

UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

**UNIVERSAL PERIODIC REVIEW, 3RD SESSION
ISRAEL (FINAL)
REVIEWED ON 4 DECEMBER 2008, AFTERNOON**

Overview

Israel's delegation was led by Ambassador Aharon Leshno-Yaar, the Permanent Representative to the United Nations Office in Geneva, and consisted of representatives of the Permanent Mission of Israel to the UN Office in Geneva, the Ministry of Justice and the Ministry of Foreign Affairs. The responsibility for replying to questions was mostly shared between Ambassador Leshno-Yaar and Mr Malkiel Blass, Deputy Attorney General in the Ministry of Justice of Israel.

54 States participated in the dialogue, including many Middle Eastern States. The dialogue was at times charged and non-constructive, particularly when the President of the Human Rights Council intervened to censure Iran for referring to the Israeli Government as a 'Zionist regime'. Most States were particularly critical of Israel's use of movement restrictions in the Occupied Palestinian Territories (OPT) and discrimination against non-Jewish minorities, including the Bedouin. Some States commended Israel on its progress in areas such as women's rights, rights of persons with disabilities, and trafficking of persons.

While there were some constructive exchanges, overall the discussion was rather repetitive and politically-charged. Although Israel indicated its openness to constructive comments, it did not answer most of the questions submitted by other States in advance of the review. Israel argued that most of the human rights issues raised, such as those arising from the building of the separation barrier and administrative detention, arose from the need to counter terrorism and minimise security risks - though it often provided little further detail on how it planned to achieve these aims while ensuring that human rights are respected. Israel was also reluctant, particularly in its State report, to admit responsibility for the human rights conditions of individuals living in the OPT.

General information on Israel

- Israel is not a member of the Human Rights Council.
- The members of the troika for the examination were the Republic of Korea, Azerbaijan and Nigeria.¹
- Israel acknowledged during the dialogue that no formal national consultation was held with non-governmental organisations.

¹ There were no objections by Israel or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

Information submitted to the Working Group

The **national report**² focuses on legislation and programmes introduced by the State to promote domestic human rights obligations. There is a significant discrepancy between issues highlighted in the national report as opposed to the stakeholder's reports. While the Government focuses on domestic issues such as combating terrorism and hate crimes, trafficking in persons, and rights of persons with disabilities, the NGO reports overwhelmingly deal with human rights violations in the Palestinian Territories. This discrepancy is further reinforced by the State's omission of references to the Palestinian Territories in its list of national priorities, which include creating security and stability, combating social distress and poverty, reducing inequality, making efforts to integrate non-Jewish citizens, and integrating women into the workforce, particularly Arab women.

The **compilation of UN information** by the Office of the High Commissioner for Human Rights (OHCHR)³ focuses on: equality and non-discrimination; the right to life, liberty and security of the person; administration of justice; freedom of movement; freedom of religion or belief, expression, association and peaceful assembly; right to social security and to an adequate standard of living; human rights and counter-terrorism; and the situation in specific regions and territories.

30 individual non-governmental organisations (NGOs) submitted reports for the OHCHR **summary of stakeholders' information**.⁴ The Independent Commission for Human Rights raised concerns about the Israeli security forces' continued systematic killings, targeted assassinations, and collective punishment. Further, it reported that the complete closure of the Gaza Strip had led to a humanitarian crisis, undermining the delivery of basic services and denying the right to health and education to Palestinians. Several organisations⁵ also addressed the issue of displacement in Israel, reporting on the failure of Israel's mechanisms to provide effective remedies to displaced Palestinians and Bedouin. Additionally, the International Commission of Jurists called on the Human Rights Council to urge Israel to comply with the International Court of Justice advisory opinion on *the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territories* (OPT). Other areas of concern raised by NGOs included: the lack of a constitutionally-guaranteed right to equality, discrimination against non-Jewish citizens of Israel, use of torture during detention and other derogations from recognised standards of due process.

Interactive dialogue⁶

Presentation by the State

Israel's introductory statement was made by Mr Leshno-Yaar and Mr Blass. Israel's fundamentally democratic and equitable character was emphasised. Particularly, the delegation discussed Israel's progressive human rights efforts and the importance of civil society in Israel. The delegation addressed criticisms regarding violations of human rights in the OPT and discrimination against non-Jewish minorities in Israel (in relation to which it reported

² A/HRC/WG.6/3/ISR/1 available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>

³ A/HRC/WG.6/3/ISR/2 available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>.

⁴ A/HRC/WG.6/3/ISR/3 available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MESession3.aspx>.

⁵ Internal Displacement Monitoring Centre of the Norwegian Refugee Centre, the Civic Coalition for Jerusalem, Save the Children UK, Save the Children Sweden, World Vision, Al-Haq, the Jerusalem Legal Aid and Human Rights Center, among other organizations.

⁶ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

on various measures the Government was taking to improve the situation). Mr Blass justified many of Israel's actions as a balancing act between fighting terrorism and respecting human rights. The delegation stressed that it welcomed constructive criticism as long as States took into consideration all aspects of the issues.

The delegation focused a great deal on domestic progress within Israel proper, which was not directly related to most questions submitted by States. Specific cases demonstrating Israel's adherence to human rights standards were mentioned, such as the barring of racist parties from the Knesset and the High Court's progressive judgements on granting adoption rights to same-sex couples and ensuring disabled students' access to schools.

Themes and issues

The expansion of **settlements in the Occupied Palestinian Territories (OPT)** and the continued **building of the separation barrier**, including in the OPT, were key issues raised by many States.⁷ A large number of States urged Israel to implement the advisory opinion of the International Court of Justice by dismantling its separation barrier; to end settlement activities in the OPT and to recognise its human rights obligations there. Israel responded that the issue of settlements in the West Bank was under discussion during ongoing negotiations between Israel and the Palestinian Authority. Israel did not comment on any plans to dismantle the separation barrier, but stressed its utility in preventing terrorist attacks. The delegation noted that Palestinians unhappy with the route of the barrier had the right to appeal against the path of its construction through the Israeli judicial system. A large number of States, particularly from the Middle East, recommended forcefully that Israel end its occupation of the OPT.

Many States expressed concerns about **movement restrictions in the OPT**.⁸ The majority of them questioned Israel about closures; checkpoints; access to humanitarian aid, education, health, sanitation, and electricity. A large number of States expressed particular concern about the situation in Gaza, and the severe humanitarian impact of Israel's closure of that territory. Germany questioned Israel on how it planned to ensure access of humanitarian personnel and diplomats to Gaza. Israel responded to most of these questions by citing its security needs but not addressing in much detail its plans to ameliorate the situation.

A large number of States voiced concerns about the treatment of individuals under **administrative detention**.⁹ States enquired about access to legal counsel and fair trial as well as prison conditions for such prisoners. Some States urged Israel to ensure that prisoners were informed of charges against them, had prompt access to counsel of their choice and were given a fair trial. Also various States recommended that Israel allow international organisations, particularly the International Committee of the Red Cross, to visit prisoners inside Israeli jails and to allow for family visits. Israel responded that a system was in place to grant family visitation rights based on a case review process and stressed that access to counsel was not denied to those under administrative detention.

Many States commented on **discrimination against non-Jewish citizens, including Arab-Israelis and Bedouin minorities**. The delegation cited efforts to further integrate minorities into the civil service, particularly Arab women. Israel also discussed efforts to promote economic development of minority communities. States recommended that Israel ensure that Bedouin communities had access to basic services, such as electricity, sanitation, and water.

⁷ States commenting on this issue included Brazil, Iran, Ireland, Chile, Cuba, Democratic People's Republic of Korea, Egypt, Indonesia, Iran, Jordan, Maldives, Pakistan, Palestine, Saudi Arabia, and Switzerland.

⁸ Countries which made recommendations on movement restrictions in the OPT included Australia, Canada, Chile, France, Morocco, and South Africa.

⁹ Belgium, Canada, Egypt, France, Finland, Greece, Holy See, Iran, Switzerland and the United Kingdom were among the States that made recommendations on administrative detention.

Various States questioned Israel about **targeted assassinations**. Sweden expressed grave concern regarding the deaths of innocent people and urged Israel to end the practice of directed assassinations and to intensify efforts to ensure that human rights were respected during the fight against terrorism. Israel did not address the issue of targeted assassinations.

States also engaged Israel in discussion on the following themes: freedom of religion, rights of the child, rights of refugees, torture, lack of a national human rights institution, rights of conscientious objectors to military service, and the reconsideration of Israel's state of emergency.

Adoption of the report

The Working Group adopted its draft report¹⁰ on Israel five days after the review, on 9 December 2008. The troika thanked the Government of Israel for its commitment to the UPR process and for the constructive spirit of the discussions.

Egypt asked for the record of the meeting (but not the UPR Working Group report) to reflect its observation that no country during the review had made a recommendation to Israel to legitimise same-sex marriage. Following this point, Egypt stressed that such recommendations appeared to be targeted only at Arab, African and Muslim States.

Israel reserved its position on all recommendations made to it until the adoption of the outcome report by the Human Rights Council at its 10th session in March 2009.

¹⁰ A/HRC/WG.6/3/L.8. States have two weeks from the adoption to make editorial changes to the report.

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