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Held at the Palais Wilson, Geneva, on Monday, 20 October 2014, at 10 a.m.

Chairperson: Sir Nigel Rodley

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Fourth periodic report of Israel

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of Israel (CCPR/C/ISR/4; CCPR/C/ISR/Q/4)

1. *At the invitation of the Chairperson, the delegation of Israel took places at the Committee table.*
2. **Mr. Manor** (Israel) said that Israel was a democratic State and that the Basic Law on Human Dignity and Liberty protected the basic rights of every person. Courts, in particular the Supreme Court, also played an important role in defending human rights. In its efforts to promote those rights, the Government took into account the observations made by the Committee and the other treaty bodies. Since the previous periodic report, it had taken numerous measures in that regard, despite serious threats to the security and right to life of Israeli citizens. Nevertheless, the growing number of rocket attacks had left it with no choice but to launch Operation Protective Edge in order to defend its population. The acts of violence perpetrated by Hamas were a threat to human rights in Israel and Palestine. Israel was committed to peace, but peace could be achieved only through collaboration and mutual respect.
3. **Ms. Palmor** (Israel) said that, since 2012, the Ministries of Justice and Foreign Affairs had been participating in a project run by the Minerva Center for Human Rights at the Hebrew University of Jerusalem, with the aim of enhancing cooperation between the authorities and civil society in the implementation of human rights conventions and the submission of reports in that regard. The fourth periodic report of Israel to the Committee was the first to be drafted under the project. Moreover, an interministerial team had been established in 2011 to examine and implement the concluding observations of the various treaty bodies. In 2012, Israel had ratified the Convention on the Rights of Persons with Disabilities. In the legislative field, it was worth mentioning several texts adopted since 2011: the Expansion of Adequate Representation for Persons of the Druze Community in the Civil Service (Legislative Amendments) Law 5772-2012; amendment No. 26 to the Religious Judges Law (Dayanim) 5715-1955, which required that at least one of the two representatives of the Government, Knesset and Israeli Bar Association to the Committee for Appointment of Religious Judges should be a woman; the Adjustment of Works of Art, Performances and Broadcasts for Persons with Disabilities Law (Legal Amendments) 5774-2014; and amendment No. 4 to the Pupil's Rights Law 5761-2000, which added sexual orientation and gender identity to the list of prohibited grounds of discrimination.
4. In the judicial sphere, it should be noted that any person, regardless of nationality or residence status, could petition the Supreme Court in the event of an alleged violation of their rights. The Court also examined matters relating to respect for human rights during active hostilities. In September 2013, having been petitioned by several non-governmental organizations in its capacity as High Court of Justice, it had ruled that section 30A of the Prevention of Infiltration Law (Offenses and Jurisdiction) 5714-1954, as amended (amendment No. 3), which provided that any person who entered Israel illegally could be detained for a period of up to three years, was unconstitutional in that it was a disproportionate violation of the rights enshrined in the Basic Law on Human Dignity and Liberty. Amendment No. 4, which had been adopted after that ruling, reducing the maximum period of detention to one year, had also been declared unconstitutional for the same reason in September 2014. Other provisions of the same Law, as amended, which had established the Holot detention centre and the obligation for asylum seekers to report to the facility every day, had also been annulled by the Court.

5. The Government had decided to allocate NIS 5 billion (US\$ 1.4 billion) to improving the levels of employment and education of the Arab community, and to developing public transport serving Arab areas. As of September 2014, hearings of the Supreme Court on constitutional issues were broadcast on television, radio and the Internet to increase transparency. In February 2013, a public commission of inquiry (the Turkel Commission) had concluded that the mechanisms in place for examining complaints of violations of the law of armed conflict generally complied with international law, and had made a number of recommendations, which were being studied or already being implemented. Lastly, with regard to the application of the Covenant in the West Bank and the Gaza Strip, the position of Israel was known to the Committee. The delegation was willing to address every question put to it by members, but hoped that the discussion would not focus entirely on the situation in those areas. Israel was committed to peace and endeavoured to fulfil its obligations as best it could, while having a duty to devote significant resources to the defence of its population's right to life.

6. **Mr. Flinterman** thanked the State party for having agreed to submit its fourth periodic report just three years after the previous one, but noted that the supplementary information that had been requested on the blockade of the Gaza Strip, the prevention of torture, juvenile justice and the situation of the Bedouin had not been provided. He asked whether Israel planned to accede to the two optional protocols to the Covenant and withdraw its reservation to article 23. Recalling the Committee's position, as reflected in the most recent concluding observations and its general comment No. 31 on the nature of the general legal obligation imposed on States parties, in addition to those of the International Court of Justice and the other treaty bodies, he noted with regret that Israel continued to maintain that it was not responsible for applying the Covenant in territories over which it exercised effective control. As to equality issues, he asked whether the Basic Law on Human Dignity and Liberty explicitly recognized the principles of equality and non-discrimination and, if not, what the obstacles were. Noting that violations of rights under the Basic Law were prohibited "except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than [...] required" (State party report, para. 51), he asked whether the provision complied with the limitations established in the Covenant. He invited the delegation to clarify the meaning of the terms "values of the State" and "proper purpose", and to explain whether, by anchoring personal liberty to "Israel's Jewish and democratic character", appropriate protection was offered to non-Jewish citizens. Moreover, several laws, such as those on electoral thresholds and the prevention of harming the State of Israel by boycott, seemed to be directly or indirectly discriminatory. Lastly, the delegation should comment on allegations that Israeli citizens fell into two or even three legal categories (Jews, Palestinian Israeli citizens and Palestinians living in Occupied East Jerusalem).

7. **Mr. Kälin** welcomed the State party's efforts to disseminate the Covenant and other human rights instruments in Hebrew and Arabic. Referring to paragraph 39 of the report, he asked what significant legislative changes had been furthered by the interministerial team established in 2011. While noting with interest the project run by the Minerva Center, he said that he wished to know the extent to which the views of civil society had been taken into account in drafting the report. He asked whether migrants from Eritrea and the Sudan who travelled to Israel through the Sinai could apply for asylum at the border. If so, the delegation should provide details on the procedures to be followed, the number of requests submitted and their outcome, or, if not, it should indicate what steps were taken to respect the principle of non-refoulement.

8. Noting with satisfaction the Supreme Court rulings on the unconstitutionality of the new provisions of the Prevention of Infiltration Law, he said that he wished to know how the Law would be amended to render it compliant. Bearing in mind the conflict in South Sudan, he also wished to know what the State party's current policy was with regard to

South Sudanese asylum seekers, to whom it had stopped affording collective protection since the declaration of independence. Lastly, the delegation should indicate what measures had been taken in response to the brutality and violence suffered by asylum seekers at the hands of the police and immigration officials, as the State party had not commented on the matter in its report.

9. **Mr. Iwasawa** asked why punitive demolitions had recommenced, despite the fact that, in 2005, an Israeli military commission had recommended that they stop. Moreover, such a policy ran counter to the State party's obligations under the Covenant, particularly articles 7, 17 and 26. He invited the delegation to indicate what steps were taken to allow Palestinians and the Bedouin to participate in urbanization and planning decisions that affected their housing conditions, guarantee them access to essential services and help them preserve their livelihoods. He also asked what follow-up had been given to the proposals formulated by the Advisory Goldberg Committee on the regulation of Bedouin housing in the Negev, and what provisions were foreseen for the Bedouin living in Area C who were threatened with expulsion. Lastly, it would be interesting to know whether the Government planned to extend the Israeli settlements in Area E1.

10. He also enquired what proportion of medical personnel in the State party spoke Arabic, and how many Arab citizens held government posts. He invited the delegation to comment on the Nakba Law of 2011, which enabled the Minister of Finance to reduce funding for institutions that organized activities denying the existence of Israel as a Jewish and democratic State, or marked Israeli Independence Day as a day of mourning, and to explain the repercussions of the Law on the Arab minority in Israel. In the absence of a response from the State party to the Committee's question on the measures taken to foster cultural rights in Israel and the Occupied Palestinian Territory, any relevant information from the delegation would be welcome. Given that, despite the progress made, Arab women continued to represent a small minority in the civil service, it would be interesting to know whether the State party intended to take provisional affirmative action measures to remedy the situation. Lastly, the delegation should comment on reports that, during the offensive launched on Gaza in the summer of 2014, Arab workers and students had been dismissed or threatened with expulsion, respectively, because of the pacifist stance that they had adopted.

11. **Mr. Vardzelashvili** asked whether the extensive work undertaken in numerous localities in the Occupied Palestinian Territory to improve the water supply and sanitation system was intended to benefit Palestinians on the same footing as Israelis, and why the Israeli authorities prohibited Palestinians from constructing wells for agricultural purposes, particularly in the West Bank and the Jordan Valley. He also invited the delegation to indicate whether farmers living in the Seam Zone continued to encounter as much difficulty in reaching the land on the other side of the separation barrier, as apparently confirmed by reports that very few crossing points operated properly and that the number of travel permits issued during the harvest period had fallen owing to a tightening of safety regulations. Lastly, it would be interesting to know how many appeals had been lodged to date by owners of land confiscated by the army, and how many had resulted in compensation being awarded.

12. **Ms. Waterval** asked whether the suspects who had been arrested following the incident in Beit Shemesh had been tried, and whether the women who had been attacked had received compensation. She also wished to know what steps the State party intended to take in response to the recommendations to combat the exclusion of women from the public sphere enumerated in paragraph 324 of the report, and particularly whether a bill on the subject had already been drafted. It would be useful to receive clarification on the regulation of divorce and statistics on female judges and prosecutors. Lastly, she invited the delegation to supplement the State party's replies on the review of the legislation governing

states of emergency and the declaration made under article 4 of the Covenant, and on the safeguards afforded to administrative detainees (list of issues, question 12).

13. **Mr. Zlătescu** asked what measures were planned to guarantee the Bedouin and Palestinians access to health services, education, decent housing, water and sanitation, and to eliminate the dual discrimination on grounds of sex and origin experienced by Arab women, particularly in accessing health care.

14. **Mr. Fathalla** invited the delegation to comment on the gross violations of article 1 of the Covenant committed by the State party in implementing the illegal policy of land annexation, thereby depriving Palestinians of access to their natural resources.

15. **The Chairperson** suggested briefly suspending the meeting to give the delegation time to prepare its replies to the questions that had just been put to it.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

16. **Mr. Saif** (Israel) said that the integration of the Arab citizens of Israel was a priority for the Government, which had, for several years, been devoting enormous resources to the implementation of programmes to enhance their access to employment, housing, transport and education. Progress had been made, but significant gaps remained. In terms of employment, the fact that two thirds of the Arab citizens of the country were concentrated in small localities where employment prospects were limited constituted an obstacle. The Government had created a number of job centres and set up a system of incentives to attract companies to the industrial areas established near Arab localities. Various measures, including a scholarship programme, aimed to facilitate Arab students' access to higher education. Although results were still modest, the proportion of Arab students and graduates, both male and female, was on the rise. In the field of transport, which was essential for access to employment and training opportunities, significant efforts had been made to better serve Arab localities.

17. **Mr. Abboud** (Israel) said that, in 2014, Arabs had accounted for 8.8 per cent of civil servants, compared to 6.17 per cent in 2007. In September 2014, the Ministry of Justice had organized a national convention on the integration of Arab citizens in its activities, during which participants had been able to attend various practical workshops. At present, 51 per cent of prosecutors and 49.9 per cent of judges were women.

18. **Ms. Palmor** (Israel) said that 27 of the 120 members of the nineteenth Knesset were women and that four ministries were headed by women. In 2013, women had represented 65 per cent of total government staff and 48 per cent of the civil servants at the four most senior levels. Following a number of incidents in 2011, which had brought to light the gender segregation imposed by some religious groups in various areas of daily life, particularly transport, resulting in de facto discrimination against women, an interministerial team and a team led by the Attorney General had been asked to examine the situation with a view to finding solutions. The Attorney General's team had adopted recommendations and drafted a bill to punish all forms of harassment on the basis, inter alia, of religion, membership of a religious group or sex, which had the effect of preventing persons from receiving a public service. The bill would be submitted to the Knesset in the near future. The Ministry of Justice had already drafted a proposed amendment to criminal law to criminalize gender segregation in public places.

19. In March 2014, the Government had adopted resolution No. 1526, in which it was emphasized that the segregation of women by some religious communities would not be tolerated. The resolution had been disseminated throughout the country and local councils had been urged to take measures accordingly. In the following months, the ministers concerned had submitted a report on the implementation of the resolution. Moreover, a hotline had been set up for women victims of segregation and all complaints received

through the service had been examined by the competent authorities. As the issue of divorce was extremely sensitive because of its links with religion, the Ministry of Justice was endeavouring to find a solution without offending sensibilities.

20. **Mr. Schondorf** (Israel) said that, at the initiative of the interministerial team, two classes had been introduced in Ofer Prison in the West Bank to enable the minors held there to pursue their education. Moreover, the team had participated in the work that had led to the repeal of provisions in force in the West Bank that had made it possible to prevent detainees suspected of serious breaches of security from consulting their lawyer. It had also been one of the advocates of increasing the age of criminal responsibility in military courts in the West Bank. The age had since been raised from 16 to 18 years.

21. **Ms. Kremer** (Israel), referring to paragraphs 45 to 49 of the report, reiterated that the Covenant was not intended to apply to areas outside the national territory and that, consequently, the situation of the Palestinian population was governed by the law of armed conflict. Moreover, in light of the various events that had occurred in the Gaza Strip since August 2005, particularly the complete withdrawal of the Israeli army, the evacuation of over 8,500 Israeli civilians and the coming to power of Hamas, it was clear that, under The Hague Regulations, Israel did not exercise effective control over the region, and that the situation of the civilians living there was thus the responsibility of Hamas. Lastly, by virtue of various agreements between Israel and the Palestinian Authority, 95 per cent of Palestinians did not come under the jurisdiction of Israel.

22. **Ms. Bar-Sadeh** (Israel) said that the number of migrants who had entered the country illegally stood at 47,200. As of early October 2014, more than 2,000 of them were held in the Holot detention centre. As had been stated previously, the provisions related to the detention of migrants and the Holot detention centre had been found unconstitutional by the Supreme Court in a ruling that was currently under review.

23. **Mr. Neuman** (Israel) said that the administrative bodies in Area C of the West Bank had conducted a census of illegal buildings and drafted a new master plan for the construction of residential blocks. Sixteen master plans of that kind, six of which related to the construction of housing for the Bedouin, were currently being implemented. With regard to the illegal buildings occupied by the Bedouin in East Jerusalem, the demolition order would not be executed until alternative accommodation had been found in consultation with the persons affected. Since 2013, given the alarming increase in the number of terrorist attacks and the growing instability in the West Bank, the Government of Israel had deemed it necessary to resort once more to demolishing the housing of those responsible for the attacks, whose legal challenge against the measure had been dismissed. The current policy of deterrent demolitions was implemented only in exceptional circumstances, such as when there was a threat of terrorism.

24. In the West Bank, the water supply was managed by an Israeli-Palestinian joint committee, which reached all its decisions by consensus. Recently, the Palestinian side had been refusing to participate in discussions, thereby paralysing the committee's work. The committee had approved plans to drill 100 wells in the West Bank, of which only 66 had been implemented. Wells were also drilled without authorization, but the Palestinian Authority had done nothing to put an end to those violations of the water agreement. For its part, Israel had met its obligations regarding the water supply in the region and had in fact supplied far more than the quantities established.

25. Numerous safeguards applied to the procedure for administrative detention. An independent military prosecutor examined the information on which applications for arrest warrants were based. Once issued, warrants remained subject to review by military courts in the West Bank, which were completely independent and issued binding decisions. Persons who had been arrested had to be brought before a judge. Hearings were held in

Hebrew, but were interpreted simultaneously into Arabic. Suspects were informed of their rights to confer with counsel and to notify their relatives. They could contest the legality of their detention before a military court of appeal. There were currently no minors or women in administrative detention in the West Bank.

26. **Mr. Radzyner** (Israel) recalled the measures taken in favour of the Bedouin (report, paras. 91–99) and added that the bill on Bedouin housing in the Negev, which had been adopted by the Knesset at first reading, had been withdrawn in the face of strong criticism from both the Bedouin community and other minorities. In January 2014, the Minister for Agriculture and Rural Development had been asked to review the text. Disputes over property rights were currently settled by the Israeli Land Authority. Steps had also been taken to guarantee the Bedouin access to health services. Under government resolution No. 3708, adopted in September 2011, US\$ 24.3 million had been allocated to various projects, and particularly to combating infant mortality. As of October 2014, 50 clinics and 10 independent doctors were offering their services to the Bedouin, and emergency services should start operating in 2015.

27. **Ms. Tene-Gilad** (Israel) said that Israel was considering the possibility of acceding to the First Optional Protocol to the Covenant, but did not intend to ratify the Second Optional Protocol, aiming at the abolition of the death penalty, or to withdraw its reservation to article 23.

28. **Ms. Marks** (Israel) said that, over the last 10 years, the authorities had examined all the provisions related to states of emergency, leading to some of them being repealed or amended. The Knesset was currently studying an antiterrorism bill with the ultimate aim of repealing the legislation on states of emergency. Although not defined explicitly in domestic law, the principle of equality was one of the fundamental components of the Supreme Court's case law, according to which it was an integral part of human dignity as enshrined in the Basic Law. The Equal Opportunities Commission of the Ministry of Economy had endeavoured to settle disputes arising from the dismissal of persons who had publicly expressed disapproval of Operation Protective Edge and had, in some cases, managed to convince employers to go back on their decision.

29. **The Chairperson** thanked the delegation for its replies and said that the Committee would continue its consideration of the report at the next meeting.

The meeting rose at 1 p.m.