



# International Covenant on Civil and Political Rights

Distr.: General  
5 May 2022

Original: English

---

## Human Rights Committee

### Concluding observations on the fifth periodic report of Israel\*

1. The Committee considered the fifth periodic report of Israel<sup>1</sup> at its 3841st and 3842nd meetings,<sup>2</sup> held on 2 and 3 March 2022. At its 3868th meeting, held on 22 March 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its fifth periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, policy and institutional measures:

- (a) Government Resolution No. 550, which aims, inter alia, to promote diversity and the inclusion of the Arab population in the private and public sectors, in 2021;
- (b) Amendment No. 137 to Penal Law 5737-1977, which recognizes racist motives as an aggravating circumstance for the offence of murder, in 2019;
- (c) Amendment No. 20 to the Legal Aid Law 5732-1972, which grants free legal aid to victims of serious sexual offences throughout criminal and administrative proceedings, in 2017.

#### C. Principal matters of concern and recommendations

##### Implementation of the Covenant and its Optional Protocol

4. The Committee notes the information provided by the State party on court cases that referred to the provisions of the Covenant and that law enforcement officials, members of the Israel Defense Forces, Israel Prison Service, Israel Security Agency and legal practitioners are provided with training on human rights, including international human rights law. It

---

\* Adopted by the Committee at its 134th session (28 February–25 March 2022).

<sup>1</sup> [CCPR/C/ISR/5](#).

<sup>2</sup> See [CCPR/C/SR.3841](#) and [CCPR/C/SR.3842](#).

<sup>3</sup> [CCPR/C/ISR/QPR/5](#).



regrets, however, that the State party has not yet acceded to the two Optional Protocols to the Covenant and maintains its reservation to article 23 of the Covenant (art. 2).

**5. The State party should continue and strengthen its efforts to raise awareness among judges, prosecutors, lawyers, law enforcement officers, security forces, civil society actors and members of the general public about the Covenant and its applicability in domestic law, including by providing training on the provisions of the Covenant. Furthermore, it should consider acceding to the two Optional Protocols to the Covenant and withdrawing its reservation to article 23 of the Covenant.**

#### **Applicability of the Covenant to the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan**

6. The Committee reiterates<sup>4</sup> its concern that the State party maintains its position that the Covenant does not apply with respect to individuals under its jurisdiction, but outside its territory, despite the interpretation to the contrary of article 2 (1) supported by the jurisprudence of the Committee, various other treaty bodies, the International Court of Justice and State practice. It is further concerned at the State party's position that international human rights law does not apply when international humanitarian law is applicable (art. 2).

**7. Recalling its previous recommendations,<sup>5</sup> the Committee urges the State party to:**

(a) **Interpret the Covenant in good faith, in accordance with the ordinary meaning to be given to its terms in their context, including subsequent practice, and in light of the object and purpose of the Covenant, and review its legal position so as to acknowledge the extraterritorial application of the Covenant under certain circumstances, as outlined, inter alia, in the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant. In this respect, the Committee reiterates and underscores that the Covenant applies with regard to all conduct by the State party's authorities or agents adversely affecting the enjoyment of the rights enshrined in the Covenant by persons under its jurisdiction, regardless of the location;**

(b) **Review its legal position and acknowledge that the applicability of international humanitarian law during an armed conflict, as well as in a situation of occupation, does not preclude the application of the Covenant.**

#### **National human rights institution**

8. The Committee notes that, notwithstanding the general support expressed by the State party for the establishment of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), no such institution has yet been established (art. 2).

**9. The State party should step up its efforts to establish a national human rights institution in line with the Paris Principles, including by ensuring the pluralism of its membership and the diversity of its composition, and allow civil society organizations to participate in this process.**

#### **Non-discrimination**

10. The Committee expresses its deep concern about the Basic Law: Israel – The Nation-State of the Jewish People of 2018, which may exacerbate pre-existing systematic and structural discrimination against non-Jews in the State party. It is particularly concerned that, under this Law, the right to self-determination is “unique to the Jewish people”, Hebrew is the State language while Arabic is downgraded to a language with “special status” and the development of Jewish settlements is viewed as a “national value” (art. 2).

---

<sup>4</sup> CCPR/C/ISR/CO/4, para. 5; and CCPR/C/ISR/CO/3, para. 5.

<sup>5</sup> Ibid.

11. **The Committee reiterates the recommendations made by the Committee on the Elimination of Racial Discrimination<sup>6</sup> and the Committee on Economic, Social and Cultural Rights<sup>7</sup> that the State party review and amend the Basic Law: Israel – The Nation-State of the Jewish People with a view to eliminating its discriminatory effect on non-Jewish people and ensuring the equal treatment of all persons within its territory and subject to its jurisdiction, in conformity with the Covenant.**

12. The Committee takes note of the measures aimed at promoting representation of the Arab population and women in the civil service and amendment No. 12 to the Municipal Council Law (Funding of Elections) 5774-2014 aimed at enhancing women's representation in political parties. However, it remains concerned at the continuing underrepresentation of these groups in the civil service and in government, particularly in decision-making positions, including in the regional councils and the Knesset (arts. 2, 25 and 26).

13. **Bearing in mind the Committee's previous recommendations,<sup>8</sup> the State party should strengthen its efforts to achieve equitable representation of Israeli citizens of Arab origin and women in the civil service and in government, particularly in decision-making positions in legislative and executive bodies, including the Knesset.**

#### **Settlement activities and the wall**

14. The Committee is deeply concerned at the continued construction and expansion of Israeli settlements and unauthorized outposts in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and the transfer of the State party's population thereto, despite the recommendations made by different treaty bodies,<sup>9</sup> the Security Council,<sup>10</sup> the Human Rights Council<sup>11</sup> and the General Assembly.<sup>12</sup> It notes with concern the State party's interference with the full access of Palestinians and the Syrian Arab population to their lands and livelihood in the occupied territories, through wrongful expropriation, confiscation, requisitions and encroachment. It is further concerned that, despite the ruling of the High Court of Justice that the Regularization Law of 2017 is unconstitutional, there remain other alternative mechanisms under Israeli law allowing for the retroactive legalization of unauthorized outposts and structures in settlements. It notes with deep concern the continued construction of the wall in the West Bank, which significantly restricts Palestinians' enjoyment and exercise of rights and freedoms, including freedom of movement and access to land, especially agricultural land, property and natural resources (arts. 1, 2, 9, 12, 17, 18 and 26).

15. **Recalling its previous recommendations,<sup>13</sup> the Committee urges the State party to:**

(a) **Cease the construction and expansion of settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, and all settlement-related activities, including the transfer of its own population thereto;**

(b) **Put an end to the practice of expropriating private land owned by Palestinians and the Syrian Arab population and declaring it as "State land" for settlement purposes;**

(c) **Take immediate steps to dismantle the wall in line with the advisory opinion of the International Court of Justice on the legal consequences of the construction of the wall in the Occupied Palestinian Territory of 9 July 2004,<sup>14</sup> with a**

<sup>6</sup> CERD/C/ISR/CO/17-19, para. 14.

<sup>7</sup> E/C.12/ISR/CO/4, para. 17.

<sup>8</sup> CCPR/C/ISR/CO/4, para. 8.

<sup>9</sup> CERD/C/ISR/CO/17-19, paras. 4 and 43; and E/C.12/ISR/CO/4, para. 11.

<sup>10</sup> Resolution 2334 (2016).

<sup>11</sup> Resolution 31/36.

<sup>12</sup> Resolution 75/97.

<sup>13</sup> CCPR/C/ISR/CO/4, para. 10.

<sup>14</sup> Para. 163.

**view to ensuring Palestinians' full access to their lands and livelihoods and the enjoyment of their Covenant rights, including the right of self-determination.**

#### **State of emergency**

16. While noting serious security concerns affecting the State party and the ongoing review **of the national legal framework on emergencies and related measures**, the Committee remains deeply concerned that the State party maintains the state of emergency and continues to resort to emergency measures. It also notes with concern that emergency measures taken during the two-year state of emergency in response to the coronavirus disease (COVID-19) pandemic have further restricted the enjoyment of Covenant rights by Palestinians in the Occupied Palestinian Territory, especially in the Gaza Strip (art. 4).

17. **Recalling its previous recommendations,<sup>15</sup> the Committee calls on the State party to ensure that revisions to the national legal framework on emergencies and related measures, including those relating to the protection of public health in response to the COVID-19 pandemic, as well as any restrictions, are made in strict accordance with the conditions outlined in the Covenant, particularly in the Committee's general comment No. 29 (2001) and its statement on derogations from the Covenant in connection with the COVID-19 pandemic (2020).<sup>16</sup>**

#### **Counter-terrorism measures**

18. The Committee is concerned that Counter Terrorism Law 5776-2016 contains vague and overbroad definitions of "terrorist organization" and "terrorist act" and may be used to oppress and criminalize legitimate political or humanitarian acts, as illustrated by the designation, in October 2021, of six Palestinian civil society organizations as terrorist organizations based on secret information. It is further concerned about the use of secret evidence in counter-terrorism proceedings, which is inaccessible to defendants and their lawyers, thereby violating their right to a fair trial. It is also deeply concerned that amendment No. 30 to the Entry into Israel Law of 2018, providing for the revocation of permanent residency on the vague ground of "breach of allegiance against the State of Israel", which is defined as a terrorist act under the Counter Terrorism Law, has been used to revoke the permanent residency of Palestinian residents and human rights defenders advocating for the rights of Palestinians, including human rights lawyer, Salah Hammouri (arts. 2, 9, 12 and 14).

19. **The State party should review its Counter Terrorism Law 5776-2016 with a view to ensuring that the definitions of "terrorist organization" and "terrorist act" therein, as well as the powers conferred by and the limits on the exercise of the Law, are in full compliance with the Covenant and the principles of legal certainty, necessity, proportionality and the rule of law. It should also clarify the definition of "allegiance against the State of Israel", including under amendment No. 30 to the Entry into Israel Law, and refrain from using this provision to control the demographic composition in the State party or to silence human rights defenders advocating for the rights of Palestinians. Furthermore, the State party should ensure that persons suspected of or charged with terrorist acts or related crimes are provided, in law and in practice, with appropriate procedural safeguards, in accordance with the Covenant, particularly its articles 9 and 14.**

#### **Violence against women**

20. While noting the provision of training to investigators and patrol officers on handling cases of violence against women and the opening of a 24-hour emergency centre for victims of domestic violence, the Committee remains concerned at underreporting by victims of violence against women and the lack of impact assessment of measures taken to combat such violence. It regrets the lack of disaggregated data on cases of violence against women, which would allow for targeted prevention and protection measures (arts. 2, 3, 6, 7 and 26).

---

<sup>15</sup> CCPR/C/ISR/CO/4, para. 10.

<sup>16</sup> CCPR/C/128/2.

21. **The Committee recommends that the State party:**

(a) **Address the underreporting of violence against women, including by ensuring that all women have access to information about their rights and available remedies, and conduct awareness-raising campaigns about the unacceptability and adverse impact of violence against women;**

(b) **Intensify efforts to investigate all allegations of violence against women, prosecute and, if found guilty, punish perpetrators with penalties commensurate with the gravity of the offences, and provide effective remedies to victims, including by strengthening training of relevant public officials, including judges, lawyers, prosecutors and law enforcement officers;**

(c) **Establish a reliable system for the collection of statistical data on violence against women, disaggregated by race or ethnic origin, in order to effectively target measures to ensure their protection.**

**Past human rights violations**

22. While noting the progress made in implementing the recommendations of the Turkel Commission, including the establishment of a special unit within the Military Police Criminal Investigation Division, the Committee regrets the lack of updated information on investigation into human rights violations in the Gaza Strip related to “Operation Cast Lead” (27 December 2008–18 January 2009), “Operation Pillar of Defence” (14–21 November 2012), and “Operation Protective Edge” (8 July–26 August 2014), and their outcomes (arts. 2, 6, 7, 9, 12, and 17).

23. **Bearing in mind the Committee’s previous recommendations,<sup>17</sup> the State party should continue and strengthen its efforts to implement the recommendations of the Turkel Commission, including by impartially and thoroughly investigating all allegations of human rights violations committed during the military operations in the Gaza Strip in 2008–2009, 2012 and 2014, bringing perpetrators, including those with command responsibility, to justice, and providing victims or their families with effective remedies and guarantees of non-repetition.**

**Settler violence in the West Bank, including East Jerusalem**

24. While noting information provided by the State party on the investigations conducted into “ideologically based offences” by settlers in the West Bank, including East Jerusalem, the Committee remains concerned about: (a) a significant increase in the number and severity of incidents of settler violence in recent years;<sup>18</sup> (b) the involvement of the Israeli security forces in such violence; and (c) a very low rate of indictments and convictions of perpetrators, fostering a general climate of impunity. The Committee notes with concern the underreporting by victims, owing to their lack of trust in the authorities and fear of reprisals, and the lack of access for victims to justice and effective remedies (arts. 2, 6, 7, 14, 17 and 26).

25. **Recalling its previous recommendations,<sup>19</sup> the Committee urges the State party to intensify its efforts to prevent and combat violence perpetrated against Palestinians by the Israeli settlers in the West Bank, including East Jerusalem, as well as by Israeli security forces alongside these settlers, and to provide adequate protection to victims. To this end, the State party should ensure that all allegations of settler violence are thoroughly and impartially investigated, that perpetrators are prosecuted and, if found guilty, punished with penalties commensurate with the gravity of the offences, and that victims are provided with effective remedies.**

<sup>17</sup> CCPR/C/ISR/CO/4, para. 6.

<sup>18</sup> A/76/336, para. 17.

<sup>19</sup> CCPR/C/ISR/CO/4, para. 16.

**Excessive use of lethal force**

26. The Committee is deeply concerned by continuing and consistent reports of the excessive use of lethal force by the Israeli security forces against Palestinian civilians, including children, and the lack of accountability for these acts, resulting in a general climate of impunity. It is particularly concerned about excessive force used in policing demonstrations, including the Great March of Return between March 2018 and December 2019, during which 183 people, including children, paramedics, journalists and persons with disabilities, were shot dead. It is also concerned that no perpetrator has been brought to justice for excessive force used against 260 Palestinians, including children, during the escalation of hostilities in Gaza in May 2021 (arts. 6, 7 and 21).

**27. Bearing in mind the Committee's previous recommendations,<sup>20</sup> the State party should take all necessary measures to prevent the excessive use of force during law enforcement operations, including by:**

(a) **Ensuring that rules and regulations governing the engagement of, or opening of fire by, the Israeli security forces in the West Bank, including East Jerusalem, and the Gaza Strip, and their practice, are consistent with the Committee's general comments Nos. 36 (2018) on the right to life and 37 (2020) on the right to peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Ensuring that prompt, thorough, effective, independent and impartial investigations are launched into all incidents involving the excessive use of force by the Israeli security forces, that perpetrators are prosecuted and, if found guilty, punished, and that victims are provided with effective remedies;**

(c) **Providing regular training to all members of the Israeli security forces on the use of force, the employment of non-violent means and crowd control, and ensure that the principles of necessity and proportionality are strictly adhered to in practice.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

28. The Committee is deeply concerned that, despite the affirmation in the State party's report of 2017<sup>21</sup> that its authorities were in the final stage of drafting a bill on the prohibition of torture, no such law has been adopted. It is also concerned that the State party continues to recognize the defence of "necessity" as a legal justification for torture and that an independent monitoring mechanism has not been established for detention facilities. While noting real-time monitoring of the interrogation rooms of the Israel Security Agency through closed-circuit television, the Committee remains concerned that no recording, apart from a concise memorandum, is kept of the video transmission of the actual interrogations, leaving torture victims without audio or visual documentation to be used as evidence in courts (arts. 7 and 14).

**29. Bearing in mind the Committee's previous recommendations,<sup>22</sup> the State party should place an absolute ban on torture, including by incorporating into its legislation, such as the draft basic law on the rights of suspects and defendants, a definition of torture that is fully in line with article 7 of the Covenant, and removing the notion of "necessity" as a possible justification for the crime of torture. It should also establish an independent and effective monitoring mechanism for all detention facilities within its territory and occupied territories, keep audio and visual documentation of all interrogations taking place in the facilities of the Israel Security Agency and ensure that such documentation can be used as evidence in courts.**

30. The Committee is deeply concerned about reports of the widespread and systematic practice of torture and ill-treatment by Israel Prison Service guards and the Israeli security

---

<sup>20</sup> *Ibid.*, para. 13.

<sup>21</sup> CCPR/C/ISR/CO/4/Add.1, para. 78.

<sup>22</sup> CCPR/C/ISR/CO/4, para. 14.

forces against Palestinians, including children, at the time of arrest and in detention. It is particularly concerned about the use of physical and psychological violence, sleep deprivation, stress positions and prolonged solitary confinement, including against children and detainees with intellectual or psychosocial disabilities. It also notes with concern a very low rate of criminal investigations, prosecutions and convictions concerning allegations of torture and ill-treatment (arts. 7, 9, 10 and 24).

31. **In view of the Committee's previous recommendations,<sup>23</sup> the State party should take all necessary measures to end the practice of torture and ill-treatment against Palestinian detainees, particularly children, in line with the Covenant and international standards, as reflected in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, it should consider abolishing the use of solitary confinement against children and developing alternative measures where necessary. It should ensure that all allegations of torture and ill-treatment are promptly, impartially, thoroughly and effectively investigated, that perpetrators are prosecuted and, if found guilty, are punished with sanctions commensurate with the severity of the crime, and that victims are provided with full reparation, including rehabilitation and adequate compensation.**

32. The Committee is particularly concerned that, pursuant to amendment No. 3 to the Counter Terrorism Law of 2018, the Israeli police authorities have been withholding the bodies of Palestinian militants and civilians who allegedly committed terrorist acts and were killed by the Israeli security forces. It is further concerned that the bodies were used as leverage for the release of the bodies of Israelis held by Palestinian militant groups, and that the authorities set conditions for the release of bodies, including the payment of deposits and specific requirements for the funerals, including a limited number of participants and immediate burial. It expresses concern that the practice of withholding the bodies of the deceased and denying the right of their families to bury them may amount to collective punishment and to torture and ill-treatment (arts. 6 and 7).

33. **The State party should review amendment No. 3 to the Counter Terrorism Law of 2018, allowing for the withholding of bodies of deceased Palestinians, with a view to bringing it into conformity with the Covenant, and immediately return the bodies of deceased Palestinians to their families.**

#### **Liberty and security of persons**

34. The Committee is concerned about the widespread practice of arbitrary arrest and detention, including in facilities located in Israel, of Palestinians, including journalists, human rights defenders and children, in violation of international humanitarian law and the Covenant. It is further deeply concerned about the continuing practice of administrative detention of Palestinians, including children, without charge or trial and without the guarantee of fundamental legal safeguards, as in the case of human rights defender Salah Hammoudi. It notes with concern the use of secret evidence in administrative detention proceedings and routine approvals and renewals by military courts of administrative detention orders, even in cases involving detainees with serious health issues, such as Amal Nakhleh who was a minor at the time of his arrest (art. 9).

35. **Bearing in mind the Committee's previous recommendations,<sup>24</sup> the State party should immediately put an end to the widespread practice of arbitrary arrest and detention, including administrative detention, of Palestinians, in particular children. It should ensure that Palestinian detainees, including those held in administrative detention, are provided with all legal and procedural safeguards, including the rights to be informed of the reason for their arrest and detention, to access legal counsel, to be brought promptly before a judge and to notify a person of their choice of their detention, in line with article 9 of the Covenant and the Committee's general comment No. 35 (2014) on liberty and security of person.**

<sup>23</sup> *Ibid.*, para. 15.

<sup>24</sup> *Ibid.*, para. 10.

### Freedom of movement

36. The Committee reiterates<sup>25</sup> its deep concern about the continuing restrictions on freedom of movement imposed by the State party throughout the Occupied Palestinian Territory, including East Jerusalem, through its discriminatory permit regime and the designation of access-restricted areas. It is further concerned that, in enforcing movement and access restrictions, the Israeli security forces often use lethal force, such as live ammunition, leading to deaths and serious injuries of, inter alia, Palestinian commuters from the West Bank to the Israeli settlements or Israel, Gazan farmers whose lands were designated as an access-restricted area, and Gazan fishermen fishing along the coast of Gaza, where the authorized fishing zones are often reduced or entirely closed (arts. 2, 12 and 26).

**37. Bearing in mind the Committee's previous recommendations,<sup>26</sup> the State party should ensure that any restrictions imposed on the freedom of movement of Palestinians from, into and within the Occupied Palestinian Territory, including East Jerusalem, are consistent with the requirements for permissible restrictions set forth in article 12 (3) of the Covenant. It should also ensure that the enforcement of restrictions on movement and access in the Occupied Palestinian Territory, including East Jerusalem, is fully in line with the Covenant, the advisory opinion of the International Court of Justice of 2004 and other international standards (see para. 27 (a) above), that all members of the Israeli security forces found responsible for excessive use of force are held accountable and appropriately sanctioned and that victims of those acts receive effective remedies.**

### Blockade of the Gaza Strip

38. The Committee is deeply concerned about the long-standing air, sea and land blockade of the Gaza Strip imposed by the State party, which amounts to the collective punishment of the residents of Gaza, and about its adverse impact on the enjoyment of the right to freedom of movement and other rights under the Covenant, including access to basic and life-saving services. It is also concerned about the decrease in the approval rate of applications for exit permits from Gaza and reported delays and even denials of applications for exit permits submitted on behalf of patients in need of medical treatment (arts. 1, 6, 7 and 12).

**39. Recalling its previous recommendations,<sup>27</sup> the Committee urges the State party to lift the blockade of and closures in the Gaza Strip and end the practice of collective punishment. The State party should ensure that any measures restricting the freedom of movement of civilians and the transfer of goods from, into and within Gaza are consistent with its obligations under the Covenant. It should also take the necessary measures to provide unrestricted access for urgent humanitarian assistance and to make its exit permit system more transparent and effective, including by prioritizing requests for patients in need of medical treatment and those accompanying patients, especially child patients.**

### Treatment of refugees and asylum seekers

40. The Committee is concerned about the persisting low recognition rate of refugees in the State party and the reported lack of coherent and transparent rules and criteria for the refugee status determination procedure. It is further concerned at significant waiting times for the asylum procedure, lack of access to free legal aid throughout asylum proceedings and the automatic detention of asylum seekers and refugees who enter the country irregularly. It also notes with concern reports that, despite the State party's assurance that the third countries were safe and there has been no known case of the violation of the prohibition of non-refoulement, some Sudanese and Eritrean refugees who were relocated from Israel to undisclosed third countries have been subjected to ill-treatment and human trafficking (arts. 2, 6, 7, 9, 13 and 26).

---

<sup>25</sup> *Ibid.*, paras. 12 and 18.

<sup>26</sup> *Ibid.*, para. 18.

<sup>27</sup> *Ibid.*, para. 12.

41. **Recalling its previous recommendations,<sup>28</sup> the Committee recommends that the State party:**

(a) **Introduce dedicated legislation governing the rights of refugees and asylum seekers and relevant procedures, in conformity with international human rights and refugee laws;**

(b) **Make asylum procedures more effective and reduce the waiting times, including by increasing the financial and human resources of the competent authorities handling asylum applications;**

(c) **Provide asylum seekers with access to free legal aid throughout asylum procedures, including appeal proceedings;**

(d) **Review its policy of relocating Sudanese and Eritrean refugees to undisclosed third countries, with a view to finding safe and durable solutions for them in line with the principle of non-refoulement.**

#### **Demolition and forced eviction in the West Bank, including East Jerusalem**

42. The Committee is concerned about the State party's increased and intensified practice of the demolition of Palestinian houses and other infrastructure – such as schools and water, sanitation and hygiene structures – in the West Bank, including in Sheikh Jarrah, amid the COVID-19 pandemic, and the forced evictions and forcible transfer of those whose homes are destroyed. While noting the State party's claim that demolitions are limited to illegal constructions, the Committee regrets that Palestinians have been systematically deprived of their land and housing rights for decades, and the restrictive zoning and planning regime in the West Bank makes it almost impossible for Palestinians to obtain construction permits, leaving them with no choice but to build illegally and risk demolition and eviction. In this respect, the Committee expresses its deep concern that the systematic practice of demolitions and forced evictions based on discriminatory policies have led to the separation of Jewish and Palestinian communities in the Occupied Palestinian Territory, which amounts to racial segregation (arts. 2, 7, 12, 14, 17, 26 and 27).

43. **The Committee strongly reiterates its previous recommendations<sup>29</sup> that the State party refrain from implementing evictions and demolition orders based on discriminatory planning policies, laws and practices affecting Palestinians, and also Bedouin, in the West Bank, including East Jerusalem. The State party should review and reform its planning and zoning regime and construction permit system in order to prevent forced evictions and demolitions resulting from the fact that it is impossible for Palestinians to obtain construction permits and ensure that affected populations are allowed to participate in the planning process. It should also ensure that procedural safeguards and due process guarantees are provided against forced evictions and demolitions.**

#### **Family reunification**

44. The Committee is concerned that the Citizenship and Entry into Israel Law (Temporary Order) continues to prohibit family reunification of Israeli citizens with their Palestinian spouses living in the West Bank or Gaza Strip, or with spouses living in States classified as "enemy States". It is further concerned that, under the Law, East Jerusalem residents are required to either surrender their residency and live in the West Bank or apply for an annual permit for the non-resident spouse. It also notes with concern that Palestinian women whose residency status depends solely on that of their spouses may be reluctant to report domestic violence or file for divorce (arts. 17, 23, 24 and 26).

45. **The Committee strongly reiterates its previous recommendations<sup>30</sup> that the State party revoke the Citizenship and Entry into Israel Law (Temporary Order), with a view to removing disproportionate and adverse restrictions on the right to family life. The**

<sup>28</sup> *Ibid.*, para. 20.

<sup>29</sup> *Ibid.*, para. 9.

<sup>30</sup> *Ibid.*, para., 21.

**State party should also address the vulnerability of women whose residency status solely depends on that of their spouses and take adequate protection measures, including in cases of domestic violence or divorce.**

#### **Conscientious objection to military service**

46. The Committee reiterates<sup>31</sup> its concern about the predominantly military nature of the membership of the special military committee that decides on requests for conscientious objection to compulsory military service. It is further concerned that conscientious objectors continue to be subjected to repeated punishment and imprisonment for their refusal to serve in the army (arts. 2, 14, 18 and 26).

**47. The Committee reiterates its recommendations<sup>32</sup> that the State party take concrete measures to diversify the membership of the special military committee that handles requests for conscientious objection, with a view to making it fully independent and impartial. The State party should also put an end to the practice of repeated punishment and imprisonment of conscientious objectors, which may amount to a violation of the right not to be tried or punished again for the same offence.**

#### **Freedom of expression**

48. The Committee is deeply concerned about serious restrictions on the right to freedom of expression in the State party, in particular:

(a) The chilling effect of:

(i) Amendment No. 28 to the Entry into Israel Law, which allows the authorities to deny entry into Israel and the Occupied Palestinian Territory to any foreigner who publicly calls for a boycott of Israel;

(ii) The amendment of 2016 to the Disclosure Requirements Concerning Beneficiaries of Donations by a Foreign Political Entity Law, which requires non-governmental organizations that receive more than half of their funding from foreign sources to indicate that fact in every communication to the public;

(b) Increasing reports of the arbitrary arrest and detention of journalists and human rights defenders, as well as threats, intimidation, harassment and attacks directed against them, and of smear and defamation campaigns aimed at discrediting civil society organizations and discouraging support and funding for their work;

(c) The use of counter-terrorism legislation to criminalize the work of civil society organizations and their members, such as the designation, in October 2021, of six Palestinian civil society organizations as “terrorist organizations” and the declaration of these organizations as “unlawful” by the Israeli military commander in the West Bank (art. 19).

**49. Bearing in mind the Committee’s previous recommendations,<sup>33</sup> the State party should:**

(a) **Review the above-mentioned laws that may restrict the exercise of freedom of expression with a view to bringing them into line with article 19 of the Covenant;**

(b) **Guarantee the effective protection of journalists and human rights defenders against any kind of threat, pressure, intimidation, attack and arbitrary arrest and detention, and ensure that such acts are independently and thoroughly investigated, those responsible are brought to justice and victims are provided with effective remedies;**

(c) **Refrain from intimidating, harassing, arresting, detaining or prosecuting for terrorist offences journalists and human rights defenders who are exercising their right to freedom of expression, and ensure that six Palestinian organizations designated**

---

<sup>31</sup> *Ibid.*, para., 23.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

as “terrorist” and declared “unlawful” are provided with procedural safeguards, including access to evidence, and the right of appeal to an independent body. The Committee further recalls that any restrictions on the right to freedom of expression on national security grounds must comply fully with the strict requirements of article 19 of the Covenant and the Committee’s general comment No. 34 (2011).

#### **Participation in public affairs**

50. The Committee is concerned about legislation of the State party that may have discriminatory effects on the exercise of the right to participate in public affairs by members of minority groups, particularly the Arab population, including:

(a) Amendment No. 62 to the Knesset Elections Law, which raises the threshold for political parties to be elected to the Knesset from 2 per cent to 3.25 per cent;

(b) Amendment No. 44 to the Basic Law: The Knesset, which allows the expulsion of a Knesset member from tenure upon the approval of 90 Knesset members, on two grounds: incitement to racism; and support for armed struggle of an enemy State or a terrorist organization;

(c) Amendment No. 46 to the Basic Law: The Knesset 5777-2017, which expands the grounds for disqualifying candidates from election to the Knesset, including for “the negation of the existence of the State of Israel as a Jewish and democratic State” (arts. 2, 25 and 26).

51. **The State party should bring its electoral regulations and practices as well as its laws concerning political parties into full compliance with the Covenant, including its article 25. In particular, it should review the aforementioned amendments with a view to ensuring that members of minority groups, especially the Arab population, are not disproportionately affected in exercising their rights under article 25 of the Covenant.**

#### **D. Dissemination and follow-up**

52. **The State party should widely disseminate the Covenant, its fifth periodic report and the present concluding observations with a view to raising the awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official languages of the State party.**

53. **In accordance with rule 75, paragraph 1, of the Committee’s rules of procedure, the State party is requested to provide, by 25 March 2025, information on the implementation of the recommendations made by the Committee in paragraphs 9 (national human rights institution), 29 (prohibition of torture and other cruel, inhuman or degrading treatment or punishment) and 43 (demolition and forced eviction in the West Bank, including East Jerusalem) above.**

54. **In line with the Committee’s predictable review cycle, the State party will receive in 2028 the Committee’s list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.**