the rules of international law. The Commission was headed by former Supreme Court Justice Jacob Turkel and included prominent Israeli experts and prominent international observers. For the issue of investigations the observers were Nobel Peace Prize laureate from Northern Ireland, Lord David Trimble, and Professor Timothy McCormack, Professor of Law at Melbourne Law School and the Special Adviser on International Humanitarian Law to the Prosecutor of the International Criminal Court. The Commission examined evidence provided by Israeli officials, academics and human rights NGOs, and further consulted several international law experts. The Commission submitted a comprehensive report in February 2013. The Report carefully applied the main principles of international law on the obligation to investigate and the scope and nature of such investigations under international law, an area which was previously under researched by both scholars and States.

103. **Further to recommendations 13, 14, 15 (Canada, Sweden, United Kingdom)**, the Commission determined that Israel's law enforcement mechanisms, including its examination and investigation bodies, generally comply with international law. The Commission affirmed that Israel's justice system is sufficiently independent to carry out effective investigations. At the same time, it found that there was room for structural and

procedural changes to improve the mechanisms of examination and investigation, and formulated a series of recommendations. These recommendations are currently under review by the various relevant authorities so to examine their potential application to improve the investigation process in Israel.

104. The Israeli Supreme Court continued to be deeply involved in guaranteeing due process rights for suspects of terrorist activity in recent years. In February 2010, the Court repealed Section 5 to the *Criminal Procedure Law (Detainee Suspected of Security Offence) (Temporary Provision) Law 5766-2006*, which allowed detention on remand without the presence of the detainee for up to 20 days. The initial purpose of this law was to improve the ability of law enforcement agencies to carry out effective interrogation of suspects in security offences. In its decision, the Court found that in some circumstances this law could gravely harm the rights of a suspect and prejudice the effectiveness and fairness of the judicial process. The Court ruled that Section 5 was unconstitutional as incompatible with *Basic Law: Human Dignity and Liberty 5752-1992* (Cr.C. 8823/07 *Anonymous v. The State of Israel* (11.2.2010)).

105. A similar judicial finding took place regarding the case of Mr. Mahmud Dirani, formerly one of the heads of the Lebanese terrorist organization "Amal" and now a senior member of Hezbollah. Dirani was held in Israel from 1994-2004. During this time he filed a tort claim against the State of Israel. He was returned to Lebanon before the court decided on the case. On 18 July 2011, the Supreme Court ruled on the State's appeal to dismiss the petition in limine owing to Dirani's return to an enemy state. The Court noted that although Dirani was a citizen of an enemy state and actively acting against Israel, the constitutional right for due process and the protection of human rights oblige that the right for access to courts be protected. Thus, the Court heard the case and ultimately determined that the established Israeli mechanisms for investigation of claims against ISA interrogators provided a reasonable balance between all relevant interests. This determination was conditional upon completing changes within the ISA and the Ministry of Justice (C.A. 993/06 *State of Israel v. Mustafa Dirani* (18.7.2011)). This case is pending a further decision by the Supreme Court at the request of the State (A.C.H. 5698/11 *State of Israel v. Mustafa Dirani*).

#### **D. Ensuring the rights of the Bedouin population**

106. **Further to Recommendation 26 (Canada)**, there are approximately 210,000 Bedouin citizens of Israel that live in the Negev desert region of Southern Israel, out of a total Negev population of about 640,000. Approximately 90,000, of those residents of the Negev, live in poor conditions, many in scattered encampments outside the planned and regulated towns and villages. They lack basic infrastructures such as sewage and electricity and face difficulties accessing educational and health facilities, as well as local government services.

107. The Government of Israel is committed to ensuring that these citizens enjoy modern living conditions, and to that end has adopted a comprehensive policy for the immediate improvement in their standards of living. The policy also strives towards finding a long-term solution that will enable planning and regulation of existing communities that lack zoning plans. This policy is being implemented following an extensive planning process which included and open-to-all consultations with hundreds of Bedouin community members, local authorities, NGOs, and human rights organizations.

108. The draft law to regularize Bedouin settlement in the Negev passed its first reading in the Knesset in June 2013. The purpose of the bill is to put an end to land disputes by means of a compromise in which Bedouin with private land claims (approximately 15%) would receive, under certain conditions and in an agreed upon time frame, compensation in

land and/or money, without having to resort to the courts. The bill bases the entire process on principles of fairness, transparency and dialogue, while strengthening law enforcement.

109. Israel established designated agencies to advance the regularization process and has allocated considerable amounts of resources, approximately NIS 8 billion (\$2.2 billion) to the implementation of the plan. Within this budget, the Government approved Resolution 3708 which allocated NIS 1.2 billion (\$0.34 billion) over five years (2012-2016), for a variety of programs in the spheres of employment, education, infrastructures and services. These programs are intended to promote the development and economic growth of the Negev Bedouin communities.

110. As part of the Government's Negev Bedouin development plan, dozens of initiatives are already being implemented to improve the Bedouin situation within this five-year framework. Examples include: establishing employment guidance centers; planning and development of tourism infrastructure; municipal training to strengthen the organizational and professional capabilities of local Bedouin authorities; improvement of the transportation system in the Bedouin areas; expansion of technological education, adult education, centers of excellence for students and informal education for youth; a plan to reinforce the connection of the Bedouin community to their culture and heritage; and the encouragement of Bedouin women enter the work force and to start businesses while establishing incentives for employers to employ Bedouins. In this context the IDF intended transfer of a number of key IDF bases to the Negev will necessitate the hiring of thousands of workers, many of them will be Bedouin.

111. One important aspect of the Government's development plan includes the construction of a number of industrial areas jointly with regional councils. The Idan Hanegev Industrial Park, for example, is being built southeast of the Bedouin City of Rahat and is planned to employ nearly 8,000 workers, including Bedouin workers, thus alleviating unemployment in this local population. In addition the Government, on July 2013, approved Resolution 546 declaring the Negev's Bedouin locales as national priority communities for development.

112. Financial settlement arrangements for all Bedouin residents scattered throughout the Negev have been planned not only for those claiming land:

(a) Eligible claimants of land will receive land compensation of 25% to 50% of the land they are currently holding and/or claiming, plus monetary compensation for the rest of their land claim. Land allocated will be registered in the Land Registry and will become their lawful property.

(b) Free allocation of a developed residential lot to every family or eligible single person.

(c) A variety of housing options, rural, agricultural, communal, suburban, and urban will be made available so that the people can choose the option that suits their lifestyle and desires. Dialogue is already taking place on this subject.

113. It is important to note that a large majority of the Bedouin residents currently residing in areas that are not regularized will be able to continue residing there as part of an effort to minimize relocation. At the same time, areal spread of some non-regularized communities is such that some of the dwellings will have to be moved a relatively short distance, of some hundreds of meters, in order to create the necessary contiguity and enable the installment of infrastructures at a reasonable cost. For those communities which do not coincide with the master plan and do not meet the necessary minimum number of residents, contiguity or density required for the establishment of separate planning entities, alternatives for settlement will be examined through dialogue with the residents. Finally a small number of families will have to relocate mainly for reasons of humanitarian risk. For

example, those who live in close proximity to the Ramat Hovav Toxic Waste Disposal Facility will relocate to a community several kilometers from their present location, as part of future expansion of that community.

## **E. Combatting illegal immigration**

114. In recent years, and in growing numbers since 2008, the phenomenon of mass movement of people through the border with Egypt raised significant challenges for the Israeli society and economy. In 2008 9142 crossed the border from Egypt and in 2009, 5305 people arrived. In 2010, the numbers almost tripled to 14,747. This rise continued in 2011, when numbers reached 16,851. In 2012, 10,322 people crossed the border. In 2013 (until August 2013) 28 people crossed the border.

115. The problem of controlling the State borders while upholding the rule of law is certainly not unique for Israel. Many other countries face similar dilemmas. However, the situation in Israel is much more complex than that of other developed countries. Israel is the only OECD member with a land border with Africa, which makes it a comparatively accessible for those who wish to enter. Moreover, Israel is located in a difficult neighborhood. Many scholars see problems of migration as a regional phenomenon and believe that policies for coping with it should be regionally-based. However, due to Israel's unique geostrategic situation and the current political instability surrounding its borders it becomes practically impossible to develop such regional cooperative solutions.

116. The Jewish people's history, and the fact that during the Holocaust many Jews were asylum seekers, makes Israel highly sensitive to this humanitarian issue. Due to our shared memory, Israel was among the first countries to adopt and ratify the 1951 Refugee Convention. Israel applies the convention and all other human rights instruments to which it is a party. Israel thus ensures that no person is returned to a country where he/she might face serious threats to life or person. This undertaking, despite increasing challenges, is derived from Israel's obligations under international law and from the commitment of the Government of Israel to protect the human rights of these individuals.

117. One significant example of the due seriousness in which Israeli authorities, including in particular the Israeli judiciary, take the need to ensure a delicate balance between human rights of migrants and state national interests, can be found in the High Court of Justice's recent decision of 16 September, 2013. The High Court ruled in a petition filed by several NGOs, regarding the constitutionality of the *Prevention of Infiltration Law (Offenses and Jurisdiction) (Amendment no. 3) 5772-2012*. This amendment entered into force in January 2012, as a temporary provision. Under Section 30A of the Law, as amended, a person that enters Israel illegally can be held in detention for a period of up to three years, subject to certain exceptions. An extended panel of nine Judges ruled that holding persons for such a long period of time constitutes a material violation of their rights, including liberty and dignity, as enshrined in *Basic Law: Human Dignity and Liberty*, and is thus unconstitutional. The Court therefore annulled Section 30A of the Law (H.C.J. 7146/12 Naget Serg Adam et. al. v. The Knesset et. al. (16.9.2013)).

## **F. The Israeli-Palestinian peace process**

118. **Further to Recommendations 31, 34, 36 (Turkey, Malaysia, Maldives, Sudan, South Africa, Yemen, Jordan, Pakistan, Egypt, Kuwait)**, the recent resumption of the direct negotiations for peace, headed by US Secretary of State John Kerry, are a welcome step. PM Netanyahu announced its commitment to this process in his speech at Bar-Ilan University in June 2009, where he stated that: "in my vision of peace, in this small land of



ours, two peoples live freely, side-by-side, in amity and mutual respect. Each will have its own flag, its own national anthem, and its own government. Neither will threaten the security or survival of the other." PM Netanyahu reechoed this view in his remarks following Kerry's announcement of the resumption of talks on 20 July 2013: "I view the resumption of the diplomatic process at this time as a vital strategic interest of the State of Israel. It is important to try and bring about the conclusion of the conflict between us and the Palestinians"; and again in his address before the 68<sup>th</sup> Session of the U.N. General Assembly, on 1 October 2013: "Israel continues to seek an historic compromise with our Palestinian neighbors, one that ends our conflict once and for all... I remain committed to achieving an historic reconciliation and building a better future for Israelis and Palestinians alike."

119. Israel is willing to make painful compromises towards peace and will act to achieve this through negotiations conducted on the basis of mutual recognition, signed agreements and cessation of violence.

---



# General Assembly

Distr.: General  
19 December 2013

Original: English

---

**Human Rights Council**  
**Twenty-fifth session**  
Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

**Israel**

---

\* The annex to the present report is circulated as received.

GE.13-19045



\* 1 3 1 9 0 4 5 \*

Please recycle 



## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–5	3
I. Summary of the proceedings of the review process.....	6–135	3
A. Presentation by the State under review.....	6–22	3
B. Interactive dialogue and responses by the State under review.....	23–135	5
II. Conclusions and/or recommendations .....	136–138	13
Annex		
Composition of the delegation .....		29

## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Israel was held at the 14th meeting on 29 October 2013. The delegation of Israel was headed by Ambassador Eviatar Manor, Permanent Representative, Permanent Mission of Israel to the United Nations Office at Geneva. At its 19th meeting, held on 1 November 2013, the Working Group adopted the report on Israel.

2. On 14 January 2013, the Human Rights Council mandated the President to select the following group of rapporteurs (troika) to facilitate the review of Israel: Maldives, Sierra Leone and the Bolivarian Republic of Venezuela.

3. The Human Rights Council, in its decision OM/7/101, had decided to reschedule the review from 29 January 2013 to the seventeenth session of the Working Group on the Universal Periodic Review at the latest.

4. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Israel:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/ISR/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/15/ISR/2, A/HRC/WG.6/17/ISR/2 and Corr. 1);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/15/ISR/3 and Corr.1 and A/HRC/WG.6/17/ISR/3).

5. A list of questions prepared in advance by Germany, Mexico, the Netherlands, Norway, Slovenia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Israel through the troika. These questions are available on the extranet of the universal periodic review (UPR). Summaries of additional questions made during the interactive dialogue are to be found in section I, subsection B, of the present report.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

6. Eviatar Manor, the head of the delegation, noted that Israel came to its second review with strong reservations regarding the Human Rights Council. The discrimination against, and the unfair treatment of, Israel continued. The infamous item 7 still featured on the agenda of every Council session and Israel was not a member of any geographical group.

7. In March 2012, Israel had said: "Enough." Israel suspended its relations with the Human Rights Council and with OHCHR. In June 2013, the Ambassador wrote to the President of the Council to reaffirm his intention to pursue a diplomatic engagement. The results of that dialogue and ongoing engagement had allowed Israel to undergo the UPR. Israel had made its decision because it respected United Nations resolutions, human rights in general, and human rights mechanisms in particular. But the unfair treatment of Israel must come to an end. The delegation hoped that the appearance by Israel under the

universal periodic review would go a long way to restore equality and fairness regarding Israel in Geneva.

8. Israel came to the review with respect for the process, belief in the importance of its universality and cooperative nature, and with great pride in its achievements.

9. The delegation referred to information contained in the national report, including the final chapter, which looked at challenges, constraints and opportunities. The main challenge Israel was facing was its relations with the Palestinians. Recent resumption of direct negotiations for peace was a welcome step. In that context, the delegation pointed out that Israel had agreed to release Palestinian prisoners as a confidence-building measure. A second group of prisoners was being released that night. Their release illustrated the determination of Israel to reach an agreement with its Palestinian neighbours that would, once and for all, end the conflict.

10. The engagement by Israel with human rights bodies and mechanisms reflected those principles. Israel was a party to the core human rights treaty bodies, and had, between 2009 and 2013, completed its examination by six treaty bodies. Moreover, during 2011, Israel had hosted the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Israel also had hosted the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in February 2012, and the Special Representative of the Secretary-General for Children and Armed Conflict, in 2009.

11. Since its establishment, Israel had had to balance a difficult and complex security situation with democratic traditions and the respect for human rights. Such challenges strained the delicate balance between the effective steps necessary to overcome the various threats to a State's security and the protection of human rights.

12. The delegation noted that they had come to listen to comments and recommendations, which they would study closely, and that they would report on the implementation of recommendations received during the first cycle of the UPR.

13. Shai Nitzan, Deputy Attorney General (Special Affairs), Ministry of Justice, noted that the national report, the presence of the members of the delegation, the periodic reports submitted by Israel to human rights treaty bodies and the State's interactive dialogue with such bodies were opportunities for in-depth self-examination and identification of challenges.

14. Israel had been subjected regularly to significant, and often politically motivated, scrutiny over the years, disproportionate to the worldwide human rights situation. Israel worked regularly with various international and domestic bodies and non-governmental organizations (NGOs) involved with human rights issues, including with the Minerva Center and civil society on the reporting process and follow-up with the human rights treaty bodies.

15. Israel was aware of the complexity of its multicultural society and of the vital need to protect human rights, and to strike an appropriate balance between protection of human rights and the public interest.

16. Mr. Nitzan noted that the extremely limited scope of his statement did not permit him to cover all improvements pertaining to the implementation of human rights in Israel.

17. Israeli courts played a crucial role in anchoring and promoting human rights in Israeli society. The courts were empowered to conduct a judicial review of any act of legislation, in the light of the Basic Laws. Mr. Nitzan provided examples in that regard.

18. The delegate noted the establishment, in 2011, of a joint interministerial team for reviewing and implementing the concluding observations of human rights treaty bodies.

19. Reference was also made to the public commission of inquiry that was mandated, among other responsibilities, to assess whether the mechanisms for examining and investigating claims raised in relation to violations of the laws of armed conflict conformed with the obligations of Israel under international law. The commission, which was headed by a Supreme Court Judge and included two distinguished international observers, concluded in its comprehensive report that the State's mechanisms generally complied with those obligations. The Prime Minister decided to establish a professional team that would study the recommendations of the report, examine the need for modifications and improvements, and suggest specific modes of action.

20. Israel had given consideration to the recommendations from the previous review, including on the legal regime in the West Bank, especially regarding minors. A Juvenile Military Court had been established in the West Bank to guarantee adequate and professional care for juveniles. The age of majority had been raised from 16 to 18 years.

21. The delegate referred to steps taken to facilitate everyday life and the observance of religion for the Palestinian population in the West Bank, especially during the holiday of Ramadan, and to increases in the number of work permits for Palestinian workers.

22. Israel was open to constructive criticism and looked forward to working within the framework of the UPR mechanism, in a process conducted on the basis of universality, impartiality and professionalism, so that the shared goal of promoting and enhancing human rights could be fully achieved.

## **B. Interactive dialogue and responses by the State under review**

23. During the interactive dialogue, 73 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report. All written statements of the delegations, to be checked against delivery on the United Nations Webcast archives,<sup>1</sup> are posted on the extranet of the Human Rights Council when available.<sup>2</sup>

24. Nicaragua expressed its regret that many of the recommendations from the first review still had not been implemented.

25. Nigeria noted that the national report had been made available rather late, making it difficult to consider it before the review.

26. Norway recognized the continued interaction of Israel with the treaty bodies and welcomed the ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

27. Oman noted that many recommendations had not been implemented, and called upon the international community to take necessary actions to stop Israel's aggression.

28. Pakistan condemned the human rights violations in the occupied Arab territories.

---

<sup>1</sup> United Nations webcast archives. Available from <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/17th-upr/watch/israel-review-17th-session-of-universal-periodic-review/2782065993001>.

<sup>2</sup> Available on the UPR Extranet at <https://extranet.ohchr.org/sites/upr/Sessions/17session/Israel/Pages/default.aspx>.

29. On a point of clarification, the State of Palestine stated that the presence of Israel that day was partial and had no value; there could be no selectivity for any country or any member and therefore Israel was obliged to comply with the resolution establishing the Human Rights Council. It stated that the report submitted by Israel had no value, since it failed to address at all human rights in the land of the State of Palestine which was under occupation by Israel. Turning to the review, it asked about the legal basis for the confiscation of the identity cards of Palestinians residing in Jerusalem and where the border of Israel was located.
30. In response, Israel indicated that the statement made by the Palestinian representative was neither a point of clarification nor a procedural motion, but rather the use of extra time to make his statement. Israel had come to the meeting in the spirit of dialogue and the delegation was prepared to answer all questions regarding the territories under the State's control.
31. Poland welcomed the national report and the return of Israel to the Human Rights Council.
32. Portugal expressed concern about discrimination and inequality, inter alia, the distinction between Jewish and Arab citizens, and discrimination against women.
33. Qatar referred to the failure by Israel to cooperate with the Human Rights Council and the United Nations mechanisms responsible for monitoring the human rights situation in the occupied Palestinian territories.
34. The Republic of Korea noted that the promotion and protection of human rights was ensured in institutional and practical terms.
35. The Russian Federation drew attention to the human rights concerns in the occupied Palestinian territory.
36. Morocco referred to issues such as the lack of measures to protect Palestinian civilians and attempts to change the nature of Jerusalem.
37. Saudi Arabia made only recommendations.
38. Slovakia encouraged Israel to ensure a balance between the rights of migrants and national interests and legislative measures related to freedom of religion.
39. Slovenia welcomed progress made regarding children in Israeli military detention.
40. While acknowledging the Government's efforts to strengthen the promotion and protection of human rights, South Sudan also called for strengthened efforts to protect the rights of all citizens.
41. South Africa expressed support for the mediation efforts and welcomed the re-establishment by Israel of normal relations with the Human Rights Council.
42. Spain welcomed the participation by Israel in the review.
43. The Sudan noted the negative consequences that the State's nine-month period of non-cooperation had on the work of the Human Rights Council and the UPR.
44. Sweden asked about measures to limit the use of administrative detention, and requested more information about efforts to protect women and girls from gender-based violence.
45. Switzerland referred to the situation of minorities, asylum-seeking procedures, the settlements and the blockade affecting the civilian population in Gaza.

46. The Syrian Arab Republic hoped that the Human Rights Council would be able to contribute to implementing United Nations resolutions aimed at ending the Israeli occupation of Arab territories.
47. Thailand called on Israel to, inter alia, end the blockade of the Gaza Strip, lift restrictions on movements and ensure non-discriminatory treatment of Jewish and non-Jewish peoples.
48. The former Yugoslav Republic of Macedonia asked to be informed about progress in the implementation of recommendations under the first UPR as well as those of the treaty bodies.
49. Tunisia deplored the non-submission of a national report and the considerable delay in the review, which, added to the boycott of the human rights mechanisms, constituted a case of persistent non-cooperation that the Human Rights Council and the General Assembly should take seriously in order to preserve the universality and credibility of the UPR.
50. Turkey considered that the improvement of the human rights record primarily required the ending of the occupation in the territories of the State of Palestine.
51. The United Arab Emirates asked what steps would be taken to implement Human Rights Council resolutions and, in particular, the conclusions of various reports of human rights mechanisms.
52. The United Kingdom of Great Britain and Northern Ireland expressed concern over Israeli practices in the occupied Palestinian territories, including the extensive use of administrative detention.
53. The United States of America noted its strong belief that every State Member of the United Nations should fully participate in the UPR, and commended Israel for its commitment to upholding human rights.
54. Uruguay encouraged progress in the peace negotiations between Israelis and Palestinians.
55. The Bolivarian Republic of Venezuela regretted the disregard by Israel for the recommendations of the Human Rights Council.
56. Algeria was gravely concerned by the serious non-compliance with UPR procedures and rules and by such a dangerous precedent.
57. Argentina highlighted the ratification of CRPD and encouraged Israel to continue to advance in the adoption of the remaining human rights instruments.
58. Australia welcomed several measures, remained concerned at restrictions on freedom of movement, and noted the concern expressed by Israel about being singled out in item 7 of the Human Rights Council agenda.
59. Austria asked whether the position of Israel had evolved on the issues of discrimination against Arab Israeli citizens and the protection of human rights defenders.
60. Bahrain expressed its concern about the delay in the review of Israel and about the situation of Palestinian children.
61. Referring to comments made by the Syrian Arab Republic, the head of the delegation noted that he had not seen masses of Golan Heights inhabitants rushing to visit their families in the Syrian Arab Republic.
62. In response to an advance question by Norway, the delegation noted that, despite increasing challenges, and in line with the State's responsibility under international law,



Israel took significant steps to promote the standards of living of Palestinians and cooperated with the Palestinian Authority, which had the responsibility for the vast majority of the Palestinian population. The United Nations Development Programme development index showed that the Palestinian Authority was above the regional average.

63. Israel was also working to improve the movement of people and goods in the West Bank. Currently there were only a few checkpoints in place, which were normally open.

64. Responding to an advance question by Mexico and Slovenia, the delegation stated that, as enshrined in the declaration of independence and in many basic laws and court rulings, equality and non-discrimination was the cornerstone of Israel's democratic society.

65. In response to another question by Norway, the delegate noted that, as of August 2013, 126 of 133 localities with a predominantly Arab population had approved outline plans.

66. Referring to a question on the Israel Defense Forces (IDF) and the Israel Security Agency (ISA), the delegate said that both had supervising mechanisms. Regarding a question from the United Kingdom of Great Britain and Northern Ireland and the Netherlands, he noted that the IDF had established a system to investigate and pursue allegations of misconduct. The Attorney General provided civilian oversight for any decision of the Military Advocate General on whether or not to investigate or indict a person suspected of war crimes and other crimes.

67. Responding to questions from Sweden, the Russian Federation, Spain and other countries, Mr. Nitzan noted that administrative detention was a lawful security measure under international law. It was used as a preventive measure against persons who posed grave threats to the security of the West Bank and Israel and its population.

68. Another issue that had been raised by several countries, including the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Spain and Portugal, was connected to claims of torture by the ISA. The ISA was responsible by law for the protection of Israel's security against terrorist threats, espionage and other threats. The ISA operated in accordance with the ruling of the High Court of Justice, and especially the ruling from 1999 concerning ISA interrogations, forbidding any use of physical pressure.

69. The prohibition of torture, as an offence, had not been legislated yet in Israel, however, acts and behaviours defined as torture under article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment constituted offences under the Penal Code.

70. Hila Tene-Gilad, Director, Human Rights and Relations with International Organizations, Ministry of Justice, addressed questions raised by Germany, the United Kingdom of Great Britain and Northern Ireland and the Netherlands, as well as additional questions by Switzerland and the United States of America.

71. The issue of the Bedouin population in the Negev presented a great challenge to Israel in many aspects. With regard to planning, 18 Bedouin localities had approved outline plans, and the planning procedures of six additional localities were ongoing. The Government of Israel was encouraging movement to regulated localities by providing financial benefits. Following the report of the Goldberg Committee, the governmental plan for regulation of Bedouin housing in the Negev had been submitted. The Government had resolved to anchor the implementation framework in legislation, a process carried out in consultation and cooperation with the Bedouin population.

72. Nir Keidar, International Law Department, Israel Defense Forces, addressed the issue of law enforcement regarding Palestinian minors in the West Bank, which had been

raised by several States, including Germany, the Netherlands, Norway, Thailand and the United Kingdom of Great Britain and Northern Ireland.

73. Israel has taken the utmost precautions in handling cases of crime perpetrated by minors, which presented a specific set of challenges. Israeli authorities had to balance the need to deal with serious, life-threatening crimes, often instigated or encouraged by terrorist organizations, and the lack of cooperation from Palestinian authorities, which led to a lack of alternatives to arrest and an environment of hostility towards the Israeli authorities, with a fundamental need to act compassionately in accordance with the relevant international standards.

74. All aspects of the criminal process were conducted according to clear and published procedures and were frequently subject to judicial review. Throughout the process minors were informed of their rights and had a right to legal representation.

75. In the past years an extensive and ongoing review of the criminal law framework applicable in the West Bank had been carried out and had led to substantial amendments, including the raising of the age of majority and the substantial shortening of detention periods, the granting of status to parents during the proceedings, limitation periods for the prosecution of minors and the possibility to order a probation officer's report following the criminal conviction of a minor.

76. Belgium commended the ratification of the majority of the human rights instruments and asked whether Israel had considered ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP 2) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

77. Cuba regretted Israel's lack of cooperation with the Human Rights Council. It referred to Israel as an occupying power violating international law.

78. Brazil acknowledged some important progress in realizing human rights, but expressed concern about settler violence against Palestinian civilians.

79. Canada welcomed the participation of Israel and, referring to the section on minority rights in the national report, asked about further developments towards equality, participation in public life, and fair provision of public services and infrastructure since the first UPR of Israel.

80. Chile reiterated the need to put an end to acts of violence and economic deprivation affecting the Palestinian population. Chile called on Israel to end all expansion of settlements.

81. China called for the release all Palestinian prisoners and the improvement of their living conditions. It also expressed hope that Israel would lift the blockade on the Gaza Strip as soon as possible.

82. Costa Rica noted the ratification of CRPD. In relation to the Palestinians and the occupied Palestinian territories it called on Israel to respect international humanitarian law.

83. The Plurinational State of Bolivia noted that Israel had re-established its commitment to the UPR, albeit with a delay.

84. Cyprus commended several aspects of human rights protection in Israel. It urged all interested parties to refrain from actions that could undermine the negotiation process between Israel and the Palestinians.

85. The Czech Republic expressed concern over the continued discrimination against minorities, referring particularly to the situation of the Bedouins.

86. Denmark recognized an overall decline in the use of administrative detention, but remained concerned about the practice and continued allegations of torture and ill-treatment.
87. Ecuador noted the commitment of Israel to ensure gender equality. It expressed its belief that Israel should make efforts to eliminate discrimination against the Palestinian population.
88. Egypt condemned, inter alia, the disrespect shown by Israel for United Nations resolutions.
89. Estonia called on Israel to investigate all allegations of ill-treatment and bring to justice those responsible. It expressed concern over military court proceedings involving minors.
90. Finland noted the cooperation by Israel with the United Nations Children's Fund (UNICEF), and asked to hear about the steps taken to implement recommendations put forward by UNICEF.
91. France welcomed the return of Israel to the UPR.
92. Germany asked what steps were being taken to implement the recommendations of the Turkel Commission and about measures to reduce the use of administrative detention.
93. Greece expressed concern about settlement activities, and commended progress in achieving equal treatment in relation to sexual orientation and gender identity.
94. Guatemala welcomed Israeli-Palestinian discussions, which constituted a significant advance towards peace in the Middle East. It noted concerns about the increase in demolitions in the occupied Palestinian territory.
95. Hungary noted the continuing cooperation with treaty bodies, and asked about steps envisaged to improve the rights of minorities.
96. Iceland urged the halting of all settlement activities and the withdrawal of settlers from the occupied Palestinian territory. It encouraged the effective implementation of legislation and dialogue with the Palestinian authorities on violence against women, as well as the withdrawal of the reservation to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
97. Indonesia noted the ratification by Israel of CPRD, but expressed concern about policies such as the wall in the occupied Palestinian territories.
98. Ireland raised several human rights concerns, and urged Israel to implement the recommendations of a March 2013 UNICEF report.
99. The Islamic Republic of Iran stated that persistent non-cooperation of the Israeli regime with the UPR mechanism seriously jeopardized the periodicity, sanctity, reliability, credibility and integrity of the whole UPR process. Despite systematic and flagrant violations of international obligations by the Israeli regime, no concrete actions had yet been taken. It further reiterated that the time was right for collective action to protect the rights of Palestinians and alleviate the suffering of innocent people.
100. Israel made a point of order objecting to the use of the term "Israeli regime" by the Islamic Republic of Iran in its statement.
101. The President of the Human Rights Council reminded delegates that it was of the utmost importance that, when discussing human rights issues, everybody respected each other's views and upheld United Nations terminology and standards when referring to countries.

102. Iraq asked what measures ensured that the births of Palestinian children were registered so that they could obtain identity documents.
103. Italy asked about measures to implement the Convention on the Rights of the Child (CRC) and the law on youth in the West Bank, and to improve the socioeconomic conditions of minorities.
104. Japan appreciated efforts by Israel to advance the rights of women and ethnic minorities, but expressed concern over the reports of forced eviction of Palestinians.
105. Jordan expressed alarm that the right of self-determination of the Palestinian people was still being violated by Israel.
106. Kuwait recommended that the international community take measures to protect the rights of the Palestinian people and shoulder its responsibilities to hold accountable those responsible for grave human rights violations which were committed daily against the Palestinian people under occupation.
107. Latvia asked about measures envisaged to implement the recommendation of the Committee on the Rights of the Child to ensure that children accused of having committed security offences were detained only as a measure of last resort, in adequate conditions and for the shortest possible period of time.
108. Libya referred to the indifference shown by Israel to the UPR. It commended the release of Palestinian prisoners, and called for the withdrawal of Israel from the occupied Palestinian territories.
109. Malaysia expressed its view that the situation in the occupied Palestinian territories was worsening.
110. Maldives was deeply concerned by Israeli practices in Palestine, the lack of commitment to the United Nations bodies, and violations of international human rights and humanitarian law.
111. Mexico expressed its hope that the review would contribute to efforts to improve the human rights situation in Israel, and congratulated the State for its ratification of CRPD.
112. Rwanda commended Israel for resuming its cooperation with the universal periodic review mechanism.
113. The Netherlands commended the efforts made by Israel, but remained concerned about the rights of Palestinian children in military custody and of the Bedouin community.
114. New Zealand welcomed the ratification of CPRD and Israel's vibrant democracy, independent judiciary and active civil society.
115. Lebanon made a point of order. Lebanon was among the countries which had not registered on the list of speakers, because, among other principled reasons, the report had not been made available for comment. It referred to paragraph 105 of the national report of Israel, in which the Amal organization, which was a Lebanese nationalist resistance movement that had a history in combating Israeli occupation, was labelled as a "terrorist organization".
116. In responding to the issues raised by Lebanon during a point of order, Israel recalled that in July, the European Union had designated the Hezbollah military wing as a terrorist organization. It noted that the report had mentioned the fact that a senior member of that organization had been able to address courts in Israel and had received remedy.
117. Lebanon made a point of order. It noted that its previous comment was specific to the reference to the Amal organization in the national report and not to any other political faction referred to by the previous speaker.

118. The President of the Human Rights Council recalled that it was the responsibility of the State under review to draw up a national report as a basis for discussion in the session of the Working Group. The publication of a national report as an official document of the United Nations did not imply any official position on the content of that report.

119. The State of Palestine made a point of order. It noted that the current meeting was the UPR of Israel and, as such, Israel should not be mentioning members of parties that had nothing to do with the questions on the table. It asked for a legal opinion on whether it was possible to engage with the United Nations mechanisms but cease to engage with the Human Rights Council.

120. The President said he had already addressed that question.

121. In response to Canada, the head of the delegation referred to affirmative action regarding the Arab minority, in particular an increase of directors in public companies, and the intention to increase annually the number of minority individuals employed in the civil service and as judges.

122. Addressing additional comments, the delegation indicated that the Gaza Strip had not been under Israeli control since 2005, following the implementation by Israel of the disengagement initiative. Since then, Israel could clearly be said to have no effective control in the Gaza Strip. Any claim to the contrary had clearly distorted and misapplied the established rules of international law. As a consequence, as had also been affirmed in 2007 by the Israeli High Court of Justice, Israel did not have a general duty to ensure the welfare of the population of the Gaza Strip. The obligations of Israel towards the Gaza Strip stemmed from the continuing state of armed conflict with the Hamas terrorist organization.

123. He stressed that the Hamas terrorist organization had violently seized control of the Gaza Strip, and had established a terrorist entity. Israel had hoped that the disengagement from Gaza would lead to a reduction in terrorist attacks and ultimately to a comprehensive peace agreement with the Palestinians. However, attacks on Israeli civilians were still frequent.

124. The State of Palestine made a point of order. It refused to accept that Hamas or any other Palestinian faction be defined as terrorists. It suggested remaining focused on the UPR of the State under review.

125. Israel further noted that, due to the volatile security situation, and in the light of the obligations under international law, Israel had imposed a legal naval blockade to prevent weapons transfer to Hamas.

126. Cuba fully supported the point of order that had been made by the State of Palestine.

127. Israel asked for the practice of using points of order for issues that were not technical to be stopped.

128. The President of the Human Rights Council asked, in line with UPR modalities, that delegations refrain from interpreting the State under review.

129. The policy of Israel was that all goods could enter the Gaza Strip freely through the land passages that were open, with the sole exception of those goods that could pose a security risk to Israel. Israel had also allowed entry into its territory in humanitarian cases, such as for persons needing urgent medical care, and was very active in facilitating projects funded and implemented by the international community.

130. Mr. Nitzan responded to comments made by Denmark, France, Italy and others, noting that law enforcement against settlers' violence was given special attention through a combined interministerial team for addressing incitement, uprisings and ideological crimes. In September 2012, the Minister of Public Security had announced the establishment of a

new police unit which was intended to combat nationalist crimes and “price tag” offences, which were aimed against Palestinians. Great effort was also being made in the prevention of criminal activity.

131. Referring to incitement, and the criminal prosecution of racism in Israel, on which Nigeria and other countries had commented, the delegate said that the law provided for a penalty of up to five years’ imprisonment for publishing anything with the intent to incite to racism, regardless of the outcome or the truthfulness of it, and many indictments had been filed in recent years.

132. Ohad Zemet, Ministry of Foreign Affairs, Legal Department, responded to questions from Germany, Italy, Norway, Rwanda, Slovakia and the United States of America relating to immigrants. The history of the Jewish people made Israel highly sensitive to that humanitarian issue. However, the situation of Israel was more complicated than other developed countries and it was impossible to develop regional strategies for cooperation with neighbours or countries of origin, as other States with similar challenges did. Israel was currently granting protection to 60,000 people, who amounted to 95 per cent of all individuals who crossed the border from Egypt; Israel provided them with access to work, basic health care and education.

133. Ms. Tene-Gilad said that Israel had hundreds of NGOs active in a large number of issues, including human rights. Israel placed no legal restrictions on the right of organizations to engage in activities for the promotion and observance of human rights. Organizations or individuals that presented themselves as a human rights organization/activist/defender were not exempt from obeying the law.

134. In concluding, the delegation noted that, unfortunately, they were not able to address all issues raised, but would study the recommendations and return with a response at a later stage in the review process.

135. The delegation restated the respect Israel had for the UPR process, and noted that the high-level delegation, national report, presentations and answers to the many questions testified to that.

## II. Conclusions and/or recommendations\*\*

136. **The recommendations formulated during the interactive dialogue and listed below will be examined by Israel, which will provide responses in due time, but no later than the twenty-fifth session of the Human Rights Council in March 2014:**

- 136.1. **Ratify ICCPR-OP 2 (Portugal)/Abolish completely the death penalty and ratify ICCPR-OP 2 (Spain);**
- 136.2. **Consider withdrawing the reservations to articles 7 and 16 of CEDAW (Latvia);**
- 136.3. **Consider ratifying the ICRMW (Rwanda);**
- 136.4. **Sign and ratify the OP-ICESCR and the OP-CRC-IC (Portugal);**
- 136.5. **Ratify the OP-ICESCR, OP-CAT and CPED. Ratify furthermore the Rome Statute that Israel signed in 2000 (France);**
- 136.6. **Sign and/or ratify the OP-CAT, CPED and ICRMW (Ecuador);**

---

\*\* Conclusions and recommendations have not been edited.

- 136.7. Consider signing and ratifying the CPED and accept the competence of its Committee (Argentina);
- 136.8. Make the declarations under articles 21 and 22 of CAT and withdraw its reservation with regard to article 20 of CAT, as recommended by the Committee (Austria)/Accede to the OP-CAT and recognize the competence of CAT to receive and consider communications according to articles 21 and 22 of the CAT (Denmark)/Ratify the OP-CAT and recognize the competence of CAT to examine individual complaints (Poland)/Effectively ban torture in all its forms and ratify the OP-CAT (Portugal)/Recognise the competence of treaty bodies to examine individual complaints by ratifying the respective optional protocols, in particular OP-CAT (Czech Republic)/Ratify OP-CAT (Costa Rica)/ Ratify OP-CAT and, although not a human rights instrument per se, the Rome Statute of the International Criminal Court (ICC) (Hungary);
- 136.9. Ratify OP-CAT (Estonia);
- 136.10. Ratify the CPED, OP-CAT, the Rome Statute of the ICC, and the Additional Protocols I and II of the Geneva Conventions of 12 August 1949 (Austria);
- 136.11. Ratify the Rome Statute of the ICC and the Agreement on the Privileges and Immunities of the ICC, and to fully align its national legislation with all of the obligations under the Statute (Estonia);
- 136.12. Ratify the Rome Statute of the ICC and fully align its legislation with the Rome Statute (Slovenia)/Ratify the Rome Statute and integrate its provisions in the national legislation (Tunisia)/Consider the ratification of the Rome Statute of the ICC and prepare a law on cooperation between the state and the ICC (Uruguay);
- 136.13. Comply with international humanitarian law provisions, in particular with the IV Geneva Convention (Cuba);
- 136.14. Ratify Additional Protocols I and II to the Geneva Conventions of 12 August 1949 (Estonia);
- 136.15. Adhere to the Additional Protocols I and II to the Geneva Conventions (Uruguay);
- 136.16. Ratify the 1961 Convention on the Reduction of Statelessness, and take appropriate steps to ensure that the human rights of refugees and asylum-seekers are fully respected, including with regard to access to health care and social welfare services (Germany);
- 136.17. Revise fundamental and other relevant laws with a view to enshrining explicitly in those the principles of equality and non-discrimination (Tunisia);
- 136.18. Ensure the principles of equality and non-discrimination by including the principle in the Basic Law and legislation (Republic of Korea);
- 136.19. Consider including the provision on gender equality and non-discrimination in its Human Rights and Liberty Law (Thailand);
- 136.20. Abrogate all discriminatory laws against non-Jewish children (Tunisia);
- 136.21. Evaluate regulations and laws, including those which grant the Orthodox Rabbinate the right to determine policies affecting non-Orthodox Jews and non-Jews, to ensure that they do not discriminate against persons,

especially women, based on their religious beliefs or lack thereof (United States of America);

136.22. Incorporate CAT into domestic law and investigate and prosecute those suspected of torture and other cruel, inhuman or degrading treatment (Spain);

136.23. Introduce an alternative civil legal framework for marriage and divorce as an equally accessible option for everyone (Czech Republic);

136.24. Consider taking appropriate legislative steps to allow civil law marriage in Israel (Germany);

136.25. Establish a national human rights institution in line with the Paris Principles (Nigeria)/Establish an independent national human rights institution in compliance with the Paris Principles (Poland)/Establish a national human rights institution in conformity with the Paris Principles (Uruguay)/Establish an independent national human rights body (South Sudan);

136.26. Consider establishing a national human rights body that institutionalizes its efforts to promote human rights and engage all stakeholders (Thailand);

136.27. Ensure the full enjoyment of all persons under Israel's jurisdiction, including the Arab minority in Israel proper (Jordan);

136.28. Given continued concerns regarding lethal use of force, implement the recommendations of the second Turkel Commission report, concerning domestic mechanisms for investigating complaints in relation to violations of the laws of armed conflict (United Kingdom of Great Britain and Northern Ireland);

136.29. Respect international law and prevailing mechanisms of the United Nations (State of Palestine);

136.30. Uphold its obligations under international human rights and humanitarian law, and implement all relevant Human Rights Council resolutions including those under agenda item 7, not only in its own territory, but also in places under its control (Maldives);

136.31. Cooperate fully with all human rights mechanisms (Nigeria);

136.32. Resume full cooperation with the Human Rights Council and with OHCHR (Spain);

136.33. Cooperate with the human rights system by accepting to receive the missions of the Human Rights Council as established by its resolutions (Brazil);

136.34. Enhance cooperation with the Human Rights Council and continue to fully engage in the international human rights mechanisms (Republic of Korea);

136.35. Continue to cooperate with the Human Rights Council (the former Yugoslav Republic of Macedonia);

136.36. Restart its full participation with the Human Rights Council, including all its mechanisms and OHCHR (Bolivia (Plurinational State of));

136.37. Strengthen its cooperation with international human rights mechanisms, in particular with the Human Rights Council (Japan);



- 136.38. **Implement immediately all United Nations resolutions, particularly those of the Human Rights Council (Saudi Arabia);**
- 136.39. **Implement all international resolutions, which emphasize the preservation of the character and the monuments of East Jerusalem and refrain from changing its legal status and threatening its sanctuaries and spiritual symbols (Morocco);**
- 136.40. **Participate in the Human Rights Council and its mechanisms with a view to preserve the universality of the universal periodic review (Guatemala);**
- 136.41. **Act in conformity with United Nations resolutions and the norms of international law and to resume full cooperation with the United Nations Human Rights Council (Turkey);**
- 136.42. **Address the recommendations from treaty bodies to which it is a State Party (Nicaragua);**
- 136.43. **Increase its efforts to implement the recommendations of the treaty bodies on equality and non-discrimination (Portugal);**
- 136.44. **Increase efforts to implement the recommendations of treaty bodies and include general non-discrimination provisions for all Israeli citizens in the framework of basic law (Austria);**
- 136.45. **Implement without delay the recommendations of treaty bodies and special procedures of the Human Rights Council (Tunisia);**
- 136.46. **Comply with its legal obligations under international law alongside its obligations deriving from international human rights treaties to which Israel is a party (Indonesia);**
- 136.47. **Abide by its international legal obligations, including those under the Fourth Geneva Convention (Ireland);**
- 136.48. **Comply with its international obligations, in particular the Fourth Geneva Convention, and comply with the resolutions on human rights of the United Nations (Venezuela (Bolivarian Republic of));**
- 136.49. **Fully implement its obligations under international law, including international human rights law and international humanitarian law, in particular the 1949 Fourth Geneva Convention, relating to the treatment of non-combatants (Malaysia);**
- 136.50. **Cooperate with all United Nations special procedures and mechanisms (Pakistan);**
- 136.51. **Extend an open invitation to the special procedures of the Human Rights Council and allow them to visit the country (Nicaragua)/Issue a standing invitation to the special procedures (Slovenia)/Extend a standing invitation to all the special procedures of the Human Rights Council (Uruguay)/Extend a standing invitation to all special procedure mandate holders to achieve the human rights goals mentioned in resolution 12/9 of the Human Rights Council (Saudi Arabia)/Extend an open invitation to the special procedures (Guatemala);**
- 136.52. **Implement the recommendations of the Special Rapporteur on freedom of religion or belief to Israel to issue non-selective rules for the protection and preservation of religious sites and to designate holy sites on a non-discriminatory basis (Morocco);**

- 136.53. **Provide equal rights for all citizens of Israel regardless of their origin and confession, allowing them equal access to employment, education and other socio-economic rights as well as participation in political processes (Russian Federation);**
- 136.54. **Amend the basic laws and other legislation in order to include the prohibition of discrimination and the principle of equality, in accordance with the recommendations of United Nations human rights treaty bodies (Finland);**
- 136.55. **Abrogate all discriminatory laws and practices against some groups of populations under its jurisdiction, in particular in the areas of access to justice, employment, education, health, right to property, freedom of expression and opinion, and freedom of religion and belief (Tunisia);**
- 136.56. **Continue all efforts to eliminate discrimination based on sexual orientation and gender identity (Greece);**
- 136.57. **Review legislation which establishes direct and indirect discrimination of national and religious minorities (Russian Federation);**
- 136.58. **Increase efforts to ensure non-discrimination, particularly in the areas of access to justice, property rights and housing rights (Canada);**
- 136.59. **Accelerate the examination of complaints on discrimination and apply relevant judgments (Tunisia);**
- 136.60. **Consider additional measures to improve the status of women in all communities with a view to promote equality in law and practice (Canada);**
- 136.61. **Intensify efforts to fight racism and xenophobia (Nigeria);**
- 136.62. **Eliminate all forms of discrimination against persons of African descent (Tunisia);**
- 136.63. **Advance in the adoption of measures that are considered necessary to combat the discrimination that suffer the non-Jewish sectors of the population (Argentina);**
- 136.64. **Intensify its efforts to combat gender-based violence against women and girls, including from minority communities (Sweden);**
- 136.65. **Persist investigating allegations of violence and ill-treatment by the Police Forces and ensure that international human rights standards are respected at all levels of public administration (Cyprus);**
- 136.66. **Fight impunity by thorough and impartial investigations on all the allegations of human rights violations, including when these allegations involve members of security forces or settlers (France);**
- 136.67. **Take steps to ensure the rights to health, education, and other rights dependent on freedom of movement are protected (Australia);**
- 136.68. **Intensify efforts to prevent and tackle any act aimed at reducing or impeding the full enjoyment of the freedom of religion for any individual (Italy);**
- 136.69. **Ensure freedom of religion or belief, including access to places of worship (France);**
- 136.70. **Take all necessary measures to fight against manifestation of religious intolerance and to thoroughly investigate all cases of religious hatred, including acts of vandalism of religious sites (Slovakia);**

- 136.71. **Adopt norms, and apply existing provisions, with a view to protect the rights of religious minorities and ensure the preservation of religious sites (Argentina);**
- 136.72. **Protection of and access to all sacred places of worship belonging to Muslims, Christians and others (Pakistan);**
- 136.73. **End all violations of Muslim and Christian holy sites (Egypt);**
- 136.74. **Safeguard equitable protection to all places of worship, including all Muslim and Christian sacred places (Cyprus);**
- 136.75. **Ensure access to religious sites, particularly in the Holy City of Jerusalem (Jordan);**
- 136.76. **Ensure full and unrestricted access to holy sites for all members of the clergy and worship without discrimination (Italy);**
- 136.77. **Refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf (Jordan);**
- 136.78. **End the policy of Judaizing Jerusalem and end all the violations against the sanctity of the Al-Aqsa mosque and other places of worship (Qatar);**
- 136.79. **Lead progress made to a systemic solution of the issue of conscientious objectors (Slovenia);**
- 136.80. **Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment (Austria);**
- 136.81. **Continue to further promote women's participation in all aspects of public life and especially in political life (Greece);**
- 136.82. **Take measures to ensure compliance of the principle of same salary for same work, putting special attention that distinctions due to religion, ethnic or gender do not prevent the respect of this principle (Mexico);**
- 136.83. **Strengthen its efforts to close the gaps in the infant and maternal mortality rates (New Zealand);**
- 136.84. **Redouble efforts to fill the gaps among the infant and maternal mortality rates of Jewish, Arab-Israeli and Bedouin children and women (Belgium);**
- 136.85. **Take measures to ensure a fair access to education, without distinction of the origin or gender of the person (Mexico);**
- 136.86. **Put into practice additional measures which encourage a larger presence of Arab students in university lecture halls as well as a policy encouraging the inclusion of Arab lecturers in the universities (Spain);**
- 136.87. **Take further steps in the area of promotion and protection of the rights of persons with disabilities, to improve accessibility to services, including for persons with disabilities living in disadvantaged areas (Canada);**
- 136.88. **Continue progress on various relevant programs, including broad-based accessibility projects for persons with disabilities in the country (Indonesia);**
- 136.89. **Take further steps to overcome the obstacles faced by persons with disabilities in accessing the labour market, including through positive action measures (New Zealand);**

- 136.90. Continue to strive to protect the rights of minorities (Cyprus);
- 136.91. Enhance its efforts to further promote the human rights of minorities, including citizens of Arab origin, by promoting their participation in politics, the economy and various sectors of society as well as by ensuring their equal access to education, health care and other social services (Japan);
- 136.92. Strengthen the protection of rights of persons belonging to non-Jewish minorities and to ensure an effective participation of all citizens in political and public affairs (Czech Republic);
- 136.93. Ensure the enjoyment of economic, social and cultural rights in equal conditions for minorities, particularly their right to work and to education (Belgium);
- 136.94. Reconsider the current proposal, in order to better meet both the State's interest to regularise the habitation in Negev and the fundamental rights of the Bedouin community (Netherlands);
- 136.95. Intensify efforts to advance the rights of the Arab minority population in Israel (Norway);
- 136.96. Ensure, in practice, the non-discrimination and respect of the rights of persons belonging to minorities, be they ethnic, cultural or religious, in particular the Bedouin and the Arab (France);
- 136.97. Respect the Bedouin population's right to their ancestral land and traditional livelihood (Switzerland);
- 136.98. Continue efforts to ensure equal access of Bedouin communities to education, work, housing and public health (Australia);
- 136.99. Protect the Bedouin citizens from discrimination and ensure their rights to property, housing and public service on an equal basis with others (Czech Republic);
- 136.100. Find a durable and equitable solution to the problems faced by the Bedouin communities, particularly in the area of possession of land (Belgium);
- 136.101. Continue taking effective measures to eliminate discrimination against Bedouin women and strengthen the respect of their fundamental rights through concrete and voluntary measures (Belgium);
- 136.102. Take additional measures in order to reduce the school dropout rate of Arab-Israeli and Bedouin girls and increase the number of these women in higher education institutions (Belgium);
- 136.103. Implement previous commitments to increase state resources allocated to Arab Israeli and Bedouin communities, especially for education, and ensure equal access to education, housing, healthcare and employment for individuals in these communities (United States of America);
- 136.104. Treat asylum seekers on its territory in compliance with the 1951 Convention relating to the Status of Refugees (Switzerland);
- 136.105. Ensure asylum seekers have access to a timely individualized refugee status determination and provide for the release of those detained under the Anti-Infiltration Law, in accordance with the recent decision by the Israeli High Court of Justice (United States of America);

- 136.106. **Safeguard the rights of individual refugees and asylum seekers and ensure their access to a fair procedure for examining their asylum requests (Rwanda);**
- 136.107. **Change the public policies and abolish legislation, norms, mechanism or discriminatory provisions against Palestinians living in Israel and in the occupied territories, including putting an end to the segregated roads for the exclusive use of the Israeli population, the settlements, the restrictions to the freedom of movement of Palestinians, the control posts, and the separation walls, the use of human shields in operations of the Israeli military and the practice of selective killings through the use of drones (Ecuador);**
- 136.108. **Put an end to the policy of colonization with illegal settlements (Cuba)**
- 136.109. **Fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health and education, as well as their freedom of movement (Malaysia);**
- 136.110. **Ensure non-discrimination to the Palestinian families in Israel regarding health and education of children, in particular those living in poverty, rural areas and refugee camps (Tunisia);**
- 136.111. **Put an end to the military attacks against the civilian population, the practice of targeted killings, and the torture and ill treatment of Palestinian prisoners (Cuba);**
- 136.112. **Take measures to provide for the safety and protection of the Palestinian civilian population and adhere to international standards on juvenile detention (Norway);**
- 136.113. **Ensure that detention of civilians, especially children, is carried out in accordance with international law and standards and without any discrimination paying particular attention to the recommendations of the CRC (Finland);**
- 136.114. **Take all steps necessary to ensure that Palestinian children in military custody receive the same level of care and have the same rights as provided by Israeli criminal law to youth offenders (Netherlands);**
- 136.115. **End all Israeli arbitrary practices such as administrative detention of Palestinians, forced exile, and sanctions (Egypt);**
- 136.116. **Release all the Palestinian and Arab prisoners and detainees in the Israeli prisons, including women and children, and put an end to all forms of torture exercised against them (Oman);**
- 136.117. **Release immediately all political prisoners and administrative detainees (Pakistan);**
- 136.118. **Release all Palestinian prisoners in Israeli prisons as there is no legal basis to which Israel has detained those political activists (State of Palestine);**
- 136.119. **End the illegal detention of Palestinians and the torture to which they are subjected (Venezuela (Bolivarian Republic of));**
- 136.120. **Undertake an independent evaluation of its policy of administrative detention with a view to ending this practice, guaranteeing that all those detained without exception are brought before a judge and have immediate access to a lawyer (Chile);**

- 136.121. **Release immediately all Palestinian, Syrian and other Arab political detainees, and allow representatives of humanitarian organisations to visit them and deal with their situation (Egypt);**
- 136.122. **Release all Arab prisoners and ensure that they are treated in accordance with international humanitarian law and international human rights law (Syrian Arab Republic);**
- 136.123. **Immediately halt all administrative detention and release all Palestinian detainees and captives in Israeli prisons especially women and children (Qatar);**
- 136.124. **Ensure that administrative detention is carried out in accordance with international human rights standards (Denmark);**
- 136.125. **Ensure that administrative detention complies with Israel's international commitments, and that it remains an exceptional measure and of a limited period, and that it is conducted in the respect of fundamental guarantees, in particular the rights of the defence of detainees and the right to a fair trial within a reasonable time (France);**
- 136.126. **End the solitary confinement of child detainees, and that audio-visual recordings are made of all interviews with child detainees by the Israeli police and security forces (United Kingdom of Great Britain and Northern Ireland);**
- 136.127. **Release all children in solitary confinement (Bahrain);**
- 136.128. **Put an end to the ill-treatment of suffering Palestinian prisoners, particularly children, held in Israeli prisons (Turkey);**
- 136.129. **Unconditionally release all Palestinian prisoners especially children and women (Libya);**
- 136.130. **Introduce limitations to the practice of administrative detention in conformity with international law and to desist from its multiple extensions, and eventually ending them (Slovenia);**
- 136.131. **Bring before a court all persons who are detained under an administrative detention order and have them properly charged with a crime in accordance with international standards (Spain);**
- 136.132. **Renounce the practices of arbitrary detention and end the use of torture in places of detention (Russian Federation);**
- 136.133. **Ensure that the use of administrative detention is minimised and that human rights are fully respected in the fight against terrorism (Sweden);**
- 136.134. **Use alternatives to detaining children, and enact regulations to ensure greater protection of children's rights particularly such as the use of restraints and strip searches (Slovenia);**
- 136.135. **End the criminal military attacks in which thousands of innocent persons have died and punish those responsible and who have gone unpunished up until now (Venezuela (Bolivarian Republic of));**
- 136.136. **Discontinue criminal proceedings against Palestinian children in military courts and ensure that children are not detained (Bahrain);**
- 136.137. **Do not undertake criminal proceedings against Palestinian juveniles in military courts (Iraq);**

- 136.138. **Stop taking any penal actions against Palestinian children in military courts and halt detention of all children (Saudi Arabia);**
- 136.139. **End urgently night arrests of Palestinian children, the admissibility in evidence in military courts of written confessions in Hebrew signed by them, their solitary confinement and the denial of access to family members or to legal representation (Ireland);**
- 136.140. **Conduct an immediate and independent investigation into all cases of torture and ill-treatment of Palestinian children and ensure that all persons responsible for such practices are brought to justice and punished in a manner proportionate to the gravity of their crimes (Bahrain);**
- 136.141. **Ensure that an independent body is established to investigate reports of detained children's exposure to torture and to cruel, inhuman or degrading treatment (Bahrain);**
- 136.142. **Ensure that the Palestinians enjoy the religious and cultural rights contained in the Universal Declaration of Human Rights and allow them unhindered access to places of worship in conformity with the Fourth Geneva Convention (Morocco);**
- 136.143. **Guarantee the enjoyment of all Palestinians with their culture, social, and religious rights as per the Universal Declaration of Human Rights, and allowing them to reach places of worship as per the fourth Geneva Convention (Saudi Arabia);**
- 136.144. **Ensure the respect of freedom of expression and freedom of movement of all; lift the ban on journalists from entering the Palestinian territories (France);**
- 136.145. **Guarantee the Palestinian people access to all basic services, especially drinking water (Venezuela (Bolivarian Republic of));**
- 136.146. **End discrimination against Palestinian households and children when loans are made available in areas such as healthcare and create a strategy for children in disadvantaged areas, in particular the Bedouin communities, migrants and asylum seekers (Iraq);**
- 136.147. **Allow the return of the refugees (Venezuela (Bolivarian Republic of));**
- 136.148. **Fully implement the advisory opinion of the ICJ concerning the separation wall (Egypt);**
- 136.149. **Demolish the shameful wall of separation which violates the human rights of the Palestinians (Venezuela (Bolivarian Republic of));**
- 136.150. **Put an end to the construction, and dismantle the illegal separation wall (Cuba);**
- 136.151. **Dismantle the separation wall and halt the expansion of illegal settlements (Maldives);**
- 136.152. **Cease immediately the colonization through construction of illegal settlements (Pakistan);**
- 136.153. **Halt the colonization with illegal settlements and the destruction of the homes, cultural and religious sites of the Palestinian people (Venezuela (Bolivarian Republic of));**

- 136.154. Suspend, without conditions, the expansion of settlements that violate fundamental rights of the Palestinian population, and remedy the negative impact (Costa Rica);
- 136.155. Acknowledge the right of all Palestinian refugees to return to their homeland, as enshrined in the Fourth Geneva Convention (Pakistan);
- 136.156. Immediately ensure the right of return to all Palestinian refugees in line with international law and relevant resolutions, in particular resolution 194 (State of Palestine);
- 136.157. Put an end to its policies that are contrary to international law and international humanitarian law, respecting the enjoyment of the human rights of the Palestinian people (Bolivia (Plurinational State of));
- 136.158. Apply the Fourth Geneva Convention in relation to the OPT (Bolivia (Plurinational State of));
- 136.159. Adopt legal measures and other measures to supervise the implementation of the CRC in the occupied Arab territories and, in conformity with this convention, apply a definition of the child as a person under the age of 18 in the Palestinian territories as well (Uruguay);
- 136.160. Comply with the recommendations of its first UPR relating to human rights violations against the Palestinian people (Nicaragua);
- 136.161. Fully respect international human rights law and international humanitarian law, in particular the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War, in the OPT (Portugal);
- 136.162. Accept and implement the ICJ Advisory Opinion on the Legal Consequences of the Construction of a Wall in the OPT (Brazil);
- 136.163. Respect all United Nations decisions and the withdrawal of Israel from all the occupied Arab and Palestinian Land (Libya);
- 136.164. Stop building settlements in the Arab occupied territories and implement the United Nations decisions in this regard (Oman);
- 136.165. Respect all the historical and human rights of the Palestinians (Sudan);
- 136.166. Comply with resolutions that different organs of the United Nations have adopted in relation to the conflict and occupation in Palestine (Nicaragua);
- 136.167. Recognise the birth right of the Palestinian people to self-determination and take concrete measures for the establishment of their independent State with Jerusalem as its capital (Pakistan);
- 136.168. Complete Israeli's withdrawal from all occupied Palestinian and Arab territories (Qatar);
- 136.169. Immediately stop the blockade on the Gaza Strip (Qatar);
- 136.170. Bring all settlements building in the occupied Palestinian and Arab Territories to a halt (Qatar);
- 136.171. Take urgent and immediate steps to end its occupation of all Palestinian and Arab Territories occupied since 1967 (South Africa);



- 136.172. **Put an end to the occupation of all occupied Arab land, including East Jerusalem and the Golan Heights (Sudan);**
- 136.173. **Stop the transfer of its population to the occupied territory and put an end to all measures that encourage or perpetuate the settlements (Switzerland);**
- 136.174. **Withdraw unconditionally and put an end to the construction of illegal settlements, including the so-called natural growth of existing settlements in the West Bank, especially in and around Jerusalem, and restore other occupied Arab territories (United Arab Emirates);**
- 136.175. **End the illegal occupation of Palestinian territory and of the Golan Syria (Venezuela (Bolivarian Republic of));**
- 136.176. **End the inhuman blockade of Gaza (Venezuela (Bolivarian Republic of));**
- 136.177. **Put an end to the occupation of all Arab and Palestinian territories, including the Syrian Golan (Cuba);**
- 136.178. **Put an end to the blockade of the Gaza strip, and guarantee full access to the Palestinian population to all basic services (Cuba);**
- 136.179. **Refrain from all settlement activities in occupied territories (Brazil);**
- 136.180. **End the occupation of all Palestinian territories, the Syrian Arab Golan, and the occupied Lebanese territories (Egypt);**
- 136.181. **Lift immediately the blockade on the Gaza strip, and stop any Israeli attacks on the Gaza strip (Egypt);**
- 136.182. **End all settlement activities in the occupied Arab territories, including the West Bank and East Jerusalem (Egypt);**
- 136.183. **End its occupation of Palestinian and Arab territory (Jordan);**
- 136.184. **End the construction of all Israeli settlements in the occupied Arab territories (Libya);**
- 136.185. **Immediately cease its illegal settlement activities (Turkey);**
- 136.186. **End its illegal and unlawful occupation of all Palestinian and Arab Territories occupied since 1967, including Jerusalem (Malaysia);**
- 136.187. **Bring an end to the illegal construction of Jewish settlements and the transfer of Jewish populations to the OPT without delay (Russian Federation);**
- 136.188. **Cease immediately all human rights violations in the occupied Arab territories and implement all relevant United Nations resolutions (Pakistan);**
- 136.189. **Restore all victims of the occupation of Palestinian and Arab territories, in conformity with international law norms (Bolivia (Plurinational State of));**
- 136.190. **Stop all settlement activities (Jordan);**
- 136.191. **Ensure safe and unhindered access for all humanitarian personnel and humanitarian assistance to the civilian population (Jordan);**
- 136.192. **Refrain from subjecting the civilian population to collective punishment (Jordan);**

- 136.193. **Take urgent measures for the promotion and protection of the rights of the Palestinian population (Russian Federation);**
- 136.194. **Develop mechanisms for overseeing the implementation of the CRC in the OPT (Slovenia);**
- 136.195. **Commit as an occupying power to allowing the access for the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (Saudi Arabia);**
- 136.196. **Fully cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (Turkey);**
- 136.197. **Put forward the utmost efforts to implement all recommendations made by the human rights mechanisms to provide people in the occupied territories with the civil, political, economic, social and cultural rights in equal manners (Republic of Korea);**
- 136.198. **Submit a report on the human rights situation in the OPT since Israel assumed the responsibility for this territory as the occupying power (Saudi Arabia);**
- 136.199. **Implement all Human Rights Council, General Assembly and Security Council resolutions with regard to the OPT and other Arab territories (South Africa);**
- 136.200. **Abide, as an occupying power, by all its obligations under international law in the Palestinian territories (Turkey);**
- 136.201. **Cooperate fully with the United Nations mechanisms established to follow the situation of human rights in the occupied Arab territories, especially the Special Committee to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the territories occupied by Israel since 1967, and allow the Committee to visit the occupied Syrian Golan (Syrian Arab Republic);**
- 136.202. **Prohibit policies and practices of racial segregation that disproportionately affect the Palestinian population in the OPT (South Africa);**
- 136.203. **Give up racist and discriminatory laws and practices accompanying the colonies in all the OPT, including Al Qods Asharif (Tunisia);**
- 136.204. **Put an end to the process of expanding colonies and to racial discrimination which are an inadmissible violation of elementary rights of Palestinians in the occupied territories, including Jerusalem (Algeria);**
- 136.205. **Effectively protect the Palestinian population in the occupied West Bank, including East Jerusalem, against any form of discrimination which impairs the equitable access to basic services or natural resources, including water and land, or else the equal enjoyment of fundamental rights and freedoms, particularly the right to equal protection before the law (Brazil);**
- 136.206. **Respect all human rights and fundamental freedoms of the Palestinian people, especially their right to self-determination (Oman);**
- 136.207. **Cease immediately the demolition and destruction of public and private Palestinian properties which constitute a violation of article 53 of the Fourth Geneva Convention and articles 46, 53 and 55 of the Hague Regulations (United Arab Emirates);**

- 136.208. **Set up an independent commission of inquiry to investigate the cruel, inhuman and degrading treatment suffered by children in the OPT and stop such actions (Iraq);**
- 136.209. **Strengthen its efforts to ensure all violent attacks in the West Bank are investigated, and prosecuted by competent authorities (New Zealand);**
- 136.210. **Investigate all allegations of human rights violations and other crimes committed on Palestinian land and prosecute those responsible (Denmark);**
- 136.211. **Enable the Syrian citizens in the occupied Golan to visit their relatives in the motherland through the Al Quneitra crossing (Syrian Arab Republic);**
- 136.212. **Stop the revocation of residency permits for Palestinians in East-Jerusalem (Mexico);**
- 136.213. **Stop the revocation of permanent residency status of Palestinians in East Jerusalem and provide adequate resources for the development of services and infrastructure, including the creation of new schools (Norway);**
- 136.214. **Take immediate measures with a view to lifting the blockade and guarantee freedom of movement of goods and persons between Gaza and West bank, including East Jerusalem (Switzerland);**
- 136.215. **Adopt measures to ensure the freedom of movement of the Palestinians within the OPT and lift the travel bans imposed on human rights defenders (Chile);**
- 136.216. **Lift the military blockade imposed on the Gaza Strip and guarantee access to goods and persons without restrictions (Bolivia (Plurinational State of));**
- 136.217. **Immediately lift the on-going regime of military closures imposed on the occupied Gaza Strip and guarantee unrestricted access of goods and individuals in and out of the Gaza Strip (Malaysia);**
- 136.218. **Repeal all legislative and administrative measures aimed at the judaization of occupied East Jerusalem, including those that allow excavations in the vicinity of the Al Aqsa Mosque (Morocco);**
- 136.219. **End the judaization of Jerusalem (Libya);**
- 136.220. **Undertake necessary measures to guarantee the respect for the freedoms and fundamental rights in the occupied territories such as, for example, the right to freedom of movement of all persons (Spain);**
- 136.221. **Recognize the rights of the Palestinian people to self-determination and respect their right to establish an independent state of which East Jerusalem is the capital (Sudan);**
- 136.222. **Respect the right to self-determination of Palestine as an independent and sovereign state with East Jerusalem as its capital (Venezuela (Bolivarian Republic of));**
- 136.223. **Respect the rights of the Palestinian people to self-determination and to have their sovereign independent state with East Jerusalem as its capital (Egypt);**
- 136.224. **Recognize and respect the rights of the Palestinian people to self-determination (Malaysia);**

136.225. Recognize and respect the right of Palestinian people to self-determination and end the occupation of all territories occupied since 1967 (Maldives);

136.226. Take all the necessary measures to guarantee for the Palestinians who live in the occupied Palestinian territories access to adequate quantities of drinking water and to appropriate sewage systems, including by facilitating the entry of the materials required to reconstruct the water supply system and sewage system in these territories (Uruguay);

136.227. Implement measures to facilitate the renovation of the infrastructure for the supply of water in the occupied Arab territories (Uruguay);

136.228. Comply with the obligations of an occupying power, in line with international humanitarian law, providing water and sanitation to the occupied population (Bolivia (Plurinational State of));

136.229. Guarantee the right to housing of the Palestinians in the occupied territories, including East-Jerusalem, stopping the demolition of Palestinian houses and guaranteeing the property rights of the Palestinian population (Mexico);

136.230. Respect the cultural identity of the Syrian citizens in the occupied Syrian Golan and allow them to apply the national curricula (Syrian Arab Republic);

136.231. Take practical measures to protect and respect the rights of Palestinian refugees and the internally displaced Palestinians and give them access to their homeland and their right to compensation for the losses and prejudices they have endured throughout (Saudi Arabia);

136.232. Respect the right of return for all Palestinian refugees so that they can return to their homeland, and be duly compensated for the damages they and their property suffered from (Egypt);

136.233. Recognize the right of refugees to return to their homes (Jordan);

136.234. Commit to its obligations as an occupying power in the conservation of natural resources and the environment in the occupied Arab territories (Syrian Arab Republic);

136.235. Ensure for the Palestinians of the occupied territories access without hindrance to their natural resources, particularly water resources, and implement in this context the obligations stemming from international humanitarian law (Algeria);

#### **Follow-up to UPR**

136.236 Commit to the implementation of all the recommendations received at the first UPR (Oman);

136.237 Commit completely to implement the outcome of the first UPR (Libya).

137. The recommendations listed below do not enjoy the support of Israel because they contain the term “State of Palestine”. Israel considers that the term “State of Palestine” was adopted as a result of General Assembly resolution 67/19 and at the request of the PLO delegation to the United Nations. Israel wishes to reiterate that the term does not imply the existence of a sovereign State of Palestine, nor recognition as

such; the issue of statehood, as well as all other permanent status issues, will be decided between the parties only as part of a process of direct bilateral negotiations.

137.1. Ensure the preservation of the cultural and religious heritage in the occupied State of Palestine, particularly in the Holy City of Jerusalem (Jordan);

137.2. Mainstream the principle of non-discrimination and equality in the Basic Law of Israel that discriminates against non-Jewish children and undertake measures necessary to stop policies and measure that affect Palestinians resident in the occupied State of Palestine (Saudi Arabia);

137.3. Guarantee freedom of movement for all people as well as free movement of all goods within the Occupied State of Palestine and to and from foreign countries (Saudi Arabia);

137.4. Prevent acts of torture and ill-treatment of children living in the occupied State of Palestine and eliminate these acts which constitute a flagrant violation of article 37 (a) of the CRC, and article 32 the Fourth Geneva Convention (Bahrain);

137.5. Put an end to racial and discriminatory measures against the Palestinians in the Occupied State of Palestine, including in East Jerusalem, especially by continuing to building settlements (Saudi Arabia);

137.6. Ensure the protection and welfare of civilians in the occupied State of Palestine (Jordan);

137.7. Withdrawal of Israel from the Gaza strip, East Jerusalem and the West Bank, these are occupied territories of the State of Palestine that have been recognised as such by 138 States on 29 November last year by the General Assembly (State of Palestine).

138. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

*[English only]*

### **Composition of the delegation**

The delegation of Israel was headed by H.E. Ambassador Eviatar Manor, Permanent Representative, Permanent Mission of Israel to the United Nations in Geneva and composed of the following members:

- Mr. Shai Nitzan, Deputy Attorney General (Special Affairs), Ministry of Justice, Jerusalem;
  - Ms. Hila Tene-Gilad, Adv., Director, Human Rights and Relations with International Organizations, Ministry of Justice, Jerusalem;
  - Mr. Daniel Meron, Head of Bureau United Nations and International Organizations Division, Ministry of Foreign Affairs, Jerusalem;
  - Mr. Ohad Zemet, Attorney, International Law Department Office of the Legal Advisor, Ministry of Foreign Affairs, Jerusalem;
  - Mr. Nir Keidar, Adv. International Law Department, Israel Defence Forces;
  - Mr. Omer Caspi, Minister-Counsellor, Deputy Permanent Representative, Permanent Mission of Israel, Geneva;
  - Ms. Jennifer Motles Svigilsky, Human Rights and Humanitarian Affairs Officer, Permanent Mission of Israel, Geneva.
-



# General Assembly

Distr.: General  
20 March 2014

Original: English

---

**Human Rights Council**  
**Twenty-fifth session**  
Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

**Israel**

**Addendum**

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

---

\* The present document was not edited before being sent to the United Nations translation services.

GE.14-12172



\* 1 4 1 2 1 7 2 \*

Please recycle 



## I. Methodology and consultation process

1. The State of Israel is deeply committed to the Universal Periodic Review (UPR). Following 18 months of suspension Israel appeared before the Council on October 29<sup>th</sup>, underwent its periodic review and effectively renewed its relations with the UNHRC. As noted by Ambassador Eviatar Manor, Permanent Representative of Israel to the United Nations Office in Geneva: "Israel made its decision because we respect UN resolutions, human rights in general and human rights mechanisms in particular." Moving forward, we wish to turn the page and commence a new chapter with the UNHRC, a chapter in which difficulties encountered in the past no longer arise, and where a positive and constructive dynamic to our relations can take shape.

2. In this vein we have carefully reviewed the 237 recommendations received and left to be examined by Israel during our second cycle UPR held on 29 October 2013, which were listed in the report of the Working Group on the UPR(A/HRC/25/15, para.136 hereinafter: the Working Group's Report).

3. All relevant Government Ministries were consulted during the process of drafting replies to all the observations and recommendations received. Working to incorporate the inclusive and participatory processes espoused in the goals of the UPR, we also made efforts to consider the views from civil society organizations at a meeting held on 19th February 2014, at the Minerva Center for Human Rights at the Hebrew University of Jerusalem. As a result of these consultations, we are pleased to report Israel has been able to adopt **105** recommendations, in whole or in part.

4. The present Addendum is structured in accordance with the themes used on Israel's National Report, submitted on 28 October 2013 (A/HRC/WG.6/17/ISR/1). When reviewing recommendations and observations, the State of Israel implemented the following methodology:

(a) Recommendations that **fully enjoy the support** of the State of Israel are those recommendations that are either already implemented or which underlying spirit is supported by the State. We recognize, realistically, that we may never fully accomplish what is described in the literal sense of the terms of the recommendation but we remain committed to making serious efforts towards achieving said goals.

(b) Recommendations that **partially enjoy the support of the State of Israel** are those recommendations with which we regard ourselves as partly compliant, or which are supported in principle, but where we nonetheless object to the suggestion that our current efforts are insufficient or fall short of good practice.

(c) Recommendations that **do not enjoy our support** are those recommendations that we cannot commit to implement at this stage for legal, policy, or other reasons. These also include recommendations made, which we categorically denounce, based on gross misrepresentation or perversion of facts.

5. Certain countries chose to include in their recommendations inaccurate assumptions, inflammatory rhetoric, and false or misleading factual claims, some of which run contrary to the spirit of the UPR. However, even in those cases, we tried to determine whether we could still support the general ideas at the root of such recommendations, while doing our best to ignore the politicized oratory.

6. Due to space constraints, this Addendum will not reiterate issues that have already been raised in Israel's National Report and therefore it is advised to review it in conjunction with the National Report.



7. As part of the consultations that led to the Working Group's Report, the State of Israel immediately dismissed seven recommendations that contained the term "State of Palestine". These recommendations were referenced in numbers 137.1–137.7 of the Working Group's Report. In addition to these recommendations, Israel rejects three additional recommendations numbered 136.29, 136.118, and 136.156 which were raised by the so-called "State of Palestine". While Israel welcomes an open dialogue with delegates of the Palestinian Authority on matters of human rights, we categorically oppose the designation of the Palestinian entity as a State. We recognize that such a designation is used in the United Nations following a Palestinian request and subsequent adoption of UN General Assembly resolution 67/19. However, Israel wishes to reiterate that any usage of the term "State of Palestine" by UN bodies does not imply the existence of a sovereign Palestinian State, nor recognition as such, and is without prejudice to the resolution of all outstanding issues through direct bilateral Israeli-Palestinian negotiations.<sup>1</sup>

## II. Review of recommendations by theme

### A. International instruments and domestic legislative and structural human rights frameworks<sup>2</sup>

8. *The following recommendations enjoy the support of Israel:* 136.13; 136.80.

9. *The following recommendations enjoy the support of Israel in part:* 136.12; 136.15; 136.22; 136.25; 136.26.

10. *The following recommendations do not enjoy the support of Israel:* 136.1; 136.2; 136.3; 136.4; 136.5; 136.6; 136.7; 136.8; 136.9; 136.10; 136.11; 136.14.

11. The protection of and adherence to human rights and international norms plays an important role in Israel, and has been an inseparable part of the State from its very inception, as is evidenced by the Declaration of Independence, Israel's Basic Laws, Supreme Court rulings, and the countless treaties, conventions and covenants to which Israel is a party. Israel complies with its international obligations as reflected both in customary international law and in treaty law.

12. The State of Israel does not normally sign a treaty unless it supports its objectives, purpose, and wording. Moreover, Israel as a law-abiding country does not ratify treaties before ensuring that its own legislation is fully compliant with the treaty's requirements.

### B. Cooperation with United Nations agencies and bodies<sup>3</sup>

13. *The following recommendations enjoy the support of Israel:* 136.32; 136.34; 136.35; 136.37; 136.40; 136.42; 136.46; 136.47.

14. *The following recommendations enjoy the support of Israel in part:* 136.31; 136.36; 136.41.

15. *The following recommendations do not enjoy the support of Israel:* 136.30; 136.33; 136.38; 136.45; 136.48; 136.50; 136.51; 136.195; 136.196; 136.197; 136.198; 136.199; 136.201.

16. Since the UNHRC's creation in 2006, Israel has been the subject of institutional discrimination and unfair treatment which run contrary to the universal principles which lie at the foundation of the Council itself. The infamous item 7 still features on the agenda of every Council session, exclusively singling out Israel, while every other nation is reviewed under agenda item 4. The Council has continued to adopt dozens of partial, politically-

driven resolutions; dispatching committees of inquiry; convening emergency sessions; and renewing the mandate of a permanent prejudiced special rapporteur – all geared against the State of Israel. At the same time a vast array of systematic human rights violations worldwide fail to merit as much as a response.

17. Israel suspended its relations with the UNHRC and OHCHR in March 2012. Following broad internal consultations and external dialogues both with the Council and 'like-minded' countries, Israel renewed its relations with the UNHRC and OHCHR. Israel will continue its efforts to restore all diplomatic engagement in hope of opening a new era of equality and fairness regarding Israel in Geneva.

### **C. Combatting racism, discrimination, xenophobia and anti-discrimination<sup>4</sup>**

18. *The following recommendations enjoy the support of Israel in part:* 136.17; 136.18; 136.19; 136.21; 136.43; 136.59; 136.61; 136.82.

19. *The following recommendations do not enjoy the support of Israel:* 136.20; 136.44; 136.54.

20. Equality and non-discrimination are the cornerstones of Israel's democratic society. This commitment has been reiterated in a series of laws and court rulings.<sup>5</sup> Public authorities and public institutions must fully adhere to the principle of equality and are prohibited from engaging in any act or practice of racial discrimination against persons, groups, or institutions. Israeli Courts have maintained time and again that the principle of equality is a constitutional principle.<sup>6</sup>

21. The Israeli law enforcement authorities increased their effort to fight crimes with racist motives and formed new special investigations units to enhance their capacity. In 2013 the number of indictments and convictions increased significantly and Israel is fully committed to continue this effort.

### **D. Ensuring LGBT rights and gender-based equality<sup>7</sup>**

22. *The following recommendations enjoy the support of Israel:* 136.56; 136.60; 136.64; 136.81; 136.101.

23. *The following recommendations enjoy the support of Israel in part:* 136.23; 136.24.

24. Israel has been committed to gender equality since its inception, enacting the Equal Rights for Women Law 5711-1951 only three years after the State was founded. This is a testimony to the emphasis given to gender-related issues in Israel. Major progress has been made in recent years, in particular, pertaining to equality for women and the promotion and development of rights for the LGBT community, as discussed at length in Israel's national report.<sup>8</sup>

25. The issue of civil marriages is a complex and delicate issue which many societies today are called to respond to, and Israel is no exception. This matter has spurred an active parliamentary debate within Israel which has already resulted in a number of proposals, including bills put forward by the current Government, relating to recognition of "domestic unions" within Israel. The matter is of utmost concern as it relates not only to same-sex couples but also to those who are not members of a recognized religion or are unable to marry in a religious ceremony for whatever reason. Public debate is still ongoing as we attempt to strike an appropriate balance between individual's right to marry and the need to protect certain religious values.

**E. Minority rights<sup>9</sup>**

26. *The following recommendations enjoy the support of Israel:* 136.27; 136.53; 136.58; 136.90; 136.91; 136.92; 136.93; 136.94; 136.95; 136.96; 136.98; 136.99; 136.100; 136.103.

27. *The following recommendations enjoy the support of Israel in part:* 136.146; 136.63.

28. *The following recommendations do not enjoy the support of Israel:* 136.55; 136.57; 136.97.

29. The State of Israel is sincerely committed to the promotion and protection of human rights for all religious and ethnic minority groups, including but not limited to, its Arab, Druze, Circassian, Bedouin,<sup>10</sup> and Ethiopian communities. Much like other societies, Israel is experiencing objective challenges and difficulties in reaching these goals. Unfortunately and on occasion, these typical challenges are exploited by some in the international community to advance political goals and smear Israel without any real desire to affect change or to promote the actual well-being of those minority groups.

30. Israel's national report lists numerous programs and frameworks which are already implemented, and the State of Israel remains committed to take further actions to reduce inequality, and improve the economic, and well-being of those minority groups.<sup>11</sup>

**F. Immigration and asylum matters<sup>12</sup>**

31. *The following recommendations enjoy the support of Israel:* 136.62; 136.104; 136.105; 136.106.

32. *The following recommendations enjoy the support of Israel in part:* 136.16.

33. Despite Israel's complex geostrategic situation and the dramatic impact illegal immigration has already had on the Israeli society, the Israeli Government has nonetheless committed itself to adhere to its international obligations, including the principle of non refoulement. This was recently reaffirmed in the High Court of Justice ruling 7146/12 Nageg Serg Adam et. al. v. The Knesset et. al. (16.9.2013).<sup>13</sup>

34. Israel continues to conduct individual refugee status determination assessments for asylum seekers of all nationalities, while providing them with their human rights. Israel will not tolerate any discrimination against asylum seekers and immigrants.

**G. Fighting terrorism within the law and investigatory safeguards against abuse<sup>14</sup>**

35. *The following recommendations enjoy the support of Israel:* 136.133; 136.65; 136.66.

36. *The following recommendations enjoy the support of Israel in part:* 136.28; 136.144.

37. *The following recommendations do not enjoy the support of Israel:* 136.49; 136.107; 136.120.

38. With respect to our counter terrorism operations, the State of Israel works tirelessly to strengthen compliance with the relevant applicable international law standards. The Government of Israel stands firmly against torture and cruel, inhuman and degrading treatment or punishment. The practices of our military and security agencies are under constant legal review and are the subject of lively public debate within Israeli society.

39. While an overwhelming majority of Israel's military and security officials conduct themselves in accordance with the law, we accept that at times there may be occasional lapses in the context of the ongoing violent conflict the State of Israel is facing. Nonetheless, Israel remains committed to the principle of accountability and will continue to conduct investigations regarding any alleged violation of domestic or international laws. A reflection of that commitment can be found in the recent decision of the Government to nominate a high-level team that will examine the implementation of the recommendations put forward in the 2013 report of the Turkel Public Commission of Inquiry.

## **H. Religious freedoms<sup>15</sup>**

40. *The following recommendations enjoy the support of Israel:* 136.68; 136.69; 136.70; 136.71; 136.72; 136.74; 136.75; 136.76; 136.77.

41. *The following recommendations do not enjoy the support of Israel:* 136.39; 136.52; 136.73; 136.78; 136.218; 136.219.

42. Israeli Law provides for freedom of worship and ensures free access to holy places and cultural institutions by members of all faiths. The *Protection of Holy Places Law 5727-1967* protects all holy places from desecration and subject violators to significant prison sentences.

43. The Israeli Antiques Authority does not prohibit the restoration or maintenance of any Islamic holy shrine, but rather does its utmost to protect all religious sites. Israel maintains close dialogue with the Islamic Waqf which carries out restoration and other construction projects on the Temple Mount.

## **I. Rights of persons with disabilities<sup>16</sup>**

44. *The following recommendations enjoy the support of Israel:* 136.87; 136.88; 136.89.

45. Israel prides itself in being a world leader in the promotion of a disability rights agenda and continues to stand at the forefront of the protection and promotion of human rights of all people with disabilities.<sup>17</sup>

## **J. Economic, social and cultural rights<sup>18</sup>**

46. *The following recommendations enjoy the support of Israel:* 136.67; 136.83; 136.84; 136.85; 136.86; 136.102.

47. *The following recommendations enjoy the support of Israel in part:* 136.79; 136.110; 136.213.

48. *The following recommendations do not enjoy the support of Israel:* 136.211; 136.212; 136.230.

49. Israel has already taken effective actions towards a progressive realization of economic, social and cultural rights for all its citizens, in line with the ICESCR. As discussed at length in Israel's national report, the State remains committed to developing policies and legislation which aim to close the gap between those facing disadvantage and their peers. These programs focus on improving the standard of living and access to social services such as healthcare and education, particularly for Israel's most vulnerable groups.

50. The rate of infant and maternity mortality in Israel is among the lowest in the developed world. The Ministry of Health introduced new policies to close the gap in the

infant and maternal mortality rate, which are designed to overcome the cultural and socio-economic differences between the different populations.

51. Permanent Residents receive the same rights as citizens, excluding an Israeli passport and the right to vote in the national elections to the Knesset. Although a citizenship was offered to all inhabitants of Jerusalem, in 1967 the vast majority of them chose to receive only permanent residency. However, it should be stressed that residents have the right to participate in the municipal elections. Since 1967, over 15,000 permanent residents of the eastern neighborhoods in Jerusalem asked to receive an Israeli citizenship and received it.<sup>19</sup> Israeli policies in this regard have been reviewed and reaffirmed by the Israeli Supreme Court in H.C.J 282/88 Mubarak Awad v. The Prime Minister et. al. (5.6.1998).

## **K. The Israeli-Palestinian Peace Process**

52. The recommendations below relate to final status issues which are currently being negotiated by Israelis and Palestinians under the auspices of the U.S. Secretary of State John Kerry. As noted in Israel's national report, Israel continues to seek an historic and comprehensive compromise with our Palestinian neighbors through direct negotiations conducted on the basis of mutual recognition, signed agreements and the cessation of violence and incitement.

53. Therefore the following recommendations do not enjoy Israel's support at this time: 136.108; 136.147; 136.153; 136.154; 136.155; 136.163; 136.164; 136.165; 136.166; 136.167; 136.168; 136.170; 136.171; 136.172 136.173; 136.174; 136.175 136.177; 136.179; 136.180 136.182; 136.183; 136.184; 136.185; 136.186; 136.187; 136.189; 136.190; 136.204; 136.206; 136.221; 136.222; 136.223; 136.224; 136.225; 136.231; 136.232; 136.233.

## **L. The scope of mandate of the Universal Periodic Review Process**

54. The Annex to Human Rights Council Resolution 5/1 summarizes the basis for review for the Council's Universal Periodic Review. Article 2 to that Resolution states that: "In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law".

55. While we recognize that there is a profound connection between human rights and the laws of armed conflict, and that there may well be a convergence between these two bodies of law in some respect, it is the longstanding position of the State of Israel that in the current state of international law and state-practice, these two bodies of law, which are codified in separate instruments, nevertheless remain two distinct bodies of law, and apply in different circumstances. This distinction has become well-established under international law and it is still valid and reinforced today in armed conflicts over the world.<sup>20</sup> We therefore question the relevance of examining matters which are governed by international humanitarian law in the context of a human rights review.

56. Moreover, the applicability of human rights conventions to the West Bank and the Gaza Strip has been the subject of considerable debate over the past years. In its past periodic reports to the treaty bodies, Israel did not include details on the implementation of said Conventions in the West Bank and the Gaza Strip for several reasons, ranging from legal considerations to practical realities. Israel's position on this issue has been outlined in detail in our previous presentations in various international fora. It is Israel's view that the Conventions do not apply beyond its territory, including in the West Bank and the Gaza

Strip. This is especially true in light of the ongoing situation of armed conflict and hostilities in these areas.

57. We therefore consider some of the recommendations raised during Israel's second cycle UPR as falling outside the scope and ambit of the review process. Nonetheless, in the spirit of fruitful and productive dialogue, and irrespective of the aforementioned legal position of Israel, we attach, *ex gratis*, to this addendum an annex document which notes Israel's position regarding recommendations that relate to certain matters beyond the UPR's mandate.

## Notes

- <sup>1</sup> For reference see Israel's disclaimer to recommendations 137.1-137.7 as noted in the Report of the Working Group on the UPR (A/HRC/25/15), para. 137 (19.12.2013).
- <sup>2</sup> For normative and institutional developments in Israel relating to the protection of human rights please refer to Israel's National Report submitted in accordance with paragraph 5 of the Annex to Human Rights Council resolution 16/21 (A/HRC/WG.6/17/ISR/1), paras. 2-8; 17-20 (hereinafter: Israel's National Report).
- <sup>3</sup> For Engagement and dialogue on human rights issues with international bodies and NGOs, please refer to Israel's National Report, paras. 9-16.
- <sup>4</sup> For measures taken by Israel to combat racism, discrimination, xenophobia, and anti-Semitism please refer to Israel National Report, paras. 33-38.
- <sup>5</sup> On the right to equality under Israel's legal framework for the protection of human rights at the national level, please refer to Israel's Core Document Forming Part of the Reports of States Parties, (HRI/CORE/ISR/2008), pages 47-48, paras. 137-140 (21.11.2008).
- <sup>6</sup> See: H.C.J. 453/94, 454/94 *Israel Women's Network v. The Government of Israel*, P.D. 48(5), 501 (1994). The Israel government begun recently a public campaign against racism.
- <sup>7</sup> For measures taken by Israel to ensure LGBT rights and gender based equality, please refer to Israel's National Report, paras. 21-26; 39-42.
- <sup>8</sup> In April 30<sup>th</sup>, 2013, Israel introduced a national "Equal Pay Day" as part of a national campaign by the Commission for Equal opportunities which consisted of awareness raising, filing civil law suit and providing legal opinions.
- <sup>9</sup> For measures taken by Israel to ensure minority rights, please refer to Israel's National Report, paras. 27-32.
- <sup>10</sup> On January 5th, 2014, the Government has appointed Minister Yair Shamir, the minister of agriculture and rural development to be the minister in charge of Government policy towards the development of the Negev and settlement of the Bedouins in the Negev. Minister Shamir and his teams are learning the various aspects of the issue and the legislation of a new law has been put on hold. Currently, the government implanted a 5 year development plan which allocates 1.2 Billion NIS (\$300 Million) with a specific focus on women and children. The main goal of the Israeli Government is to regularize every Bedouin community and ensure that they receive all the services they are entitled to. It is in the Israeli interest that the Bedouin tradition flourishes and remains recognized all around the world. There are people who prefer a more modern way of life while other communities still live in a more traditional way. 10 teams of planners have recently been hired by the Authority for Advancement of Bedouin in the Negev and they are working on planning solutions in each area. The planners are guided to work with the community and maintain public participation procedures with the goal of achieving a balance between the people's preferences and the physical and planning constrains. According to the national policy, each Bedouin who is 18 and married or 24 and single, and about to be settled, is entitled to receive a developed plot free of charge in an approved town or village. That is a major affirmative action as no other youngsters in Israel in comparison receive plots free of charge. Promoting the Bedouin municipalities and promoting them to provide good services to their habitants are a top priority. In the last two years, 4 out of 7 Bedouin municipalities have progressed in their socio-economic status thanks to mutual efforts of the government and the local leadership.
- <sup>11</sup> The Government implements a 700 million NIS plan aimed at improving the access to the employment market of minorities, with a special program for women empowerment. The plan

includes center for employment direction, financial assistance and daycare nurseries, vocational training, support to small businesses, micro financing, awareness raising, etc. In regard to higher education, the government established a 300 million NIS program to improve the access to higher education in the Arab population.

- <sup>12</sup> For measures taken by Israel to combat illegal immigration while adhering to Israel asylum obligations, please refer to Israel's National Report, paras. 114–117.
- <sup>13</sup> In December 2013 the Knesset legislated the *Prevention of Infiltration Law (Offenses and Jurisdiction) (Amendment no. 4 and Temporary Provision) 5773-2013*. The new legislation amends the 2011 legislation which was annulled by the Supreme Court. The purpose of the new legislation is to lower the financial incentive for migrants to enter Israel, while still granting protection for those in need in accordance with our international legal obligations. Therefore, the law set out two measures: (1) Limiting the maximum detention period for any migrant who crossed the border since the enactment of the law to one year. In this time period, an assessment is made within 6 months regarding whether or not the migrant is a genuine refugee in accordance with international standards; (2) establishing an open facility to accommodate migrants who crossed the border from Egypt illegally. The facility allows coming and going during most hours of the day while providing all basic services and needs including healthcare, welfare, food, and clothing.
- <sup>14</sup> For measures taken by Israel to ensure the protection of the rule of law in the fight against terrorism, please refer to Israel's National Report, paras. 106–113.
- <sup>15</sup> For measures taken by Israel to ensure the protection of religious freedom, please refer to Israel's National Report, paras. 58–63.
- <sup>16</sup> For measures taken by Israel to ensure the protection of rights of persons with disabilities, please refer to Israel's National Report, paras. 2–8.
- <sup>17</sup> As of 2014, the municipal public transportation is already accessible, for the most part. In our assessment, the vast majority of the municipal busses in Israel are already accessible to people with seeing, cognitive and mobility disabilities. This accessibility includes announcement of bus stops, ramps, accessible signage and wheelchair fastening belts. In addition, municipal bus stops, train stations and airports countrywide are about 70% accessible to mobility disabled people, based on sample inspections. We estimate that national parks and designated forests have already been made 20% accessible, and inspections show that work on accessibility of further sites is currently in progress. The Commission is currently funding an awareness campaign focusing on accessibility to services on the radio, newspapers and the Internet. In addition The National Insurance Institute funds work oriented training and education to people with 20% medical disability and over. Currently, about 12,000–13,000 disabled people received such assistance annually. Additional employment rehabilitation services are funded by the Ministries of Welfare and Health. The Ministry of the Economy subsidizes between 18% and 42% of the wage paid by certain enterprises to employees with disabilities, for a period of 30 months. The Ministries of Finance and of the Economy have begun to fund an innovative program to employ people with disabilities who are university grads as interns in Government Ministries. This employment lasts between 9 and 15 months, and is intended to enable them to network and obtain both work experience and recommendations for future employment. The Ministry of the Economy has recently established three support centers for employers of people with disabilities, around the country. These centers will include all forms of employment related assistance provided by the Ministry, and refer to any other available resources. Some 600 disabled persons have already found jobs due to this assistance. Looking ahead, 45 Civil Service jobs will be designated for employees with disabilities in 2014, thus implementing a Government Resolution on this matter. In April 2014, the Inter-Sectoral Partnership for Disability Employment will publish an innovative website, intended to assist placement of disabled jobseekers with interested employers. Employers will be able to post job openings intended for people with disabilities, and disabled jobseekers will be able to apply for these jobs through the website.
- <sup>18</sup> For measures taken by Israel to ensure the protection of economic, social and cultural rights, please refer to Israel's National Report, paras. 64–91; For a detailed response as to the issue of Conscientious Objectors see Israel's National Reports, paras. 96–98.
- <sup>19</sup> The status of a resident can expire in case the person leaves Israel for a period longer than seven years or acquires citizenship or residency in another country. Expiration of residency is relevant only with regard to residence abroad for a period longer than seven years, rather than temporary stay as required, for example, in order to participate in academic studies. It should be mentioned that this

procedure applies to every resident leaving Israel, and does not target any specific population. Since 2000, the policy regarding permanent residents of the eastern neighborhoods of Jerusalem that resided outside Israel is: 1) the residency will not be revoked if the person has kept an affinity to Israel; or 2) If certain conditions are met, a person who keeps an affinity to Israel, despite of his/her life abroad, and lived in Israel for two consecutive years can receive back residency. Currently there are pending petitions before the High Court of Justice on the matter of revocation of residency of residents of eastern neighborhoods of Jerusalem. For example a petition by Haled Abu-Arfa, a minister in the Hamas government and 25 other individuals including three members in the Hamas legislative council, against the Minister of Interior's decision that cancelled permanent residence permits given to the minister and the three members in the Hamas legislative council (H.C.J. 7803/06 *Haled Abu-Arfa et. al. v. The Minister of Interior et.al*). On 2008, due to an initiated examination of the Ministry of Interior the number of revocation of residency of residents of eastern neighborhoods of Jerusalem was irregularly high: 4,677. In the following years the numbers decreased dramatically: in 2009 there were 720 revocations of residency of residents of eastern neighborhoods of Jerusalem, on 2010 there were 191 and 2011 there were 98.

<sup>20</sup> See for example: State of Israel Implementation of the International Covenant on Economic, Social and Cultural Rights, Second Periodic Report, U.N. Doc. E/1990/6/Add.32, paras. 5–8 (3.8.2001); Committee on the Elimination of Discrimination against Women, Summary Record of the 685th meeting, U.N. Doc. CEDAW/C/SR.685 (29.7.2005); Replies of the Government of Israel to the List of Issue to be taken up in connection with the consideration of the third periodic report of Israel, U.N. Doc. CCPR/C/ISR/Q/3/Add.1, p.3 (12.7.2010).





# General Assembly

Distr.: General  
16 April 2014

Original: English

---

## Human Rights Council

Twenty-fifth session

Agenda item 6

Universal periodic review

### Decision adopted by the Human Rights Council

**25/115.**

### **Outcome of the universal periodic review: Israel**

*The Human Rights Council,*

*Acting* in compliance with the mandate entrusted to the Human Rights Council by the General Assembly in its resolution 60/251 of 15 March 2006, Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Israel on 29 October 2013 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Decides* to adopt the outcome of the universal periodic review of Israel, comprising the report thereon of the Working Group on the Universal Periodic Review (A/HRC/25/15), the views of Israel concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group (A/HRC/25/15/Add.1 and A/HRC/25/2, chap. VI).

*53rd meeting  
27 March 2014*

[Adopted without a vote.]

---

GE.14-13783



\* 1 4 1 3 7 8 3 \*

Please recycle 





# General Assembly

Distr.: General  
13 November 2017

Original: English

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twenty-ninth session**  
15–26 January 2018

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Israel**


---

\* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.17-19919(E)



\* 1 7 1 9 9 1 9 \*

Please recycle 



## **I. Introduction**

1. As it embarks on its third cycle of the UPR<sup>1</sup>, Israel, as a democratic country governed by the rule of law, remains committed to protecting and ensuring human rights.

## **II. Methodology and consultation process**

2. This Report of the State of Israel was prepared in accordance with guidelines detailed in Resolution 16/21<sup>2</sup> and its Annex, Decision 17/199<sup>3</sup> of the Human Rights Council and the “3<sup>rd</sup> Cycle Universal Periodic Review National Report Guidance Note”.

3. This Report was compiled by the MFA<sup>4</sup> in collaboration with the MOJ<sup>5</sup> and all relevant Government Ministries. As discussed in previous reports, Israel maintains a vibrant dialogue with civil society organizations, in particular within the UN Human Rights treaty bodies and UPR reporting process. Since 2012, the MFA and MOJ have promoted a project under the auspices of the Hebrew University in Jerusalem, designed to facilitate open dialogue and improve cooperation between State authorities and civil society organizations, specifically concerning the reporting process to UN Human Rights Committees. The project created a joint forum, attended by state authorities, scholars and representatives of civil society, to discuss State reports that are submitted to these committees on an ongoing basis and encourage civil society organizations to comment on the State's draft reports.

4. Since the last reporting cycle, Israel also introduced, in 2017, a series of "Round Tables". This project entailed six discussion sessions in academic institutions located throughout Israel so as to facilitate diverse participation. The sessions offered a unique platform for free discourse between civil society, academics and government representatives on core human rights issues related *inter alia* to: LGBT Rights; Israelis of Ethiopian descent; the local Bedouin population; women's rights; rights of persons with disabilities; and social and economic rights in the periphery. One of the aims of this project was to allow grass roots organizations, which usually do not have the resources to submit shadow reports to the general treaty bodies and UPR process, to participate in the UN HR reporting mechanism.

## **III. Human rights infrastructure**

### **A. International human rights framework**

#### **1. International instruments**

5. Israel updated its Common Core Document and reported on the following treaties during the period between 2013 and 2017: the ICCPR<sup>6</sup>, the CERD<sup>7</sup>, the CAT<sup>8</sup>, the CRC-OP-SC<sup>9</sup>, the CEDAW<sup>10</sup>, and CRPD<sup>11</sup>.

6. Israel is pleased to report that in March 2016, the GOI<sup>12</sup> ratified the WIPO's<sup>13</sup> Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which establishes an exception to intellectual property laws to enable the creation of a copy of a published work, in a format suitable for use and enjoyment by persons who are visually impaired without requiring the consent of the right-holder.

7. Israel's accession to this treaty underlines the importance that Israel attributes to the rights of PWD<sup>14</sup> and the efforts it invests in promoting their rights. In fact, Israel's Making Works, Performances and Broadcasts Accessible for Persons with Disabilities Law

(Legislation Amendments) 5774-2014,<sup>15</sup> prescribes arrangements that go beyond the Marrakesh Treaty in several ways. For example, while the Treaty mandates the creation of accessible formats for visually impaired persons only, the Law allows for the creation of accessible formats for all PWD.

## **2. Engagement and dialogue**

8. Israel maintains close relations with a variety of international and domestic human rights bodies, compiles detailed state reports and conducts dialogues with high-ranking foreign delegations as an expression of its appreciation for transparency and despite the HRC's unfair treatment of Israel, including the overtly discriminatory Item 7 in its agenda, which singles-out Israel, while all other countries' human rights situations are dealt with under appropriate, non-state specific items. Among others, Israel continuously engages with the representatives of OCHA<sup>16</sup>, OHCHR<sup>17</sup>, and UNICEF<sup>18</sup> and fully cooperates with the UNSG<sup>19</sup> Special Coordinator for the Middle East Peace Process.

9. Since 2013, Israel has hosted several senior officials for this type of engagement, including, *inter alia*, two visits by former UNSG Ban Ki-Moon<sup>20</sup> and recent visits by UNSG Antonio Guterres<sup>21</sup> and by the UNHRC<sup>22</sup> Special Rapporteur on Violence against Women<sup>23</sup>. Israel has extended an invitation to the Special Rapporteur on the Situation of Human Rights in Eritrea to visit in 2017-18. In addition, Israel hosted Mr. Peter Maurer, the President of the ICRC<sup>24</sup> twice, and maintains close cooperation with the ICRC.

## **3. Cooperation with United Nations agencies and bodies<sup>25</sup>**

10. Israel has a long record of facilitating the work of UN agencies and cooperating with UN bodies, providing reports and engaging in dialogue with the relevant committees. Israel regularly cooperates and facilitates visits by these bodies unless the mandate involved is inherently political or particularly biased.

11. Israel has appeared before the following UN human rights treaty bodies since the last UPR: CAT in May 2016; ICCPR in October 2014; CRC<sup>26</sup> in June 2013; and CRC-OP-SC in May 2015. Israel is set to appear before CEDAW on October 31, 2017 and is awaiting appearance dates from CERD and CRPD.

12. The State of Israel's commitment to human rights and its cooperation with UN bodies is underscored by the establishment, in 2011, of a joint inter-ministerial team, headed by the Ministry of Justice's Deputy Attorney General (International Law), for reviewing and implementing the concluding observations of the various human rights committees. This inter-ministerial team meets to examine the UN human rights committees' concluding observations and has made several significant changes related to domestic human rights legislation.<sup>27</sup>

## **B. The protection and promotion of human rights at the national level**

### **1. Equality and non-discrimination<sup>28</sup>**

13. Equality and non-discrimination are the cornerstones of the State of Israel's democracy and are enshrined in its Declaration of Independence and Basic Laws. Israel's commitment to these core values and rights has been reiterated time and again in laws and court rulings and is repeatedly re-affirmed and promoted through legislative and policy measures.

(a) *Gender-based equality*<sup>29</sup>

14. Israel's unwavering dedication to gender-based equality has not faltered—from the enactment of the *Equal Rights for Women Law 5711-1951* just three years after the establishment of the State of Israel, until now.

15. Women's participation in the public sphere is valued and encouraged. In the current 20th Knesset, the proportion of women MKs<sup>30</sup> has grown to a record high of 27.5%<sup>31</sup>, from 22.5% in the 19<sup>th</sup> Knesset. Two of these women serve as deputies to the Knesset speaker, five serve as chairpersons of Knesset Committees, and two belong to the Arab minority. In the current Government, the percentage of women ministers has grown from 9.7% to 16%. There are currently four women Government Ministers and one female Deputy Government Minister. 40% of the high-ranking positions in the Civil Service are filled by women, an increase from the 32.6% noted in Israel's last national report. In government companies, the percentage of female directors rose to 43%, reflecting a 10% increase from 2007<sup>32</sup>.

16. Out of the 725 judges presiding in different courts throughout Israel, 369 (51%) are women. In October 2017, Esther Hayut assumed the role of Chief Justice of the Supreme Court, becoming the third female of the past four Chief Judges in that position. In 2017, two women of Ethiopian descent were appointed as Magistrate Court judges, a groundbreaking moment in Israeli judicial history. On April 25, 2017, the first female Qadi<sup>33</sup> was appointed to serve in a Muslim Religious Court. Notably, this Qadi received the support of all nine members of the Judicial Appointments Committee.

17. On, May 26, 2015, the GOI established a Ministerial Committee on Social Equality, specifically designated to promote gender equality in various aspects of life.<sup>34</sup>

18. In March 2014, Amendment No. 3 to the *Male and Female Workers (Equal Pay) Law 5756-1996* was adopted, which required public bodies that are obligated by law to submit reports regarding employees' salaries to include a gender-based wage index in order to expose discrepancies. Following a report by the Committee for the Advancement of Women in the Civil Service<sup>35</sup>, which was established in 2014, the Commissioner issued guidelines which include criteria for setting salary components (standards for vehicle allowance, overtime hours, and on-call-hours), thereby narrowing the potential for discrepancies in salaries between women and men in the same position. In addition, the guidelines also require the employer to report varied salary components to the CSC<sup>36</sup>, which not only improves transparency but also helps the CSC supervise and narrow salary gaps.

19. On March 21, 2017, the paid maternity leave period was extended from 14 to 15 weeks, in accordance with the criteria under Amendment No. 57 of the *Women's Employment Law 5714-1954*.<sup>37</sup> Additionally, this Amendment and Amendment No. 54 to the same law extend the entitlement of parental leave to fathers; *inter alia*, a father may take paid parental leave for a period of one work-week immediately following the birth of his child. Furthermore, under the law, a father may opt to take another seven days of parental leave at any time during the mother's parental leave.

20. The status of women in the IDF<sup>38</sup> continues to improve. The most prominent example of this is in the infantry, where the number of women is steadily rising, and new opportunities have become available for women. Due to concerns that the process of integrating ultra-Orthodox men into the IDF would lead to the exclusion of women in various positions in the IDF, Amendment No. 19 to the *Defence Service Law [Consolidated Version] 5746-1986* was passed in 2014, banning such exclusion.<sup>39</sup>

21. Israel has focused efforts to facilitate greater access to justice by women, particularly minority women. In recent years, the Southern District of the LAA<sup>40</sup> of the MOJ identified cultural and economic barriers that prevent women from the Bedouin

population from accessing courts.<sup>41</sup> The LAA took several steps to address these issues, including: establishing a LAA branch in Rahat<sup>42</sup> in June 2016; strengthening cooperation between the LAA and NGOs as well as with the Authority for Development and Housing of the Bedouins in the Negev; enhancing the accessibility of legal aid for women victims of prostitution – a joint project of the Southern District of the LAA with the “Bishvilech” NGO; providing legal assistance to female victims of domestic violence; providing legal assistance for victims of trafficking; establishing "Access to Justice Stands" – counters located in courts that offer ad hoc legal aid to unrepresented people.

22. One ubiquitous challenge in modern society that Israel must also face is combating gender-based violence. The Government has attempted to tackle the problem head-on both internationally by spearheading an initiative within the framework of the Committee on the Status of Women at the United Nations, and domestically via various legislative amendments and enforcement efforts. Among these are the following:

(a) The UN Resolution on Preventing and Eliminating Sexual Harassment in the Workplace, which was introduced and primarily negotiated by Israel, was adopted in March 2017. The Resolution condemns all forms of sexual harassment, especially against women and girls, including harassment in the workplace, and emphasizes the need to take all necessary measures to prevent and eliminate such harassment. The Resolution, the first of its kind on this topic at the UN, emphasizes the important role of Member States in eliminating this phenomenon and places the primary responsibility upon employers to take measures to prevent such incidences. The Resolution also lays out several methods through which countries can combat and handle sexual harassment, including legislation, policies, education, awareness-raising programs and research.

(b) Amendment No. 20 of 2017 to the *Legal Aid Law 5732-1972* entitles victims of serious sexual offenses to legal counsel from the moment an indictment is filed for the offense through the course of criminal proceedings and related administrative proceedings.

(c) Amendment No. 122 of 2016 to the *Penal Law 5737-1977*, added Section 347B to the Law, which prohibits consensual sexual relations between a clergyman and a person above the age of 18 who sought counsel from the clergyman, when the consent was obtained through the exploitation of the individual's mental dependence upon the clergyman.

(d) Amendment No. 14 of 2015 to the *Legal Aid Law 5732-1972* provides that legal aid, including representation in civil court proceedings, will be provided without a financial eligibility test to victims of sexual offences in civil proceedings under the *Limitations on the Return of a Sex Offender to the Victim's Vicinity Law 5765-2004*.

(e) Amendment No. 5 of 2015 to the *Statute of Limitations Law 5718-1958* allows for the possibility of extending the statute of limitations if the defendant, or her/his representative, knowingly misled the plaintiff, abused her/his power, threatened or exploited the plaintiff, including by means of sexual abuse.

(f) Amendment No. 10 of 2014 to the *Prevention of Sexual Harassment Law 5758-1998* provides that publishing a photograph, film or recording of a person that focuses on his/her sexuality<sup>43</sup>, in circumstances in which the publication is likely to humiliate or degrade him/her, and without his/her consent, constitutes a sexual harassment offence, punishable by five years of imprisonment.

(g) In July 2014 the *Prevention of Sexual Harassment Regulations 5758-1998* were amended to require higher education institutions to increase awareness to prevent sexual harassment, including by: notifying students and employees about the regulations and ways to file a complaint; appointing two sexual harassment prevention officers with relevant training in institutions with 2,000 students or more. These institutions are also

obligated to file an annual report to the AAW<sup>44</sup>, to the Knesset Committee for the Advancement of the Status of Women and Gender Equality (2014), and to the relevant regulatory body.

(h) In 2012, the Attorney General appointed an inter-ministerial team to examine ways to handle incidents involving the exclusion of women in the public sphere in light of an increase in the number of reports of such incidents. The Attorney General adopted the team's recommendations in May 2013 and a team was appointed to implement the recommendations. Among others, the following steps were taken: a dedicated email account was designated for this type of complaint; the MRS<sup>45</sup> and the Attorney General issued circulars indicating that segregating burial plots in cemeteries by gender is prohibited; the MOH<sup>46</sup> issued guidelines forbidding the exclusion and segregation of women at HMO branches and hospitals and demanding that modesty signs (signs calling, instructing, or demanding modest attire) be removed; the MOT<sup>47</sup> undertook extensive reviews to ensure that all public buses, even those operated in ultra-Orthodox communities, do not coerce segregated seating.

23. Four recent court decisions highlight the judiciary's significant role in safeguarding women's rights:

(a) On February 28, 2017, the HCJ<sup>48</sup> rejected two appeals that were merged together after being filed by two appellants who had refused to grant their respective wives a Jewish writ of divorce (Gett) for a lengthy period.<sup>49</sup> The appellants (separately) appealed the decision of the Great Rabbinical Court to approve various social sanctions that the Rabbinical Courts had imposed upon them, based on Jewish religious law, including alienating them from their communities and shaming them in public to force them to agree to grant the writ of divorce.<sup>50</sup> The Court ruled that due to the appellants' behavior, including the violation of judicial decisions obligating them to grant their wives a Gett, the Rabbinical Courts had the authority to impose all of these sanctions, except one recommendation (in one of the appellants' cases) to prohibit the performance of a Jewish burial for him.<sup>51</sup>

(b) The Supreme Court upheld a regional rabbinical court ruling which approved a divorce for a woman whose husband is in a vegetative state, and reversed a Great Rabbinical Court ruling which allowed a third party to appeal this decision. The Supreme Court emphasized that such an effort to try and make the woman an Aguna, a Jewish woman unable to re-marry (after the lower Rabbinical Court granted her a divorce) violates her basic right of human dignity, as enshrined in the *Basic Law: Human Dignity and Liberty* 5752-1992 and deprives her of her liberty. The Court concluded that this would be unconstitutional.<sup>52</sup>

(c) In December 2015, the Supreme Court upheld the right to file a class action lawsuit and grant damages in the wake of an ultra-Orthodox radio station's ban on women broadcasters.<sup>53</sup>

(d) On June 21, 2017, the Jerusalem Magistrate Court approved an agreement between El Al Airlines and a female passenger who had been asked to move from her assigned seat when an ultra-Orthodox male passenger refused to sit next to her. According to the agreement, which the court incorporated into its decision, an airline crew member may not, under any circumstances, ask a passenger to move from his/her assigned seat when the adjacent passenger will not sit beside him/her because of his/her gender.<sup>54</sup>

(b) *LGBT rights*<sup>55</sup>

24. Israel steadfastly protects the rights of its citizens to live freely according to their sexual orientation and gender identity and actively promotes the development of rights for the LGBT community.

25. Since the last cycle, there have been a number of notable legislative and administrative developments affecting the LGBT community, including:

(a) The September 2017 notice by the MOLSASS<sup>56</sup> that it supports changing the legislative criteria which requires an adoptive couple to be a “man and his wife”, to a new gender-neutral standard that simply requires that adoptive parents have a stable and ongoing relationship.

(b) The introduction, in 2016, of a PIBA<sup>57</sup> policy that shortens the process by which a same-sex spouse of an Israeli citizen may receive a visa.<sup>58</sup>

(c) The 2014 adoption of Amendment No. 4 to the *Pupil's Rights Law* 5761-2000, adding sexual orientation and gender identity to the list of grounds upon which discrimination against pupils is prohibited.

(d) The 2014 modification of the template for identity cards by the MOI<sup>59</sup>, allowing for the clear designation of same-sex parents.

26. Recent court decisions protecting the rights of same-sex couples in Israel include:

(a) A 2016 National Labor Court decision (overturning a previous ruling by the Tel Aviv-Jaffa District Labor Court) held that the constitutional right of a same-sex couple to create a family enables it to benefit from the same entitlement terms granted to heterosexual families, as laid out in the *National Insurance Law*.<sup>60</sup> This ruling enshrines the principle of non-discrimination against same-sex couples with regard to National Insurance benefits.

(b) The 2014 Jerusalem District Court decision rejecting an appeal filed by a Guest House regarding whether a certain venue can refuse to hold a same-sex wedding. The Court stressed that the principle of equality was a fundamental principle of Israel's legal system and that preventing a same-sex couple from getting married at a certain venue is discriminatory.<sup>61</sup>

(c) The 2013 Tel Aviv-Jaffa Family Court ruling that a same-sex couple could be registered as parents and recognized as joint parents through a judicial parenthood order, without a social services' review.<sup>62</sup>

27. Israeli courts have also taken a clear stance against violence in the LGBT context. In April 2016, the Jerusalem District Court convicted Yishay Shlissel of murder, six counts of attempted murder and injury under aggravated circumstances, after he stabbed seven people in the Jerusalem Pride Parade in July 2015.<sup>63</sup> Shlissel was sentenced to life imprisonment with an additional 31 year imprisonment sentence and was ordered to compensate the deceased's family and other victims in the total amount of 2,064,000 NIS.<sup>64</sup>

28. Furthermore, Israel has played a significant role in promoting the rights of the LGBT community at the UN and beyond. The permanent mission of Israel to the UN is a long-standing member of the LGBT core group in New York. Israel actively fought to protect the mandate given to the Independent Expert on SOGI<sup>65</sup>, voting several times in favor of the position and delivering supportive statements in the third and fifth committees and in the General Assembly. It has also co-sponsored many side events held by the core group to raise awareness and promote the rights of the LGBT Community. Finally, Israel is a founding member of the recently established ERC<sup>66</sup>, a group of countries (outside the auspices of the UN) committed to promoting the rights of the LGBT community.

(c) *Minority rights*<sup>67</sup>

29. Israel strives to protect, promote, and integrate minorities, who comprise approximately 25.3% of Israel's population, and ensure that they have equal access to employment, education, and socio-economic rights, as well as full participation in political



processes. In the current 20th Knesset, there are thirteen Arab, one Bedouin and four Druze Knesset Members.<sup>68</sup>

#### Public representation

30. Due to the affirmative action measures described in Israel's last national report, there has been a steady increase in the employment rates of minorities in the Civil Service. As of October 2017, 10.1% of all Civil Service employees were Arabs, Bedouins, Druze and Circassians (compared to 8.4% in 2012 and 6.17% in 2007). Approximately 40% of these employees are women. These affirmative action efforts are ongoing and the government has designated hundreds of positions for these purposes.

31. Many Arab-Israeli employees within the Civil Service maintain senior-level positions, with decision-making authority. These employees serve in many capacities, including: investigative engineers, clinical psychologists, senior tax investigators, senior economists, senior electricians, geologists, department controllers, lawyers and educational supervisors. While there were 347 Arab, Bedouin, Druze and Circassian employees holding senior positions in 2006, that number rose to 562 in 2014.

#### Economic, social and cultural measures for the Arab, Bedouin, Druze and Circassian Communities

32. In recent years there have been several significant Government measures to empower the Arab population and to reduce gaps between that population and Israeli society in general. These efforts have already led to positive trends, like the consistent growth in employment figures for the Arab population in general and especially Arab women.

33. Several programs have been designed to benefit Israel's minorities. The Authority for Economic Development of the Arab Population, including the Druze and Circassian (hereinafter: the "Authority"), within the Ministry of Social Equality is currently implementing the following measures:

(a) Government Resolution No. 922, entitled "Government activities for the development of minority populations for the years 2016-2020", which implements a five-year plan (2016-2020) to further integrate Arab, Druze, Bedouin, Christian and Circassian populations in Israel through : education – by, *inter alia*, upgrading teaching quality, promoting educational programs, and allocating a budget for informal educational and extra-curricular activities; higher education – by increasing the rate of Arab students studying for their Bachelor's degree to 17% by 2025<sup>69</sup>; transportation infrastructure – by, *inter alia*, improving public transportation, paving new roads in Arab localities, and training Arab women as public transportation drivers; commerce and trade – through, *inter alia*, the expansion of industrial zones, the allocation of at least 50% of the employment budget to populations with low participation rates, and the allocation of at least 10% of the assistance budget of the Foreign Trade Administration to promoting the participation of the Arab population in foreign markets; employment – by, *inter alia*, establishing more child care centers<sup>70</sup>, setting up additional Ryan centers<sup>71</sup> for the Druze and Circassian populations<sup>72</sup>, and allocating 200 Million NIS<sup>73</sup> for the operation of these centers for the years 2017–2020; and public security – through the establishment of additional police stations and the recruitment of more Arab police personnel.

(b) Resolution No. 2365, entitled "Government plan for the development of Minority Localities (including Arab, Bedouin, Druze and Circassian local authorities) in 2015" which aims at, *inter alia*, improving transportation infrastructure including internal and external roads and public transportation; improving water and sewage systems; developing tourism arrangements; finalizing the development of industrial areas; providing

vocational training and support of micro hi-tech companies; constructing sports halls and courts; improving personal security and service to citizens including through the "City without Violence" Program. The total budget for this plan was 664 Million NIS<sup>74</sup> for 2015 and programs which were launched under this plan in 2015 are still ongoing.

(c) A special Resolution that was designed specifically to help develop and strengthen Druze localities for the years 2014–2017.<sup>75</sup> This Resolution aims to strengthen the Druze population in education – through the construction of additional classrooms and kindergartens, the development of educational programs for all ages, including preparation for higher education, enrichment and extra-curricular activities, teacher training etc. (with a total budget of 54 Million NIS<sup>76</sup>); employment – by promoting additional employment opportunities and strengthening social services (with a total budget of 13 Million NIS<sup>77</sup>); health services and infrastructures- via completion of zoning plans for these localities (with a budget of 8 Million NIS<sup>78</sup>); infrastructure- through the establishment and maintenance of religious sites and structures (10.4 Million NIS<sup>79</sup>), and the improvement of transportation infrastructure (80 Million NIS<sup>80</sup>).

(d) In addition to the above-mentioned Resolutions, the Authority has been working with the Forum of Bedouin Authorities' Leaders and 15 Government Ministries and related professional bodies on a five-year plan for the years **2016–2020** for the Bedouin localities in Northern Israel, with a total budget of 1.7 Billion NIS<sup>81</sup> for five years.

34. Aside from the above-mentioned initiatives, in 2014, the MOE<sup>82</sup> and the CHE<sup>83</sup> together with the Irteka Scholarship Fund and other private benefactors, offered 650 scholarships for the 2015 academic year to Arab, Druze and Circassian students studying for their first degree. 6.5 Million NIS<sup>84</sup> were allocated for these scholarships. Preparations are being made for another allocation, to roughly 650 new recipients.

35. The CHE has also started the process of establishing and operating a state-funded academic college in an Arab locality in northern Israel. The CHE invited the submission of proposals in December 2015. This institute will render higher education more accessible to the Arab population living in northern Israel, especially to women.

36. The Government has initiated a number of development plans that address the concerns and needs of Bedouins. All of the plans involve active participation of the relevant communities. There are currently 18 Bedouin localities with approved outline plans and additional development plans are underway in several other Bedouin towns. Rahat, for example, will almost triple in size (from 8,797 dunams today to 22,767 dunams). The project is estimated to cost approximately 500 Million NIS<sup>85</sup>. All of these plans include the construction of infrastructure such as schools, health clinics, running water, electricity, roads, pavements, etc. The Government is encouraging movement to regulated localities by providing financial incentives which include, *inter alia*, the provision of land plots for free or at very low cost, and compensation for the demolition of unauthorized structures.

(d) *Racial discrimination*<sup>86</sup>

37. The State of Israel condemns all forms of racial discrimination and its Government maintains a consistent policy prohibiting such discrimination. In recent years, Israeli law enforcement authorities have intensified their efforts to combat hate crimes by forming special units designated to tackle such phenomena.

38. In January 2014, a public campaign was launched to educate the public that discrimination and racism constitute a criminal offence. As part of this campaign, a special internet site and hotline were created to provide information and assistance to persons affected by discriminatory acts.

39. To further counter racial discrimination, the MOE initiated several efforts to advance the principles of democracy and coexistence in its curricula. These include *inter alia*, the Tolerance, Prevention of Racism, and Coexistence Program, a multi-year program designed for all ages and populations, that focuses on tolerance, acceptance of persons from other groups, coexistence and the prevention of racism; the "Living Together Program", a program facilitating meetings between Jewish and Arab pupils, with the aim of working together for the benefit of both local populations;<sup>87</sup> the "Holocaust to Human Rights" Dialogue – which emphasizes the importance of democracy, human rights and pluralism; "Ya Salam" – a program to promote coexistence and equality through joint Hebrew and Arabic classes in both Jewish and Arab schools.

#### Judicial decisions against racial discrimination

40. The judiciary continues to protect minorities from racial discrimination. Recent rulings include:

(a) A March 2015 HCJ decision that rejected a petition against various security inspection methods that were employed at Israeli airports and purportedly involved ethnic profiling (because the respondents had since begun to use new non-discriminatory security inspection methods), but awarded the petitioner's expenses because of its role in bringing about important changes in airport inspection methods.<sup>88</sup>

(b) The September 2015 Rishon-Le'Zion Magistrate Court ruling which held that bumping Arab passengers from a domestic flight to allow Jewish passengers to board in their stead on the basis of so-called 'security considerations' violates the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*, which prohibits discriminating against persons based on their ethnic origin and violates the *Basic Law: Human Dignity and Liberty's* guarantee of human dignity.<sup>89</sup> Accordingly, the Court awarded sizeable damages to the plaintiffs despite the fact that they ultimately boarded the flight.<sup>90</sup>

(c) A March 2016 Nazareth Labor Court ruling<sup>91</sup> in favor of a Druze plaintiff who was fired on the basis of race in violation of Section 2 of the *Equal Employment Opportunities Law 5748-1988* and was awarded compensation in the amount of 54,804 NIS<sup>92</sup>, and legal fees in the amount of 10,800 NIS<sup>93</sup>.

#### Israelis of Ethiopian descent

41. In the wake of allegations of discrimination and popular protests, Israel implemented a number of measures geared towards Israelis of Ethiopian descent. In February 2014, the Government passed a groundbreaking resolution<sup>94</sup> tasking the MOIA<sup>95</sup> and other Government Ministries to develop new policies for increasing the integration of Israelis of Ethiopian descent and abolishing discrimination against them. Over 3,000 Israelis of Ethiopian descent – including public figures, heads of NGOs, professionals and activists, participated in over 60 round-table meetings with government officials and policy makers to develop these policies. This process yielded a comprehensive document with six guiding principles to serve as the basis for all new policies to be implemented concerning Israelis of Ethiopian descent, including: integration rather than segregation; acknowledging the diversity within the Ethiopian Israeli community itself; empowering families; closing gaps; encouraging excellence and leadership within the community; and educating Israeli society to eliminate all forms of discrimination against Israelis of Ethiopian descent. By the end of 2014, all Government Ministries involved in the process had established new policies guided by these overriding principles.

42. In July 2015, the Policy Principles were adopted in Government Resolution No. 324, which created a four year inter-ministerial program designed to adopt clear policies,

including the establishment of a special unit in the PMO<sup>96</sup> to oversee the implementation. In addition, the Ministerial Committee for the Advancement of the Integration into the Israeli Society of Israeli Citizens of Ethiopian Descent (hereinafter: “the Ministerial Committee”) was established, headed by the Prime Minister.

43. In January 2016, the Ministerial Committee approved a resolution directing the MOJ’s Director General to create and head an inter-ministerial team charged with developing an action plan to deal with racism against persons of Ethiopian descent. This team was comprised of senior officials<sup>97</sup>, in addition to representatives of the CSC, Israeli Police, the Equal Employment Opportunities Commissioner, representatives of the industrial sector, and representatives of Israeli citizens of Ethiopian descent.

44. In August 2016, the Ministerial Committee adopted 53 recommendations made by the inter-ministerial team.<sup>98</sup> The Ministerial Committee also decided to implement several of the team’s recommendations, including, *inter alia*: the establishment of a new unit within the MOJ for the coordination of the fight against racism; the appointment by the Justice Minister of an independent public commission to assist and advise the coordination unit; the appointment of an individual in every Government Ministry to serve as a focal point and be in charge of the fight against discrimination and racism; the provision of free legal representation in discrimination claims relating to access and entry to public places; positive representation of persons of Ethiopian descent in the public sphere – including public places and the media; and the creation of an expedited procedure for the employment of persons of Ethiopian descent with academic degrees in the public sector. The new unit in the MOJ is also tasked, *inter alia*, with the implementation of the inter-ministerial team’s recommendations; fielding complaints concerning discrimination and racism and involving the relevant authorities; composing an annual report regarding the unit’s responsibilities. The Director General of the MOJ is required to report to the Ministerial Committee on the implementation of the abovementioned recommendations.

45. The Israeli Government, by means of Resolutions adopted between October 2015 and February 2016,<sup>99</sup> approved special programming that involves over 10 Ministries and Government agencies in the following areas: education; integration; employment; family and community. The programs created under these initiatives include efforts to educate the public and alter prevailing attitudes; minimize gaps; and promote leadership and excellence. The plans formulated by various Ministries pursuant to these Resolutions include targets for a four-year plan (2016–2019) and relevant budgets, with a total budget of approximately 500 Million NIS<sup>100</sup>.

46. In addition to the administrative and legislative measures that demonstrate Israel’s commitment to non-discrimination, the Israeli Police have likewise shown such dedication by initiating a detailed plan to prevent discrimination and reduce points of friction with this population. The plan includes, *inter alia*, training officers how to police in a multi-cultural setting; adding local community police officers who offer special programs and serve as a liaison between the community and police; increasing the recruitment and promotion of Israeli citizens of Ethiopian descent within the Police and increasing the number of Amharic-speaking dispatchers (100). Though final statistics are not yet available, there are indications that these measures have led to a reduction in the number of arrests and detentions of Ethiopian Israelis, especially among youth.

47. There have also been numerous judicial decisions rendered regarding racial discrimination against this group. In one recent example from January 2016, the Haifa Regional Labor Court ruled in favor of an Israeli woman of Ethiopian descent who claimed that she suffered discrimination due to her ethnic origin in violation of the *Equal Employment Opportunities Law 5748-1988*. The Court held that the plaintiff had proven that the respondent company had discriminated against her and had refused to hire her due to her ethnic origin without examining her relevant employment skills. Due to the severity

of the case, the Court awarded compensation in the amount of 50,000 NIS<sup>101</sup> to the plaintiff.<sup>102</sup>

(e) *Rights of persons with disabilities*<sup>103</sup>

48. Israel is proud of its achievements regarding the protection and promotion of human rights for all persons with disabilities and remains committed to promoting a disability rights agenda. Israel devotes tremendous resources to enabling disabled people to fulfill their potential, maintain their dignity and freedom, and enjoy equal rights.

49. In furtherance of the two principal sources of legislation mandating accessibility to public places and services, the *Equal Rights for Persons with Disabilities Law 5758-1998* (the "*Equal Rights Law*") and the *Planning and Building Law 5725-1965*, additional Regulations have been promulgated relating to a wide variety of places and services that require accessibility adjustments. As of January 2017, 21 detailed Accessibility Regulations had been adopted. As required by the *Equal Rights Law*, these Regulations were drafted in consultation with organizations working on behalf of persons with disabilities. Important work is ongoing in this area, with 13 draft Accessibility Regulations in various stages of the legislative process.<sup>104</sup>

50. These aforementioned Regulations have greatly increased the scope of accessibility requirements relating to sites and services, including: the construction of public buildings (existing and new); educational facilities (existing); open public places like cemeteries and beaches; archaeological sites; national parks and nature reserves; transportation services (including buses, trains, taxi cabs, and rental cars); information accessibility and telecommunication services. Recent legislative measures include an amendment to a Transportation Regulation, addressing the accessibility of the light rail. Other measures address accessibility provisions for professional training courses, health facilities and higher education institutions.

51. The Commission for Equal Rights of Persons with Disabilities in the MOJ works to ensure that these accessibility regulations are implemented by, *inter alia*, publishing data and by training officials, as well as by means of a specialized accessibility enforcement department that operates nation-wide. Supervisors perform field surveys and are authorized to investigate, request documents, and inspect premises. They conduct over 1,000 such inspections annually and issue letters of warning to entities found not to be in compliance with accessibility Regulations. When necessary, they are authorized to issue an order obligating an entity to make accessibility adjustments. The violation of terms of an accessibility order is a criminal offence, punishable by a court-imposed fine. If an accessibility order has been issued to a public or private corporation, or to a local authority or government entity, officials may be held personally liable.

52. Employment discrimination against a person with disabilities, by reason of his/her disability or against family members of a person with disabilities by reason of that disability, is strictly prohibited under the *Equal Rights Law*. Section 8(e) defines discrimination as including the failure to make adjustments required by virtue of the special needs of a person with a disability in order to facilitate her/his employment.<sup>105</sup>

53. Recognizing the challenges faced by persons with disabilities in seeking employment opportunities, the *Equal Rights Law* provides that if an employer with over 25 workers finds that disabled persons are not appropriately represented, the employer must enable such integration, including by making adjustments to the workplace. Recent legislation has defined "appropriate representation" for public and private sector employers and has established implementation or enforcement mechanisms.<sup>106</sup>

54. Other recent measures aimed at improving the lives of PWD include the launch of a public awareness campaign to promote the rights of persons with disabilities and the

accessibility requirements of public places. From 2011 until 2016, the campaign included television, radio, internet, new-media and newspaper coverage in Hebrew, Arabic and Russian. The annual budget of these campaigns was 1,500,000 NIS<sup>107</sup>.

(f) *Religious freedoms*<sup>108</sup>

55. As underlined in the *Basic Law: Human Dignity and Liberty*, freedom of religion is an important facet of Israeli society, and consists of both the freedom of religion<sup>109</sup> as well as the freedom to practice one's religion.

56. Israeli Law guarantees freedom of worship and ensures access to holy places to members of all faiths. The *Protection of Holy Places Law 5727-1967* safeguards all holy places from desecration and subjects violators to significant prison sentences.

57. Holy sites in sensitive areas are guarded by the Police in order to protect tourists, visitors, and worshippers and maintain public order.

58. The GOI takes the desecration of holy sites very seriously and the Prime Minister, President, and Defence Minister have all denounced such actions in the harshest terms.<sup>110</sup> As a matter of policy, Israel investigates and prosecutes the offenders in such situations. For example, on July 28, 2015, an indictment was filed in Nazareth District Court against two suspects in relation to the arson at the Church of the Multiplication of the Loaves and Fish in Nahum Village in June 2015. One of the suspects was charged with arson under aggravated circumstances, defacing real estate with a hostile motive towards the public, conspiracy to commit a crime, conspiracy to commit other offences, using a car in the commission of a crime, obstructing a police officer, and violation of a legal order. The second suspect was charged with providing means for the commission of a crime and conspiracy to commit other offences. The first suspect was convicted in July 2017, while the second was acquitted of all charges against him. In addition to prosecuting the offenders, the GOI further displayed its commitment to religious freedom and the sanctity of holy sites, by transferring 1.5 million NIS<sup>111</sup> in January 2017 for the complete renovation of this Church.

59. Israeli courts have also protected those who prefer to receive civilian over religious services. On September 4, 2014, the Kfar Saba Magistrate Court held, in two separate cases brought by spouses of deceased individuals who had desired to have a civilian burial, that the State had not fulfilled its legal obligation in accordance with *The Right to Alternative Civil Burial Law 5756-1996*, which requires that alternative cemeteries be established in various regions throughout Israel. The Magistrate Court ruled, *inter alia*, that there were not sufficient civil burial cemeteries available and that the civil burial cemeteries that did exist were not in close proximity to the relevant populations. The Court also determined that the MRS did not disseminate information regarding civil burial options to the public and ordered the MRS to reimburse the plaintiffs.<sup>112</sup> As of September 2017, the number of cemeteries for alternative civilian burial had increased to 23<sup>113</sup>. The list of cemeteries is now published on the MRS' website.

60. In addition to Jewish and civilian burial, persons of other faiths are buried according to their own customs in Israel. Likewise, in an appeal brought by the mother of a transgender woman who requested in her will that her body be cremated upon her death, the Supreme Court upheld the Jerusalem District Court decision to honor the deceased's request.<sup>114</sup>

61. The GOI has made efforts to accommodate the needs and lifestyles of employees of different religions. The CSC provides holiday and vacation time according to employees' relevant religious holidays, such that Muslim employees are entitled to a day off during Ramadan and Christians can choose Sunday as their day off from work. Only recently, in

May 2016, the CSC approved, *ex gratia*, that Muslim employees of the MOJ could report on-call shifts during Ramadan.<sup>115</sup>

## 2. Children's rights<sup>116</sup>

### (a) Education

62. Israel remains determined to protect children's rights and their welfare and has continued to legislate and act towards the betterment of all children. Israel is a signatory to numerous international conventions<sup>117</sup> and new policies and legislation give effect to the rights and obligations contained therein.

63. Israel's educational system is based on the principle that every child receive an equal opportunity for education, as enshrined in Section 2(8) of the *National Education Law* 5713-1953 ("*The National Education Law*"). Similarly, Section 5(A)(1) of the *Pupil's Rights Law* prohibits any form of discrimination concerning the registration of pupils by governmental and local authorities or any educational institution.

64. Every parent has the right to choose between public and private kindergartens and between secular or religious ones. No tuition is charged for children enrolled in public kindergartens.<sup>118</sup> This right to free and compulsory education is granted to every child living in Israel, regardless of his/her citizenship or legal status. Since the last UPR cycle, a number of important reforms have been adopted, including the 2016 Amendment No. 35 to *Compulsory Education Law* 5709-1949, which lowered the compulsory age of enrollment of children in kindergartens from five to three.

65. Another important recent reform, Government Resolution No. 2659, which expands governmental support of after-school day-care programs, was adopted on May 21, 2017.<sup>119</sup> This resolution enlarged the financial support granted by the MOE to after-school day-care centers, and supervision of the programs, ensuring the quality of service provided and the pedagogical standards.

### (b) Health

66. As of January 2017, children below the age of 15 became entitled, under the *National Health Insurance Law* 1994-5754, to receive free basic dental care treatment and other treatments with low deductibles.<sup>120</sup> The treatments will be further extended in one year to include children age 15, and in two years to cover those who are 16, and so on, up until the age of 18.

67. In 2014 the Government enacted, *inter alia*, the *Supervision of the Quality of Food and Proper Nutrition in Education Institutions Law* 5774-2014 which obligates the State to supervise the nutritional values of all foods sold and served in educational institutions.

### (c) Economic and social

68. Pursuant to the *National Insurance Regulations (Long-Term Savings for Child)* 5777-2016, there is a new long-term savings account program in Israel. As of January 2017, the NII<sup>121</sup> contributes 50 NIS<sup>122</sup> each month into a long-term savings plan for each child eligible for this allowance until the child reaches the age of 18. The parent may choose to have the child's funds held in a designated savings account that is managed within the framework of either an investment provident fund or bank savings account. The parents have the option to match the NII contribution and deposit an additional sum of 50 NIS<sup>123</sup> monthly for the child. In addition, every child receives 250 NIS<sup>124</sup> upon reaching the age of 3 and 250 NIS<sup>125</sup> upon reaching the ages of 12 and 13 respectively. If a child keeps the funds in the savings account until age 21, he/she will receive 500 NIS<sup>126</sup> at that time.

69. Following the 2016 Amendment No. 55 to the *Womens' Employment Law 5714-1954*, either the mother or father of a newborn may be absent from work for one hour a day for the first four months following parental leave, without it impacting their salary. Civil servants that are parents of young children are granted even greater flexibility.<sup>127</sup> Like the aforementioned parental leave amendments, this amendment promotes greater parental involvement in raising children and helps families adjust better to their work-life balance.

70. Amendment No. 6 of 2013 to the *Marriage Age Law 5710-1950* raised the minimum age for marriage from 17 to 18. Anyone who marries a minor, officiates at a minor's wedding, or enables the marriage of a minor under his/her guardianship may be sentenced to two years of imprisonment or a fine.

### 3. Access to justice<sup>128</sup>

71. The Supreme Court is Israel's highest judicial instance.<sup>129</sup> The Court has 15 justices, who usually sit on panels of three. Under Article 15 of the *Basic Law: The Judiciary* of 1984, the Supreme Court serves two primary purposes: it is the court of first instance for constitutional cases and the highest court of appeals, as well. Thousands of cases and petitions are heard annually.

72. The Court offers broad standing rules, allowing all persons, including non-citizens and non-residents, to directly petition it, on a very wide range of issues. The Supreme Court rules on such petitions, and when justified, issues injunctions against the Government or other relief as appropriate.

73. Free legal aid is offered in Israel, under certain circumstances, via the PDO<sup>130</sup> which provides legal representation throughout criminal proceedings, and the LAA which offers legal counsel to persons who cannot afford legal representation in civil proceedings. Eligibility for LAA depends upon the subject-matter of the case, the financial ability of the applicant, and the likelihood of success of the legal proceedings.<sup>131</sup>

74. In November 2014, a pilot program was launched creating Community Courts for criminal proceedings, which employ a judicial and rehabilitative approach aimed at reducing incarceration and preventing recidivism. By providing personal assistance during the process, tailoring a rehabilitation plan to defendants' needs and circumstances and, in appropriate cases, offering the assistance of the community, this framework provides perpetrators of crimes an incentive to rehabilitate themselves and the Court an opportunity to spare defendants from imprisonment if they complete their individualized rehabilitation plan.

### 4. Economic rights<sup>132</sup>

75. Following an agreement in late 2014 between the Presidium of Business Organizations and the General Federation of Trade Unions, which was later ratified in legislation, the minimum wage in Israel was incrementally increased from 4,300 NIS monthly<sup>133</sup> in 2014 to 5,000 NIS<sup>134</sup> monthly in January 2017.<sup>135</sup> This increase not only improves the lives of low-wage earners but also provides a greater incentive for unemployed individuals to work.

### 5. Environmental protection

76. Israel ratified the Paris Agreement<sup>136</sup> on November 14, 2016 and the Agreement entered into force in Israel on December 22, 2016.

77. As part of its commitments under the Agreement, Israel submitted its Nationally Determined Contribution (NDC), which is a national plan for emissions reductions.<sup>137</sup> According to its NDC, by 2030, Israel intends to reduce its per capita greenhouse gas



emissions by 26% below 2005 levels. Israel also set an interim target of 15% reduction of 2005 levels by 2025.

78. Recently, Israel became a full member of the Umbrella Group, a coalition of non-EU<sup>138</sup> developed countries<sup>139</sup>. This group provides a forum in which members consult each other regarding negotiations on the implementation of the Agreement.

79. Israel is also deepening its relationship with UNEP<sup>140</sup>, including by providing financial and technical support to UN Environment projects in Africa.

80. Israel plays an active role as a member of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, and in this vein ratified the Protocol on Integrated Coastal Zone Management in the Mediterranean on February 4, 2016.

81. In the last reporting cycle, Israel also adopted a number of new laws relating to environmental protection:

(a) On January 1, 2017 the *Law to Reduce the Use of Disposable Bags 5776-2016*, took effect. This law substantially reduces the number of plastic bags used by the public by charging for plastic bags in supermarkets. Within the first three months of this law coming into effect, there was a reduction of up to 80% of plastic bags purchased by supermarkets for distribution to the public.

(b) The *Law for the Regulation of the Practice of Pest Control 5776-2016* came into effect on June 1, 2016 and regulates pest exterminators to ensure safe and environmentally sound practices.<sup>141</sup>

(c) The *Electrical and Electronic Equipment and Batteries Law 5772-2012* which came into effect on March 1, 2014 along with a number of ancillary regulations, imposes extended producer responsibility on manufacturers and importers of electrical and electronic equipment, prohibits the burial of waste equipment and batteries and requires that they be recycled.

## **6. Prisoners' rights (Protection of persons subjected to detention)**

82. On June 13, 2017, in a case concerning the living conditions of prisoners in Israel brought by several human rights NGOs, the Israeli Supreme Court held that the State must provide, within 18 months, 4.5 square meters of living space for each prisoner or detainee, as required under Section 2(8) of the *Prisons Regulation (Imprisonment Conditions) 5770-2010*, instead of the 3.16 square meters that was typically apportioned in most Israeli prisons.<sup>142</sup> The Court stressed that having a minimal living space is an essential condition for the protection of a prisoner's right to human dignity. In its decision, the Court included a detailed reference to the right for adequate living space of prisoners under international human rights law.<sup>143</sup>

83. Recently, Israel has focused more attention on the treatment of convicted offenders in order to maximize their potential to integrate into a normative lifestyle upon their release from prison and decrease the likelihood of recidivism. In August 2016, the Government adopted the main recommendations of the Public Committee for the Examination of the Punishment and Treatment of Convicted Offenders, which had been established in 2011 to study alternatives to punishment and ways to treat convicted offenders, with the aim of preventing recidivism to the extent possible.<sup>144</sup> The recommendations that were adopted include:

(a) the establishment of a research and information team in the Ministry of Justice to examine the effectiveness of different means of punishment and to collect statistical, comparative and other information regarding punishments, rehabilitation and court sentences, the scope of a given criminal phenomenon and more;

(b) the expansion of the existing model of “Community Courts” in order to reduce incarceration levels;<sup>145</sup>

(c) community service as an alternative to imprisonment when the prison sentence is 9 months or less;

(d) the establishment of a team, headed by the Deputy Attorney General (Criminal), to examine alternatives to punishment, with an emphasis on alternatives to prison sentences.

84. One alternative to incarceration that Israel has used since 2005 as part of a pilot program and which has been extended by temporary measures, is electronic monitoring of detainees released on bail and those released from imprisonment on parole. In 2014, the Knesset passed the *Electronic Monitoring of Detainees and Conditionally Released Prisoners Law (Legislative Amendments) 5775-2014*, which permanently established this program.

## 7. The fight against trafficking in persons

85. Israel has made remarkable progress in recent years in the continuing struggle to eliminate trafficking in persons. The Government of Israel continues to participate actively in global efforts to combat trafficking and has shared its knowledge and experience in this field both internationally and domestically<sup>146</sup> and while hosting study visits by foreign delegations, like the July 2016 study visit from Albania on compensation for trafficking victims<sup>147</sup>, and the September 2016 visit from Moldova<sup>148</sup> on organ trafficking. MASHAV<sup>149</sup> continues to conduct its bi-annual international conference for judges and justices on this topic<sup>150</sup> in cooperation with various international organizations including the OSCE<sup>151</sup>; IOM<sup>152</sup>; the UNODC<sup>153</sup>; and the U.S. Government and to host an annual International Workshop on “Combating Violence against Women and Children”, in cooperation with UNESCO<sup>154</sup>. At the end of the June 2016 workshop, the participants presented the Haifa declaration 2016: “A Call for Action from the Participants of MASHAV MCTC Course on Combating Violence against Women and Children”.

86. Israel's legislature is also actively engaged in this issue. The Knesset Subcommittee on Combating Trafficking in Women and Prostitution was reestablished in February 2016. The Subcommittee collaborates with relevant government entities and civil society organizations. The various authorities and NGOs know they may turn to the Subcommittee for help in resolving specific problems or in advancing various urgent matters in legislation.

87. In 2016, the NATU<sup>155</sup> created a new inter-ministerial forum, comprised of legal advisors from all relevant Government Ministries. The inter-ministerial forum, which met in 2016-2017 aims to build knowledge and expertise within the legal departments of each Ministry, and strengthen collaboration between the various Ministries. NATU also established an internet forum enabling updates and direct communication between the varied agencies.

88. Recent bilateral agreements for foreign workers serve as a further safeguard against trafficking in persons. The pilot agreements signed with Nepal and Sri Lanka in 2015 and 2016, respectively, aim to recruit a limited number of qualified caregivers through a transparent process that includes mechanisms designed to eliminate the payment of illegal recruitment fees by workers. As such, these workers arrive in Israel without the unreasonable debts previously incurred by workers. In addition, the applicants to the program undergo a sixty-hour professional course prepared by Israel and a pre-departure orientation in which they receive information regarding their legal rights and obligations.

89. In 2016, special efforts were made to train relevant officials who had not yet received TIP<sup>156</sup> training. For example, PIBA's border officials in Eilat, a city which is

becoming a significant entry point, were trained to identify possible victims of trafficking. In addition, the NATU provides guiding principles to identify victims of trafficking, and distributes a book to every labor inspector containing a list of criteria and procedures to identify trafficking victims.

90. Several important judicial decisions in 2016 manifest Israel's commitment to eliminating trafficking in persons:

(a) The Supreme Court rejected an appeal and upheld the conviction of a Jerusalem couple for holding a person under conditions of slavery.<sup>157</sup> The case made clear that the offense can exist even when no violence or physical barriers have been placed in the way of an individual's freedom, and even when a similarly situated person may have been able to escape.

(b) In July 2016 an indictment was filed against two defendants who had recruited women from former Soviet Union countries via the internet to come to Israel and engage in prostitution. One defendant also approached a Ukrainian citizen to recruit women for prostitution. The defendants had caused 15 women to come to Israel and provide sexual services. The defendants were sentenced to imprisonment, a fine and forfeiture of cash.<sup>158</sup>

(c) An indictment was filed against a defendant who lured women from Russia and the Ukraine to enter Israel and provide sexual services by promising them high earnings as masseurs and the chance to reside in luxury apartments, along with his partner, who managed the apartments and was responsible for informing the women of the terms of employment. Some of the women were required to perform sexual acts on the defendants and to allow the defendants to "examine" them. As part of a plea bargain in September 2016, the defendants were sentenced to four years imprisonment and were required to pay a fine of 5,000 NIS<sup>159</sup> and compensation to the complainants. Both defendants have appealed the verdict.<sup>160</sup>

91. The GOI's concerted efforts to prosecute cases involving Organ Trafficking culminated in indictments against two trafficking networks in 2016. This allowed, *inter alia*, a thorough examination of the unique characteristics of each network and advanced efforts to learn how to prevent the continuation of this abhorrent phenomenon.

(a) In November 2016, an indictment was filed against seven defendants who persuaded economically vulnerable Israelis to sell their kidneys and found patients willing to pay a significantly higher price for the kidney than the fee the defendants gave to the donors. The illegal transplants were carried out in Turkey.<sup>161</sup>

(b) In December 2016, an indictment was filed against three defendants charged with operating an organ trafficking network that sold "transplant packages" to Israeli citizens. Donors were presented as altruistic, but were actually individuals with financial and personal difficulties, recruited from CIS<sup>162</sup> countries. The surgeries were performed in a third country (Thailand, Philippines, Turkey, and Bulgaria). While the recipients paid the defendants for the transplant, the donors only received about 1/8<sup>th</sup> of that amount, while the defendants kept the remaining funds. A hearing in this case is scheduled for March 2018, while two of the defendants remain in custody.<sup>163</sup>

92. The *Anti-Trafficking Law (Legislation Amendments) 5767-2006* established a special fund, where forfeited property and fines from trafficking and slavery offenses are deposited and dedicated to various causes in combating TIP – with a special emphasis on victim protection and compensation. The law gives precedence to victim protection and rehabilitation, ordering that at least half of the funds each year be allocated to that purpose. In 2016, the fund began its operations – having finally accumulated sufficient funds. A call for applications was published in ten languages, and applications were received from NGOs

and victims of offences. The decisions regarding the allocation of the funds are made by a special committee, comprised of government officials and public representatives.

## **C. New and emerging issues, including advances and challenges in that regard**

### **1. Polygamy**

93. The practice of polygamy deleteriously impacts women and children and the status of women in society in general, and as such, Israel continues to struggle to eliminate the practice. However, Israel, like other countries with traditional communities, encounters opposition. According to recent findings of the NII, in 2016, there were 1,762 cases of polygamy in Israel, most of them within the Bedouin population in the south of Israel.

94. Several efforts have been made to confront this challenge. First, in January 2017, the GOI adopted Resolution No. 2345, which established an Inter-Ministerial Committee tasked with handling the issue of polygamy and called for the development of a strategic plan to address this phenomenon. Second, the Attorney General published Guideline No. 4.1112, entitled "The polygamy offence" on January 23, 2017. The goal of the Guideline is to enhance effective enforcement of the polygamy offence under Section 176 of the *Penal Law* and to augment its punishments. The Guideline describes the destructive implications that polygamy has on women and children, including its impact on a child's well-being and development; its economic and emotional implications upon women; and its general negative effect on the status of women in society.

### **2. Prostitution**

95. In July 2017, the Knesset preliminarily approved two bills that make paying for sexual services a punishable crime and provide rehabilitation services to survivors of prostitution. The GOI intends to present a proposal on this issue, incorporating these two bills.

96. In 2016, after several years of efforts, the National Survey Regarding Prostitution, a collaboration of the MPS<sup>164</sup> and the MOLSASS, was completed. The survey yielded important and sometimes surprising findings that explained the phenomenon and may help improve existing services for persons formerly involved in prostitution and create new ways to handle the issue. As the result of the study, an additional 1,000,000 NIS<sup>165</sup> was allocated to expand the services rendered to prostitutes and further budget increases are expected in the coming years.

97. In December 2016, Amendment No. 127 of the *Penal Law* entered into effect, amending Section 203C of the *Penal Law* and increasing the penalty for the offence of procuring an act of prostitution from a minor from three years to five years' imprisonment. While receiving commercial sexual services from minors has been an offence since 2000, this amendment increases the severity of the punishment for the offense, thereby changing its status to a felony. The amendment, also in accordance with a CRC Committee recommendation to the GOI, further enhanced the rights and protections afforded to victims.

98. The State Attorney's Office, together with NATU, recently conducted an examination of cases relating to the prostitution of minors which were closed for lack of evidence, in order to understand the evidentiary difficulties involved. The State Attorney has reiterated the need to enhance and prioritize enforcement efforts to the Head of the Investigations and Intelligence Division in the Police. The Police have been improving enforcement efforts with regard to minors involved in prostitution, through ongoing efforts

to improve cooperation between the Police, the MOLSASS, MOH, MOE and the ELEM NGO. Plans are underway to expand the protection programs for minors in prostitution, and to establish ten more centers for the treatment of minors and young people in prostitution, beyond the existing five.

99. The new inter-ministerial forum comprised of representatives from the legal departments of all relevant Government Ministries discussed above in connection with the fight against TIP, is also tasked with the prevention of prostitution and related law enforcement.<sup>166</sup>

#### **D. Challenges which would require the support of the international community**

100. Like other countries around the world, Israel remains concerned by the constant threat of terrorism and is threatened by the escalating levels of incitement to violence and recruitment of children to commit acts of terror. There are abundant and pervasive resources available to contemporary terrorists and terror organizations are quick to adapt to new modes of online exploitation. Through social media, online chatrooms and other user-friendly technologies, the internet has become a dangerous platform for inspiring martyrdom and promoting violent extremism. Israel is deeply invested in combatting the challenge of online hatred and abuse of social media platforms for the sake of terror, while simultaneously being careful to preserve individuals' rights to freedom of expression. We continue to work with the international community to share best practices and find solutions for this global challenge.

101. On June 15, 2016, as part of Israel's ongoing battle against terrorism, the GOI enacted *The Counter Terrorism Law 5776-2016*. The Law provides, among other things, updated definitions for "terrorist organization", "terrorist act" and "membership in a terrorist organization"; detailed and streamlined procedures for the designation of terrorist organizations, and enhanced enforcement tools, both criminal and financial. This comprehensive law is part of an effort to provide law enforcement authorities with more effective tools to combat modern terrorist threats while incorporating additional safeguards to prevent violations of individual human rights, like due process mechanisms to challenge designations. The Law does not discriminate on the grounds of race, color, descent or national or ethnic origin and does not subject individuals to racial or ethnic profiling or stereotyping.

102. Israel, as the State in which the Jewish people realize their right to self-determination, is alarmed by the upswing in Anti-Semitic incidents throughout the globe and hopes to collaborate with international actors in facing this challenge. One step forward in this direction was the first ever General Assembly session addressing the rise in global Anti-Semitism on January 20, 2015. The permanent mission of Israel to the UN managed, with the support of the US, Canada and the EU, to convene this session in the context of combatting racism and xenophobia. The outcome of the session, a joint statement signed by 51 Member States, was later endorsed and circulated by the Secretary General.<sup>167</sup> As a follow-up to the session, a High Level forum on Anti-Semitism met in New York on September 7, 2016. The event included multiple expert panels and civil society participation.

#### *Notes*

<sup>1</sup> Universal Periodic Review.

<sup>2</sup> A/HRC/RES/16/21.

- <sup>3</sup> A/HRC/DEC/17/119.
- <sup>4</sup> Ministry of Foreign Affairs.
- <sup>5</sup> Ministry of Justice.
- <sup>6</sup> International Covenant on Civil and Political Rights.
- <sup>7</sup> Convention on the Elimination of All Forms of Racial Discrimination.
- <sup>8</sup> International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- <sup>9</sup> Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.
- <sup>10</sup> International Convention of the Elimination of All Forms of Discrimination against Women.
- <sup>11</sup> Convention on the Rights of Persons with Disabilities.
- <sup>12</sup> Government of Israel.
- <sup>13</sup> World Intellectual Property Organization.
- <sup>14</sup> Persons with Disabilities.
- <sup>15</sup> These are amendments to the *Copyrights Law and the Performers and Broadcasters Rights Law* 5744-1984.
- <sup>16</sup> United Nations Office for the Coordination of Humanitarian Affairs.
- <sup>17</sup> United Nations Human Rights Office of the High Commissioner.
- <sup>18</sup> United Nations Children's Fund.
- <sup>19</sup> United Nations Secretary General.
- <sup>20</sup> Former UNSG Ban Ki-Moon visited in 2014 and 2016.
- <sup>21</sup> UNSG Guterres visited in August 2017.
- <sup>22</sup> United Nations Human Rights Council.
- <sup>23</sup> This visit occurred in September 2016.
- <sup>24</sup> International Committee of the Red Cross.
- <sup>25</sup> UPR Recommendations 136.32, 136.33, 136.34, 136.35, 136.36, 136.37, 136.40, 136.42, 136.44, 136.45, 136.50.
- <sup>26</sup> Convention on the Rights of the Child.
- <sup>27</sup> For example, the team's work led to the transfer of the Inspector for Complaints against the Israeli Security Agency (ISA) from the ISA to the MOJ after various Human Rights Treaty Bodies raised concerns in their Concluding Observations about the lack of independence of the Inspector's office from the subjects of its investigations. Another example is the team's role in increasing the penalty issued for accepting sexual services from a minor to reflect 2015 CRC Concluding Observations.
- <sup>28</sup> UPR Recommendations 136.17, 136.18, 136.55, 136.58, 136.59.
- <sup>29</sup> UPR Recommendations 136.19, 136.53, 136.56, 136.60, 136.62, 136.64, 136.81, 136.82, 136.91, 136.92, 136.101.
- <sup>30</sup> Member of Knesset.
- <sup>31</sup> There are currently 33 women MKs.
- <sup>32</sup> The percentage of female directors in government companies was 33% in 2007 and 39% in 2011.
- <sup>33</sup> Judge of a Muslim Religious Court.
- <sup>34</sup> The Committee was established pursuant to *Government Resolution No. 36*. (May 26, 2015).
- <sup>35</sup> This Committee is more commonly known as "The Stauber Committee".
- <sup>36</sup> Civil Service Commission.
- <sup>37</sup> Women who have worked for less than one year at their place of employment when they take maternity leave receive 8 weeks of paid maternity leave.
- <sup>38</sup> Israel Defense Forces.
- <sup>39</sup> The Amendment (No. 19), stipulates that "The status and integration of a veteran woman in the defence service will not be prejudiced on account of the service of graduates of yeshivas and ultra-Orthodox religious institutions in the defence service under this chapter". Furthermore, the Amendment obliges the Minister of Defence to annually report on the effect of the implementation of this Amendment to the Knesset Committee of Foreign Affairs and Defense and the Committee for Advancement of the Status of Women and Gender Equality.
- <sup>40</sup> Legal Aid Administration.
- <sup>41</sup> While it is part of the MOJ, the LAA is independent and may file suits against the Government on behalf of its clients, who otherwise cannot afford legal representation.
- <sup>42</sup> The largest Bedouin city in the south of Israel.

- <sup>43</sup> Forwarding any such material is also deemed a sexual harassment offense.
- <sup>44</sup> Authority for the Advancement of the Status of Women.
- <sup>45</sup> Ministry of Religious Services.
- <sup>46</sup> Ministry of Health.
- <sup>47</sup> Ministry of Transport and Road Safety.
- <sup>48</sup> High Court of Justice.
- <sup>49</sup> One of the appellants had been ordered to give a Gett in 2011 and the other was ordered to do so in 2014. H.C.J. 5185/13 *Anonymous v. The Great Rabbinical Court in Jerusalem*, (28.02.2017).
- <sup>50</sup> These sanctions included: preventing them from receiving passports and drivers' licenses, limiting their bank activities, instructing Israeli consulates abroad to refrain from assisting them, approving the publication of the appellants' photograph and details, public shaming (tagging them as "criminals") in the community, prohibiting the community from assisting them, visiting them in hospitals, seating them in synagogues, trading with them, showing them respect, and even performing a Jewish burial for one (1) of the appellants (when he ultimately passes).
- <sup>51</sup> H.C.J. 5185/13 *Anonymous v. The Great Rabbinical Court in Jerusalem*, (28.02.2017).
- <sup>52</sup> H.C.J 9261/16 *Anonymous and "Dead End" (Mavoy Satum) NGO v. The Great Rabbinical Court et. al.*
- <sup>53</sup> Rq.C.A 6897/14 *Radio Kol Berama v. "Kolech" - Religious Women's Forum* (9.12.2015).
- <sup>54</sup> Cc 16-03-14588 *Rabinowitz vs. El Al Israel Airlines Ltd.*
- <sup>55</sup> UPR Recommendation 136.56.
- <sup>56</sup> Ministry of Labor, Social Affairs, and Social Services.
- <sup>57</sup> Population and Immigration Authority.
- <sup>58</sup> While the policy was not official before 2016, this shortened process was already implemented in individual cases as early as 2014.
- <sup>59</sup> Ministry of Interior.
- <sup>60</sup> National Labor Court NII.Ap. 19745-05-15 *The National Insurance Institute v. Anonymous* (31.3.16).
- <sup>61</sup> C.A 5116-11-12 *Yad HaShmona Guest House and Banquet Garden v. Yaacobovitch et. al.* (17.6. 14).
- <sup>62</sup> *Tel Aviv-Jaffa Family Matters Court, F.C. 57740/12/13 Anonymous et. al v. The Attorney General et. al.* (1.3.15). This is different from adoption proceedings which do require a social services review.
- <sup>63</sup> S.Cr.C. 44503-08-15 *The State of Israel v. Yishay Shlissel* (19.4.2016, 26.6.2016).
- <sup>64</sup> 533,500 USD.
- <sup>65</sup> Sexual Orientation and Gender Identity.
- <sup>66</sup> Equal Rights Coalition.
- <sup>67</sup> UPR Recommendations 136.27, 136.53, 136.57, 136.58, 136.63, 136.67, 136.85, 136.86, 136.90, 136.91, 136.92, 136.93, 136.94, 136.95, 136.96, 136.98, 136.100, 136.102, 136.103.
- <sup>68</sup> As mentioned in the Gender-based equality section above, two of the Knesset Members belonging to the Arab minority are women.
- <sup>69</sup> The number of Arab students obtaining degrees is increasing rapidly. During the academic year 2011-2012, 27,220 Arab students were enrolled in programs for a degree (and an additional 4,000 students were enrolled in an online university for a first and second degree), 22,000 of whom were studying for a first degree, 4,600 for a second degree, and 470 for a third degree. During the 2015-2016 academic year, 36,945 Arab students were enrolled in a degree program, 29,380 of whom were studying for a first degree, 6,645 for a second degree, and 625 for a third degree. It is also important to note that there has been a marked rise in the number of female Arab students receiving degrees. Female Arab students account for 66% of the Arab students studying for first degrees, a number significantly higher than the 52% female Jewish students studying for such degrees.
- <sup>70</sup> Education facilities for children aged 0-3 are highly significant for the reintegration of women into the labor market. In 2014, the Ministry initiated a new method of resource allocation for the planning and building of daycare facilities, clearing hurdles for the construction of daycare centers in Arab localities. For example, certain Arab local authorities are now not required to match funding allocated by the authority, in order to rent land or facilities.
- <sup>71</sup> These are employment guidance centers.
- <sup>72</sup> As of May 2016, there were 21 such centers operating in Arab localities, providing vocational training and placement assistance. Since their establishment, these centers have served about 17,000 applicants (60% of whom are women), of which approximately 10,000 men and women were assisted in finding employment.

- 73 52 Million USD.
- 74 174.73 Million USD.
- 75 Resolution No. 1052.
- 76 14.2 USD.
- 77 3.4 Million USD.
- 78 2.1 Million USD.
- 79 2.73 Million USD.
- 80 21 Million USD.
- 81 447.4 Million USD.
- 82 Ministry of Education.
- 83 Council for Higher Education.
- 84 1.7 Million USD.
- 85 135.13 Million USD.
- 86 UPR Recommendations 136.43, 136.53, 136.58, 136.59, 136.61, 136.62, 136.65, 136.85.
- 87 In 2015-6, 178 elementary schools and 189 middle and high schools (with 12,776 and 5,558 pupils respectively) took part in this program.
- 88 H.C.J. 4797/07 *The Association for Civil Rights Israel v. Israeli Airport Authority et. al.* (10.3.15).
- 89 *Rishon-Le'Zion Magistrate Court, C.s. 1230-07-13, Ayoub Abu-Sabit et. al. v. Israil Airlines and Tourism et. al.* (21.9.15). The Court further found that both respondents violated a statutory duty by not respecting the constitutional right to equality in providing a public service (Section 63 of *Torts Ordinance [New Version]* 5728-1968) and the "duty of care" aspect of the *Tort Ordinance* and that the airline violated the principle of good faith while implementing a contract towards the plaintiffs (Section 39 of the *Contracts (General Part) Law* 5733-1973)).
- 90 Plaintiff No. 1 was awarded 25,000 NIS (6,460 USD) and each of the four other plaintiffs were awarded 20,000 NIS (5,170 USD).
- 91 L.D. 16211-11-14, (Nazareth Labor Court) *Mansur Mansur v. Electra Consumer Products Ltd.* (20.03.2016).
- 92 14,442 USD.
- 93 2,850 USD.
- 94 1300.
- 95 Ministry of Immigration and Absorption.
- 96 Prime Minister's Office.
- 97 The senior officials included Deputy Director General or branch managers.
- 98 See *Report of the Inter-ministerial Team to Eradicate Racism against Persons of Ethiopian Origin*, pp. 123-131 at <http://www.justice.gov.il/Publications/Articles/Documents/ReportEradicateRacism.pdf>.
- 99 The Government approved Resolution No. 609 in October 2015 and Resolution 1107 in February 2016.
- 100 130.2 Million USD.
- 101 12,800 USD.
- 102 Em.D. 37213-08-13 *Ta'aya Trapyia v. Deree Air-Conditioning LTD* (24.1.16).
- 103 UPR Recommendations 136.87, 136.88, 136.89.
- 104 This number is accurate as of January 2017.
- 105 The Government, via the Administration for the Integration of PWD at the Workforce in the MOLSASS helps private sector employers fund such adjustments.
- 106 The Expansion Order for Promoting Employment of Persons with Disabilities (PWD) which came into effect on October 5, 2014, defines "appropriate representation" in relation to private sector employers with over 100 employees as employing 3% of PWD in the workforce. Under the Order, employers are to appoint a designated employee to supervise the implementation of this provision of the *Equal Rights Law*. As far as the public sector is concerned, Amendment No. 15 to the *Equal Rights Law* which entered into force in January 2017, requires public sector employers with more than 100 employees whose workforce does not consist of at least 5% of persons with significant disabilities, to prepare and post an annual work program on their website, designed to promote the employment of persons with significant disabilities in the workforce including affirmative action and outreach measures, as detailed in the Amendment. The Commission for Equal Rights of PWD is authorized to issue affirmative action orders to public sector employers covered by the Amendment,



who do not comply with their obligations to prepare and post on their website or who do not implement their program. In addition, every public sector employer with 25 or more employees is obligated to appoint an Equality Officer, who is charged with promoting the employment of PWD in that workplace. Also, Amendment No. 34 to *the Government Companies Law, 5735-1975*, entered into force on December 22, 2016, and obligates government companies to have several population groups appropriately represented among its directors, including PWD. The Government Companies Authority publicized its goal to reach 3% representation for PWD among the directors of Government companies.

107 416,600 USD.

108 UPR Recommendations 136.21, 136.57, 136.68, 136.69, 136.70, 136.71, 136.72, 136.74, 136.75, 136.76, 136.77, 136.96.

109 This is also known as the freedom of conscience.

110 See Noam (Dabul) Dvir *President Rivlin slams 'price tag' attack on mosque as terror*, YNet News (Oct. 14, 2014), available in <http://www.ynetnews.com/articles/0,7340,L-4580600,00.html>; Yoav Zitun, *Ya'alon: Price Tag is terror, perpetrators can expect zero tolerance*, YNet News (Aug. 1, 2014), available at <http://www.ynetnews.com/articles/0,7340,L-4474504,00.html>; Ariel Ben Solomon, Lahav Harkov, *Netanyahu says 'Price Tag' attacks go against our values*, Jerusalem Post, (Apr. 30, 2014), available at <http://www.jpost.com/National-News/Netanyahu-says-Price-Tag-attacks-go-against-our-values-350963>.

111 414,300 USD.

112 C.C. 29907-12-12, *Tzvi Ginsburg et. al. v. The Ministry of Religious Services* (4.9.14).

113 For comparison purposes, there were 11 such cemeteries in 2013.

114 C.Ap. 7918/15 *Anonymous v. Gal Friedman et. al.* (24.11.2015).

115 Normally, on-call shifts may not be reported during holidays.

116 UPR Recommendation 136.20, 136.67, 136.85.

117 The human rights treaties relating to children include the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

118 The only compulsory payment that may be charged is for personal accident insurance, and is limited to 34 NIS a year (10 USD). Voluntary payments may be collected for enrichment activities, but can be waived if a parent desires to do so.

119 This expanded government support has thus far only been allocated for September until December 2017.

120 The treatments include, among others, periodic examinations by a dentist, x-rays taken during the course of treatment, plaque removal, dental posts and reconstruction using amalgam and composite materials.

121 National Insurance Institute.

122 14 USD.

123 14 USD.

124 69 USD.

125 69 USD.

126 138 USD.

127 See Civil Service Bylaws Article 31.1 for more details.

128 UPR Recommendation 136.55.

129 For additional information see <http://elyon1.court.gov.il/eng/system/index.html>.

130 Public Defender's Office.

131 There is a distinction made between civil and family proceedings, whereby the eligibility for representation for matters pertaining to personal status are based on individual and not family income, thereby allowing single parents, for example, to receive LAA assistance.

132 UPR Recommendation 136.53.

133 1200 USD.

134 1396 USD.

135 In March 2015, the Presidium of Business Organizations and the General Federation of Labour added a fourth phase in which the minimum wage will be increased in December 2017 to 5300 NIS (1480 USD) but this agreement has yet to be ratified for implementation across the board.

- <sup>136</sup> This agreement is also known as the Paris Climate Agreement.
- <sup>137</sup> Israel submitted the NDC in September 2015 but according to the Agreement, a Party that submitted a plan in advance (under the Framework Convention), may adopt it as its NDC under the Paris Agreement.
- <sup>138</sup> European Union.
- <sup>139</sup> The Umbrella Group includes Australia, Canada, New Zealand, Russia, Japan, Norway, Ukraine, Iceland and the US.
- <sup>140</sup> UN Environment.
- <sup>141</sup> There is, however, a transition period of three years, so that some of the provisions do not take immediate effect.
- <sup>142</sup> H.C.J. 1892/14 *The Association for Civil Rights in Israel et. al. v. The Minister of Public Security et. al.* (13.6.17)).
- <sup>143</sup> The Court included Article 10(1) of the ICCPR, Article 16 of the CAT, and the Mandela Rules of 2015 in its decision.
- <sup>144</sup> Government Resolution No. 1840 (11.8.2016); The Public Committee for the Examination of the Punishment and Treatment of Convicted Offenders committee was headed by former Supreme Court Justice Dalia Dorner and comprised of leading academic scholars and law enforcement personnel, released a report with its recommendations in October 2015.
- <sup>145</sup> See paragraph 73 above. According to the Government Resolution adopting these recommendations, there will be six Community Courts in Israel by October 2018.
- <sup>146</sup> For example, in January 2016, NATU participated in a series of lectures and meetings in San Francisco which included meetings with state prosecutors, Members of Congress, the San Francisco City Council and with a coalition of non-governmental organizations operating against trafficking in persons. See <http://sacramento.cbslocal.com/2016/01/13/california-lawmakers-turn-to-israel-for-advice-on-stopping-human-trafficking-at-super-bowl-50/> for more information.
- <sup>147</sup> Coordinated by the International Organization for Migration.
- <sup>148</sup> Coordinated by the Organization for Security and Co-operation in Europe.
- <sup>149</sup> Israel's Agency for International Development Cooperation in the MFA.
- <sup>150</sup> The Conference is entitled, "The Critical Role of the Judiciary in Combating Trafficking in Human Beings".
- <sup>151</sup> Organization for Security and Co-operation in Europe.
- <sup>152</sup> International Organization for Migration.
- <sup>153</sup> United Nations Office on Drugs and Crime.
- <sup>154</sup> United Nations Educational, Scientific and Cultural Organization.
- <sup>155</sup> National Anti-Trafficking Unit.
- <sup>156</sup> Trafficking in Persons.
- <sup>157</sup> *Ibrahim and Basma Julani v. The State of Israel (Cr. A. 6237/13)*.
- <sup>158</sup> *The State of Israel v. Alyssa Zamlan and Boris Raden (S.Cr.C. 40993-07-16 Haifa District Court)*.
- <sup>159</sup> 1,330 USD.
- <sup>160</sup> *The State of Israel v. Leonid Shtrimer and Assaf Ben-Ari (S.Cr.C. 24041-12-15, Tel Aviv District Court)*.
- <sup>161</sup> *The State of Israel v. Michael Ziess et. al. (Cr.C. 40524-11-16, Petach Tikva Magistrate Court)*.
- <sup>162</sup> Commonwealth of Independent States.
- <sup>163</sup> *The State of Israel v. Mordechayeb et. al. (Cr.C53927-12-16, Tel Aviv Magistrate Court)*.
- <sup>164</sup> Ministry of Public Security.
- <sup>165</sup> 266,700 USD.
- <sup>166</sup> See paragraph 87.
- <sup>167</sup> The statement received UN symbol A/69/864.



# General Assembly

Distr.: General  
20 April 2018

Original: English

---

## Human Rights Council

Thirty-eighth session

18 June–6 July 2018

Agenda item 6

Universal periodic review

## Report of the Working Group on the Universal Periodic Review\*

### Israel


---

\* The annex is being circulated without formal editing, in the language of submission only.

GE.18-06336(E)



\* 1 8 0 6 3 3 6 \*

Please recycle 



## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of Israel was held at the 13th meeting, on 23 January 2018. The delegation of Israel was headed by the Ambassador and Permanent Representative of Israel to the United Nations Office and other international organizations in Geneva, Aviva Raz Shechter, and the Director General of the Ministry of Justice, Emi Palmor. At its 18th meeting, held on 25 January 2018, the Working Group adopted the report on Israel.
2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Israel: Mongolia, Rwanda and the United Kingdom of Great Britain and Northern Ireland.
3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Israel:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/ISR/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/ISR/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/ISR/3).
4. A list of questions prepared in advance by Belgium, Brazil, Czechia, Germany, Liechtenstein, Portugal, Slovenia, Spain, Sweden, Switzerland and the United Kingdom was transmitted to Israel through the troika. These questions are available on the website of the universal periodic review.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. In her opening remarks, the Ambassador outlined the commitment of Israel to human rights, which were part of the core values of Israel, and were enshrined in the country's Declaration of Independence and protected under its Basic Laws. She noted the country's ongoing dialogue with civil society in the framework of several joint projects. She also noted the ratification of the core human rights conventions and other human rights instruments.
6. The Ambassador criticized the ongoing discrimination against Israel in the Human Rights Council, highlighting the "infamous item 7" and the disproportionate number of biased and political resolutions adopted against Israel. Nonetheless, she noted that Israel continued to engage with the universal periodic review and other human rights mechanisms in the hopes of reform.
7. The Ambassador noted efforts to host rapporteurs on an annual basis, underlining the recent visit of the Special Rapporteur on violence against women, its causes and consequences.
8. Citing the many challenges Israel faced, including terrorism, regional instability and incitement, the Ambassador underscored the efforts of Israel to defend its citizens and uphold their fundamental human rights. She stressed the commitment of Israel to the reconstruction of Gaza, despite the Hamas regime's ongoing terrorist activities, including holding Israeli citizens and the remains of two soldiers. She also noted the challenges Israel faced with the global migration crisis, as well as its humanitarian efforts worldwide, and the ongoing treatment of wounded Syrians.

9. The Director General of the Ministry of Justice presented Israel's recent major developments in the field of human rights. She elaborated on some of the functions offered by the Ministry, including the provision of free legal representation in criminal proceedings by the Public Defender's Office, and the provision of free legal aid by the Legal Aid Administration in civil and administrative proceedings, noting that the provision of free legal aid had been expanded to include victims of sexual offences. She also touched upon the enhancement of access to justice through community courts. Furthermore, she addressed a groundbreaking Supreme Court decision that required the State to provide larger prison cells for inmates.

10. The Director General highlighted various human rights supervisory mechanisms and institutions in the Ministry of Justice designed to oversee the handling of complaints or reports of torture, ill-treatment or disproportionate use of force, particularly with regard to the role played by the Office of the Inspector for Complaints against Israel Security Agency Interrogators, which had been transferred to the Ministry of Justice in 2014; the recent installation of cameras in all Israel Security Agency interrogation rooms, which broadcast interrogations in real time to Ministry of Justice supervisors; plans for the implementation of a similar, real-time broadcasting system for police investigations; and the Department for Investigation of Police Officers, which addressed similar complaints regarding police misconduct. She also described the review mechanisms of the Israel Defence Forces, which ensured compliance with the rule of law.

11. The Director General noted the interministerial committees that she headed, including the committee for eradicating racism against persons of Ethiopian origin, the committee for examining criminalization of the use of prostitution services and the committee to counter the negative ramifications of polygamy.

12. Elaborating on the strong commitment of Israel to upholding human rights, the Director General highlighted the advancement of women's rights, noting the appointment of the first female *qadi* in a Muslim religious court. She also noted the advancement of freedom of assembly and freedom of expression, including the recent cancellation of the Press Ordinance, which paved the way for allowing any person the right to print, publish or distribute a newspaper. Additionally, with reference to the right to work, she described new programmes designed to improve the integration of minorities in the workforce, and elaborated on how those programmes had led the way for increased minority representation at the Ministry of Justice.

13. The Director General described the active and vibrant role of non-governmental organizations (NGOs) in Israel, and their constructive discourse with the Government, as well as the Attorney General's strong support for such dialogue, which had been conveyed in a letter circulated to all legal advisers in the various government ministries — while stressing the need to verify information received from certain NGOs. She also noted a joint project with NGOs that was focused on enhancing NGO participation in the reporting process for the United Nations human rights committees, and described the six round-table discussions held between the Government, civil society and academics prior to the current universal periodic review session.

## **B. Interactive dialogue and responses by the State under review**

14. During the interactive dialogue, 78 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

15. Jordan expressed concern at violations of the rights of the Palestinian people and attempts to prejudice the identity of occupied Jerusalem.

16. Libya highlighted the lack of cooperation with the international commission of inquiry on the 2014 Gaza conflict.

17. Madagascar welcomed legal measures to address the gender wage gap but was concerned by the excessive use of force by the security forces.

18. Malaysia indicated that the Palestinians would only enjoy their fundamental freedoms with the end of the illegal occupation of the occupied territories.
19. Maldives noted reforms of the juvenile justice system but observed that they had not been implemented equally in regard to Palestinian children.
20. Mexico welcomed measures to eliminate gender-based violence and to promote the rights of lesbian, gay, bisexual, transgender and intersex persons.
21. Montenegro encouraged Israel to remain committed to pursuing a disability rights agenda.
22. Mozambique commended the ratification of international instruments and the submission of reports to various treaty bodies.
23. Myanmar was encouraged by the commitment of Israel to protecting children's rights through various measures.
24. Namibia urged Israel to reconsider the proposed bill providing for the application of the death penalty to persons convicted of terrorism.
25. Nepal encouraged Israel to continue its practice of fighting trafficking in persons by opening up regular channels of migration.
26. The Netherlands commended Israel for its vibrant democracy but was concerned about increasing pressure on independent human rights organizations.
27. Norway commended the progressive stance of Israel on lesbian, gay, bisexual and transgender rights but was deeply concerned about the unresolved Israeli-Palestinian conflict.
28. Paraguay commended Israel for developments in its national legislation regarding violence against women.
29. Poland welcomed developments in the context of gender equality, particularly legislative amendments and policy measures.
30. Portugal welcomed the establishment of the Ministerial Committee on Social Equality to promote gender equality.
31. The State of Palestine noted that Israel had not implemented recommendations set forth by United Nations bodies for the last 50 years.
32. The Republic of Korea encouraged Israel to further strengthen its commitment to ensure the universality of human rights.
33. Romania welcomed the dialogue with civil society organizations, and the introduction of the "round tables" series project.
34. The Coordinator of the National Anti-Racism Unit, Aweke Kobi Zena, relayed the events that had led up to the Unit's establishment in 2016.
35. Several incidents of police violence against Israelis of Ethiopian descent had given rise to large-scale civil demonstrations in 2015. In the wake of those protests, the Government had appointed an interministerial team to address the matter, and in its comprehensive report, the team had identified racist government practices and proposed 53 recommendations. The Government had adopted those recommendations, and had established the Unit, charging it with implementing the recommendations and eliminating all forms of racism in Israeli society.
36. The Coordinator outlined the Unit's various initiatives, which included developing a database to document complaints of racism, establishing a public commission to support the Unit, comprised of representatives of civil society and different segments of Israeli society, advancing the formulation by the State Attorney's Office of guidelines for identifying incidents of racial profiling, appointing supervisors to monitor and prevent racism in all government ministries, and establishing guidelines to prevent stereotypes in government publications.

37. The Commissioner of the Equal Employment Opportunities Commission, Mariam Kabaha, stressed the importance of the labour market as a vehicle for social change. She gave an outline of the domestic laws outlawing employment discrimination, and of the Commission's authority to file lawsuits on behalf of employees discriminated against, to submit amicus briefs to the courts on employment issues, and to sponsor public service campaigns to raise awareness.
38. Discussing recent achievements in court, and questions raised by Madagascar, Poland, France and Germany, the Commissioner noted a successful lawsuit regarding gender discrimination, and the filing of an amicus brief in connection with a racial discrimination case. She outlined the Commission's various initiatives, including the creation of a "diversity index" to identify wage gaps among the various groups in Israeli society in order to guide related government policies, in addressing those discrepancies; the Equal Pay: Equalizing Wages in Israel's Workforce campaign, and the development of a gender wage gap calculator; joint initiatives with the Government Companies Authority to advance equal opportunity and diversity in government companies, and plans to launch similar programmes for other sectors; and Equal Employment Opportunities Commission campaigns for the integration of underrepresented populations in the labour market.
39. The Russian Federation highlighted violations of international and human rights law in the Occupied Palestinian Territory, including the construction of illegal settlements.
40. Rwanda encouraged Israel to enhance efforts to address patriarchal attitudes and gender stereotypes through the strengthened implementation of relevant laws and policies.
41. Sierra Leone encouraged Israel to strengthen efforts to promote equal treatment for all those living in its territories.
42. Singapore commended the achievements of Israel in promoting the rights and welfare of persons with disabilities.
43. Slovakia noted the efforts by Israel to fight racial discrimination, including the launching of a public education campaign.
44. Slovenia was concerned about reports of ill-treatment of Palestinian minors over the age of 12 in Israeli prisons and detention.
45. South Africa stated that Israel was the only State in the world that could be called an apartheid state. It was deeply concerned at the denial of the right of self-determination of the Palestinian people and expressed the view that the issue of East Jerusalem and the two-State solution were fundamental to the exercise of that right.
46. Israel made a point of order. It requested that delegates adhere to appropriate language of the United Nations and focus on human rights rather than politicizing the issues.
47. The President of the Human Rights Council recalled that the universal periodic review was a mechanism aimed at discussing the human rights situation of all States Members of the United Nations in a spirit of cooperation. In that context, it was appropriate for Member States to voice their opinions in their statements. Likewise, the State under review was entitled to express its views. He appealed to all speakers to refrain from politicizing human rights matters.
48. Spain welcomed efforts by Israel in the area of persons with disabilities.
49. Qatar stated that Israel had not seriously responded to the majority of the universal periodic review recommendations made in previous cycles.
50. Sweden acknowledged the continued work of Israel to fulfil its human rights obligations.
51. Switzerland remained concerned about reports of violations of human rights and international humanitarian law, particularly in the Occupied Palestinian Territory.
52. The Syrian Arab Republic reiterated its demands that Israel as an occupying power: end immediately the Israeli occupation of Arab occupied territories and end immediately the colonial settlements and the policies and actions related to it, as they are considered

internationally prohibited practices violating the rights of the Palestinian people and the rights of the Syrian people of the occupied Syrian Golan; allow immediate unconditioned and unhindered access to the committee to investigate Israeli practices in the Arab occupied territories and other investigative committees and fact-finding missions established by this Council; put an end to the systematic and grave violations of human rights of the Syrians and Palestinian people under occupation, and the provisions of international public law, international human rights law and international humanitarian law, including detention and torture of, among others, the prisoners and detainees, the last being the Palestinian girl child Ahd Altamimi; and the dean of Syrian captors Sadqi al-Maqt and release them immediately, and suspend the field executions, the last one being executing the Palestinian Ibrahim Abu Thuraya who was disabled and on his wheelchair; stop supporting the terrorist groups, and to stop disseminating false humanitarian allegations as a pretext for this support, in violation of the related Security Council resolutions. Those violations were documented by the latest United Nations Disengagement Observer Force report.

53. Thailand welcomed the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, to further promote the rights of persons with disabilities.

54. Timor-Leste remained concerned about the human rights situation but appreciated the engagement with civil society regarding reporting to treaty bodies and the universal periodic review.

55. Togo welcomed measures taken to implement recommendations of the previous review cycles, and to promote the rights of women and minorities.

56. Turkey expressed concern over Israeli practices violating Palestinians' rights, including the use of excessive force, house demolitions and land confiscation.

57. Ukraine encouraged Israel to take further steps to implement the recommendations from the previous review cycle.

58. The United Arab Emirates noted that the report of the Occupying Authority did not mention the rights of the Palestinian people in the occupied territories and that those rights had been violated for 70 years despite United Nations resolutions. It made a recommendation to the occupying authority relating to the right to self-determination of the Palestinian people.

59. Israel made a point of order. It stated that the speaker had used language that was not agreed United Nations language and inappropriate in a human rights forum.

60. The President called on all delegations to use language that was appropriate to the forum, avoid disrespectful language and uphold United Nations standards when referring to countries and territories.

61. The United Arab Emirates responded that the right of self-determination is recognized in International Law.

62. The United Kingdom noted steps taken to eradicate forced labour and human trafficking. It remained concerned about children in detention.

63. The United States of America inquired about measures to continue to ensure that all components of society had an effective voice in civil affairs, to minimize administrative detention orders and guarantee that all detainees could effectively challenge in court the legal basis of detention, and to provide improved access to education, land, housing, health care and employment to Arab Israelis and Bedouins.

64. Uruguay highlighted the commitment of Israel to gender equality and encouraged continuing efforts to guarantee the rights of lesbian, gay, bisexual, transgender and intersex persons.

65. The Bolivarian Republic of Venezuela regretted Israel's disregard for universal periodic review recommendations.

66. Albania applauded Israel for its dedication to gender-based equality and asked about its experience in combating human trafficking.



67. Algeria deplored the refusal of Israel to recognize the applicability of its international obligations with respect to the Occupied Palestinian Territory.
68. Angola encouraged Israel to continue to promote the economic, social and cultural rights of all peoples without discrimination.
69. Argentina welcomed the delegation.
70. Australia encouraged Israel to implement fully the Equal Rights of Persons with Disabilities Bill.
71. Austria underscored that any detention of children must be a measure of last resort and for the shortest period of time.
72. Bahrain was concerned about the deteriorating human rights situation in the occupied territories and strongly condemned settlement expansion.
73. Belgium expressed concern about lack of progress on issues such as the increase of restrictions on civil society organizations.
74. The Plurinational State of Bolivia welcomed the delegation.
75. Botswana highlighted lack of cooperation by Israel with several United Nations human rights mechanisms.
76. Brazil encouraged expanded cooperation with special procedures by extending a standing invitation.
77. Bulgaria highlighted Israel's engagement with the Human Rights Council. It noted Israel's resolve to address gender-based violence.
78. Canada recognized Israel's security challenges. It welcomed measures adopted to promote the equality of lesbian, gay, bisexual, transgender and intersex persons.
79. The Commissioner for Equal Rights of Persons with Disabilities, Avremi Torem, addressed remarks made by the Republic of Korea, Singapore and Slovakia and noted that the Commission for Equal Rights of Persons with Disabilities was an independent body within the Ministry of Justice, established in the year 2000 and responsible for enhancing equality, fighting discrimination and eliminating accessibility barriers.
80. The Commissioner noted Israel's accessibility legislation, which applied to both private and public buildings and services, and highlighted new regulations on accessibility to education.
81. The Commissioner described the close work with the Ministry of Education on its policies regarding inclusive education. Similarly, the Commission worked with the Ministry of Health, conducting on-site visits to monitor the situation of persons with disabilities in psychiatric hospitals and housing facilities. The Commissioner also noted a change in the policy regarding the use of restraints in psychiatric hospitals.
82. In response to questions raised by Montenegro and the Republic of Korea, the Commissioner stated that in 2016, the Knesset had amended the Equal Rights Law, mandating an appropriate representation of 5 per cent of persons with disabilities in the workplace. The Commission — which held enforcement powers — filed civil and criminal suits, aided people in realizing their rights, and worked to eliminate barriers to employment and raise public awareness.
83. The National Anti-Trafficking Coordinator, Dina Dominitz, described her role coordinating both between government agencies, and between those agencies and NGOs, to combat trafficking in persons.
84. Addressing a remark made by Albania about combating trafficking in persons, the Coordinator said that Israel had made outstanding achievements in that field in recent years, owing to the Government's determined and consistent actions in the fields of prevention, protection and prosecution, as well as to constant efforts to forge new partnerships with the business sector, the tourism industry, religious leaders and civil society. She outlined several groundbreaking judicial decisions underscoring the Government's commitment to eradicating trafficking in persons.

85. Highlighting efforts to combat trafficking in persons and rehabilitate the victims, and with reference to questions and remarks raised by Nepal, Paraguay and the United Kingdom, the Coordinator described various initiatives, including State-funded shelters and day centres for victims of trafficking in persons, the granting of work visas to victims, and the provision of medical, psychiatric and psychological care, as well as of State-funded legal aid. She also described the establishment of a special forfeiture fund dedicated to combating trafficking, the training of government officials, and the entry into bilateral agreements regarding foreign workers to eliminate exorbitant and illegal brokerage fees and protect workers when in Israel.

86. The Director of the Authority for the Advancement of the Status of Women, Eva Madjiboj, responding to questions and remarks raised by Rwanda, Singapore, Thailand and Angola, relayed developments in combating sexual harassment, including: the criminalization as a sexual harassment offence of the publication against one's will of media content, including photographs, videos and recordings, focusing on a person's sexuality; the establishment of a committee to develop a national programme to eradicate sexual harassment; and the campaign to promote tolerance towards the lesbian, gay, bisexual, transgender and intersex community.

87. The Director reviewed the Authority's various initiatives, which included requiring gender-mainstreamed budgeting in all government ministries, examining legislative bills from a gender perspective, and a three-year training programme for female advisers on gender equality in local authorities, and in particular in Arab localities. Furthermore, the Authority conducted seminars for school advisers and promoted special programmes for the integration of girls in technological and mathematical studies.

88. Referring to questions raised by Poland and Romania, the Director stated that the Authority was formulating a national programme for combating violence against women, and was advancing the recognition of economic violence as an act of domestic violence, and as a civil wrong.

89. Chile welcomed advances on women's rights and encouraged Israel to withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

90. China called on the international community to continue to support a two-State approach and to support the relaunching of negotiations with a view to a lasting and just resolution.

91. Costa Rica acknowledged progress on gender equality. It was concerned about discrimination and restrictions suffered by the Palestinians.

92. Cuba recalled previous recommendations that it had made and that had not been accepted by Israel on issues including the Gaza blockade and illegal settlements.

93. Czechia praised the conducive living environment for some minority groups, such as lesbian, gay, bisexual, transgender and intersex persons.

94. Denmark commended Israel on its vibrant democratic debate, but was concerned with the shrinking space for human rights defenders.

95. Ecuador noted that despite progress on certain topics, such as the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, worrying problems persisted.

96. Egypt expressed deep concern over racist practices against non-Jewish citizens, especially Arabs and those of African descent.

97. Finland encouraged further steps in efforts by Israel to improve its policy and institutional framework for the elimination of discrimination against women.

98. France welcomed the readiness of Israel to pursue a dialogue through the universal periodic review and hoped that it would cooperate with all human rights mechanisms.

99. Georgia hoped that Israel would further mainstream the rights of persons with disabilities and encouraged the Government to enhance efforts to empower women.

100. Germany commended progress on lesbian, gay, bisexual, transgender and intersex rights while remaining concerned about the human rights situation, especially in the occupied Palestinian territories.
101. Ghana lauded progress since the previous review cycle in promoting women's rights, and welcomed new legislation to narrow gender-based wage discrepancies.
102. Greece hailed the introduction of round tables on core human rights issues and welcomed programmes to benefit minorities.
103. Honduras welcomed measures taken to implement the recommendations received in the previous review.
104. Iceland echoed the observations of the International Court of Justice that Israel was bound to human rights obligations with respect to the local population.
105. India appreciated efforts to empower minorities and noted the progress on the rights of children in the areas of education and health.
106. Indonesia stated that Israel should end practices contrary to its international obligations and improve the lives of the population in East Jerusalem.
107. The Islamic Republic of Iran noted that the situation in the Occupied Palestinian Territory continued to deteriorate due to a wide range of crimes committed including the destruction of civilian property in the Gaza Strip, punitive home demolitions, and the systematic expansion of illegal settlements. It stated that inaction should not be allowed regarding the systematic human rights violations by the Israeli regime that jeopardizes credibility of human rights apparatus including the universal periodic review mechanism.
108. Israel made a point of order. It objected to the fact that the Islamic Republic of Iran with its dismal human rights record pretended to give Israel lessons on human rights. It requested that the Islamic Republic of Iran respect the rules governing the discussion including making proper reference to the State under review.
109. The Islamic Republic of Iran replied that this was the review of the Israeli regime and that its representatives should not refer to my country.
110. The President reiterated his previous ruling calling on all speakers to respect each other's views and uphold United Nations terminology.
111. Iraq noted that since its occupation of the Arab territories, Israel continued to violate the rights of the Palestinian people.
112. Ireland was concerned about the extensive use by Israel of administrative detention without formal charge and the expansion of illegal settlements.
113. Italy welcomed measures adopted to promote lesbian, gay, bisexual and transgender rights, as well as the promotion of disability rights.
114. Japan welcomed ratification of human rights treaties and efforts to protect women's rights. It deplored the continuation of settlement activities.
115. Latvia acknowledged measures taken by Israel to protect human rights.
116. In her final intervention, the Director General responded to the following issues: reforms introduced by an interministerial team regarding the juvenile justice system in the West Bank, including establishing a Juvenile Military Court; training for military youth judges; raising the age of majority to 18; introducing a special statute of limitation for minors; improving the notification to the minor and his or her family of his or her rights; authorizing the military courts to appoint a defence attorney to represent a minor if his or her benefit so requires; further separation between minors and adults throughout the criminal process; aspects of freedom of expression in Israel and human rights defenders, and the lack of restrictions on organizations to promote and uphold human rights; the recent Disclosure Requirement Law, underlining its objective to enhance transparency while maintaining the ability of NGOs to raise funds; recent government resolutions providing substantial budgets to strengthen Arab and Bedouin communities and enable their economic

integration; the prosecution of ideologically motivated offences in the West Bank; and the commitment of law enforcement and judicial authorities to combat all forms of violence.

117. In her closing remarks, the Ambassador stressed the absolute freedom of worship afforded to all religions, in particular in Jerusalem, and in all of Israel. She also clarified that there was no land blockade on the Gaza Strip, and that all civilian goods were allowed into that area. At sea, a naval blockade remained in effect, the legality of which had been upheld by the special Panel of Inquiry of the Secretary-General of the United Nations.

## **II. Conclusions and/or recommendations**

118. **The following recommendations will be examined by Israel, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council.**

118.1 **Become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Albania);**

118.2 **Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Plurinational State of Bolivia);**

118.3 **Take steps to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

118.4 **Ratify and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

118.5 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Timor-Leste) (Honduras);**

118.6 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal) (Ukraine) (Bolivarian Republic of Venezuela) (France) (Honduras);**

118.7 **Ratify the Optional Protocol to the International Covenant on Civil and Political Rights (France);**

118.8 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Spain) (France) (Portugal) (Bolivarian Republic of Venezuela);**

118.9 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Montenegro);**

118.10 **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);**

118.11 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Poland) (Denmark) (Madagascar) (France) (Portugal) (Bolivarian Republic of Venezuela);**

118.12 **Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish the national preventive mechanism accordingly (Czechia);**

- 118.13 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and subsequently establish a national preventive mechanism (Ukraine);**
- 118.14 **Accede to the optional protocols to the human rights conventions to which Israel was a party (Plurinational State of Bolivia);**
- 118.15 **Ratify the seven optional protocols to the conventions to which is a party (Honduras);**
- 118.16 **Ratify the Rome Statute of the International Criminal Court (Timor-Leste) (Montenegro) (France) (Honduras);**
- 118.17 **Ratify the Rome Statute of the International Criminal Court and fully align its legislation with all obligations under the Rome Statute (Latvia);**
- 118.18 **Consider acceding to Additional Protocols I and II to the Geneva Conventions of 12 August 1949 (Uruguay);**
- 118.19 **Remove reservations to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women relating to equality in all matters relating to marriage and family relations (Ghana);**
- 118.20 **Withdraw its reservations to articles 16 and 7 (b) of the Convention on the Elimination of All Forms of Discrimination against Women (Honduras);**
- 118.21 **Remove the reservations to articles 7 (b) and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Latvia);**
- 118.22 **Comply with its international obligations, especially the Fourth Geneva Convention, and abide by all United Nations human rights resolutions (Bolivarian Republic of Venezuela);**
- 118.23 **Consider issuing a standing invitation to the special procedures of the Human Rights Council (Timor-Leste);**
- 118.24 **Consider issuing a standing invitation to the special procedures of the Human Rights Council (Albania);**
- 118.25 **Extend a standing invitation to the special procedures of the Human Rights Council (Plurinational State of Bolivia) (Honduras);**
- 118.26 **Issue a standing invitation to the thematic special procedures of the United Nations Human Rights Council. Allow visits that representatives of the special procedures of the Human Rights Council requested without delay (Czechia);**
- 118.27 **Issue a standing invitation to the special procedures of the Human Rights Council (Portugal);**
- 118.28 **Respond positively to pending visit requests by the special procedures mandate holders of the Human Rights Council and consider the extension of a standing invitation to all special procedures mandate holders (Latvia);**
- 118.29 **Invite the Special Rapporteur on the situation of human rights defenders for a visit as soon as possible and without preconditions (Switzerland);**
- 118.30 **Renew its commitment to cooperation with human rights mechanisms through granting of access to mandate holders and human rights defenders (Botswana);**
- 118.31 **Strengthen its constructive engagement with the universal periodic review mechanism and take concrete effort to implement its accepted universal periodic review recommendations (Myanmar);**

- 118.32 **Ensure the international principles of human rights by including them in the Basic Law and legislation (Republic of Korea);**
- 118.33 **Ensure that Israel's domestic policies are fully compatible with its international commitments under relevant treaties (Ukraine);**
- 118.34 **Increase efforts to ensure implementation of the recommendations of the human rights treaty bodies on equality and non-discrimination (Bulgaria);**
- 118.35 **Engage in a dialogue for peace and respect for all internationally recognized human rights (Angola);**
- 118.36 **Consider establishing a national human rights institution that is in line with the Paris Principles (Thailand);**
- 118.37 **Establish a national human rights institution in compliance with the Paris Principles (Togo) (Uruguay) (Honduras);**
- 118.38 **Establish an independent national human rights institution in compliance with the Paris Principles (Poland);**
- 118.39 **Establish a national human rights institution in full compliance with the Paris Principles (Nepal);**
- 118.40 **Establish a national human rights institution in line with the Paris Principles (Ukraine);**
- 118.41 **Establish an independent national human rights institution which is in line with the Paris Principles (Sierra Leone);**
- 118.42 **Establish a national human rights institution which is in compliance with the Paris Principles (Republic of Korea);**
- 118.43 **Establish an independent national institution in full compliance with the Paris Principles (Timor-Leste);**
- 118.44 **Establish a national human rights institution with an "A" status in line with the Paris Principles (Portugal);**
- 118.45 **Carry out efforts to comply with the Paris Principles (Paraguay);**
- 118.46 **Enhance efforts to establish an independent national human rights institution in accordance with the Paris Principles (Rwanda);**
- 118.47 **Ensure equal treatment for all persons within its territory and subject to its jurisdiction, regardless of their national or ethnic origin (Romania);**
- 118.48 **Ensure the equal rights of all citizens in Israel regardless of origin or religion, grant them equal access to work, education and other social and economic rights, as well as participation in the political processes (Russian Federation);**
- 118.49 **Continue efforts to promote equal rights and access to justice, education, energy and health services for all people in Israel (Angola);**
- 118.50 **Assess taking the necessary measures to guarantee equal treatment to all persons subject to its jurisdiction (Argentina);**
- 118.51 **Take measures to ensure an equal and non-discriminatory institutional approach toward all communities in Israel, particularly Israeli-Arabs and African asylum seekers (Canada);**
- 118.52 **Combat all forms of discrimination against women, children and minorities, also improving social and economic conditions of the minorities (Italy);**
- 118.53 **Revise legislation that protects from direct and indirect discrimination of national and religious minorities (Russian Federation);**

- 118.54 **Incorporate explicitly in its legislation the principle of equality and non-discrimination (Plurinational State of Bolivia);**
- 118.55 **Explicitly incorporate the principle of equality and non-discrimination into its basic laws, in order to ensure equal treatment for all persons within its territory, especially by not introducing any legislation which might fuel ethnic or religious discrimination (Brazil);**
- 118.56 **Incorporate explicitly the principle of equality and non-discrimination into its Basic Law (Honduras);**
- 118.57 **Consider incorporating explicitly the principles of equality, gender equality, and non-discrimination in its Basic Laws for all citizens (Thailand);**
- 118.58 **Step up efforts to fight inequality and discrimination between Jewish and Arab citizens (Portugal);**
- 118.59 **Abolish all measures, laws and other types of rules that validate racial discrimination and racism (Cuba);**
- 118.60 **Take immediate measures to end racist practices and policies that discriminate on the basis of colour, religion or belief (Egypt);**
- 118.61 **End all measures aimed at “Judaization” of the city of Jerusalem and changes to its political and demographic nature (Qatar);**
- 118.62 **Work for the better integration of new Jewish immigrants from other countries into Israeli society and to continue with their efforts to counter racial discrimination (India);**
- 118.63 **Intensify its efforts to address racism against Africans in Israel (South Africa);**
- 118.64 **Continue to strengthen measures to combat violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons (Chile);**
- 118.65 **Continue its efforts to safeguard lesbian, gay, bisexual, transgender and intersex rights, following notable legislative and administrative developments (Greece);**
- 118.66 **Set up robust legislative measures aiming to prevent and punish excessive use of force, in line with international standards (Madagascar);**
- 118.67 **Ensure the State security forces make proportional use of force in all circumstances, including, among others, by ensuring that the rules of engagement or regulations on opening fire are fully consistent with international human rights law; and ensure that all alleged perpetrators of disproportionate use of force are brought to justice (Spain);**
- 118.68 **Keep on implementing the moratorium on capital punishment (Italy);**
- 118.69 **Consider abolishing the death penalty (Chile) (Mozambique);**
- 118.70 **Abolish capital punishment in all circumstances (Mexico);**
- 118.71 **Fully respect human rights in the fight against terrorism, and refrain from introducing a bill that would allow the application of a death penalty (Iceland);**
- 118.72 **Refrain from the practice of arbitrary detentions and prevent cases of the use of torture in places of deprivation of liberty (Russian Federation);**
- 118.73 **End practices of collective punishment such as the demolition of homes, revocation of residency permits in East Jerusalem, and the closure of entire areas (Germany);**

118.74 Fully translate the Convention against Torture into national legislation and implement the Committee's recommendations (Austria);

118.75 Ensure full respect for international human rights obligations, in particular those specified in article 9 of the International Covenant on Civil and Political Rights, towards all prisoners, and that the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment definition of torture be incorporated into Israeli legislation (Ireland);

118.76 Ensure that the bill currently being drafted to criminalize torture is in full conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);

118.77 Make progress in domesticating the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including issues such as the exclusion of the necessity exception as a possible justification for torture; and ending situations of administrative detention (Spain);

118.78 Review relevant legislation and policy to ensure that all cases of administrative detention are in conformity with human rights law and standards (Czechia);

118.79 Ensure that administrative detention is in conformity with Israel's international commitments; that it remains an exceptional measure of limited duration; and that it is conducted in respect for fundamental safeguards (France);

118.80 Limit the application of administrative detention to clearly defined and exceptional cases, in accordance with international law; and refrain completely from holding minors in administrative detention (Germany);

118.81 Ensure that an excessive use of administrative detention is avoided (Italy);

118.82 Stop the practice of arbitrary administrative detention, release detainees and captives in Israeli prisons, especially children and women (Qatar);

118.83 Ensure that the use of administrative detention is limited to temporary and exceptional cases, and that international law, including human rights law, is fully respected, in particular regarding children held in administrative detention (Sweden);

118.84 Ensure that the detention of civilians, especially children, is carried out in accordance with international law and standards and without discrimination, including by ensuring the right to prompt and meaningful access to a lawyer prior to and during interrogations (Finland);

118.85 In accordance with the principle of accountability, Israeli authorities must ensure prompt, thorough, independent and impartial investigations into allegations of intentional use of lethal or excessive force (Malaysia);

118.86 Guarantee the freedom and access to the religious sites (Jordan);

118.87 Ensure equal rights for all citizens, in full compliance with the principle of citizenship and respect for freedom of religion and belief for all (Egypt);

118.88 Ensure free access to religious sites and promote freedom of worship without prejudice to any religion (Mexico);

118.89 End violations and attacks on places of worship and holy sites (Iraq);



- 118.90 Strengthen efforts to guarantee freedom of religion or belief and adopt measures to prevent and combat attacks towards holy sites and symbols (Italy);
- 118.91 Guarantee the protection of the rights and the work of human rights defenders (Paraguay);
- 118.92 Take the necessary measures to guarantee the work of international human rights defenders (Argentina);
- 118.93 Ensure free functioning of human rights organizations and ensure their access to information (Russian Federation);
- 118.94 Ensure that civil society organizations are able to carry out their work in a secure and free environment, without undue restrictions and intimidations (Sweden);
- 118.95 Step up efforts to fully protect and promote an enabling and safe environment conducive to the work of all independent human rights organizations (Netherlands);
- 118.96 Take steps to provide the necessary and equal protection for all human rights defenders, as well as create the necessary circumstances for them to be able to carry out their activities freely, without discrimination and in a secure environment (Belgium);
- 118.97 Protect the ability of civil society organizations to operate freely in Israel, particularly human rights groups and international non-governmental organizations (Canada);
- 118.98 Take the necessary measures to ensure that human rights defenders and civil society actors can carry out their legitimate work in a safe environment without threats and harassment (Denmark);
- 118.99 Guarantee freedom of speech and association, and ensure that civil society organizations, which have been integral parts of Israel's vibrant and functioning democracy, continue to have the space in which to operate (Finland);
- 118.100 Continue ensuring that human rights defenders are able to accomplish their legitimate work in a secure and free environment (Greece);
- 118.101 Take steps to ensure constraints on freedom of movement do not restrict people's basic rights, including access to health care and education (Australia);
- 118.102 Sustain its efforts to protect and to promote the rights of minority women through dedicated policies, taking into account their unique cultural and economic conditions (Singapore);
- 118.103 Continue the efforts aimed at eliminating trafficking in persons domestically, as well as to continue to make its contribution to the global effort to combat this scourge at international level (Romania);
- 118.104 Step up efforts in terms of advancing women's rights inclusive to combat trafficking of and violence against women (Indonesia);
- 118.105 Continue to work to reduce discrimination against women (Portugal);
- 118.106 Continue their laudable efforts in promoting gender-based equality, including women's participation in public and private life and combating gender-based violence (Greece);
- 118.107 Continue to take steps in order to ensure full equality between women and men and to combat all forms of discrimination against women, in particular domestic violence (Romania);

- 118.108 Continue with the implementation of measures aimed at a broad national strategy focused on equality between men and women, that would allow continuing narrowing the gender gap for any reason (Paraguay);
- 118.109 Take further steps to encourage women's participation in the public sphere (Bulgaria);
- 118.110 Continue to promote the protection and mainstreaming of gender in all public and private activities (Angola);
- 118.111 Incorporate in legislation the principle of gender equality and non-discrimination in the public and private spheres (Plurinational State of Bolivia);
- 118.112 Take necessary steps towards harmonizing its religious laws governing marriage and divorce with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and amend its legislation to allow for civil marriages without discrimination on the ground of religion or belief (Slovakia);
- 118.113 Continue its efforts to combat domestic and gender-based violence against women (Nepal);
- 118.114 Continue to tackle the problem of gender-based violence in a vigorous manner (Georgia);
- 118.115 Take note of the reports of pervasive and serious domestic and sexual violence against women, by the Special Rapporteur on violence against women, and redouble its efforts to address this issue (Japan);
- 118.116 Strengthen measures to combat gender-based violence, including through the implementation of relevant laws to ensure justice for victims (Rwanda);
- 118.117 In compliance with the Convention on the Rights of the Child, apply the definition of the child to all persons under 18 years of age and ensure that this is the minimum age for military recruitment (Uruguay);<sup>1</sup>
- 118.118 Continue efforts aimed at strengthening policies to protect children's rights (Georgia);
- 118.119 Take more effective measure to promote children's rights, in close cooperation with the international community (Myanmar);
- 118.120 Ensure that all children, whether born to migrants, asylum seekers or refugees living within its territory, have access to birth registration (Sierra Leone);
- 118.121 Take the necessary measures to ensure that all children in its territory, including migrant, asylum seeker and refugee children, are issued a birth certificate (Togo);
- 118.122 Continue with action to include forced labour of children in the Criminal Code, explicitly criminalizing it (Paraguay);
- 118.123 Ensure that reforms in the juvenile justice system that provide safeguards for children are implemented (Sierra Leone);
- 118.124 That the detention of and judicial proceedings against children fully respect international juvenile justice standards, and in particular the Convention on the Rights of the Child (Austria);

<sup>1</sup> The recommendation, as read out during the interactive dialogue, was: "Adopt the necessary measures to oversee the application of the Convention on the Rights of the Child in the occupied Arab territories and, in compliance with that convention, apply the definition of the child to all persons under 18 years of age and ensure that this is the minimum age for military recruitment."

- 118.125 **Desist from abusing human rights defenders and cease the arbitrary detention of children (South Africa);**
- 118.126 **Increase the budget of its public awareness campaigns aimed at promoting the rights of persons with disabilities and the accessibility requirements of public places, so as to better integrate them into society (Singapore);**
- 118.127 **Promote reconciliation between ethnic groups, and implement further measures to promote and protect the human rights and social participation of minorities, including citizens of Arab origin, in order to ensure and strengthen their access to housing, education, and social infrastructure (Japan);**
- 118.128 **Intensify efforts to advance the rights of its Arab minority populations (Norway);**
- 118.129 **Ensure that civil, economic, social and cultural rights of minorities are respected and protected, without discrimination, in particular with regard to the right to work, education, access to justice and legal protection as well as property (Belgium);**
- 118.130 **Enhance its efforts to counter discrimination of persons belonging to the Arab, Bedouin, Druze and Circassian communities, as well as persons belonging to other religious and ethnic minorities (Austria);**
- 118.131 **Ensure non-discrimination and respect for the rights of persons belonging, in particular, to the Israeli Arab and Bedouin minorities, including in access to land, employment, housing and places of worship (France);**
- 118.132 **Legally recognize unrecognized Bedouin villages in the Negev and improve the access of all Bedouin citizens to basic services, including adequate housing, water and sanitation, health care and education (Slovenia);**
- 118.133 **Support programmes designed to benefit Israel's minorities, with adequate resources, and make every effort towards their full implementation (Slovakia);**
- 118.134 **Continue with implementation of measures for the development of minorities (India);**
- 118.135 **Ensure access for asylum seekers in Israel to a fair and prompt refugee status determination process (Slovenia);**
- 118.136 **Instil a transparent, human rights-based approach related to the treatment of asylum seekers, including the cessation of forcible transfers to third countries (Turkey);**
- 118.137 **Ensure migrants, refugees, asylum seekers and displaced persons have access to a fair and expeditious refugee status determination process (Algeria);**
- 118.138 **Guarantee that the principle of non-refoulement, established in the 1951 Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is applied to all asylum seekers in Israel (Ecuador);**
- 118.139 **Respect the rights of refugees as enshrined in the Geneva Refugee Convention; and refrain from implementing the policy of forcible relocation to third countries without ensuring that relocation agreements include protection safeguards and that the overall legal framework is known by those who may volunteer for relocation (Germany);**
- 118.140 **Strengthen measures in implementing its obligations under international human rights bodies including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social**

and Cultural Rights to protect and promote human rights in the occupied territories (Republic of Korea);

118.141 Ensure respect for international obligations under international human rights law and international humanitarian law throughout all the Occupied Palestinian Territories (Egypt);

118.142 Commit to the implementation of the human rights treaties and international humanitarian law in the occupied Palestinian territories (Qatar);

118.143 Heed the calls for Israel to recognize and accept the applicability, to the OPT, of its international obligations, deriving from international treaties it is party to (Namibia);

118.144 Comply with the provisions of the four Geneva Conventions, paving the way to end the occupation of the Palestinian territories and other Arab occupied territories (United Arab Emirates);

118.145 Abide by its international obligations, including under the Fourth Geneva Convention, on the treatment of a civilian population under military occupation, as previously recommended (Ireland);

118.146 As regards the occupied Palestinian territories, take measures in order to abide by international law, especially the fourth Geneva Convention and relevant United Nations General Assembly and Security Council resolutions (Brazil);

118.147 Take all necessary measures to ensure that it fulfils all its obligations under international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights with regard to the situation in Gaza (Iceland);

118.148 End all unilateral measures that compromise the peace which is in the regional and international interest, and that pose a threat to international peace and security, especially abolish the decision by the Knesset on the unified Jerusalem; abolish the decision by the governing party on settlements annexation and on the imposition of sovereignty over the West Bank (Jordan);

118.149 Cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (Mexico);

118.150 Cooperate with the commissions of inquiry, treaty bodies, special procedures and other United Nations bodies in the investigation of violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory (Plurinational State of Bolivia);

118.151 Fully implement all international organizations' and conferences' resolutions regarding all rights of the Palestinian people (Iraq);

118.152 Eliminate laws and practices that discriminate against Palestinians in Israel and in the occupied territories; particularly eliminating road segregation for the exclusive use of the Israeli population, settlements, restrictions on freedom of movement, checkpoints and separation walls (Ecuador);

118.153 Halt the activity of companies conducting business in illegal Israeli settlements in the occupied West Bank (Bahrain);

118.154 Effectively prevent and sanction incidents of the use of excessive force and unlawful killings by security personnel against Palestinians, especially by aligning relevant legislation with international human rights law (Turkey);

118.155 Prevent the excessive use of force by the Israeli military and security forces, particularly against minors (Costa Rica);

118.156 **Ensure the existence and operation of an effective accountability system to address possible violations of international humanitarian law and human rights in the Occupied Palestinian Territories, among other means, facilitating the effective access to justice for victims and guaranteeing the effective investigation of complaints, as well as the lawful work of human rights defenders (Spain);**

118.157 **Put an end to the extrajudicial executions of Palestinians and the criminal military attacks that have caused the death of thousands of innocents and punish those responsible, unpunished until now (Bolivarian Republic of Venezuela);**

118.158 **Put an end to the gross violations of human rights in the Occupied Palestinian Territory, in all its forms, as well as extrajudicial executions of Palestinians, which have been on the increase since 2015, under the pretext of security (Algeria);**

118.159 **Stop the policies of killing, administrative detention and enforced disappearances against the Palestinians under the pretext of “security reasons” (United Arab Emirates);**

118.160 **Eliminate practices of torture and ill-treatment against Palestinian detainees, particularly children, including during arrests, transfers and interrogation (Turkey);**

118.161 **Discontinue the collective punishment of Palestinians (Namibia);**

118.162 **End the illegal detention of Palestinians without charges or legal proceedings; the tortures to which they are subjected, the inhumane conditions of solitary confinement, overcrowding, lack of hygiene and basic services; and the denial of medical attention in its prisons (Bolivarian Republic of Venezuela);**

118.163 **Consider improving prison conditions, including those where Palestinians inmates are held (Mozambique);**

118.164 **Minimize the use of administrative detention against Palestinians, especially minors, and in compliance with international human rights standards (Norway);**

118.165 **Take all necessary steps to align the use of administrative detention with international human rights standards and obligations; in particular, take the necessary measures to ensure that Palestinian children are not exposed to arbitrary arrest and detention and enjoy full procedural rights in conformity with international human rights standards (Belgium);**

118.166 **Continue its efforts to reform its security and judicial practices with regard to Palestinians (Australia);**

118.167 **Combat impunity through in-depth, impartial investigations of all allegations of human rights violations, including those involving members of security forces or settlers (France);**

118.168 **Guarantee the protection of the religious and cultural heritage of the occupied Palestinian territories; in particular, respect the historical and legal status quo that exists in the holy Al Aqsa Mosque/Al Haram Ash-Sharif (Jordan);**

118.169 **Effectively intervene to stop all violations of Islamic and Christian holy sites, which are under the de facto control of the Israeli Government (Egypt);**

118.170 **Maintain an enabling environment for the work of NGOs and journalists, and lift the prohibition on Israeli journalists visiting the Palestinian territories (France);**

- 118.171 **Ensure that Israeli and Palestinian civil society actors, including human rights defenders, can exercise their freedom of speech and carry out their work unhindered (Norway);**
- 118.172 **Take steps to ensure the right to freedom of movement for Palestinians (Iceland);**
- 118.173 **Repeal without delay all restrictions on the freedom of movement and access within the Occupied Palestinian Territories, in order to ensure full enjoyment of fundamental rights by residents, as well as an adequate standard of living (Turkey);**
- 118.174 **Remove restrictions on the freedom of movement of residents of the Occupied Palestinian Territory and facilitate access to necessary medical services and resources (Maldives);**
- 118.175 **Respect the rights of Palestinians to freedom of movement in the Occupied Palestinian Territory, including access to religious sites such as the Al Aqsa Mosque; and through the lifting of the blockade on the Gaza Strip (Malaysia);**
- 118.176 **Reduce restrictions on freedom of movement to allow for better access to health services for Palestinians, particularly those residing in Gaza (Canada);**
- 118.177 **Reverse policies and practices that negatively affect the enjoyment of human rights by Palestinians both in Israel and in the OPT, including the blockade on Gaza, demolition of houses, destruction of property and natural resources, illegal settlements on Palestinian lands and many others (Namibia);**
- 118.178 **Taking immediate action to cease the policy of demolitions of Palestinian properties and buildings, and provide a clearly defined and transparent process for the construction of properties and buildings for Palestinians in Area C of the West Bank and in East Jerusalem, in the Occupied Palestinian Territories (United Kingdom of Great Britain and Northern Ireland);**
- 118.179 **Review the housing policy and refrain from carrying out evictions and demolitions, taking into account the human rights of Palestinians (Ecuador);**
- 118.180 **Allow the people in the Occupied Palestinian Territory unimpeded access to water, food and medical care (South Africa);**
- 118.181 **Halt the confiscation and expropriation of Palestinian lands and grant access to the Palestinians in the occupied Palestinian territory to natural resources, including agricultural land and water (Plurinational State of Bolivia);**
- 118.182 **Stop exploiting and plundering Palestinian natural resources in violation of the relevant United Nations resolutions (United Arab Emirates);**
- 118.183 **Respect the right of Palestinians to have access to their natural resources and to exploit them freely; and guarantee access to all basic services, especially drinking water (Bolivarian Republic of Venezuela);**
- 118.184 **Ensure the end of Palestinian groundwater confiscation and other water resource allocation within illegal settlements (Bahrain);**
- 118.185 **Lift the excessive blockade on the Gaza Strip, and guarantee access to people and products without in or out impediments (Qatar);**
- 118.186 **End the closure of the Gaza Strip, guarantee freedom of movement to the entire population, as well as respect and protect their human rights, in particular by guaranteeing access to goods and services essential to their realization (Switzerland);**

- 118.187 **Permanently lift the blockade on the Gaza Strip, to allow for the import and export of fuel, food, building materials and other essential goods (Bahrain);**
- 118.188 **Consult on possibilities to broaden access to a safe passage between Gaza and the West Bank (Austria);**
- 118.189 **Assist in the reconstruction of the Gaza Strip and allow the access of humanitarian aid (Mexico);**
- 118.190 **Allow unfettered access for international assistance to improve the humanitarian situation of the Palestinian people in Gaza (Indonesia);**
- 118.191 **Take necessary measures to prevent forced eviction of the Palestinian people (Indonesia);**
- 118.192 **Consider the adoption of a strategy to guarantee the protection of women's rights in Gaza (Chile);**
- 118.193 **Implement measures to guarantee and protect the rights of Palestinian children in areas relating to education, criminal procedure, poverty and security (Chile);**
- 118.194 **Adopt the necessary measures to oversee the application of the Convention on the Rights of the Child in the occupied Arab territories (Uruguay);<sup>2</sup>**
- 118.195 **Ensure that the treatment of Palestinian children in Israeli detention is fully in line with Israel's commitments under international law (Netherlands);**
- 118.196 **Taking action to protect child detainees, ensuring the mandatory use of audiovisual recording in interrogations with all child detainees, ending the use of painful restraints, and consistently and fully informing detainees of their legal rights (United Kingdom of Great Britain and Northern Ireland);**
- 118.197 **Strengthen protections for Palestinian children by halting military proceedings against them and applying fully the Fourth Geneva Convention to this vulnerable group (Maldives);**
- 118.198 **Ensure that all Palestinian children detained are held in the occupied Palestinian territory, and not in Israel (Denmark);**
- 118.199 **Ensure the implementation of international standards as well as recommendations by the United Nations Children's Fund (UNICEF) related to Palestinian minors in Israeli detention and prisons (Slovenia);**
- 118.200 **Undertake judicial reforms to ensure equal protection and treatment before the law, and that children are not exposed to arbitrary arrest and detention (Botswana);**
- 118.201 **Prohibit the arrest or arbitrary detention of children and the use of human shields in Israeli Army operations, in addition to extrajudicial executions using drones (Ecuador);**
- 118.202 **Take urgent measures to promote and protect rights of Palestinian people (Russian Federation);**
- 118.203 **End the practice of occupation and withdraw from all areas occupied since 1967 and allow for the establishment of an independent Palestinian State with East Jerusalem as its capital (Jordan);**

<sup>2</sup> The recommendation, as read out during the interactive dialogue, was: "Adopt the necessary measures to oversee the application of the Convention on the Rights of the Child in the occupied Arab territories and, in compliance with that convention, apply the definition of the child to all persons under 18 years of age and ensure that this is the minimum age for military recruitment."

- 118.204 **Put an end to the illegal occupation of its territory and that of the Syrian Golan; to the inhuman blockade of Gaza and allow the return of the refugees (Bolivarian Republic of Venezuela);**
- 118.205 **Recognize the right of the Palestinian people to self-determination as part of a two-State solution, including East Jerusalem as capital of a Palestinian State (South Africa);**
- 118.206 **Recognize the right to self-determination of the Palestinian people and establish the independent Palestinian State with East Jerusalem as its capital (Qatar);**
- 118.207 **Recognize the right of the Palestinian people to self-determination and withdraw to the pre-1967 borders (United Arab Emirates);**
- 118.208 **Recognize and respect the inalienable right to self-determination of Palestine as a sovereign and independent State, with East Jerusalem as its capital (Bolivarian Republic of Venezuela);**
- 118.209 **The full withdrawal from all occupied Arab territories and the return of the Palestinian population, which was displaced by military means, to their homes and guarantee the practice of their legitimate rights (Iraq);**
- 118.210 **Implement United Nations Security Council resolution 2334 (2016) by immediately halting all settlement construction in the Occupied Palestinian Territory (South Africa);**
- 118.211 **Immediately cease all efforts of settlement activities in the occupied Arab territories (Jordan);**
- 118.212 **Suspend the construction of illegal settlements in the occupied Palestinian and Arab territories and implement relevant international resolutions, and dismantle the separation wall (Qatar);**
- 118.213 **Freeze settlement activities and refrain from all measures aimed at extending its authority beyond the 1967 borders, in accordance with international humanitarian law (Switzerland);**
- 118.214 **Abide, as the occupying power, by all obligations under international law in the Occupied Palestinian Territories, including the immediate cessation of illegal settlement activity (Turkey);**
- 118.215 **Immediately freeze its settlement activities, which undermine the viability of a two-State solution and violate international law (Japan);**
- 118.216 **End illegal settlements construction of Jewish population and transfer of Jewish population into the occupied Palestinian territory (Russian Federation);**
- 118.217 **End the Israeli occupation of Palestinian and Arab territories (Qatar);**
- 118.218 **End the illegal occupation of all occupied Palestinian and Arab territories, including East Jerusalem, and end the destruction and demolition of Palestinian private and public property (Malaysia);**
- 118.219 **Stop the settlement expansion policy as it constitutes a violation to all rights of Palestinian people (United Arab Emirates);**
- 118.220 **Discontinue the occupation and expansion of illegal settlements established in the West Bank and East Jerusalem which violate the basic rights of the Palestinian people (Maldives);**
- 118.221 **End the Israeli illegal settlements in the Occupied Territories. End the heinous practices of collective punishment against the Palestinian people, including the use of blockades, closures and restrictions (Malaysia);**



118.222 **Urgently cease discriminatory and unlawful planning process in the West Bank and Jerusalem, with a view to repealing legislation confiscating Palestinian lands (Turkey);**

118.223 **Immediately cease all settlement activities in the Occupied Palestinian Territories, including East Jerusalem, and dismantle all settlements affecting the status of the occupied territories under international legitimacy (Egypt);**

118.224 **Stop the colonization of the Palestinian territory with illegal settlements, and the destruction of their homes and cultural and religious places (Bolivarian Republic of Venezuela);**

118.225 **Taking immediate action to reverse policy on settlement expansion in the Occupied Palestinian Territories, which is illegal under international humanitarian law (United Kingdom of Great Britain and Northern Ireland);**

118.226 **Cease the transfer of its civilian population to the Occupied Palestinian Territory and end all support for settlements and settlers in the Occupied Palestinian Territory. Israel must dismantle settlements and withdraw Israeli settlers from the Occupied Palestinian Territory, as recommended by the Human Rights Committee in 2014 (Algeria);**

118.227 **End the unlawful transfer of the Palestinian population residing in East Jerusalem in accordance with obligations under article 49 of the Fourth Geneva Protocol (Malaysia);**

118.228 **End the unlawful transfer of the Palestinian population and fulfil obligations under article 49 of the Fourth Geneva Convention (Bahrain);**

118.229 **Ensure that no forcible transfer of population is conducted in Area C and take proactive measures to increase access to clean water, electricity, education and health services for Palestinians in Area C (Sweden);**

118.230 **Dismantle the opprobrious separation wall that violates the human rights of the Palestinian people (Bolivarian Republic of Venezuela);**

118.231 **Repeal the legislation passed in February 2017 by the Knesset that legalized the confiscation of private Palestinian lands (Bahrain);**

118.232 **Repeal legislation allowing the confiscation and expropriation of private property belonging to Palestinians, end the expansion of settlements, ceasing all types of practices that discriminate between Israeli settlers and Palestinians (Costa Rica).**

119. **The recommendations formulated during the interactive dialogue/listed below have been examined by Israel and have been noted by Israel:**

119.1 **Stop targeting human rights defenders, including by repealing the so-called “NGO Transparency” Law, the so-called “Anti-Boycott” Law, as well as the March 2017 amendment to the so-called “Entry to Israel” Law (State of Palestine);**

119.2 **Ensure that national asylum procedures are in line with the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol, as well as other international laws and standards relating to persons in need of international protection (State of Palestine);**

119.3 **Recognize the right to return of the Palestinian refugees to live in peace with their neighbours and their right to compensation for their destroyed homes, properties and losses (State of Palestine);**

119.4 **End the policy of administrative detention and the use of torture against Palestinians including children in Israeli military detention, and free all Palestinian political prisoners including children (State of Palestine);**

119.5 **End the illegal blockade of Gaza, investigate all allegations of war crimes and crimes against humanity committed during its military aggressions in Gaza and provide full reparation to the victims and their families (State of Palestine);**

119.6 **Comply with international laws by immediately ending its 50 years of colonial occupation of the OPT and apartheid policies against the Palestinian people (State of Palestine);**

119.7 **Halt immediately the colonization and attempted annexation of Palestinian land, the construction and expansion of Israeli settlements and their associated regime, the forcible transfer of Palestinians and the demolition of Palestinian homes and structures (State of Palestine);**

119.8 **Dismantle the illegal wall and the related infrastructures located inside the OPT and compensate Palestinians for all of the losses incurred due to their presence (State of Palestine).**

120. The recommendations listed in paragraphs 119.1–119.8 were noted as they have been submitted by the “State of Palestine”. Israel considers that the use of the term “State of Palestine” in United Nations documents to be procedural in nature only and was adopted pursuant to a technical Palestinian request that its delegation be referred to by this name, following the adoption of General Assembly resolution 67/19. It does not and cannot indicate any recognition of statehood, and is without prejudice to the substantive question of the legal status of the Palestinian entity. Israel further considers that the Palestinian entity does not satisfy the criteria for statehood under international law, and, like many other States, does not recognize it as such.

121. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Israel was headed by H.E. Ms. Aviva RAZ SHECHTER, Ambassador Permanent Representative and composed of the following members:

- Ms. Emi Palmor, Director General of the Ministry of Justice. Ministry of Justice Jerusalem, Alternate Head of Delegation;
  - Ms. Eva Madjiboj, General Director, The Authority for the Advancement of the Status of Women, Jerusalem;
  - Advocate Mariam Kabaha, National Commissioner at Equal Employment Opportunities Commission. Ministry of Labour, Social Affairs and Social Services, Jerusalem;
  - Mr. Avremi Torem, Commissioner for Equal Rights of Persons with Disabilities, Ministry of Justice Jerusalem;
  - Adv. Aweke Kobi Zena, National Anti-Racism Coordinator, Ministry of Justice, Jerusalem;
  - Adv. Dina Dominitz, National Anti-Trafficking in Persons Coordinator, Ministry of Justice, Jerusalem;
  - Advocate Hila Tene-Gilad, Director of Human Rights and Relations with International Organizations, Office of the Deputy Attorney General (International Law) Ministry of Justice, Jerusalem;
  - Adv. Sarah Weiss Ma'udi, Director of the International Law Department, Ministry of Foreign Affairs, Jerusalem;
  - Adv. Ronen Gil-or, Director of Human Rights and International Organizations Department, Ministry of Foreign Affairs, Jerusalem;
  - Mr. Yoel Mester, Minister-Counsellor, Deputy Permanent Representative, Permanent Mission of Israel, Geneva;
  - Advocate Orit Kremer, Legal Adviser, Permanent Mission of Israel, Geneva;
  - Advocate Brian Frenkel, Adviser Human Rights, Permanent Mission of Israel, Geneva.
-



# General Assembly

Distr.: General  
5 June 2018

Original: English

---

**Human Rights Council**  
**Thirty-eighth session**  
Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Israel**

#### **Addendum**

**Views on conclusions and/or recommendations, voluntary commitments  
and replies presented by the State under review**

---

\* The present document was not edited before being sent to the United Nations translation services.



## I. Methodology and consultation process

1. The State of Israel remains committed to the Universal Periodic Review (UPR). As noted by Ambassador Aviva Raz Shechter, Permanent Representative of Israel to the United Nations Office in Geneva: "we believe that if implemented properly, the UPR can be a useful instrument in promoting human rights worldwide". We are very grateful for the opportunity to engage in a constructive dialogue, aimed at exploring ways to improve Israel's human rights record and to learn from the experience of other countries.

2. Accordingly, we have carefully reviewed the 240 recommendations received during our third UPR cycle held on 23 January 2018, which were listed in the report of the Working Group (A/HRC/38/15, para.118, hereinafter: the Working Group's Report).

3. Within the process of preparing Israel's National Report, submitted on 28 October 2013 (A/HRC/WG.6/17/ISR/1), we made great efforts to consider the views expressed by civil society organizations through the "Round Tables" project, a series of meetings held in different academic institutions around the country (see further elaboration in Section K). Following the receipt of the recommendations and observations, all relevant Government Ministries were consulted with within the process of drafting the replies. As a result of these consultations, we are pleased to report that Israel has been able to adopt **93** recommendations, in whole or in part.

4. The present Addendum is structured in accordance with the themes used on Israel's National Report. When reviewing recommendations and observations, the State of Israel implemented the following methodology:

(a) Recommendations that **fully enjoy the support** of the State of Israel are those recommendations that are either already implemented or which underlying spirit is supported by the State. We recognize, realistically, that we may never fully accomplish what is described in the literal sense of the terms of the recommendation but we remain committed to making serious efforts towards achieving the said goals;

(b) Recommendations that **partially enjoy the support of the State of Israel** are those recommendations with which we regard ourselves as partly compliant, or which are supported in principle, but where we nonetheless object to the suggestion that our current efforts are insufficient or fall short of good practice;

(c) Recommendations that **were noted** are those recommendations that we cannot commit to implement at this stage for legal, policy, or other reasons. These also include recommendations made, which we categorically denounce, based on gross misrepresentation or perversion of facts.

5. Due to space constraints, we attempted to refrain from reiterating in this Addendum issues that have already been raised in Israel's National Report and therefore it is advised to review it in conjunction with the National Report.

6. As part of the consultations that led to the Working Group's Report, the State of Israel noted eight recommendations that contained the term "State of Palestine". These recommendations were referenced in paragraphs 119.1–119.8 of the Working Group's Report. While Israel welcomes an open dialogue with delegates of the Palestinian Authority on matters of human rights, we categorically oppose the designation of the Palestinian entity as a State. We recognize that such a designation is used by the United Nations following a Palestinian request and subsequent adoption of UN General Assembly resolution 67/19. However, it does not and cannot indicate any recognition of statehood, and is without prejudice to the substantive question of the legal status of the Palestinian entity. Israel further considers that the Palestinian entity does not satisfy the criteria for statehood under international law, and, like many other States, does not recognize it as such.

## II. Review of recommendations by theme

### A. International instruments and domestic legislative and structural human rights frameworks

7. *The following recommendations enjoy the support of Israel in part:* 118.19; 118.20; 118.21.

8. *The following recommendations were noted by Israel:* 118.1; 118.2; 118.3; 118.4; 118.5; 118.6; 118.7; 118.8; 118.9; 118.10; 118.11; 118.12; 118.13; 118.14; 118.15; 118.16; 118.17; 118.18; 118.22.

9. Israel's ratification of seven core UN Human Rights Conventions, and of many other human rights instruments, reflects our strong commitment to ensuring the legal safeguards established in those conventions. Fundamental human rights protections are afforded to every individual – men, women and children, and are enshrined in Israel's Basic Laws. Israel's judicial system is strongly involved in promoting and protecting human rights.

### B. Cooperation with United Nations agencies and bodies

10. *The following recommendations enjoy the support of Israel:* 118.31; 118.33; 118.34; 118.35; 118.36; 118.46.

11. *The following recommendations enjoy the support of Israel in part:* 118.30; 118.32.

12. *The following recommendations were noted by Israel:* 118.23; 118.24; 118.25; 118.26; 118.27; 118.28; 118.29; 118.37; 118.38; 118.39; 118.40; 118.41; 118.42; 118.43; 118.44; 118.45.

13. As part of Israel's engagement with Special Procedures and its participation in the Human Rights Council's work as an active observer, we consider favorably most requests we receive, and make a sincere effort to host one official country visit a year. We welcomed the visit of the Special Rapporteur on Violence against Women, its Causes and Consequences in 2016, and are currently considering other requests for the coming year. In addition, we welcome the frequent unofficial visits of special mandate-holders to Israel in their academic capacity, and arrange for meetings with government officials. Moreover, we regularly engage with the various mandate-holders and organize or co-sponsor events on a variety of human rights thematic issues.

### C. Combatting racism, discrimination, xenophobia and anti-discrimination

14. *The following recommendations enjoy the support of Israel:* 118.47; 118.48; 118.49; 118.50; 118.52; 118.59; 118.62.

15. *The following recommendations enjoy the support of Israel in part:* 118.51; 118.55; 118.58.

16. *The following recommendations were noted by Israel:* 118.53; 118.54; 118.56; 118.57; 118.60; 118.61; 118.63.

17. Our commitment to promoting equality and non-discrimination has been reiterated in the establishment in 2016 of the Inter-Ministerial Team Charged with Forming an Action Plan to Deal with Racism against Persons of Ethiopian Origin. This team was established following a notable Government Resolution, which for the first time, explicitly recognized the need to combat racist practices targeted against persons of Ethiopian origin.

18. The team released an extensive report which included an array of recommendations, the most essential of which was the establishment of a new governmental unit within the Ministry of Justice for the coordination of the fight against racism. The National Anti-Racism Coordinator's Office was established in 2016.

## **D. Ensuring LGBT rights and gender-based equality**

19. *The following recommendations enjoy the support of Israel:* 118.64; 118.65; 118.102; 118.103; 118.104; 118.105; 118.106; 118.107; 118.108; 118.109; 118.110; 118.111; 118.113; 118.114; 118.115; 118.116.

20. *The following recommendations were noted by Israel:* 118.112.

21. Israel is strongly devoted to the promotion and protection of women rights, and women's participation in the public sphere is valued and encouraged. Between 2010 and 2014 alone, Israel passed some 50 laws and amendments to further bolster gender equality and the empowerment of women. In fact, Israel was one of the first countries in the UN to officially recognize in its legislation the importance of the participation of women in all decision-making levels of national institutions and mechanisms.

22. With respect to LGBT rights, Israel attaches great importance to the protection of the rights of its citizens to live freely according to their sexual orientation and gender identity and actively promotes the development of LGBT rights. Among some of the court decisions protecting the rights of same-sex couples in Israel is the 2013 Tel Aviv-Jaffa Family Court ruling, according to which a same-sex couple could be registered as parents and recognized as joint parents through a judicial parenthood order, without a social services' review.

## **E. Minority rights**

23. *The following recommendations enjoy the support of Israel:* 118.127; 118.128; 118.129; 118.130; 118.133; 118.134.

24. *The following recommendations enjoy the support of Israel in part:* 118.131; 118.132.

25. Israel strives to protect, promote, and integrate minorities, who comprise approximately 25.3% of Israel's population, and ensure that they have equal access to employment, education, and socio-economic rights, as well as full participation in political processes.

26. Due to the affirmative action measures taken by the government, there has been a steady increase in the employment rates of minorities in the civil service. As of October 2017, 10.1% of all civil service employees were Arabs, Bedouins, Druze and Circassians (compared to 8.4% in 2012 and 6.17% in 2007). Approximately 40% of these employees are women.

## **F. Immigration and asylum matters**

27. *The following recommendation enjoys the support of Israel:* 118.138.

28. *The following recommendations enjoy the support of Israel in part:* 118.135; 118.139.

29. *The following recommendations were noted by Israel:* 118.136; 118.137.

30. Israel continues to conduct individual refugee status determination assessments for asylum seekers of all nationalities. An important amendment was made in 2017 to the Government Regulation concerning the Processing of Asylum Requests, which highlights gender sensitivities that are central to the process of refugee status determination. It instructs those conducting interviews to display due sensitivity to gender-based considerations that may affect behaviour, feelings or testimony of the applicant. It further stipulates that particular sensitivity must be displayed to victims of gender-based violence, including sexual violence. Interviewers must also inform applicants that they may request an interviewer and translator of the same gender.

## **G. Fighting terrorism within the law and investigatory safeguards against abuse**

31. *The following recommendations enjoy the support of Israel:* 118.66; 118.67; 118.76; 118.78; 118.79; 118.81.

32. *The following recommendations enjoy the support of Israel in part:* 118.71; 118.72; 118.80; 118.83; 118.84.

33. *The following recommendations were noted by Israel:* 118.68; 118.69; 118.70; 118.73; 118.74; 118.75; 118.77; 118.82; 118.85.

34. The State of Israel attaches great importance to strengthening compliance with the relevant applicable international law standards in the fight against torture and cruel, inhuman and degrading treatment or punishment. Israel's authorities are conducting thorough oversight over the processing and handling of complaints or reports of torture, ill-treatment or disproportionate use of force against detainees.

35. This is evident, among others, through the examination and investigation of misconduct conducted by the Israel Defense Forces (IDF) in order to ensure compliance with the rule of law, including International Law and the Law of Armed Conflict. The three main components of the IDF's review mechanisms are the Military Advocate General's Corps, the Military Police Criminal Investigation Division and the Military Courts. In addition, Israel subjects the IDF's military justice system to the civilian supervision of the Attorney General, the State Comptroller, the Knesset and the Supreme Court.

## **H. Freedom of religion**

36. *The following recommendations enjoy the support of Israel:* 118.88; 118.90.

37. *The following recommendations were noted by Israel:* 118.86; 118.87; 118.89.

38. As underlined in Basic Law: Human Dignity and Liberty, freedom of religion is an important facet of Israeli society, and consists of both the freedom of religion and the freedom to practice one's religion. We are committed to enabling access to holy places to members of all religions, without distinction of any kind.

## **I. Rights of persons with disabilities**

39. *The following recommendation enjoys the support of Israel:* 118.126.

40. The Commission for Equal Rights of Persons with Disabilities was established in 2000 and was charged with the implementation of the Equal Rights for Persons with Disabilities Law. Upon ratification of the Convention on the Rights of Persons with Disabilities in 2012, the Commission was made responsible for promoting the Convention and monitoring its implementation. The Commission acts to enhance equality, fight discrimination and eliminate accessibility barriers.

## **J. Economic, social and cultural rights**

41. *The following recommendation enjoys the support of Israel:* 118.101.

42. Israel has taken effective actions towards a progressive realization of economic, social and cultural rights for all its citizens, in line with the ICESCR. In this regard, the government has established an inter-ministerial committee tasked with formulating a strategic plan to mitigate the negative repercussions of polygamy, which can still be found in certain parts of society, mainly within the Bedouin community. The committee has been examining, for example, how employment opportunities may be made culturally and practically accessible and how educational frameworks may be enhanced and developed in order to reduce drop-out rates. It is further examining how welfare services may be properly



channeled to address the emotional and social needs of women and children who have been harmed by polygamous marriage.

## **K. Civil Society**

43. *The following recommendations enjoy the support of Israel:* 118.91; 118.92; 118.93; 118.94; 118.95; 118.96; 118.97; 118.98; 118.99; 118.100.

44. As mentioned in our National Report, Israel maintains a vibrant dialogue with civil society organizations, in particular within the UN Human Rights treaty bodies and UPR reporting process. Since 2012, the MFA and MOJ have promoted a project under the auspices of the Hebrew University of Jerusalem, designed to facilitate open dialogue and improve cooperation between State authorities and civil society organizations, specifically concerning the reporting process to UN Human Rights Committees. The project created a joint forum, attended by state authorities, scholars and representatives of civil society, to discuss State reports that are submitted to these committees on an ongoing basis and encourage civil society organizations to comment on the State's draft reports.

45. Since the last reporting cycle, in 2017, Israel also introduced, a series of "Round Tables". This project entailed six discussion sessions in academic institutions throughout Israel so as to facilitate diverse participation. The sessions offered a unique platform for free discourse between civil society, academics and government representatives on core human rights issues related, inter alia, to: LGBT Rights; Israelis of Ethiopian descent; the Bedouin population; women's rights; rights of persons with disabilities; and social and economic rights in the periphery. One of the aims of this project was to allow grass roots organizations, which usually do not have the resources to submit shadow reports to the general treaty bodies and UPR process, to participate in the UN human rights reporting mechanism.

## **L. Children rights**

46. *The following recommendations enjoy the support of Israel:* 118.117; 118.118; 118.119; 118.122; 118.123; 118.124.

47. *The following recommendations were noted by Israel:* 118.120; 118.121; 118.125.

48. Israel remains determined to protect children's rights and has continued to act towards the betterment of all children. Since the last UPR cycle, a number of important reforms have been adopted, including the 2016 Amendment No. 35 to Compulsory Education Law 5709-1949, which lowered the compulsory age of enrolment of children in kindergartens from five to three.

49. In addition, amendment No. 6 of 2013 to the Marriage Age Law 5710-1950 raised the minimum age for marriage from 17 to 18. Anyone who marries a minor, officiates at a minor's wedding, or enables the marriage of a minor under his/her guardianship may be sentenced to two years of imprisonment or a fine.

## **M. Israel and the Palestinian Authority**

50. As stated by Ambassador Aviva Raz Shechter: "our relations with the Palestinians will continue to be of the highest priority, and despite the known setbacks in the Peace Process, we will continue to seek a lasting solution that will enable our two peoples to live side by side in peace and security". Israel will act to achieve peace through negotiations conducted on the basis of mutual recognition, signed agreements and cessation of violence.

51. Nevertheless, at this stage, *the following recommendations were noted by Israel:* 118.140; 118.141; 118.142; 118.143; 118.144; 118.146; 118.147; 118.148; 118.149; 118.150; 118.151; 118.152; 118.153; 118.154; 118.157; 118.158; 118.159; 118.160; 118.161; 118.162; 118.168; 118.169; 118.172; 118.173; 118.174; 118.175; 118.176; 118.177; 118.178; 118.179; 118.180; 118.181; 118.182; 118.183; 118.184; 118.185;

118.186; 118.187; 118.188; 118.189; 118.190; 118.191; 118.192; 118.194; 118.196;  
118.197; 118.198; 118.201; 118.202; 118.203; 118.204; 118.205; 118.206; 118.207;  
118.208; 118.209; 118.210; 118.211; 118.212; 118.213; 118.214; 118.215; 118.216;  
118.217; 118.218; 118.219; 188.220; 118.221; 118.222; 118.223; 118.224; 118.225;  
118.226; 118.227; 118.228; 118.229; 118.230; 118.231; 118.232; 119.1; 119.2; 119.3;  
119.4; 119.5; 119.6; 119.7; 119.8.

52. *The following recommendations enjoy the support of Israel:* 118.155; 118.163;  
118.164; 118.165; 118.166; 118.167; 118.195; 118.200.

53. *The following recommendations enjoy the support of Israel in part:* 118.145;  
118.156; 118.170; 118.171; 118.193; 118.199.

---



# General Assembly

Distr.: General  
24 July 2018

Original: English

---

## Human Rights Council

### Thirty-eighth session

18 June–6 July 2018

Agenda item 6

## Decision adopted by the Human Rights Council on 29 June 2018

### 38/112. Outcome of the universal periodic review: Israel

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

*Having conducted* the review of Israel on 23 January 2018 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

*Adopts* the outcome of the review of Israel, comprising the report thereon of the Working Group on the Universal Periodic Review,<sup>1</sup> the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.<sup>2</sup>

*26th meeting  
29 June 2018*

[Adopted without a vote.]

---

<sup>1</sup> A/HRC/38/15.

<sup>2</sup> A/HRC/38/15/Add.1; see also A/HRC/38/2, chap. VI.

