



**International Covenant on
Civil and Political Rights**

Distr.: General
12 December 2013

Original: English

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant pursuant
to the optional reporting procedure**

Fourth periodic reports of States parties due in 2013

Israel*

[14 October 2013]

* The present document is being issued without formal editing.

GE.13-49622



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I. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

Question 1

Significant Developments in the Legal and Institutional Framework Within which Human Rights are Promoted

Ratification of the Convention on the Rights of Persons with Disabilities

1. Israel is pleased to report that in September 2012, the Israeli Government ratified the Convention on the Rights of Persons with Disabilities (CRPD) (Hereinafter: “the Convention”).
2. Israel signed the Convention on March 30, 2007, and since then has been conducting extensive work in order to ratify this important Convention, which included among other things, examination of relevant legislation and required legislation amendments.
3. The ratification procedure was led by the Commission for Equal Rights of Persons with Disabilities in the Ministry of Justice, with the participation of other relevant Government Ministries, among them the Ministries of Social Affairs and Social Services, Foreign Affairs and Finance.
4. This ratification is an important step in enhancing the protection provided to human rights in Israel.

Legislation

5. On March 28, 2011, the Knesset approved Amendment No. 109 (Prohibition on Advertisement of Prostitution Services Ads) of the Penal Law 5737-1977 (Hereinafter the “Penal Law”). The aim of this amendment is to expand the prohibition on the publication of prostitution services. This amendment, combined with existing case law, makes it illegal to advertise sexual services using euphemisms such as “massage parlor” or an “escort service”. According to this amendment: Section 205A of the Penal Law prohibits the publication of information on prostitution of minors, which applies regardless of whether the prostitution service is provided in Israel or abroad, whether the information refers to a specific minor, or whether the publication states that the person who provides the service is a minor. Prior to the amendment, the maximum penalty for such publication was five years of imprisonment. The amendment added a maximum fine to the offender (226,000 NIS (61,000 USD) if the offender is a natural person, and 552,000 NIS (149,000 USD) if the offender is a corporation). In addition, Section 205C(a) prohibits the publication of the provision of prostitution services of adults. Prior to the amendment, the maximum penalty for such publication was six months. The amendment increased the penalty to a maximum term of three years and a maximum fine to the offender of 75,300 NIS (20,300 USD) if the offender is a natural person, and 150,600 NIS (40,700 USD) if the offender is a corporation). Moreover, the amendment repealed Section 205C(b), which listed exceptions to this offense (if the advertisement was solely for sexual services, if it was advertised separately from other ads; if it was given to a person upon request, if it was clearly marked as advertising prostitution services).
6. The Expansion of Adequate Representation for Persons of the Druze Community in the Civil Service (Legislative Amendments) Law 5772-2012, was enacted in January 2, 2012. This law expands the already existing affirmative action scheme applicable to

persons of the Druze community, by requiring government corporations with more than 50 employees, as well as municipalities in which at least one tenth, but no more than 50% of the residents are Druze, to apply the Law's affirmative action requirements with respect to persons of the Druze community, for all the positions and ranks within these corporations. The amendment further mandates corporations and municipalities to actively promote the appropriate representation of their employees, for example by designating specific positions as vacancies for candidates of the Druze community and by guiding the corporations and municipalities when considering candidates with equal credentials, to give preference to the applicant belonging to this minority group. These requirements apply to all types of job openings as well as internal promotions within government corporations and municipalities.

7. The Expansion of Adequate Representation for Persons of the Ethiopian Community in the Civil Service (Legislative Amendments) Law 5771-2011, was enacted in March 28, 2011. This law drastically expands the already existing affirmative action scheme applicable to individuals who were born in Ethiopia or who have at least one parent born in Ethiopia, by requiring not only Government Ministries and agencies, but also government corporations with more than 50 employees, as well as municipalities, to apply the Law's affirmative action requirements with respect to persons of Ethiopian descent, for all the positions and ranks within these corporations. The amendment further mandates corporations and municipalities to actively promote the appropriate representation of their employees, for example by designating specific positions as vacancies for candidates of Ethiopian descent and by guiding the corporations and municipalities, when considering candidates with equal credentials, to give preference to the applicant belonging to the minority group. These requirements apply to all types of job openings as well as internal promotions within government corporations and municipalities.

8. The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law 5761-2000 (Hereinafter the "The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law"). This law prohibits discrimination by an individual operating a public place. Violation of the law is both a civil wrong and a criminal offence punishable by fine. The Law applies to the State and has been applied broadly to a host of public places, including schools, libraries, pools, stores, and other places serving the public. Court decisions have upheld this broad interpretation of the Law.

9. Section 3 of the Law prohibits discrimination on the basis of race, religion or religious affiliation, nationality, country of origin, gender, sexual orientation, views, political affiliation, personal status, or parenthood, in the provision of public products or services, and in the permission of entrance to a public place, by an individual who provides such products or services, or operates a public place. Amendment No. 2 of March 30, 2011, broadened the Law's definition for prohibited discrimination by including the act of setting irrelevant terms conditioning the enjoyment of public services or products. In addition, the Law is presumed to be violated, where it has been proved that a defendant delayed the provision of a public service or product or the entrance to a public place for persons related to a certain group indicated in Section 3, while providing without delay, in similar circumstances, for persons who are not related to that group.

10. In 2011, the National Health Insurance Law 5754-1994 (hereinafter: "the Law") was amended (Amendment No. 4). According to this amendment, Section 6 of the second addendum to the Law was amended to include fertility preservation treatments for girls and women who are intended to undergo chemotherapy or radiation treatments as part of the basic health service basket. The fertility preservation treatments include preservation of embryos, eggs or ovaries, and it is designated for childless couples for their first and second

child in the current marriage, and for childless women and girls for the purpose of fertility preservation.

11. Additional amendments were enacted to promote women's rights, on this issue, please see additional legal developments in Israel's reply to Question no. 11, below.

Case Law

Discrimination

12. 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, 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. Tesha Bakikar LTD* (10.11.11)).

13. On September 23, 2011, the Hadera Magistrate Court accepted a suit filed by two men, who claimed they were discriminated at the entry to a nightclub due to their dark skin color. The Court stated that the fact that the plaintiffs were prevented from entering the club, while their fair-skinned friend entered with no delay, establishes the presumption of discrimination as set by the Law. The Court further stated that the respondents did not succeed in rebutting this presumption, yet their general entry policy was not questioned within the statement of claims. Therefore, the Court ruled that the plaintiffs are entitled to a compensation of 15,000 NIS each (4,050 USD). (C.C 46945-05-10, *Ziv Sayag et al. v. Key Entrepreneurship Art of Recreation and Leisure LTD et al* (23.9.11)).

14. 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 IDF. 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)).

Same-Sex Couples

15. The prohibition of discrimination on the basis of sexual orientation is an important part of the Israeli legislation and may be 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 Entry into Places of Entertainment and Public Places Law.

16. On September 7, 2012, the Tel Aviv District Labor Court acknowledged 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 a triplet for the purpose of an enlarged birth grant payment from the National Insurance Institute (NII). The court decided to interpret the National Insurance law 5755-1995 in a substantive manner and stated that the intention of the legislator was to relieve the burden on parents and support them when having more than two babies. The Court emphasized that the law should suit the modern social reality in which there are different parental options, in accordance with the

Agreements for Carrying Embryos (Approval of an Agreement and Status of an Infant) Law 5756-1996 (Hereinafter the “Agreements for Carrying Embryos Law”). (L.C. 12398-05-11, *S.S.K et al. v. The National Insurance Institute* (7.9.12)).

17. In another recent decision, the Jerusalem Magistrate Court ruled in favor of a lesbian couple, which sued the Yad HaShmona Guest House for its refusal to provide venue for the couple’s nuptial party. The guest house stated the couple’s sexual orientation as grounds for its refusal and claimed that Yad HaShmona, the owner of guest house, is a locality of Messianic Jews, which regard homosexual relationships as contradicting their religious beliefs. The Court held that the Guest House meets the definition of “public place” under the Prohibition of Discrimination in Products, Services and Entry to Public Places Law. Therefore, the owners are prohibited from refusing to hold an event on grounds of sexual orientation. The Court addressed the balance between religious freedom and the prohibition of discrimination and rejected the defendants claim that this instance may be construed as an exception under Section 3(d)1 to the Law, which states that religious discrimination is permissible “where it is required by the character or nature of the... public place”. The Court ruled that this exception should be interpreted carefully so as to allow discrimination only in limited situations, such as in public places of worship. The Court ruled that the appellants will be compensated with 30,000 NIS each (7,500 USD) that will serve both for restitution and for education and awareness raising to human dignity and equality (C.C. 5901-09, *Yaacobovitch et al. v. Yad Hashmona Guest House and Banquet Garden et al.* (3.9.12)).

18. In a decision dated September 14, 2010, the Supreme Court stated that the Jerusalem municipality must allocate financial support towards the Jerusalem Open House for Pride and Tolerance activities, following an appeal submitted by the organization. The Court emphasized in its judgment that the Municipality is not providing any support to the gay community members’ special needs as opposed to assistance provided to other social organizations, and as opposed to support provided to gay communities in other large cities. (Ad.P.A 343/09, *The Jerusalem Open House for Pride and Tolerance v. The Jerusalem Municipality et al.* (14.9.2010)).

19. On January 31, 2010, the Regional Labor Court stated that same-sex spouse is entitled to receive dependents pension, as the deceased widower. The Court further stated that it resolved this decision despite the fact that the couple did not disclose their relationship with their families and friends. The Court stated that in examining if the couple should be recognized as a common-law couple, it should consider the special circumstances of this type of relationship, and therefore it should facilitate the burden of proof concerning their relationship nature. In this case, the Court acknowledged the spouses as common-law couple on the basis of mutual residence and joint household. (La.C. 3075/08, *Anonymous v. “Makefet” Pension and Compensation Center LTD* (31.1.10)).

Dissemination of the Covenant among Judges, Lawyers and Prosecutors

20. Since the submission of Israel’s third periodic report, the following measures have been taken to disseminate the Covenant and related human rights issues among judges, lawyers and prosecutors:

The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice (the “Institute”)

21. The Institute has conducted many seminars, courses, and vocational training attended by hundreds of practitioners, to raise the awareness of attorneys and legal advisors to human rights issues and in particular to civil and political rights. The training focused on the following issues: children’s’ rights (February 2008), enforcement of international law (February 2009), infiltrators, asylum seekers and refugees in Israel (June 2009), social

rights (September 2009), equal rights for persons with disabilities (October 2010 and October 2012), crime victims' rights (October 2010), human rights in international law (December 2010, December 2011 and December 2012), social rights (February 2013) and seminars on freedom of speech versus incitement, workers' rights etc. The seminars and courses that will be held in 2013 include among other, the following issues: personal status (June 2013), equality (October 2013) and Human Rights in International Law (November 2013).

The Institute of Advanced Judicial Studies

22. The Institute holds lectures, seminars and courses on various human rights issues, including on civil and political rights, for judges of all instances. In December 2010 for example, the Institute held a course titled, "Equality and Discrimination," chaired by Professor Daphna Barak-Erez. In May 2009, the Institute held a four-day seminar titled: "Israeli Arabs – Culture and Customs." In February 2011, a three-day seminar was held on Labor Courts which dealt with labor laws, social security etc.; in March 2011, the Institute held a three-day seminar intended for youth judges; in September 2011, a three-day seminar on immigration and refugee law. In addition, various forms of discrimination and the need to eliminate it are also discussed in lectures presented by the Institute regarding other issues such as trafficking in persons etc.

Dissemination of Human Rights Conventions to the General Public

23. All of the Human Rights Conventions and Protocols that Israel is a party to can be found on the website of the Ministry of Justice in Hebrew, English, and Arabic. Also, the full body of work with the Human Rights Bodies – reports, list of issues, replies, concluding observations etc., can also be found on the website of the Ministry of Justice.

24. In 2012, the entire collection of concluding observations relating to Israel by all the human rights committees were translated to Hebrew and were also published on the Ministry of Justice website. Where available, links to the UN translation into Arabic of these concluding observations are also published.

25. In 2012, Israel began the translation to Hebrew of its periodic reports and these will also be presented on the Ministry of Justice website gradually.

Question 2

Administrative Measures

26. The procedure of transferring the Inspector for Complaints against the Israel Security Agency (ISA) Interrogators (hereinafter: the "Inspector") to the Ministry of Justice is in advanced stages of completion. In June 2013, Colonel (Ret.) Jana Modzgvishvily was chosen to serve as the Inspector. Following this nomination, the Ministry of Justice is creating the additional required positions (For additional information regarding this issue please see further details below, in Israel's reply to Question no. 15). Following the completion of the manning of these positions the unit in the ISA will be dispersed.

27. On January 5, 2012, a special Team was appointed by the Attorney General to Examine the Issue of Women Segregation in the Public Sphere (for additional information regarding this issue please see further details below, in Israel's reply to Question no. 11).

Attorney General Opinions and Guidelines

28. In addition, on May 9, 2013, in the frame of two petitions which are currently pending before the High Court of Justice, the Attorney General was requested by the Court to provide his opinion, in regard to the question whether, in cases of surrogacy conducted

abroad, in which the State requires a procedure of adoption as a condition for the registration of the genetic parent's spouse as the second parent, it will be sufficient to issue a parenting order by a Family Matters Court in the same way that is conducted in regard to surrogacy conducted within Israel. The Attorney General was also requested by the Court to address the question of easing the procedures required for issuance of such an order (adoption or parenting) in cases of surrogacy conducted abroad.

29. In his opinion, the Attorney General stated, inter alia, that recognition of the genetic parent's partner as a parent can only be made by a decision of a judicial instance. The State noted that the Mor-Yosef Committee, which is a professional Inter-ministerial Committee, addressed this issue and recommended on several legislation amendments, including the assurance of supervision and prevention of exploitation of surrogate mothers, the assurance of the minors' rights in cases of surrogacy conducted abroad and others. The State noted that the term "parenting order" was chosen by the legislator exclusively for cases of surrogacy conducted in Israel which are supervised and that the Mor-Yosef Committee also recommended that this term will be used only in cases of supervised procedures in order to prevent exploitation of surrogate mother and trafficking in children. The State also noted that a supervised track for surrogacy conducted abroad should be established in order to prevent illegal occurrences mentioned above and recommended that only in the supervised track a court may issue a parenting order instead of an adoption order.

30. The Attorney General therefore stated, that up until the completion of the legislation regarding this issue, the State will agree to the issuance of a court parenting order instead of an adoption order in regard to surrogacy conducted abroad, by a Family Matters Court – and that only in regard to a spouse of the genetic parent. This agreement is given due to the unique circumstance of the situation, and only until the completion of the legislation on this matter, and not as an agreement to the establishment of a judicial parenting order in regard to surrogacy conducted abroad as an independent legal institution in Israel's legal system alongside the adoption institution and the parenting institution (according to the Israeli Surrogacy Law (Agreement for Carrying Embryos Law). All of the above are subject to the conditions that were recommended by the Mor-Yosef Committee to be included in the legislation. (H.C.J. 566/11, 6569/11, *Anonymous et al. v. The Ministry of Interior et al.* (notification on behalf of the respondents) (9.5.13)).

Civil Burial

31. 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.

32. In 2012 the Ministry for Religious Services has allocated four Million NIS (1.081 Million USD) for development of new civilian cemeteries.

33. As of November 2012, there are 11 cemeteries for alternative civilian burial which are contracted with the Israeli National Insurance Institution (NII), in accordance to the National Insurance (Burial Fees) Regulations 5736-1968. These cemeteries which are located throughout Israel (in Kiryat Tiv'on, Kfar Haro'eh, Kfar Saba, Petah Tiqwa, Hazor, Revadim, Giv'at Brenner, Be'er-Sheva and other localities) provide burial services for any person who desires to be buried in a civilian burial. In addition to these 11 civilian cemeteries, 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.

Additional Measures

34. In May 2013, the Haifa University Senate decided to institute three additional days of vacation according to the most important holidays of the Christianity, Islam and the Druze religion – Christmas, Eid Al-Fitr (Feast of Breaking the Ramadan Fast), and Eid al-Adha (also called Feast of the Sacrifice). These holy days will not replace existing holidays of other religions and the decision will be implemented in the 2013-14 academic year. This decision was taken following the work of a special committee established by the University, with the participation of students' representatives. According to Haifa University's President, this decision reflects the University's vision, and the University's wish to promote academic excellence in research and teaching, whilst maintaining tolerance and acceptance.

Question 3**Dissemination of the Committee's Concluding Observations**

35. As mentioned above, all of the Human Rights Conventions and Protocols Israel is a party to can be found on the Ministry of Justice website in Hebrew, English, and Arabic. Also, the full body of work with the Human Rights Bodies – reports, list of issues, replies, concluding observations etc., can be found on the Ministry's website.

36. In 2012, the entire collection of concluding observations relating to Israel by all the human rights committees were translated to Hebrew and published on the Ministry of Justice website. Where available, links to the UN translation into Arabic of these concluding observations are also published.

37. Specifically, this Committee's previous recommendations regarding Israel (CCPR/C/ISR/CO/3) were translated to Hebrew and disseminated, together with a summary of the Israeli delegation's appearance before the Committee, to high ranking officials within the Ministry of Justice, the Ministry of Foreign Affairs and other relevant Ministries.

Implementation of the Committee's Previous Concluding Observations

38. The seriousness which the State of Israel attaches to human rights matters can be demonstrated by the establishment in 2011, of a joint inter-ministerial team, headed by the Ministry of Justice's Deputy Attorney General (Legal Advice), for reviewing and implementing the concluding observations of the various human rights Committees, including those of the ICCPR Committee.

39. This inter-ministerial team meets to examine the U.N. human rights committees' concluding observations and following its work since its establishment has made several significant changes in regard to human rights legislations.

Cooperation with the Civil Society in Preparations of Periodic Reports

40. Israel is making genuine efforts to involve civil society in the process of articulating its periodic reports to this as well as other Human Rights Committees. Prior to commencing the actual drafting of the Report, the previous report, session, concluding observations and general comments issued by the Committee since the last report was submitted, are studied. 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, both through direct application, and a general invitation to submit remarks posted on the Ministry of Justice web site. Civil Society contributions are given substantial consideration during the drafting of the Report. In addition, the Ministry of Justice actively seeks data and information on the relevant

NGOs' websites, such information may include legal action taken by these NGOs as well as opinions and reports on various issues.

41. In addition, since 2012, the Ministries of Justice and Foreign Affairs are participating 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's authorities and civil society organizations with regard to the reporting process to the UN human rights treaty bodies. Israel is a party to seven human rights conventions: CRC, ICCPR, CAT, CESC, CEDAW, CERD, and as stated above, recently ratified CRPD.

42. This innovative project is the first of its kind in Israel. The first stage of the project entailed creating a joint forum, attended by representatives of various state authorities, scholars and representatives of civil society organizations. The forum will conduct an ongoing symposium in order to improve the cooperation between the parties in composing the state reports that are submitted to these committees. The second stage includes inviting the civil society organizations participating in the project to comment on a draft report prior to its submission to the Committee.

43. The ultimate goal of this project is to enhance the cooperation between the parties in implementing the human rights conventions in Israel in the best possible manner.

44. The first periodic report that was chosen for this project is the present report – the 4th Periodic Report by the State of Israel to the Human Rights Committee.

II. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations

A. Constitutional and legal framework within which the Covenant is implemented (art. 2)

Question 4

Non-application of the Covenant in the Occupied Palestinian Territory

45. The International Convention on Civil and Political Rights (hereinafter: "ICCPR" or "the Convention") is implemented by the Government throughout the State of Israel. According to the Israeli legal system, international conventions, as opposed to customary international law, do not apply directly in Israel, unless they were formally legislated. Such is the case with the ICCPR which is implemented through a wide range of legal instruments, such as basic laws, laws, orders and regulations, municipal bylaws, and court rulings.

46. The applicability of the Convention to the West Bank has been the subject of considerable debate in recent years. In its Periodic Reports, Israel did not refer to the implementation of the Convention in these areas for several reasons, ranging from legal considerations to the practical reality.

47. The relationship between different legal spheres, primarily the Law of Armed Conflict and Human Rights Law remains a subject of serious academic and practical debate. For its part, Israel recognizes that there is a profound connection between human rights and the Law of Armed Conflict, and that there may well be a convergence between these two bodies-of-law in some respects. However, in the current state of international law

and state-practice worldwide, it is Israel's view that these two systems-of-law, which are codified in separate instruments, remain distinct and apply in different circumstances.

48. Moreover, in line with basic principles of treaty interpretation, Israel believes that the Convention, which is territorially bound, does not apply, nor was it intended to apply, to areas beyond a state's national territory.

49. *Jerusalem and the Golan Heights*. In accordance with Section 1 to Basic Law: Jerusalem, Capital of Israel 1980-5740 and Section 1 to the Golan Heights Law 1981-5742, Israeli law applies to the eastern neighborhoods of Jerusalem and to the Golan Heights, accordingly.

Question 5

Equality

50. The principle of equality is a fundamental principle in the Israeli legal system as apparent both in legislation and adjudication.

51. The Basic Law: Human Dignity and Liberty 5752-1992 (Hereinafter the "Basic Law: Human Dignity and Liberty"), protects basic guarantees of personal liberty within the framework of Israel's Jewish and democratic character. This Basic Law stipulates, inter alia, the following: There shall be no violation of the life, body or dignity of any person as such; There shall be no violation of the property of a person; All persons are entitled to protection of their life, body and dignity; There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise (unless as provided by law); There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required.

52. In addition to the Basic Law, many domestic laws emphasize the principle of equality, as detailed extensively in Israel's Initial and Periodic Reports.

53. The Israeli judiciary, spearheaded by the Supreme Court, has a significant role in interpreting, guiding and promoting the principle of equality and the prohibition on discrimination, through the development of jurisprudence that deals with contentious and highly charged political and security-related issues, as detailed in the Periodic Reports. For examples of case law regarding discrimination, please see Israel's reply to Questions no. 1 and no. 4 above.

Consensual-Based Constitution

54. The process of preparing a consensual-based constitution is complex and extensive and currently there is no timeline for its completion or adoption. The current draft includes a section concerning Equality and Prohibited Discrimination (Chapter II, Section 6) that includes several options for deliberation.

Equality Before the Law

55. Equality before the law is a basic principle of Israel's legal system. The law applies not only to private people or legal entities but also to every public authority. The courts are open and accessible to every person who is interested in claiming his/her rights. Every person has the right to be represented in criminal procedures taking place against him/her (subject to certain conditions).

56. For examples of case law regarding discrimination, please see Israel's reply to Question 1 above. Please also see Israel's reply to Question no. 4 above.

B. Right to privacy, right to participate in public life, right to equality and non-discrimination and rights of persons belonging to minorities (arts. 2, 17, 25, 26 and 27)

Question 6 (a)

57. Demolition of illegal constructions is done in accordance with the relevant laws and regulations, and according to the specific circumstances, and not as collective punishment.

Demolition of Illegal Structures – Bedouin Population

58. Notwithstanding the establishment of seven permanent towns, including the city of Rahat and additional 11 villages in two regional councils, more than 80,000 Bedouins still live in unauthorized villages throughout the Negev. Six such villages are currently undergoing planning procedures, however the rest of this population still live in unauthorized villages while ignoring planning and construction procedures. The unauthorized building is carried out without any preparation of plans as required by the Planning and Building Law 5725-1965 (Hereinafter the “Planning and Building Law”), and with no pre-approval by the planning authorities. In addition, it causes many difficulties in terms of providing services to the residents of these unauthorized villages. Note that there are few cases in which Bedouins who wish to relocate to permanent localities may not do so immediately due to temporary shortage in developed lots. However the State is doing its best to accommodate such requests for relocation.

59. Israel cannot overlook such disregard to the planning and zoning rules and is therefore compelled to issue demolition warrants for these unauthorized structures. Initially, a warning is granted to the person who constructed the structure, so he/she will have the opportunity to argue against the demolition through judicial process. In a case that the person fails to prevent the demolition through judicial process, he/she will be required to demolish the unauthorized structure by themselves. Only in cases that the unauthorized structure is not demolished by the person who constructed the structure, the authorities will act to demolish it. Note that enforcement activities are conducted only against structures that were constructed after 2010 and are found in areas that do not belong to any local authority. All enforcement activities are conducted according to the law.

60. Since 2010 and until January 2013, 2,104 illegal constructions were located, 999 such illegal buildings were demolished by the buildings’ owners and 373 were demolished by the district supervision office. In addition, 1,253 demolition orders were issued and posted on illegal buildings. 46 demolition orders were cancelled and 254 orders were delayed or conditioned.

Demolition of Illegal Structures in the City of Jerusalem

61. In order to facilitate proper planning procedures, illegal construction is not tolerated. Such illegal construction harms the local population, given the fact that it does not take into consideration planning policies and parameters that will ensure a reasonable quality of life, and public needs.

62. All demolitions are conducted in accordance with due process guarantees and following a fair hearing, which is subject to judicial review and the right to appeal, and all demolitions are decided upon without distinction on the basis of race or ethnic origin. Those affected by a demolition order are entitled by law to appeal to the Supreme Court.

63. In 2013 (until August 15), 13 demolition orders against illegal construction were implemented in the eastern neighborhoods of Jerusalem. These illegal constructions include: temporary constructions, a car park, carpentry workshop, a garage, new building

that were constructed without legal permits, illegal building extensions etc. In one case the demolition was carried out by the illegal structure's owner. For comparison, in 2013, 46 demolition orders were implemented in the western neighborhoods of Jerusalem. In 2012, 24 demolition orders against illegal construction were executed in the eastern neighborhoods of Jerusalem. These illegal constructions include fences, caravans, goat pen, a shed and a warehouse, illegal building extensions and new building that were constructed without legal permits. In six cases the demolition was carried out by the illegal structure's owner. For comparison, in 2012, 48 demolition orders were implemented in the western neighborhoods of Jerusalem. During 2011, only a few demolitions were carried out in the eastern neighborhoods of Jerusalem. These demolitions also included illegal building extensions, a goat pen, an illegal car wash station and abandoned trailers. In addition, during 2010, 23 structures were demolished (mainly small structures, fences, shacks and house additions constructed without municipal permits).

64. In addition, please see Israel's reply to Question no. 4 above.

Question 6 (b)

Planning in Arab Localities

Outline plans and basic planning for the Arab population

65. As of August 2013, 126 of 133 localities in the Arab population have approved outline plans. 56 of these localities have updated outline plans (from 2000 and onward), 28 of these localities have new outline plans undergoing statutory approval, 13 localities have new outline plan in preparations and the preparations of outline plans for four localities is at the tender stage.

66. Of the seven localities that do not have valid outline plans – the outline plans of three localities are under statutory approval stage, the outline plan of one locality is under preparation, and thus only three localities do not have any outline plan. However, one of these localities is covered by a detailed plan (Salame), one new Bedouin locality is undergoing regularization procedure (Al-Fura'a) and the third locality includes only 10 families (Hamdoun).

67. In regard to planning for the Bedouin population in the Bedouin population – there are 18 Bedouin localities with approved outline plans, including the city of Rahat, six towns and 11 additional localities that are under the jurisdiction of two local authorities. In addition, the planning procedures of six additional localities are ongoing. The planning for the rest of the housing clusters in the Bedouin Diaspora is about to begin in the upcoming weeks, during which ten leading planning companies will be deployed to the entire region, each will be assigned with a specific geographic region and will examine special planning solutions for the population in that region. The planning is to be conducted with the participation of the population in each region and with emphasis on land arrangement and a wide range of housing arrangements. These planning activities are meant to provide full and complete solution to the Bedouin housing situation in the Negev, taking into consideration the will of the population and according to accepted planning parameters. This course of planning is unprecedented in Israel with a special emphasis placed on the participation of the Bedouin population.

68. The Ministry of Interior has promoted updated outline plans to 75 Arab localities and it is expected that in the next two years all the outline plans that are under statutory approval procedures will be completed. The rest of the plans are promoted by the local authorities of local councils.

69. The outline plans that are promoted by the Ministry of Interior added 70% to the existing localities lands in average. Some of these expansions also include lands that were previously nature reserves and forests, due to considerations of natural growth demands of these localities. All this, in addition to vacant lots within the area already approved for development, which is kept by their owners for the benefit of their future generations, and thus are considered part of the land that can be used for future development of the locality.

70. As a result in the vast majority of the outline plans they allow for a larger capacity of population than the population prediction for the relevant planning period.

Infrastructure as a Basis for Development

71. The updated outline plans are aimed at giving answers and solutions for residential areas, public areas, public open spaces, employment areas commercial areas etc. according to the characteristics of each locality and for a period of at least 20 years.

72. Note that the allocation of parks and open spaces are sometimes not in a locality's highest priority and there are many cases of converting approved open spaces to residential areas or illegal construction, even if they were allocated in the outline plan as public areas.

73. Lack of infrastructure at the regional level (such as sewage system etc.) is one of the common reasons for delays in approving outline plans – both Jewish and Arab localities.

Implementation of the outline plans

74. The implementation of the outline plans are carried out by detailed plans, that are to be promoted by each and every locality. The position of the Ministry of Interior is that lack of an updated outline plan should not delay detailed plan where the outline plan is compatible with the national planning policy and thus, in the majority of these localities detailed plans were and are promoted in order to issue building permits in various localities regardless of an updated outline plan.

75. Note that there were no gaps between the resources that were allocated for planning in central areas and resources that were allocated for planning in peripheral areas.

Participation of Arab Councils and Local Authorities in industrial Areas

76. Currently there are five industrial areas to which Arab localities and local authorities have partnered in:

- Dalton industrial area – the localities Psota and Hurfeish were added to this industrial area. The rest of the partners in this industrial area are the municipality of Safed and Marom Galil, Gosh Halav and Mevo'ot Hemon local authorities.
- Kidmat Galil industrial area – the locality of Tura'an was added this industrial area. The other partners in this industrial area are the municipality of Tiberius and Lower Galil local authority.
- Lehavim (Idan Ha-Negev) industrial area – the locality of Rahat was added this industrial area. The other partners include Bnei-Shimon and Lehavim local authorities.
- Izrael industrial area – the locality of Iksal is scheduled to be added to this Industrial area.
- Mevoe Carmel industrial area – the localities of Daliyat al-Karmel and Osffiya were added this industrial area. The other partners include the localities of Megido and Yoqneam.

77. Note that all of these industrial areas received financial support from the Ministry of Economy pursuant to Director General's order no. 6.3 "Integration of minority localities in the cooperative administrations", which was intended to provide incentive for such cooperation.

78. It is also important to note Shoket Industrial area which is administered by Bnei-Shimon and Metar local authorities together with Hura and Lakiya. This industrial area is not under the responsibility of the Ministry of Economy. However, pursuant to Government Resolution No. 546 of July 14, 2013, a unique financial support in the amount of 40 Million NIS (10.8 Million USD) was provided by the State in order to expedite the planning and development activities of this area.

Eastern Neighborhoods of Jerusalem

79. The new outline plan for Jerusalem, which is currently in authorization process, determines the planning policy in the city's jurisdiction. In the eastern neighborhoods of Jerusalem, the plan targets two main issues which are meant to facilitate the construction of additional housing units:

- Substantial increase of construction rates in all of the authorized residential areas in the eastern neighborhoods of Jerusalem. The outline plan increases these rates from 37-70 to 180 percent, whereas in certain areas the increase reaches 240 percent.
- In addition, the plan, for the first time, sets 14 new residential areas. Hereinafter are several examples: a master plan for the Arab Al-Sawhara neighborhood which includes about 2,500 housing units, a detailed plan for the Dir Al-Amoud and Al Mountar neighborhoods which includes about 750 housing units, a detailed plan for the Ein Eilouza neighborhood which includes about 1,000 housing units, an outline plan for the Tel Adasa neighborhood which (includes about 2,500 housing units).

80. Every plan that is filed according to the policy regarding outline plans receives the support of the planning institutions.

81. Please also see the reply to Question no. 4 above.

Question 6 (c)

The Bedouin Population

General

82. There are more than 206,000 Bedouins living in the Negev desert area. More than half of them (approximately 120,000 – 58%) live in urban and suburban centers which have been legally planned and constructed. The remaining 86,000 Bedouins (42%) reside in hundreds of unauthorized and unregulated clusters, which are spread over an area of almost 500,000 dunams, thus obstructing urban expansion in the greater Negev area and the common good of the Bedouin population.

83. Currently there are Seven Bedouin local councils: Rahat,- the biggest Bedouin town in Israel, Lakiya, Hura, Kuseife, Tel-Sheva, Segev Shalom and Ar'ara (an appointed council). All of them have approved plans and include infrastructure such as schools, health clinics, running water, electricity, roads, pavements, etc. In addition, in 2012, following a decision of the Minister of Interior and according to the recommendations of the Inquiry Committee for the Examination of the Proper Organization of the Municipal Jurisdiction Boundaries and Local Planning Areas in the Bedouin Population in the Be'er Sheva Region (the: Razin Committee), the former Abu-Basma regional council was split into two regional councils. These two regional councils encompass 11 Bedouin localities: the regional

council of Al-Kasum includes the localities of Tarabin, Um Batin, El Seid, Darijat, Kahla, Makhol (Merit) and Moleda; and the regional council of Neve Midbar includes the localities of Abu Krinat, Bir Hadaj, Abu Tlul, and Kasar A-Sir. Note that the two councils were appointed by the Minister of Interior, with the aim of conducting free democratic election within a few years.

84. Although the city of Rahat and the six local councils can effectively provide a proper solution to their population's needs, subject to their expansion, they cannot effectively absorb the entire population living in unauthorized villages, according to their tribal format. Therefore, the State had to plan and establish additional localities to that end. The Government's aforementioned decision to establish 11 new localities was designed to accommodate the Bedouin's special needs, including their desire to settle according to a tribal format and their agricultural lifestyle.

85. Additional development plans are in process in several other Bedouin towns; Rahat, for example, will be approximately tripled in size (from 8,797 dunams today to 22,767 dunams). The project is estimated to cost approximately 500 Million NIS (135.13 Million USD). The plan includes constructing 7,500 additional housing units (designated to populate 90,000 people by 2020), public and trade facilities, women employment centers and public areas. The Current project in Rahat (April 2013) includes the expansion of the city by adding 4,500 housing units on 2,991 lots.

86. Other localities are also in the process of expansion, development of infrastructures and construction of industrial and employment areas.

87. For detailed information regarding housing projects for the Bedouin community (as of March 2013), please see Annex no. 1 (Tables no. 1 and 2).

88. As aforementioned, in spite of the establishment of a number of permanent towns for the Bedouins, about 86,000 Bedouins still live in unauthorized and unregulated clusters of buildings throughout the Negev, while ignoring the planning procedure of the planning authorities in Israel. This unauthorized building is carried out without any preparation of plans as required by the Planning and Building Law, and with no pre-approval by the planning authorities. In addition, it causes many difficulties in terms of providing services to the residents of these unauthorized clusters.

89. The Government is encouraging movement to regulated localities (regardless of the localities' nature (city, town, village etc.)) by providing unique financial benefits to all residents of the Bedouin Diaspora who seek such movement, regardless of their economic condition or any entitlement test. These benefits include, inter alia, provision of land plots for free or for very low cost, and compensation for the demolition of unauthorized structures. It is important to note that a large majority of those currently residing in areas that are not regularized will be able to continue residing there in the future within regularized localities. The suitable planning solutions will be achieved by making compromises on claimed land and by participation of the local population in the planning. The planning companies were instructed to examine a number of residing solutions in order to allow a variety of possibilities to the local population.

Advisory Committee

90. For detailed information regarding the Advisory Committee, please see Israel's Reply to Question no. 7 in its Follow-up to the Oral Presentation by the State of Israel before the Committee on Civil and Political Rights regarding the Implementation of the International Convention on Civil and Political Rights (see CCPR/C/ISR/Q/3/Add.1. pp. 25-26) of October 2011.

91. Following the work of the Advisory Goldberg Committee, in May 2008, the implementation cadre completed the preparation of a Governmental plan for regulation of the Bedouin housing in the Negev and submitted it to the Government. The plan and the draft legislation that was attached to it were also available for the public review on the Prime Minister Office website.¹ The plan offers the Government a feasible outline to the fulfillment of Government Resolution No. 4411. The cadre aimed to enable the Government to operate an effective national plan, taking into account the resources required and the need for coordination and cooperation between the different authorities and bodies involved. The plan is based on the principles of the Goldberg Committee and on intensive staff work which included extensive consultations with representatives of various segments of the Bedouin community, as well as studying comments made by civil society organizations.

92. The cadre's final report mentioned six main principles for the operation of the national plan, among them:

1. Planning and Regulation of the Bedouin's housing in the Negev. In this context, the plan is to regulate the housing of the Bedouin population as much as possible in its current location, subject to acceptable planning parameters and economic efficiency. Note that the housing of the majority of the Bedouin population will be regulated in their current living areas and only a small minority will be relocated to a certain distance in order to allow housing in a locality that may be self-sufficient and provide proper public services.

2. Regulation of the compensation solutions geared towards settling the Bedouin's lawsuits in legislation.

3. Limited Schedule - According to the plan, the main issues will be settled and implemented within five years.

4. Enforcing the State's planning and construction laws in the Negev.

5. The establishment of a small operational headquarters to lead the national process and ensure its success.

6. An economic development plan.

93. An Economic Plan aimed at best facilitating the economic advancement and development of the Bedouin Population in the Negev.

94. On September 11, 2011, the Israeli Cabinet approved Government Resolution No. 3707, in which it approved the cadre's plan, as well as Resolution No. 3708, which specifies a plan for the economic development of the Bedouin population in the Negev.

The Bedouin Population in the Negev – Government Resolutions No. 3707 and 3708

95. On September 11, 2011, two Government Resolutions concerning the Bedouin population in the Negev were adopted, as part of the Israeli Government's ongoing comprehensive work-plan for the promotion of the Bedouin population rights. Government Resolution No. 3707 approved the Inter-Ministerial team's report (Praver Report) for the implementation of the recommendations of the Advisory Committee Recommendations on the Policy Regarding Bedouin regularization and reconciliation (The Goldberg Committee), and established an Implementation Headquarters. The Government further resolved to anchor the implementation framework in legislation. The Government decided that the draft legislation formation process will be carried out in consultation and cooperation with the Bedouin population, and appointed Minister Binyamin Ze'ev Begin to coordinate public

¹ <http://www.pmo.gov.il/PMO/PM+Office/Departments/policyplanning/goldberg.htm>.

and Bedouin population comments on the issue and to submit recommendations to the Ministerial Committee on Legislation prior to the tabling of a draft legislation in the Knesset. In January 2012, the Ministry of Justice published a preliminary draft legislation to be discussed in this process. The consultation process included dozens of meetings with individuals, groups and organizations as well as the collection of comments in writing and through a special website established for that purpose.

96. On January 23, 2013, Minister Begin submitted a report containing the main comments to the Ministerial Committee on Legislation, accompanied by an updated draft legislation based on the draft published by the Ministry of Justice and encompassing the required changes recommended in his report.

97. The conclusions reached indicate a need for certain amendments to the draft legislation, yet made it clear that the basic structure of the draft law should be preserved, including the finality of the arrangement and the mechanisms necessary for its implementation. Note that one major change in the current version of the draft legislation is the ability of land claimants who do not possess the land itself to receive land compensation and not only financial compensation. This unprecedented position by the State, which was reached following the cooperation with the Bedouin population process, will lead to a significant increase in the land that will be privately registered as private Bedouin land – if and when the law will be enacted and conditioned on the Bedouin acceptance of this compromise.

98. On January 27, 2013, the Government approved Government Resolution No. 5345 in which it adopted the report submitted by Minister Begin, and approved the draft bill. In June 2013, this bill was approved by the Knesset by first reading. The Knesset Committee transferred the bill to the Knesset's Interior and Environmental Protection Committee and this Committee is scheduled to conduct a hearing regarding the Law on October 14, 2013.

99. Note the above mentioned legislation and plans have encountered large scale controversies among the Bedouin population, which have also taken the form of protests and demonstrations throughout the Negev, as well as country-wide Arab localities, against the Government policy. This campaign is also taking place in the Israeli and international media, as well as in various international organizations. The process held takes into account the variety of opinions in this issue. It should also be noted the bill also raised criticism and protest and is considered controversial by other populations who claimed that it is discriminatory since it provides significantly subsidized lots and lands only to the Bedouin population.

100. The second resolution adopted on September 11, 2011, Government Resolution No. 3708, set a plan to promote the economic growth and development of the Bedouin population in the Negev.

Government Resolution No. 3708

101. In Resolution No. 3708, the Government approved the plan to promote the economic growth and development of the Bedouin population in the Negev (hereinafter: the Economic Development Plan). The Economic Development Plan is a detailed plan, budgeted at 1.2 Billion NIS (324.32 Million USD) over five years (2012-2016), which will be allocated to the following fields: employment (360 Million NIS (97.3 Million USD)), education (90 Million NIS (24.32 Million USD)), employment and education-supportive infrastructure, primarily transportation (450 Million NIS (121.62 Million USD)), personal security (215 Million NIS (58.1 Million USD)) and society and community (90 Million NIS (24.32 Million USD)). About two-thirds of the budget is a new budget allocated by the Ministry of Finance.

102. The Development Plan began operating in 2012 and is the result of cooperation between 14 different Government Ministries, in light of the broad aspects of life which it concerns. In addition, a designated division within the Prime Minister's Office has been established in order to assist in the implementation of both Government Resolutions mentioned above: The Headquarters for the Economic and Community Development of the Negev Bedouins (hereinafter: "the Implementation Headquarters"), which is headed by Major General. (Res.) Doron Almog.

103. The Implementation Headquarters operates in cooperation with the relevant Government Ministries and the Bedouin local municipalities in order to fully implement the Development Plan. According to the Government Resolution, a Steering Committee of Government Ministries' General Directors and a Regional Committee, attended by government officials and heads of local authorities and civil society representatives, has been established.

104. For detailed information regarding the implementation of the Development Plan in various fields, as reported by the Ministries (updated as of January 2013) Please see Annex No. 2 Below.

Legislation for the Benefit of the Bedouin Population

105. The bill was formulated following a lengthy debate and many layers of discussion with the public, The State does not intend to withdraw the bill at this time and continues to promote the legislation for the regulation of the Bedouin housing in the Negev. The final legislation is subject to the Knesset, the legislative branch.

Recent Developments

106. Government Resolution No. 3211, dated May 15, 2011, approved a multi-year plan (2011-2015) for the development of the Bedouin population in northern Israel, in the amount of 350 Million NIS (94.6 Million USD). According to the plan, 22 Million NIS (5.95 Million USD) will be allocated to the field of employment among which 13 Million NIS (3.5 Million USD) will be invested in the establishment and operation of employment training and guidance centers. Additional four Million NIS (1.082 Million USD) and five Million NIS (1.351 Million USD) will be invested in a plan to encourage small and medium businesses and in professional training, respectively. Emphasis will be placed on increasing participation in the labor market of the Bedouin population in general and among women in particular.

107. The goal of the 2011-2015 plan is to develop and strengthen the communities and the Bedouin population in northern Israel. The plan was formulated at the initiative of the Prime Minister's Office, in cooperation with the Ministry of Finance, Bedouin local council chairmen in the north and other Government Ministries.

108. The communities included in the plan are: Zarzir, Ka'abia-Tabash-Hajajra, Bir Al-Makhsur, Basmat Tivon, Bueina Nujeidat, Shabli-Um Al-Ainam, Tiba-Zangariya and the Bedouin communities in the Al Batuf, Zevulon, Ma'aleh Yosef and Jezreel Valley Regional Councils.

Demolition of illegal structures

109. For detailed information regarding this issue please see Israel's reply to Question 6(a) above.

Question 6 (d)

110. In regards to the Bedouin population please see Israel's reply to Question 6(c) above.

111. In addition, please see Israel's reply to Question 4 above.

Question 7

Accessibility of Public Administration Services to Linguistic Minorities

Ministry of Health

112. In 2008, the Ministry has established a professional committee to examine the gaps between the health services provided in Israel's center and those provided in peripheral areas. This Committee handed its recommendations to the Ministry's Director General in December 2008. Since then, several publications were published by the Ministry regarding this issue and several plans have been compiled in order to deal with these gaps, the last one was introduced in 2010 and, inter alia, refers to the accessibility of the health system (including hospitals, health-funds etc.) to the entire population. This plan, for the years 2011-2014, has introduced the reduction of gaps and inequalities in health services as one of its main goals, while setting a clear action plan which involves all of the relevant wings and units. This plan, including its periodic updates, are the backbone of the Ministry of Health's activity in this field and refer to many aspects of accessibility, including cultural and linguistic accessibility. Note that due to the importance granted to this issue, this work plan is scheduled to continue and it is part of the Ministry's 2013-2016 work plan.

113. As part of this plan, the Ministry of Health introduced an internal procedure regarding linguistic accessibility of all health services. According to this procedure, by 2014, all national healthcare service providers will be obligated to provide service in Hebrew, Arabic, English and Russian. This procedure is in advanced stages of implementation. In addition, it was decided to produce explanatory materials regarding health issues, rights and medical forms in several languages, in addition to training employees who will be in charge of cultural adaptation of the healthcare system – the first course was held in 2012 and its graduates were designated to state-public hospitals. An additional course is scheduled to take place during 2013.

National Insurance Institute (NII)

114. The NII is investing great efforts to ensure full accessibility to its services by linguistic minorities who are not fluent in Hebrew. For this purpose, it has established an internet website to the benefit of the Arab population in which all relevant information and services are provided and translated into Arabic. In addition, in insurance policies that are sent to persons insured by the NII, there is a reference in Arabic to a phone number in which additional information and service in Arabic is provided. The NII employs in its branches interpreters that assist the Arab population who apply for service, in order to provide full service regardless of the language spoken by the applicants. Other measures include the installation of information stands in Arabic in the NII local offices etc.

Ministry of Culture and Sport

115. The Ministry employs persons of the Arab community and persons who are fluent in Arabic, inter alia, in order to process and provide replies to applications for financial support from culture institutions and others in the Arab population and for providing services in Arabic. In addition, the Ministry keeps constant translation of its website and operates a website in Arabic². This website contains all the main information about the Ministry, including services it provides, thus making consumption and enjoyment of culture and applying for support in this field more accessible for the Arab population.

² <http://mcs.gov.il/arabic/Pages/default.aspx>.

Ministry of Social Affairs and Social Services

116. In 2012, the Ministry increased the budget allocated to the Arab population and Arab local authorities. In the past five years, the total budget has increased by 31%, whereas the budget for the Arab population has increased by 46%. Note that the rate of the Arab population is only 20% of the general population.

117. Recently, the Ministry has published a Request for Proposals (RFP) for receiving translation services. A large budget was allocated to this project that will allow the Ministry to offer professional translation services in all of the Ministry's units. The new service will provide, among other things, simultaneous translation, translation of social reports and of official documents. The translation will be provided in many languages including: Russian, Arabic, English, Amharic, Romanian, Spanish, Turkish, Far Eastern languages and sign language.

118. The Ministry translates most of its circulars, pamphlets, guides, documents and forms, and is offering simultaneous translation. The Ministry strives to staff programs and centers with appropriate manpower from the target population. The latter is done in order to ensure culturally sensitive treatment and that the services are conducted in a language that is understood by the target population.

119. The Ministry's services and programs are provided partially in other languages in addition to Hebrew. The services are accessible to the linguistic minorities in order to guarantee equal lingual rights.

120. In recent years, the Ministry has operated several programs and services accessible to minority population. Below are several examples of these programs and services:

- The Ministry together with five other Ministries operates an exclusive National Program for Children and Youth at Risk. This program aims at reducing the extent of risk situations among children and youth, ages 0-18, and places special attention on the Arab, Ultra-Orthodox and new immigrant populations. Out of 166 local authorities that have implemented this program, 83 are Arab local authorities (50%).
- The Division of Correctional Services – this Division also operates many such programs including approximately 30 national programs operated by the Service for Juvenile Probation that are aimed for youth from minority populations that is involved in crime. Approximately 20 of the programs are exclusively offered to the Arab and Bedouin populations. In addition, the Youth Protection Authority provides six facilities for the Arab population. In addition, the Service for Male and Female Youth treats youth between the ages 14 and 25 that have severed ties with the society on different levels. The service offers approximately 60 programs and facilities for the Arab and Bedouin populations.
- The Youth Rehabilitation Service treats youth at the ages of 12 to 18 that are at risk, have asocial behavior, emotional difficulties and do not attend school settings. The service runs a total of 37 educational and training programs and rehabilitation centers that treat approximately 2,600 teenagers. Of the 37 programs, nine are designated for the minority populations.
- The Service for the Treatment of Persons with Autism provides among other services, specific services that have been developed for the Arab population. These services include: family centers, workshops and support groups for parents and assistance to utilize rights and legal aid. Several seminars have been organized for professionals among the Arab population where the goal is to raise awareness of the importance of diagnosis, early intervention and treatment of Autism.

- The Division of Rehabilitation Services for Physically and Mentally Disabled – this Division also operates services for the Arab population including the Service for Community Based Rehabilitation, that offers a total of 25 programs and day centers for children and young adults, ages 6 months to 21 years and their families for the Arab and Bedouin populations. In addition, The Service for the Blind caters to all segments in the Israeli society. There are five centers designated for the Arab population.

121. Note that many other services and programs are being provided to minority populations, including the Arab population by the Ministry's Divisions.

Municipality of Jerusalem

122. The municipality of Jerusalem has translated most of its forms into Arabic, and the process should be completed during 2013.

Courts' Administration

123. Translation services within the courts' system is provided by two companies who were chosen by a public tender. However, while the translation services to Arabic are satisfactory in both extent and quality, the level of the translation services to certain other languages, and specifically Tigrinya and Amharic, is unfortunately unsatisfactory and there is room for improvements. In order to improve the level of translation within the courts' system, the Courts' Administration is being assisted by an independent advisor and is conducting further assessments to translators, through both written and oral exams. The employment of translators who fail these examinations is terminated. In addition, the Bar-Ilan University is currently developing a program for training translators in several languages with an emphasis of the legal and health fields. Hopefully, this program will be able to assist the Courts Administrating in the near future.

The Legal Aid Branch in the Ministry of Justice

124. The Legal Aid Department has been providing legal aid in the sphere of civil law for more than 35 years, under the provisions of the Legal Aid Law 5732-1972. Its main function is providing Legal Aid to a specific person in a particular case, and in addition, the Branch operates inter alia in order to inform those who require its services of the options available with respect to legal aid.

125. The Legal Aid Branch operates in five regional offices – in Nazareth Illit, Haifa, Jerusalem, Tel-Aviv Jaffa and Be'er-Sheva, and a further office, in the mixed city of Lod, is in advanced stages of establishment. In addition to these main offices, lawyers from the Legal Aid Branch interview applicants in 70 bureaus country wide, mostly in municipal welfare offices. Over 15% of the employees of the Branch are from the Arab population – both lawyers and administrative staff. Additional languages available for applicants are Russian, English, Tigrinya and Amharic. Further translation services are offered through a translation company who was chosen by a public tender.

Promotion of Cultural Rights

126. The Ministry of Culture and Sport sees great importance in the promotion of cultural activities for every Israeli resident, including the Arab population, both as producers and consumers of cultural activities. For that purpose, the Ministry allocates support budgets, which are aimed at nurturing the culture of all Israeli residents and all populations in Israel according to the fields of culture or art, such as: museums, dance groups, theaters etc. These support budgets makes culture accessible in peripheral areas and strengthen the activities of culture organizations in poor financial state.

127. The Ministry allocated support funds to culture institutions in Israel in a variety of fields, including: dance, theater, cinema, museums, music, plastic art, public libraries, schools in various fields (acting, cinema, creative writing, dance etc.) literature, heritage, Arab culture (including Druze and Circassian cultures), festivals and more. The total budget for this support is about 418 Million NIS (113 Million USD) per year with a separate budget of 73 Million NIS (19.7 Million USD) intended solely for the field of cinema and a budget of 78,500 NIS (21,200 USD) intended for support of public libraries. In addition the Ministry allocates each year about 120 prizes for excellent creators with a total sum of four Million NIS (1.08 Million USD).

128. The allocation of these support funds are carried out according to eligibility tests set by Section 3A to the Budget Foundations Law 5745-1985. These tests reflect the professional policy of the Ministry to promote culture while preserving equality and transparency with the persons or bodies who receive the support funds. Prior to the determination of these tests, they are presented to the public in order to receive comments and proposals, and following their determination they are published on the websites of the Ministries of Culture and Sport and Justice.

Jewish Heritage

129. In April 2012, the Knesset enacted the Ethiopian Jewish Community Heritage Center Law 5772-2012, aimed at establishing a center for research and commemoration of the Ethiopian Jewish Community's Heritage and an archive. According to the Law the center will collect and map archive materials concerning the Ethiopian Jewish community and will centralize all research activities concerning this community. The Center will operate to deepen the knowledge regarding the aspects of history, religion, justice and culture of the Ethiopian Jewish community, including by establishing a library. In addition, the Law establishes the Center's Council, which will be composed of 13 members, one third of which are required to be of Ethiopian origin or their descendants. As of June 2013, the Council is in advanced stages of appointment.

130. On July 9, 2008, the Knesset enacted the Sigd National Holiday Law 5768-2008, which will be celebrated every year on the 29th of the Hebrew month of Cheshvan. The Sigd is a traditional Ethiopian fast day, dedicated to prayers for the rebuilding of the Temple and to the giving of thanks for the right to return to the Holy Land. The Ethiopian community in Israel celebrates the holiday by holding a mass ceremony on Mount Zion in Jerusalem, followed by a procession to the Western Wall.

131. In 2012, the Ministry has initiated an Ethiopian culture festival in 12 cities and localities with large Ethiopian communities. The festival included music and dance shows, exhibitions of Ethiopian artists, traditional Ethiopian food and clothing fairs and more.

132. In January 2007, the Knesset approved the creation of two national heritage authorities, for the heritage of the Jewish community of Bukhara and for the heritage of the Jewish community of Libya. Each of these authorities are mandated to preserve the cultural heritage of each community concerned, and to research and document it (The National Authority for the Cultural Heritage of the Bukhara Jewish Community Law 5767-2007, and the National Authority for the Cultural Heritage of the Libyan Jewish Community Law 5767-2007).

133. On December 6, 2005, the Knesset enacted the Diaspora Museum Law 5765-2005, which recognized the Diaspora Museum in Tel-Aviv as the national center for Israeli communities in Israel and abroad. According to the Law, the Diaspora Museum's functions are to present items relating to Israeli communities and to the history of the Jewish people, to conduct research and to accumulate knowledge on issues relating to the Jewish people. In addition, its roles include the creation of a repository of genealogical trees and family

names of Jewish families around the world, and the creation of a database of Jewish communities in the world and their history.

134. The Council for Commemoration of the Jewish Sephardic and Eastern Heritage Law 5762-2002, was enacted on November 13, 2002. According to the Law, the Council's role will be to advise the Ministers regarding the heritage of Sephardic Jewry.

Arab Heritage and Culture

135. For information regarding the establishment of the Arabic Language Academy please see CCPR/C/ISR/Q/3/Add.1. (p. 11). The Academy regularly publishes books and a magazine. In recent years, the Academy has conducted many important activities for the advancement of the teaching of Arabic language, including: holding professional seminars, providing scholarships for students who excel at Arabic language studies, and training Arab and Jewish pupils delegations for Spain, in order to study the Arab culture in Andalucía and its effects on both Arab and Jewish Cultures.

136. Arab Culture Museum – In 2008, the Ministry of Culture and Sport initiated the establishment of a new museum dedicated entirely for the Arab culture in city of Um al-Fahm. The Ministry has allocated 600,000 NIS (162,000 USD) for the purpose of acquiring the museum's collection and for locating additional contributors for this museum.

137. The Department for Arab Culture in the Ministry of Culture and Sport – The object of the Department is to promote and develop Arab culture while preserving its cultural and ethnic uniqueness. The Department achieves its aims by encouraging and financing many activities, events and projects. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc.

138. The budget for cultural activities is allocated according to a policy which emphasizes the promotion of qualitative and professional cultural activities, and includes all Israeli citizens in the process of the formation of culture making. The budget is divided between all eligible cultural bodies in accordance with relevant eligibility tests.

139. The eligibility tests are open to all cultural institutions in Israel, without discrimination based on language, geographic location, the identity of the artists or the identity of the organs receiving the support. This fact is specifically mentioned in the eligibility tests conducted by the Ministry.

140. All of Israel's cultural institutions are open the public, regardless of their ethnicity or religion. Israelis are welcome to enjoy the activities conducted by these institutions and to take an active part in the activities. The list of cultural institutions and persons that receive governmental support includes numerous figures that operate within the Arab population, authors who write in Arabic and institutions that are identified with the Arab population. For examples and additional information, please see CCPR/C/ISR/Q/3/Add.1. (p. 13).

141. Furthermore, the aforementioned eligibility tests establish affirmative action mechanisms, including: preference which is afforded to works written in Arabic (under the theater and literature eligibility tests), and a preference which is afforded to artworks that address issues concerning the Arab population and which contribute to the multicultural dialogue (under the music and cinema eligibility tests) among others. Nearly all the eligibility tests (excluding two) are intended to promote cultural institutions belonging to the Arab population.

142. There are two eligibility tests for the receipt of financial support, which incorporate affirmative action mechanisms for the benefit of the Arab, Druze and Circassian populations: the eligibility test for the distribution of funds by the Ministry of Culture and Sport to public institutions that promote Arab culture, and the eligibility test for the allocation of funds to public institutions.

143. The eligibility tests for the receipt of financial support for the promotion of Arab culture were updated and published in 2008, after intensive consultations with the relevant personnel within the Administration and the Attorney General. The aims of these eligibility tests are: (1) to increase the awareness of the Arab population of all forms of artistic and cultural creations and to encourage their participation in the creative process; (2) to encourage the foundation, development and activities of cultural and artistic institutions among the Arab population, which strive to achieve quality, excellence and uniqueness; (3) to preserve, spread, develop and promote cultural and artistic traditions of the Arab population (Section 3 of the eligibility tests for the receipt of financial support of Arab culture).

144. Arab culture institutions may apply to the Ministry for financial support according to both the general tests and the specific tests regarding Arab culture. Such applications are handled, and such support is provided. Thus, the eligibility tests provide affirmative action for the Arab population, including the Druze and Circassian populations, by providing additional importance to culture institutions operating in peripheral areas or in localities with low socio-economic rating or with linguistic uniqueness or other.

145. In February 2013, ten Arab authors and poets received an award for their Arabic literature compositions in the fields of prose, poetry, literature research, children's literature and translation. Each of the winners received a prize of 20,000 to 50,000 NIS (5,400 to 13,500 USD).

146. In addition, in March 2013, the Ministry of Culture and Sport issued an invitation to submit requests for financial support by Arab culture and research institutions.

Druze and Circassian Heritage and Culture

147. As was mentioned in CCPR/C/ISR/Q/3/Add.1. (p. 14), on June 4, 2007, the Knesset enacted the Druze Cultural Heritage Center Law 5767-2007, and since the enactment of this Law, the Council responsible for its implementation was appointed and began its work.

Additional Information

148. In the frame of the project "Culture for Israel", aimed at promoting and making culture more accessible in peripheral areas, the Ministry of Culture and Sport has initiated a wide range of new culture events in the Arab and Druze population. The Ministry encouraged the Arab localities to invite a series of culture lectures to their localities (including theater shows, music and dance shows, literature lectures etc.) with the guarantee to subsidize the cost of these events in 29 localities.

149. The Ministry has also initiated and funded a number of unique projects, with the aim of exposing members of the Arab population to culture events. Thus, for example, the Ministry has funded a Druze festival in 15 localities; the mobilization of the "Masarahid" Festival to 30 peripheral localities (in this framework 80 shows were conducted); as part of the "classic nights" project, open concerts were held in three Arab localities. Furthermore, the Ministry held 138 children's shows in 70 localities, free of charge during the holidays season.

150. In May 29, 2013, "Adalah-the Legal Center for Arab Minority Rights in Israel" retracted a petition to the High Court of Justice, in which it demanded that the Ministry of Culture and Sport will operate a children's shows project in Arabic (similar to a project operated in Hebrew). In light of the Ministry's response to the Court that such a project was in fact being planned and already carried out at the time of the hearing of the case, the organization retracted its petition. (H.C.J. 4351/12, *Adalah the Legal Center for Arab Minority Rights in Israel v. The Ministry of Culture and Sport*).

Question 8 (a)**Arab Population within the Civil Service**

151. Since 1994, the Government has been taking affirmative action measures to enhance the integration of the Arab and Druze population into the Civil Service, inter alia, by issuing tenders for mid-level positions solely to members of those minorities. 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 (5,520 employees out of 65,950) (this in comparison to 6.17% in 2007, 6.67% in 2008, 6.97% in 2009, 7.52% in 2010 and 7.8% in January 2012 (4,982 employees out of 64,020 – an increase of 538 Arab employees (10.7%) just within one year)).

152. As of June 2013, there are 1,730 positions in the Civil Service designated for persons of the Arab population, 309 of these positions are vacant and are in various stages of manning.

153. During 2012 several steps were taken in order to improve and accommodate the working conditions for persons of various populations, including through media campaign in cooperation with Authority for the Economic Development of the Arab, Druze and Circassian Populations in the Prime Minister's Office. In addition, a special website was established in which tenders, information as well as successes stories are published – all with the aim of making the Civil Service more accessible to the Arab population.

154. An increase is evident in the rates of Arab employees in many Government Ministries. Hereinafter are several examples for 2011: 38.5% of all employees in the Ministry of Interior were Arab employees – (compared with 22.7% in 2007); In the Ministry for Development of the Negev and Galilee, – 16.28% were Arab employees (compared with 12.1% in 2009). In addition, 10.09% of the employees in the Ministry of Social Affairs and Social Services were Arab employees (compared with 8.1% in 2007). 8.05% of the employees in the Ministry of Education were Arab employees (compared with 6.43% in 2007), In the Ministry of Justice – 6.94% were Arab employees (compared to 4.78% in 2007), in the Ministry of Tourism – 6.25% were Arab employees (compared with 4.37% in 2007) and in the Ministry of Transportation – 5.47% were Arab employees (compared with 2.50% in 2007).

155. Furthermore, in 2011, 12.77% of all new employees integrated into the Civil Service were Arabs, Druze and Circassians, in comparison to 6.9% in 2005, and 9.3% in 2009 and to 11.09% in 2010.

156. The number of Arab women employed in the Civil Service has also 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 (1,869 in 2011 compared to 1,431 in 2008). The rates of Arab, Druze and Circassian newly integrated female employees are also on the rise. In 2011, 35.9% of all recently accepted Arab, Druze and Circassian employees were women.

157. An increase is also evident in the employment of Arab, Druze and Circassian academics in the Civil Service. In 2011, 52.58% of Arab, Druze and Circassian Civil Service employees had an academic degree, in comparison to 43.7% in 2006, 48.6% in 2008 and 50.37 in 2009. This trend correlates with the general trend of allocating positions intended for the integration of Arab, Druze and Circassian academics.

158. Many of the Arab-Israeli employees within the Civil Service maintain senior level positions, with decision-making capacity. Civil Service employees from the minority population fulfill important roles such as investigative engineers, clinical psychologists,

senior tax investigators, senior economists, senior electricians, geologists, department comptrollers, lawyers and educational supervisors, to name but a few. Data indicates an increase of 19.4% in the number of Arab employees holding senior positions – 509 employees in 2011, in comparison to 486 employees in 2010, 451 in 2009, 376 in 2007 and 347 in 2006. These employees serve the good of the Israeli community as a whole and are a driving force in the integration of the Arab minority into the Israeli society.

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

160. In addition, the implementation of Government Resolution No. 2506 of November 2010, which resolved to designate in 2011, 30 positions (13 of which are new positions) in the Civil Service to persons of the Ethiopian population, was postponed and this resolution will be implemented during 2013. These designated positions are aimed at recruiting mainly academicians. Note that the Ethiopian population constituted 1.5% of the Israeli population which parallels to this population representation in the Civil Service – 1.4%.

Recent Updates

161. On September 14, 2011, the Civil Service Commissioner applied to all the Government Ministries' General Directors as well as to the National Hospitals' Directors, regarding the promotion of appropriate representation of the Arab, Druze and Circassian populations within the Civil Service. In its letter, the Commissioner referred to both Civil Service (Appointments) Law 5719-1959 and Government Resolution No. 2579 as legal duties obligating the General Directors to implement appropriate representation of the said population among their employees. The letter further mentioned that the Civil Service Commission is operating in accordance with these duties and cooperating with the Government Ministries towards the integration of the Arab population within the Civil Service.

162. In order to achieve the objective set by the Government, the Commissioner requested each Ministry to consolidate, in collaboration with the Civil Service Commission Planning and Supervision Department, a detailed plan regarding the advancement of appropriate representation for Arab, Druze and Circassian populations within the timetable set by the Government. According to the Commissioner's request, the Ministries shall designate positions toward the said populations and specify the measures that will be taken by them in order to encourage adequate candidates to present their candidacy for vacant positions at the Civil Service.

163. In January 2012, the Civil Service Commission issued a letter to all Government Ministries and State Hospitals' Director Generals, regarding a new procedure for hiring employees in order to conform with Government Resolution No. 2579, according to which at least 10% of the Civil Service employees should be of the Arab population. According to the new procedure, every Ministry or auxiliary unit shall refer to the Planning and Supervision Department any request for hiring new employees. The Department will then determine the minimum number of positions that will be manned by persons of the Arab population. Any Ministry or unit that will meet the required 10% will be exempt from this procedure. According to the procedure, the allocation of the new positions that will be manned by Arab candidates will be as follows: If there is a request for three or more new positions – at least 30% shall be designated for Arab employees. If there is a request for two new positions – at least one of them (50%) shall be manned by Arab employee and if there is a request for only one new position – it shall be manned by an Arab candidate.

164. In 2011, the Equal Employment opportunities Commission, in the Ministry of Economics, joined a Twinning Project with the European Union in order to promote various issues in the years 2012-2013. The main topics that were chosen were: the promotion of diversity and the integration of all Israeli populations in finding employment in the public sector; integration of the Arab population in the private sector and decreasing the salary gaps between men and women. The activities on these three topics include legal action, seminars, awareness raising activities, research activity etc.

Case Law

165. In 2011, the Equal Employment opportunities Commission represented 21 Arab employees that were fired by a super market chain store with the claim that their dismissal was prohibited since it was carried out due to the employees' nationality. The Court accepted the petition, annulled these dismissals and determined that the employers must conduct a hearing to each of the employees prior to his/her dismissal. (58041-03-11, *Sawiti Anas et al. v. Almost Free Warehouse Chain Store R.A. Zim Direct Marketing L.T.D.*).

166. An additional case examined by the Commission was a military service clause that in effect denied the employment of Arab taxi drivers in a taxi company that provides transport service to Ben Gurion Airport. In an examination conducted by the Commission, it was found that the tender between the Airports authority and the cab company included such clause which required army service as a preliminary condition for employment, thus automatically disqualifying Arab drivers for this position. Following the inquiry, the discriminatory clause was cancelled and the taxi company hired the Arab driver which submitted the case to the Commission. Other Arab drivers were invited to apply for additional similar positions.

Question 8 (b)

Equality in Education

167. The State of Israel invests great efforts in the promotion and advancement of equal opportunity and access to education among the various communities. In recent years the Ministry of Education implemented a number of programs designed to improve equality in education together with applying affirmative action where necessary.

168. The efforts devoted to the amelioration of education in Arab localities resulted, among others, in higher rates of matriculation certificate eligibility among Arab pupils (48.3% in 2010, compared to 46.6% in 2009). 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). Also in 2010, 56.3% of the female pupils and 38.4% of the male pupils in the Arab education system were entitled to a matriculation certificate.

169. 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).

The Main Improvements in the Arab Educational Systems in Recent Years

170. *Scholastic achievements* – the scholastic achievements of Arab pupils continue to increase both in the international examination and in the matriculation exams. The rate of Arab pupils that are entitled to a high school diploma in the Arab population has increased by 6%. In addition, the results of the Arab pupils in the international "Pirls" exam (Progress in International Reading Literacy Study) for the 4th grade have improved by 58 points in the Arabic language. Additional improvements are evident in the international "Timss"

exam (Trends in International Mathematics and Science Study exam), in which Arab pupils in the 8th grade have shown improvements of 57 points in mathematics and 59 points in science. These improvements are the result of allocation of additional resources by the Ministry of Education, including in some cases affirmative action, especially in the Arabic language field.

171. *Arabic language* – The Ministry of Education has implemented two educational programs to enhance knowledge of the Arabic language: “basic knowledge towards reading and writing in Arabic as a mother tongue in kindergartens” – for kindergartens in the Arab population, and “Education in Arabic – language, literature and culture” which is one of the leading programs for studying Arabic in the Arab world, for pupils in elementary schools. An additional program for high schools was developed and is being implemented since the 2011-12 school year. In addition, since 2010-11, the Ministry of Education is developing educational materials in Arabic which are being distributed free of charge to all the pupils in the 3rd to 10th grades.

172. *Additional teaching hours* – additional educational hours were added to 7th and 8th grades in Arab localities for the purpose of teaching the Arabic language, and to 4th and 5th grades in these localities for the improvement of reading skills in Arabic. The Ministry has also allocated additional weekly teaching hours for the 7th, 8th and 9th grades in Arab localities – one additional hour for teaching science (a total of about 1,700 teaching hours), and three additional hours for teaching mathematics (about 3,500 hours).

173. *Level of teachers* – Efforts are also made to improve the level of the teachers and future principals. These efforts include, inter alia, recruitment of teachers with scholastic excellence and examination in Arabic for teachers who will work and teach Arab pupils. In 2011 and 2012, 7,000 such teachers were examined. In 2012, 2,897 new teachers were appointed to teach in schools designated for the Arab population, most of them finished their studies with excellence.

174. *Preparations for higher education* – 50 career guidance centers were established in high schools in the Arab community, in order to assist pupils in choosing their educational path and their future career. In Addition, 50 centers for preparing Arab pupils for the psychometric exams (universities entry exams) were opened in Arab localities with the aim of assisting Arab pupils in passing these exams and raising the rate of Arab students in higher education institutes.

175. *New classrooms* – between 2007 and 2011, five Billion NIS (1.351 Billion USD) were invested in the construction of 7,930 new classrooms in schools, 3,025 of which (39%) were constructed for the Arab population with a total investment of 1.8 Billion NIS (486.5 Million USD). As a result of this affirmative action, 553 classrooms were built beyond the needs of the natural growth of the Arab population, and the need for new classrooms was reduced significantly.

176. *Class sizes* – The Ministry is implementing a program to reduce the maximum number of pupils in each class to 32. In 2012, the program focused on reducing the number of pupils per class in the 1st and 2nd grades in schools designated for the Arab population. For this purpose additional 10,500 teaching hours were added to the Arab education system with a total cost of 52.1 Million NIS (14.1 Million USD). In 2012, 66% of the 3rd to 5th grade classes and 52% of the 7th to 9th grade classes that were divided in to two classes in order to reduce the number of pupils were of the Arab population, whilst the Arab population is only 27% and 29% of these age groups, respectively. In total, between 2008 and 2011, the number of teaching hours in the national Arab education system increased by 6.5% (from 450,000 hours to 480,000 hours) whereas in the Jewish education system this figure increased only by 2.6%.

177. *Long school day* – Long school day (37 teaching hours) is already implemented in 1,239 kindergartens, 426 of which (34%) are of the Arab population; and in 659 elementary schools, of which 213 (32%) are of the Arab population. The long school day program encompasses 275,000 pupils, 117,000 of which are Arab pupils, which constitutes 23% of all Arab pupils. In addition, according to Government Resolution No. 4088 (January 2012), and in accordance with the Trajtenberg Committee's recommendations³, the subsidies that are allocated for additional educational frameworks that will operate in the afternoon hours (ages 3 to 9, Sunday to Thursday and until 16:00) will gradually be expanded over the five upcoming years, with a total investment of seven Billion NIS (1.892 Billion USD). These frameworks will provide homework assistance, formal and informal enrichment etc. The implementation of these additional subsidies has begun in the 2012-13 school year in localities that ranked in the lower socio-economic rating, including Arab localities. Beginning in the 2013-14 school year, the State has been providing free and compulsory education for these young children.

178. *Hot meals* – hot meals are provided in 1,248 of the kindergartens, 418 of which (34%) are of Arab population and in 388 schools, 97 of which (25%) are of the Arab population. A total of about 65,000 Arab children enjoy the hot meal program (about 13% of the Arab children).

179. *Security in Arab education institutions* – following a Government Resolution, as of January 2012, the Government is implementing a four-year program aimed at raising the level of security in Arab education institutions. For that purpose, in 2012, 134 security guards have been posted in Arab schools alongside 11 designated policemen. In the following three years, the plan will be extended to the rest of the education institutions in the Arab population (560 education institutions in total). The program is financed with a budget of 30 Million NIS (8.1 Million USD).

180. *Adapting the education system to the 21st century* – As of 2010-11 school year the Ministry of Education is operating a new program aimed at adapting the education system to the 21st century, which includes introducing new information technologies in classrooms etc. The program is focused on the north and south periphery areas in which large numbers of schools designated for the Arab population exist. The program is budgeted with 420 Million NIS (113.5 Million USD) for 2011-2012. In 2013 this program will be extended to all junior high schools in the southern and northern districts.

181. *Technological education* – following Government Resolution No. 4193 of January 2012, a new program to increase the number of Arab female pupils in the technological institution of the Ministry of Education and in the professional schools administered by the Ministry of Economics will be implemented. In the 2012-13 school year, 400 female pupils begun studying in the framework of this program. In the following years this number is

³ On July 2011, the Israeli protest for "Social Justice" began and involved hundreds of thousands of protesters from a variety of socio-economic and religious backgrounds demanding to reduce the high cost of living in Israel. The movement originally began as a demand for affordable housing protest. The protests expanded during the month of August raising other social issues relating to health, education, taxes and to the general economic structure in Israel. In response to these events, on August 8, 2011, the Prime Minister established the "Trajtenberg Committee", headed by Prof. Manuel Trajtenberg, Chairperson of the Planning and Budget Committee of the Council for Higher Education in Israel and former Chairperson of the National Economic Council, to examine ways to implement social change in Israel and recommend practical solutions to the Government. On October 9, 2011, the Government approved the final recommendations of the Committee. The Committee's final report recommended a list of economic measures which will cost approximately NIS 30 Billion (8.3 Billion USD) over the period of the next five years.

expected to increase to 700 additional female pupils. In the next five years, 150 million NIS (40.5 Million USD) will be invested in this program.

182. *The “New Horizon” (“Ofek Hadash”) program* that has been gradually implemented in all Israeli schools since 2008, is currently implemented fully in 346 schools in the Arab population (67% of the schools in this population encompassing 172,600 pupils), 113 schools in the Bedouin population (82% of the schools in the Bedouin population encompassing 57,000 pupils) and 53 schools in the Druze population (76% of the schools serving the Druze population, encompassing 20,500 pupils). In addition, this program has been implemented in 1,147 kindergartens in the Arab population (64% of the kindergarten in this population, encompassing 30,600 children), 440 preschools in the Bedouin population (71% of the kindergarten in this population, encompassing 12,000 children) and in 166 kindergartens in the Druze population (52% of the kindergartens in this population, encompassing 4,600 children). For comparison, this program is implemented only in 56% of the schools in the Jewish education system and 64% of the kindergartens under the Ministry of Education’s supervision (including Ultra-orthodox schools and kindergartens).

183. *The “Oz Letmura” program* which is aimed at promoting the educational system’s achievements and strengthening the teachers position in high schools, was implemented in the first year in 27% of the Arab population’s junior high schools and high schools, in 32% of the junior high schools and high schools in the Bedouin population and in 55% of the junior high schools and high schools in the Druze population. That is compared to implementation of 33% of the junior high schools and high schools in the Jewish population (not including the Ultra-orthodox population) and 23% of the junior high schools and high schools in the Jewish population (including the Ultra-orthodox population).

184. Compulsory education until the age of 18 – Since 2009, the expansion of compulsory and free education from the age 16 to 18 is gradually being implemented with a preference to localities with higher dropout levels. The program includes additional positions for attendance officers, psychologists and additional resources. In the 2012-13 school year 28 localities were added to the program, 18 of which are Arab localities. This program is implemented in a total of 90 localities, 49 of which are Arab localities.

Measures to Reduce the Dropout Rates of Israeli Arab Girls

185. In 2011-2012, the total dropout rate in the Jewish population stood at 1.5% and in the Arab population at 2%. In addition, that year in the Jewish education system, the dropout rate of female minors in the 9th, 10th and 11th grades was 1.4%, 1.6% and 2.4% respectively (compared to 2.3% to 3.4% in 2009-2010), and in the 12th grade the rate of female pupils who dropped out was just 0.7% (0.8% in 2009-10). In the Arab education system, although the dropout rates of Arab female minors exceeded those of Jewish female minors, they were still relatively low – 2.9 in the 10th and 11th grades and 1.5% in the 12th grade. Arab male minors dropped out at a greater rate than did their female counterparts.

186. For further information on substantial reduction of the dropout rates, please see Annex No. 1 (Table no. 3).

187. As is evident from Table no. 3 in Annex No. 1, the actions taken in recent years have significantly reduced, in almost every grade, the dropout rate among all the populations in Israel. Note that the total reduction of the dropout rate since 2010 is 42.8%.

188. The Ministry of Education operates an internal unit of attendance officers who regularly visit schools in order to prevent pupils from dropping out of school. The Ministry of Education has a special department aimed at maintaining school attendance that works to prevent pupils from dropping out. This department works in accordance with the Section 4

to the Compulsory Education Law and as a part of the Ministry of Education's policy. As of July 2013, there are 555.7 attendance officers' positions and a total of 607 attendance officers. Of these attendance officers, 445 operate in Jewish localities (including 63 in the Ultra-Orthodox population); note that although many of these officers handle children of Ethiopian and Russian immigrants, there are eight attendance officers who are specifically assigned to handle children of Ethiopian immigrants and ten who are specifically assigned to handle children of Russian immigrants. In addition, 162 attendance officers operate in Arab localities, of which 19 in Bedouin localities and 19 in Druze localities.

Universities Psychometric Entry Test

189. The Psychometric Entrance Test (PET) is a standard test in Israel, generally taken as a higher education admission exam. The PET covers three areas: mathematics, verbal reasoning and English. It is administered by the Israeli National Institute for Testing and Evaluation (NITE).

190. The PET may be taken in Hebrew, Arabic, Russian, French, Spanish, or combined Hebrew/English. There are generally five dates the test may be taken a year; Arabic may be taken at four of these dates.

191. The Ministry of Education invests extensive efforts in improving the access of Arab pupils to higher education, and bridging the gaps between the Jewish and the Arab populations. Thus, during the 2010 academic year, the Ministry has, inter alia, trained 150 educational advisors and other professionals and posted them in learning centers for the PET that were established for 500 pupils of the Arab community.

192. In addition, the Ministry of Science and Technology also provides assistance in this regard, and allocates special scholarships to Arab pupils in order to take Psychometric Test preparatory course.

193. In the process of writing the exam, the National Institute takes into account the differences between population groups and conducts fairness examinations, particularly examining the test's sensitivity in regard to gender, religion, population and political correctness.

194. The Arabic version of the test is drafted by a professional academic team, comprised of native Arabic speakers. This team is responsible for supervising the test's wording in Arabic, in order to prevent differences between the Hebrew and Arabic versions in a way that may create unequal reference point for the different examinees.

Higher Education

195. The Arab population in Israel constitutes approximately 20% of Israel's population and about 26% of the age group relevant to higher education. In recent years, the rate of Arab students among the total students studying for their first degree is slowly increasing. According to figures of the Central Bureau of Statistics, in 2012, the rate of Arab students studying in universities stood at 12.1%, compared to 11% in 2010 and 7.6% in 2007. A further increase is also evident in second and third degrees. In 2011, Arab students constituted 8.2% of all the students for second degrees (compared to 6.6% in 2010 and 3.65% in the 1990's) and 4.4% of the students studying for third degrees (compared to 3.5% in 2007).

196. This increase is attributed, among other things, to the opening of higher education institutions in peripheral areas, which increased the accessibility of higher education to the Arab population.

197. Worthy of mention is the substantial increase in the rate of Arab women studying in universities. In 2011 this rate stood at 67% of the Arab students (compared to 62% in

2009/10 and 40% in the early 1990s). This important development is also linked to the opening of higher education institutions in peripheral areas, which allowed Arab women to study in places closer to their residential areas.

198. In January 2010, the Planning and Budgeting Committee (PBC) of the Council for Higher Education has set a multi-year plan for the years 2011-2016, with the goal of lifting barriers and making the higher education system more accessible for the minority populations, including the Arab population (including the Druze, Bedouin and Circassian populations) and the Ultra-orthodox population. The Committee and the Ministry of Finance has allocated a budget of about 500 Million NIS (135.1 Million USD) for this purpose.

199. As part of this plan, the Committee has appointed in January 2010, a professional team headed by the PBC's Deputy Director for Planning and Policy, which invested great efforts in order to study this field and draft operative recommendations. The team's report titled: "Pluralism and Equal Opportunities in Higher Education – Expansion of the Accessibility of Academic Studies to Arabs, Druze and Circassians in Israel" was published in March 2013.

200. The Report mapped the main entry barriers of the Arab population into the higher education institutions, which included lack of information on entry requirements, lack of information regarding the various learning courses and possibilities, employment possibilities and difficulties getting accustomed to academic education. Additional barriers were found to be the psychometric entry test, lack of preparatory counseling and guidance, economic aspects and the need for special academic preparatory classes for Arab students.

201. In its report the team provides details on existing tools and programs for assisting Arab students and for increasing their participation in higher education institutions:

202. In 2001, a permanent steering committee was established in the Council for Higher Education for expanding the accessibility of higher education to the Arab population. This steering committee has an annual budget of 4-5 Million NIS (1.1-1.4 Million USD) which is used for academic counseling for Arab students and social and academic assistance classes; scholarships for excellent Arab third degree students and for supporting Arab students that study in academic preparatory classes. In addition, the majority of the higher education institutions invests additional funds in promoting and supporting Arab students through tutoring, academic assistance classes, Arab guidance counsels etc.

203. In addition to the above, the Planning and Budgeting Committee holds additional support programs for the Arab population or general programs which refer also to Arab students:

- "Maof" Scholarships – intended for excellent scientists of the Arab population, that higher education institution wish to hire as their academic staff. Each year, seven such scholarships are granted (91 scholarships so far) with an annual budget of three Million NIS a year (810,000 USD).
- Tutoring scholarships ("Perah" scholarships) – intended for first degree students who volunteer to tutor high school children in return for 50% of their annual tuition. This project operates at all higher education institutions which receive accreditation from the Higher Education Council. The rate of Arab students who participate in this project is 23% and the rate of schools designated for the Arab population who benefit from this program is 16%. The project's annual budget is about 150 Million NIS (40.5 Million USD).
- Students' assistance fund – the Planning and Budgeting Committee and the Ministry of Education utilize a special fund for providing assistance for students in need. This fund provide for scholarships and loans according to socio-economic key. The fund's total budget in 2013 is 100 Million NIS (27 Million USD). In 2012, 22% of the applications were filed by Arab students and 21% of the funds recipients were

Arab students. In addition, 40% of those who applied for a loan from this fund were Arab students, 80% of them decided to take this loan.

Government Resolutions

204. In recent years the Government had approved several multi-year resolutions in favor of the Arab population including the Bedouin, Druze and Circassian populations with a total budget of 3.7 Billion NIS (One Billion USD). Hereinafter are several examples:

205. Government Resolution No. 2861 of February 13, 2011 in which the Government approved a four-year program (2011-2014) intended for promotion of the economic development and advancement of the Druze and Circassian populations by investing mainly in employment, education, infrastructure and transportation. The Program's total budget is 680 Million NIS (184 Million USD).

206. Government Resolution No. 3211 of May 15, 2011 in which the Government approved a five-year program (2011-2015) intended for the economic development and advancement of the Bedouin population residing in northern Israel by investing mainly in employment, education and transportation. The Program's total budget is 353 Million NIS (95.4 Million USD).

207. In the frame of all of these programs which are included in the above mentioned Government Resolutions, the Ministry of Education took upon itself to implement, in the upcoming years, programs aimed at improving the achievements of Arab pupils and students, including by assisting in acquiring academic learning skills. In addition, the Ministry operates educational programs for development of employment and career life in 50 high schools in the Arab population, which, inter alia, expose the pupils to academic life, academic possibilities and future employment opportunities, including by meetings with Arab academic staff members in higher education institutions. The Ministry is working toward the establishment of 60 psychometric centers that will operate in high schools in the Arab population.

208. The professional team headed by the PBC's Deputy Director for Planning and Policy has made several initial recommendations which are based on the following guidelines:

209. Integration of students of minority population in the existing academic system while making the necessary accommodations according to the students' needs.

- The plan takes into account the entire framework of the students' time line – before and after the academic studies – beginning with the high school period and ending in finding proper employment subsequently.
- The plan is a holistic plan – which refers to entry barriers which are found both inside and outside of the academic system.
- The plan is meant primarily to improve the quality of absorption, support and the course of studies for students of minority populations and assists in maximizing all available opportunities to integrate the students in higher education.
- The plan requests the academic institutions' responsibility and commitment to this process together with clear plans and goal of absorption of Arab students, including to advanced degrees.

210. Hereinafter are the teams' main recommendations:

Preparatory Information, Guidance and Counseling

211. Establishment of information and guidance centers for the Arab population. These centers will disseminate updated information of professional and educational guidance, and

will provide employment counseling etc. These centers will be established in 19 Arab localities and gradually in additional Arab localities.

212. Education supervisors – these supervisors who will work in Arab localities, will operate in cooperation with high schools in order to provide pupils with information on academic institutions, courses, acceptance thresholds, preparatory courses etc. The supervisors will assist the pupils with their correspondence with academic institutions.

213. Teaching staffs in high schools – will actively inform the pupils about acceptance thresholds in academic institutions and the requirements needed.

Preparatory Training and Courses

214. Beginning in 2013, every preparatory college funded by the PBC, in which minority students are prepared for academic life, will receive additional funds for: Hebrew lessons, dormitories/transportation, preparatory course toward the psychometric exam and a counsel position.

215. In addition, the PBC will participate in a campaign intended for marketing and branding these colleges so to raise the awareness of the Arab population to the advantages of studying in them. In addition, starting from 2014, the PBC will grant excellence scholarships to 20% of the preparatory colleges' graduates who belong to minority populations. The scholarship will be awarded after admission to the first year in an academic institution. The scholarships will cover the first year's tuition.

Academic Preparation Programs towards the First Degree

216. A special course will be implemented for students of minority populations who are accepted to higher education institutions. This is a crash course that will be conducted in the 4 to 8 weeks prior to the beginning of the academic year, in which the students will be provided with important skills and information, including, inter alia, – languages (both Hebrew and English), learning skills and academic orientation, time management, computer literacy, building a weekly schedule, a scholarship seminar, library instruction, information on examinations anxiety, interpersonal communication, campus orientation, social activities etc.

Absorption Programs

217. The PBC will allocate a budget for programs that will ease the absorption of Arab students in the beginning of their first academic year, that will include social guidance, tutoring, academic workshops, mental support, professional academic guidance etc. this in order to reduce first year anxieties, reduce dropout rates and allow for smooth beginning of the academic year.

Absorption of Arab Graduates in the Academic Staff

218. The team recommended encouraging students who excel at their studies to continue their studies to advanced degrees and to integrate qualified candidates of the Arab population as academic staff members.

219. Scholarships and funds – due to the low number of scholarships and funds available to Arab students for first and second degrees, the PBC, together with the Prime Minister's Office and NGOs are working for the establishment of a scholarship and loans fund. Preference will be given for excellence, extra curriculum activities, required professions, etc.

220. As is evident from the information above, the State of Israel sees great importance in raising the numbers of Arab students in higher education institutions and invests great resources, time and thought of the best way of achieving this goal. The Council for Higher

Education and the PBC continue to work and promote this issue and will monitor its outcomes in the following years.

Question 8 (c)

Participation in Public Life

221. Every Israeli citizen over the age of 18 (with few exceptions), present in the country on the day of elections, has the right to vote, and every Israeli citizen over the age of 21 has the right to establish a political party and run in the elections for the Knesset. Knesset seats are assigned in proportion to each party's percentage of the total national vote.

222. Currently there are 12 Arab Knesset Members of the 120 Knesset Members (10%), including one woman and one Druze MK.

223. MK Ahmad Tibi is currently Deputy Knesset Speaker. Several Arab MKs are members of the Permanent Knesset Committees – MK Ahmad Tibi and MK Bassel Ghattas are members of the House Committee, MK Ahmad Tibi and MK Hamed Amar are members of the Finance Committee, MK Ibrahim Sarsur is a member in the Economic Affairs Committee, Mk Taleb Abu Arar and Mk Hamed Amar are members in the Internal Affairs and Environment Committee, MK Jamal Zahalka is a member in the Constitution, Law and Justice Committee, MK Esawi Frij and MK Masud Ganaim are members of the Education, Culture, and Sports Committee, MK Bassel Ghattas is a member of the State Control Committee, MK Hanin Zoabi is a member of the Committee on the Status of Women.

224. The Law states that indictment against Members of Knesset may be issued only with the authorization of the Attorney General, who operates independently of any other Government or political entity, making decisions purely on the basis of professional judgment.

225. Unfortunately, over the past years a number of indictments were filed against serving Members of Knesset, affiliated to political parties from across the political spectrum in Israel, holding a wide range of political opinions and points of view.

226. According to the Israeli law, a Member of Knesset has substantive immunity against legal action in regard to any spoken or written expressions of opinion or in regard to any act carried out either within or outside the Knesset, if these actions were carried out in the course of fulfilling his/her duties, or in order to fulfill his/her duties as a Member of Knesset. This Immunity is absolute and cannot be lifted.

227. In regard to actions of an MK that are not in the course of fulfilling his/her duties, he/she may be subject to criminal charges for these actions, with the authorization of the Attorney General. The MK has the right, after receiving a draft of the indictment from the Attorney General, to request that the Knesset shall rule that he/she has immunity from criminal prosecution in regard to charges detailed in the indictment.

228. In addition, note that in accordance with the law, an indicted Member of Knesset, is not required to resign and may continue serving as an MK until the completion of his/her trial. As a rule, during the period that the indictment is pending in court, there are no limitations on the parliamentary activity of the MK, and he/she may continue to serve in parliamentary positions he/she holds. The membership of an MK is only terminated in the event that he/she is definitively convicted of a criminal offence involving moral turpitude.

MK Ahmad Tibi

229. In January 2012, the "Legal Forum for the Land of Israel" approached the Attorney General, asking to open an investigation against MK Ahmad Tibi, following his participation in a convention held in the Palestinian Authority, where he made a speech,

that according to the application, contained legitimation and glorification to terrorist acts, incitement against Israel and its existence. After examining the case, the State Attorney decided not to open an investigation against MK Tibi. Following additional such applications, the Attorney General repeated that there is a great doubt in regards to the interpretation of MK Tibi's expressions and whether they can be interpreted as glorification of terrorists or incitement to acts of violence and terrorism. The Attorney general also noted that MK Tibi enjoys substantial immunity in this regard and found no reasons to alter the State Attorney's decision.

MK Mohammed Barakeh

230. Following a police investigation and with the authorization of the Attorney General, an indictment was filed against MK Barakeh, that included charges of insulting a public servant, interference with a policeman in the performance of his duty, failing soldiers in performance of their duties and assault. The indictment was submitted in full conformity to the provisions of the Knesset Members Immunity Law (Rights and Obligation) 5711-1951 (Hereinafter: "Knesset Members Immunity Law").

231. The Attorney General found that in this case the charges against MK Barakeh do not relate to acts carried out in the course of his duties or in order to fulfill his duties as an MK. Mk Barakeh chose not to appeal to the Knesset.

232. In October 2011, the Tel Aviv Magistrate Court ruled that the offences of insulting a public servant and interference with a policeman in the performance of his duty shall be removed from the indictment since these offences are protected under the substantive Immunity granted to MKs.

233. On November 18, 2012, the Court ruled that in regard to the third count of indictment – an act of violence that was allegedly committed against another person and after considering the evidence submitted in the trial, there is no justification to accept this claim that the substantive immunity protects from such charges. The Court also rejected other claims such as the delay of the proceedings and selective enforcement of the law. (C.C. 12318-12-09, *The State of Israel v. Mohammed Barakeh* (18.11.12)).

MK Sa'id Naffaa

234. On January 26, 2010, following a long debate, the Knesset Committee decided to remove MK Naffaa's immunity. In its preliminary response, the defense claimed that the immunity provided to Knesset members applies to this case since MK Naffaa discussed political issues rather than security issues with the persons he met. The case is still pending before the Nazareth District Court (S.Cr.C. 47188/12/11, *The State of Israel v. Sa'id Naffaa*). On December 26, 2011, MK Sa'id Naffaa was indicted for illegal travel abroad to an enemy state, aiding an illegal travel abroad to an enemy state to about 280 persons, and two counts of contact with a foreign agent. MK Naffaa was indicted following his trip to Syria in September 2007, despite a refusal of the Minister of Interior to allow this trip.

MK Hanin Zoabi

235. In April 2010, MK Hanin Zoabi left Israel together with five other MKs to meet with Moammar Gaddafi, former President of Libya. Upon their return, an application to revoke their privileges as Member of the Knesset (according to the Knesset Members Immunity Law) was submitted to the Knesset's Committee. This procedure is semi-judicial, and special instructions apply in its regard, in order to assure it fairness and integrity, such as the right to appear and argue before the Knesset, the right to be represented by an attorney, etc.

236. The Supreme Court deliberated on the matter of revoking MKs privileges in several cases, and determined the following principles: The Knesset Committee must take

precautions in its decisions in this regard, its decisions are subject to judicial review, the basic condition to revoke a privilege from a MK is the existence of evidentiary basis from which it can be deduced that the MK may use his/her privileges improperly. In addition, the Knesset Committee must be convinced that the MK is going to improperly use his/her privileges and that revoking these privileges will reduce the future risk in the MK behavior. Revoking these privileges is not to be viewed as a punishment but rather as a means to prevent future improper behavior by a MK.

237. With regard to the MKs who traveled to Libya, the first meeting in the Committee was conducted on May 24, 2010. The MKs were asked to present their case before the Committee, but all of them, including MK Zoabi, chose not to do so.

238. Several days later, on May 31, 2010, MK Zoabi took part in the Marmara flotilla during which severe violence was taken against the IDF soldiers, including the use of knives, bats, metal bars and also firearms.

239. On June 7, the Knesset Committee held its second meeting regarding the travel of the six MKs to Libya, and decided to recommend to the Knesset to revoke MK Zoabi of the following MK privileges: 1. the privilege to leave Israel unconditionally (except in times of war); 2. the right to hold a diplomatic Passport; 3. the right to receive reimbursement of legal expenses from the State, if the expenses are related to a judicial procedure resulting from leaving or entering the country or a foreign territory, or from the commission of offences concerning state security, foreign relations and state secrets.

240. This recommendation was deliberated by the Knesset on July 13, 2010, and the Knesset decided to approve the recommendation and revoke the abovementioned rights. This decision was the subject of two appeals that were filed to the High Court of Justice. The Court issued an order nisi and extended the number of judges in this case. The case is still pending (H.C.J 8148/10, *MK Hanin Zoabi v. The Knesset*).

241. In addition, following MK Zoabi's participation in the flotilla, several complaints were filed to the Knesset's Ethics Committee, stating that the participation of MK Zoabi in the flotilla and her expressions and statements soon after are a violation of the rules of ethics applied to MKs. The Knesset Ethics Committee determined that "The very participation in the flotilla which was meant to break the maritime blockade on the Gaza Strip, that was applied as part of the conflict between Israel and the Hamas, even prior to the harsh consequences were known, and even with no connection between the two, is an act that harms State security, and does not coincide with the legitimate leeway of a MK". The Committee determined that MK Zoabi violated the second rule of ethics, according to which "A MK will observe the respect of the Knesset and its members, shall act in a way that respects his/her status and obligations as a MK and shall avoid improper use of his/her immunities and privileges as a MK." The Committee decided to temporarily remove MK Zoabi from the Knesset and Knesset committees meetings for a period of two weeks, while retaining her voting rights and ability to attend meetings that relate to her personally.

242. MK Zoabi chose not to appeal these decisions.

243. Following her participation in the flotilla, an additional legal process was initiated in the case of MK Zoabi, requesting to revoke her citizenship. Section 11 to the Citizenship Law, determines that the Minister of Interior is authorized to annul the Israeli citizenship of a person, with the consent of the Attorney General, and according to the conditions set by the Law.

244. The Attorney General is well aware of the great importance of the right to citizenship, and even though it is not specifically anchored in Israel's Basic Laws it is considered as a basic right of every person.

245. Following due deliberation regarding this matter, the Attorney General did not approve the revocation of MK Zoabi's citizenship.

246. In addition, In January 2012, the "Legal Forum for the Land of Israel" requested the Attorney General to open an investigation against MK Zoabi in light of her alleged meeting with operatives of the Hamas terrorist organization. After an examination of this case it was decided not to open an investigation against MK Zoabi regarding this matter.

247. Prior to the recent elections of January 2013, several applications were submitted to the Central Elections Committee for the disqualification of MK Zoabi from participating as a candidate. The Committee examined and deliberated on this issue and on December 19, 2012 decided to disqualify MK Zoabi from participating as a candidate. According to Section 7a(a1)(b) to the Basic Law: The Knesset, such a decision by the Central Elections Committee requires the approval of the Supreme Court. In the frame of this procedure, the Attorney general was requested to provide his opinion regarding the disqualification.

248. In his Opinion, the Attorney General reaffirmed his opinion that: "In accordance to the firm tests that were set in the Supreme Court's ruling on the matter of disqualification of a candidate from participating in the Knesset Elections – and despite that in MK Zoabi's case there is a significant and particularly disturbing accumulation of evidence, which are close to the prohibited line – it seems that the requests themselves do not elaborate a sufficient "critical mass" of evidence in regard to MK Zoabi case, that it alone, in accordance to the relevant court decisions, can cause her personal disqualification from participating as a candidate in the Knesset elections". The Attorney General therefore told the Court that to his opinion, the Court should not approve of the Central Election Committee's decision preventing MK Zoabi from being a candidate to the 19 Knesset.

249. On December 30, 2012, the Supreme Court, residing in a panel of nine judges, unanimously decided not to approve the Central Elections Committee's decision (E.A. 9255/12, *The Central Elections Committee for the 19th Knesset v. MK Haneen Zoabi* (30.12.12)).

Question 9

Treatment of the Sewage and Wastewater – Eastern Neighborhoods of Jerusalem

250. In the last six years (2007-2012) extensive development works were carried out in order to upgrade the City's sanitation and sewage network with a sum of 42 Million NIS (11.35 Million USD). The works that are currently conducted in Jabel Mukaber, Um Tuba, Tzur Baher, Issawiya, Shrafat and in other location which are detailed below are expected to be completed within two years. Upon their completion, all the eastern neighborhoods of Jerusalem will be connected to the central sewage system and the majority of the works will then focus on maintenance.

251. The Jerusalem municipality conducted extensive works intended to improve sewage and sanitary infrastructures in the eastern neighborhoods of Jerusalem with a total cost of 210 Million NIS (56.7 Million USD) as detailed below:

- Old City of Jerusalem – the sewage and drainage system is almost complete.
- New Ananta/Ras Ramis, Atour, Wadi Jous, Sheikh Jarrah, Silwan – in all of these neighborhoods the sewage system is complete and operating.
- Kidron stream – the works and operation that were carried out in order to replace the General sewage collector were completed.

- Shoafat – the neighborhood is connected to the sewage system apart from a few houses that cannot be connected due to technical reasons and/or for lack of cooperation on the part of the residents.
- Shrafat – the neighborhood is connected to the sewage system apart from a few isolated buildings.
- Jabel Mukaber – Over 60% of the neighborhood is connected to the sewage system. There is a multi-year program for completion of the rest of the needed connections.
- Ras Al-Amoud – in this neighborhood the operations on the sewage system are still incomplete.
- Beit Hanina – in most of Beit Hanina neighborhood there is proper and organized sewage system, apart from the new neighborhoods that were built without building permits and coordination with the Jerusalem water and sewage company, and their sewage systems are in very poor condition.
- Tzur Baher and Um Tuba – only 30% of these neighborhoods has a functioning sewage system. In the last three year the Jerusalem sewage and water company is operating extensively to connect the rest of the buildings to the municipality sewage system. In addition, the construction of a sewage collecting and purification plant that will serve the nearby villages is currently being completed.
- Akeb Village – the residents are uncooperative and refuse to pay fees and tolls and in several cases attacked maintenance workers and contractors.

Sewage Purification Centers and Pumping Stations which Serve the Residents of the Eastern Neighborhoods of Jerusalem

252. Shmuel Wall – currently a Sewage purification center is being constructed with a cost of approximately 30 Million NIS (8.1 Million USD). This purification center will serve the villages of Tzur Baher and Um Tuba which encompass about 30,000 people.

253. Nabi Musa – currently a sewage purification center is being constructed near Nabi Musa junction. This purification center will serve the villages of Issawiya, A-Tur, Beit Hanina and Mount Scopus. The construction is to be completed in the first half of 2013.

254. Talpiyot (east) Pumping Station – Currently the Jerusalem municipality is planning on an expansion of this facility, which upon its completion will serve the residents of Um-Lison, Arab Al-Swahra and Tzur Baher. The expansion is to be completed by 2015.

The Golan

255. Israeli residents and citizens living in the Golan are entitled to the same rights as any other resident or citizen in all aspects of life, including access to land and natural resources.

256. For further information please see Israel's reply to Question 4 above.

Question 10

General

257. In recent years the State of Israel is facing a massive wave of illegal immigration, of persons who, in the vast majority of the cases cross the border illegally from Egypt. This particular border is 220 Km long and until recently was an open border without any real obstacles.

258. According to the estimations of the relevant authorities, since 2006 over 64,000 persons entered Israel illegally, and as of May 1, 2013 about 55,000 persons are staying in

Israel after entering it illegally. The phenomena began with the illegal arrival of a few persons from Sudan, and in 2006, over 700 foreign residents who entered illegally were arrested, in 2007 about 5,200 were caught, in 2008 – 9,000, in 2009 – 5,300, in 2010 – 14,700, in 2011 – 17,300 and in 2012 about 10,421 entered Israel illegally. In 2013, the numbers of illegal arrivals decreased significantly, with only 38 illegal arrivals (until September 2013), a decrease which is mainly attributed to the building of the fence between Egypt and Israel. The majority of the illegal immigrants are from Eritrea (63%) and Sudan (26%) alongside other African countries. Note that until June 2012, the detention period was a few weeks at the most.

259. 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 history, Israel was among the first countries to adopt and ratify the 1951 Convention Relating to the Status of Refugees. This sensitivity, in addition to Israel's obligations under international law and the will of the Israeli Government to protect human rights, lead to an honest attempt by all government agencies, to protect the human rights of these individuals despite increasing challenges. In this regard, Israel currently grants protection to more than 50,000 people, allows these individuals to enjoy their basic human rights.

260. The problem of controlling its borders while upholding the rule of law is not unique to Israel. Many other countries face similar dilemmas, and Israel cooperates closely with those countries in order to develop the appropriate legal mechanisms to cope with these challenges. However, the situation in Israel is much more complicated than in other developed countries. Israel is the only developed country with a long land border with the African continent, which makes it a lucrative destination for immigration without the need to use expensive means of transportation. Moreover, tight control of the borders in Europe makes those who seek a better life turn to the relatively easy route to Israel. Additionally, the current regional instability which touches nearly all of Israel's borders and the fact that a large proportion of these individuals come from Sudan – a country which is hostile towards Israel and does not recognize its existence – adds to the security challenges which a small country such as Israel faces. In this regard, many scholars see migration as a regional phenomenon and believe that the policies for coping with it should be regional. However, due to Israel's unique situation in the Middle East it is impossible for us to develop regional strategies for cooperation with our neighbors or countries of origin, as other states with similar challenges do.

261. This unique situation called for taking several immediate steps in various areas such as constructing a physical border on the Egyptian-Israeli border, expansion of the detention facilities in the south, together with several legal amendments to the relevant legislation. These measures are an honest attempt to try and control Israel's borders and reduce the financial incentives to arrive in Israel, while adhering to the rule of law and respecting the human rights of all individuals in its territory.

Equality

262. The principle of equality is a fundamental principle in the Israeli legal system as apparent both in legislation and adjudication.

263. The Basic Law: Human Dignity and Liberty protects basic guarantees of personal liberty within the framework of Israel's Jewish and democratic character. The goal of the Basic Law is "to defend Human Dignity and Liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic State." Furthermore, many laws emphasize the principle of equality, as detailed extensively in Israel's Initial and Periodic Reports.

264. Just as the Israeli legislature crafts and adopts both new laws and administrative measures to ensure that government agencies adhere to the principle of equality and do not engage in any discriminatory act or practice, the country's independent judiciary serves to interpret, guide, and enforce these measures. The Supreme Court has, on several occasions, reiterated the notion that equality is a constitutional right, derived from the Basic Law: Human Dignity and Liberty,⁴ and that maintaining human dignity also prohibits discrimination.⁵

265. This judicial effort is also guided by the Supreme Court, which plays a pivotal role in the promotion of the principle of equality through the development of jurisprudence dealing with contentious and highly charged political and security-related issues, as detailed in the Periodic Reports.

266. The criticism expressed against the manner in which the State of Israel has been treating asylum seekers does not include claims of discrimination or inequality.

267. The Prevention of Infiltration Law (Offences and Jurisdiction) 5714-1954 (Hereinafter the "Prevention of Infiltration Law"), includes an exception for custody, stipulated in Section 30a(c)(1) and 30a(c)(2), whose purpose is to make sure that requests for asylum are handled within a reasonable time frame⁶ and that genuine refugees are not held in custody. Note that the Population and Immigration Authority (PIA) is making every effort to uphold the schedule detailed in the law.

Amendment No. 3 to the Prevention of Infiltration (Offenses and Jurisdiction) (Amendment No. 3 and Temporary Provision) Law 5772-2012

268. On 16 September, 2013 the High Court of Justice ruled in a petition filed by several NGOs, regarding the constitutionality of Amendment No. 3 to the Prevention of Infiltration Law (Offenses and Jurisdiction) 5772-2012. This Amendment entered into force in January 2012, as a temporary provision, expiring in January 2015. 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 the Basic Law: Human Dignity and Liberty. The Court determined that this violation does not meet the proportionality criteria contained within the limitation clause of the Basic Law, and was therefore unconstitutional. The Court annulled Section 30A of the Law. Furthermore, the State was given 90 days to examine the possibility of releasing the 1,750 people held in detention pursuant to this section, on the basis of Section 13F of the Entry into Israel Law 5712 – 1952, which was deemed applicable (H.C.J. 7146/12, *Naget Serg Adam et al. v. The Knesset et al.* (16.9.13).

269. The Prevention of Infiltration (Offenses and Jurisdiction) (Amendment No. 3 and Temporary Provision) Law 5772-2012, was enacted on January 18, 2012 as a temporary provision for a period of three years and defines an "infiltrator" as: "infiltrator" – a person who is not a resident according to the definition in Section 1 of the Population Registry Law 5725 – 1965, who entered Israel other than by way of a border station prescribed by the Minister of Interior according to Section 7 of the Entry into Israel Law 5712 – 1952

⁴ H.C.J. 721/94. *El-Al Israel Airlines v. Danielowitz*; H.C.J. 5394/92 *Hoppert v. Yad VaShem Holocaust Martyrs and Heroes Memorial Authority*.

⁵ H.C.J. 4541/94 *Alice Miller v. The Minister of Defense*; H.C.J. 7111/96 *The Local Municipalities Center in Israel v. The Knesset*.

⁶ Following three months from the day of submission of a request for a visa and a staying permit and the handling of the request has not begun (Section 30a(c)(1)), or following nine months subsequent to the submission of such a request if a decision on that request has not been issued (Section 30a(c)(2)).

(Hereinafter the “Entry into Israel Law”). Note that the law is valid for a period of three years and is currently scheduled to expire on January 18, 1, 2015. In addition since the Law was only applied in June 2012, the maximum detention period according to it is two and a half years.

Prevention of Infiltration (Offenses and Jurisdiction) (Temporary Provision)

Law 5773-2013

270. In June 2013, the Knesset approved the Prevention of Infiltration Law which, inter alia, prohibits a person that entered Israel illegally to exit the State with property (including money and property rights) subject to several exemptions, among them that the property in movables intended for his/her reasonable use (Section 7A(b)(1)(a)), property in a value that is not higher than the minimum wage multiplied by the number of months he/she stayed in Israel and property in a value higher than that mentioned in Section (Section 7A(b)(1)(b)(1)) if proved that this property is legally his/hers (Section 7A(b)(1)(b)(2)).

271. Nevertheless, a person that entered Israel illegally will be allowed to exit the State with property, if the border control officer allowed him/her, on an exceptional basis, after being persuaded that the said person is unable to leave Israel to another country (Section 7A(d)(1)) and that there is a proof that his/her close relative is in a life threatening situation (Section 7A(d)(2)).

272. Note that this law is a temporary provision which entered into force on 13 September, 2013 and is scheduled to expire on January 17, 2015. The Minister of Interior has issued regulations according to the Law regarding its implementation on 28 August 2013, which also entered into force on 13 September, 2013.

Case Law

273. On July 7, 2013, the Supreme Court, residing as a Court for Administrative Appeals, rejected an appeal filed by several Ivory Coast nationals against the decision to deny their individual requests for asylum. The appellants stayed in Israel due to temporary group protection, after individual asylum requests filed by them have been denied. Following the end of the temporary group protection, the petitioners requested to review their individual requests claiming that while staying in Israel they joined the FPI party who later became to opposition party in the Ivory Coast – thus, they are in danger if sent back to their country. After reviewing the State’s response and the evidence in this case, the Court rejected the appeal stating, inter alia, that the decision of the relevant authorities was reasonable according to the evidence. In addition the Court stated that the appellants only proved their membership in the FPI party without any political activity beyond that, and that it was not persuaded that the appellants’ activity in the Israeli FPI branch may cause their persecution in the Ivory Coast or threat to their lives or liberty in the Ivory Coast. The Court that examined the individual applications of the appellants however stated that they did not prove any evidence of any change in circumstances that may affect their entitlement to a status of refugees or asylum, and therefore the decisions in their regard were given in accordance with the law (Ad.A. 4922/12, *Anonymous v. The Ministry of Interior et al.* (7.7.13)).

274. On April 30, 2013, the Administrative Court in Be’er-Sheva accepted a petition filed by an Eritrean woman and her two daughters, aged 8.5 and 11, for their release from custody due to unique humanitarian circumstances. The Court accepted the claim that minority may be construed as special humanitarian justification for release under Section 30a(b)(2) of the Prevention of Infiltration (Offenses and Jurisdiction) Law 5714-1954, as amended in January 2012 (Amendment No. 3). The Court determined that the release of minors from detention was a matter of judicial discretion, taking into account the

minor's age and the particular circumstances, and it is not limited to unaccompanied minors.

275. The Court further noted that according to Section 30a(b)(1) to the Law, an almost categorical reason for release from custody regarding a minor is that the continuation of "holding him/her in custody may cause harm to his/her health and there is no other way to prevent the said harm."

276. The Court held that babies and young children require special treatment due to their small size and young age. The Court also noted that the mere age of the appellants was to be considered a special humanitarian consideration, as their prolonged detention and uncertain prospects of release (due to Israel's decision not to deport Eritrean citizens), were sure to affect them emotionally and hamper their emotional development.

277. The Court ruled that the matter will be returned to the Detention Review Tribunal in order to examine other option for the petitioners, such as placing them in Carmel shelter in Osfīya, which in recent years housed many women who were released from the Saharonim facility (Ad.P. 44920-03-13 (*Be'er-Sheva*), *Saba Tedsa et al. v. The Ministry of Interior* (30.4.13)).

278. In another petition, the State noted in its response that the Petitioner and her minor daughter were released from custody in December 2012, and also noted that in May 2013, the Border Control Supervisor, with the approval of the Minister of Interior, ordered the release of nine mothers and their ten minor children which were held in custody since September 2012. The State further noted that as of May 2013, there were only five women and 11 accompanied minors in custody, and that the services and living conditions in the Saharonim facility were adapted to the needs of minors, including health, welfare and education services and special nutrition in provided to them. The State further noted that if any indications will be found that the custody causes harm to the minors' health, including mental health, such minors will be released together with their relative or the person accompanying them (H.C.J. 7146/12, *Anonymous v. The Minister of Interior (State response)* (29.4.13)).

279. In another case concerning a decision dated January 31, 2012, in which the Minister of Interior, following the declaration of independence of Southern Sudan, informed the nationals of Southern Sudan that they are required to return to their country and that beginning on April 1, 2012 enforcement activities will be taken against illegal immigrants of Southern Sudan who refuse to leave. According to the Court this decision is basically ending the collective protection for nationals of Southern Sudan. The Court rejected the appeal stating, inter alia, that due to the respondent notification that an individual examination will be made; there is no basis to the petitioners claim that there is an obligation to continue the policy of collective protection. The Court further noted that despite the fact that the respondent and the experts agree that the situation in some areas of Southern Sudan is problematic, violent and even dangerous, the petitioners did not base the claim that this situation takes place all across Southern Sudan and endangers every national as such. The Court further noted that the petitioners did not demonstrate that the decision to stop the collective protection and return national of Southern Sudan to their place of origin or another region in this county that does not endangers their life or liberty, is unreasonable. The Court here recognized that non-refoulement is applicable towards asylum seekers whose individual requests for asylum was denied. (Ad.P. 53765-03-12 (Jerusalem District Court), *ASSAF the Aid Organization for Refugees and Asylum Seekers in Israel. et al. v. The Minister of Interior* (7.7.12)).

Cases of Brutality and Violence against Asylum Seekers

280. Persons who entered Israel illegally through the Egyptian border crossed through the Sinai Peninsula, and in some cases, while on Egyptian ground, such individuals were held in camps (“Sinai Camps”) where they suffered heinous crimes and grave abuse at the hands of their captors, for the purpose of obtaining ransom from their family members living in Israel or abroad (“Sinai Victims”).

281. According to Government Resolutions No. 2806 of December 1, 2002 and No. 2607 of December 2, 2007, any case where there is a suspicion that a person is a victim of trafficking in persons (TIP) or slavery is transferred to the Police, which first determines if there is evidence that the relevant person is indeed a trafficking victim. If the relevant authority determines that there is such initial evidence the victim is transferred to a TIP victims’ shelter (Ma’agan or Atlas). Note that it is insignificant if the victim is a witness in the case or not, since he/she is recognized as a victim he/she will be directed to the shelter. Due to this fact, all the Sinai victims, who were forced to provide sexual services to their captors or who were compelled to forced labor and were held in slavery conditions are also directed to the shelter, despite the fact that the offences against them were conducted outside of Israeli borders, by foreign nationals.

282. The investigation division, in the investigation and intelligence department within the Israeli Police monitors and supervises TIP investigation cases and cases regarding associated offences.

283. Victims of trafficking are afforded three fundamental types of rights: shelter, free legal aid and ability to work. These rights (except for the visas granted during court cases) are not contingent upon cooperation with law enforcement. The shelters are supervised and financed by the Ministry of Social Affairs and Social Services and run by an NGO; legal aid is state-funded, by the Legal Aid Branch of the Ministry of Justice; work visas are provided by the Population and Immigration Authority (PIA) in the Ministry of Interior. The victims who are directed to the shelters, and are also directed to aid organizations that provide additional legal aid, including in regard to the question of their status as refugees.

284. As a rule, victims identified as victims of trafficking by the various authorities and NGOs are transferred to the Police. The Police’s threshold for admitting a person to the shelter is fairly low: if there exists preliminary evidence suggesting that the person might be a victim of trafficking, the person is promptly referred to the shelters. The shelters receive every individual referred by the Police. See the responses to Questions no. 34 and no. 36 of the Previous Report regarding the referral process.

285. The services available for the treatment of victims of trafficking in persons for prostitution, slavery and forced labor were established by two Governmental Resolutions, which led to the establishment of the “Ma’agan” shelter for female victims of trafficking for prostitution in February 2004, and the “Atlas” center for male victims in July 2009. The shelters are currently equipped to deal with a total of 88 victims: 35 places within the Ma’agan Shelter for women, 35 places in the Atlas Center for men, and eighteen places within transitional apartments.

286. The shelters function as a single, comprehensive resource aimed to provide all the necessary services and treatment for victims of trafficking, including meeting their physical, medical, emotional and social needs. During their residence in the shelter, a unique rehabilitation program is designed for them.

287. The shelters are staffed with professional employees with diverse backgrounds and specializations. The staff includes a manager, administrative team (including a secretary and maintenance supervisor), social workers, instructors, educators, translators, volunteers, mediators and security crew. These are complemented by two weekly visits by a doctor and

visits by a psychiatrist as needed, as well as external professional instructors who lead workshops and classes such as sports, yoga, dance, arts and crafts workshops, Hebrew and English lessons. In short, the shelters provide an open, tolerant, attentive, sensitive and rehabilitative environment for victims of trafficking.

288. In 2012, 21 women who were recognized as slavery/forced labor victims of the Sinai camps were directed to the shelter. 18 of the women were from Ethiopia and three from Eritrea. All of these women were identified by the Detention Review Tribunals, the Israeli Prisons Service (Hereinafter: the "IPS"), aid organizations and were recognized by Police as victims of slavery for providing sexual services and forced labor.

289. Also during 2012, 21 men who were recognized as slavery/forced labor victims were directed to the Atlas center for men. 14 of these men were from Ethiopia (among them two minors over the age of 17) and seven from Eritrea. All of these men were identified by the Detention Review Tribunals, the IPS, aid organizations (including the UN Refugee Agency) and were recognized by the Police as victims.

290. In recent years the Police handled ten cases concerning ransom payments for releasing Sinai victims, where there was involvement of Israeli citizens. In six cases indictments were served, two cases are still under investigation and two cases were closed for lack of evidence.

Question 11

The Advancement of the Status of Women

291. The advancement and promotion of gender equality and the promotion of women's rights have been on the agenda of every Israeli Government since the foundation of the State of Israel. Equality is a fundamental principle already enshrined in Israel's Declaration of Independence. In addition, the Equal Rights for Women Law 5711-1951 (Hereinafter the "Equal Rights for Women Law"), enacted only three years after the State was founded, is a testimony to the emphasis placed on gender-related issues from the State's inception. Throughout its existence these issues and principles have remained a priority for Israel and are of utmost importance to its Government and society.

292. As early as 1969, Israel had a woman Prime Minister – Golda Meir. Today, in the 19th Knesset the rate of women MK has increased from 19% to 22.5%. In addition, in the current 33rd Government, the rate of women ministers has also increased from 9.7% to 16%. Currently there are four female Government Ministers: Minister of Health Yael German, Minister of Justice Tzipi Livni, the Minister of Culture and Sport Limor Livnat and Minister of Immigrant Absorption Sofa Landver. Two Government Deputy Ministers are women: Deputy Minister of Interior- Fania Kirshenbaum and deputy Minister of Transportation and Road Safety- Tsipi Hotovely. In addition, the Head of the Opposition is also a woman (MK Shelly Yachimovich). In addition to these figures, as of January 2013, the rate of women directors in government corporations was 42% with 20.6% of women serving as chairperson of such directors. In addition, in 2011, the rate of women serving as managers in the private sector was 39% and the rate of women in senior positions within the Civil Service, was 32.6%.

293. Since 2011, women were appointed for the first time to serve at the following positions: the General Director of the Ministry of Finance, the Chief Accountant at the Ministry of Finance, the commander of a police station (in the city of Petah-Tikva) and for the first time a woman was appointed for the position of Director of the thoracic surgery unit in the Soroka University Medical Center in Be'er-Sheva.

294. In June 2012, the United States' State Department, in its Trafficking in Persons Report for the year 2011, has ranked Israel at Tier 1 for the first time since 2001, this is a

clear recognition of the U.S. Government of the Israeli efforts and concrete steps taken in order to fight TIP and an important determination that Israel fully meets the minimal standards required to the eradication of TIP. This achievement was also echoed in Israel's tier ranking concerning 2012, released on June 2013.

Legislation

295. On June 10, 2013, the Knesset approved Amendment no. 26 to the Religious Judges Law (Dayanim) 5715-1955, according to which, at least one of the two representatives of the Government, Knesset and the Israeli Bar association to the Committee for appointment of Religious Judges shall be a woman. In addition, the 11th member of the Committee shall be a rabbinic advocate that will be elected by the Minister of Justice. This law is intended to provide adequate representation for women in this important Committee.

296. On November 5, 2012, the Knesset enacted the Welfare Service Law (Adaptation Grant for Women who Stayed at a Shelter for Battered Women) 5773-2012. According to this Law, a woman who stayed at a battered women's shelter at least 60 days, will be entitled to an adaptation grant, provided according to a rehabilitation program upon her leaving of the shelter (within 60 days). This, provided she does not return to her permanent place of residence. According to the Law the grant will be at the sum of 8,000 NIS (2,160 USD) and in regard to women with children an additional 1,000 NIS (270 USD) will be granted for each child.

297. 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 Amendment No. 46 to the Women's Employment Law (Extension of Maternity Leave to 26 Weeks) which entered into force on March 22, 2010, 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. The 2011 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.

298. In August 2011, Amendment No. 4 to the Student's Rights Law 5767-2007 was enacted, according to which every academic institute will determine the modifications accorded to students on account of fertility treatments, pregnancy, childbirth, adoption or receiving a child for foster care or custody. This amendment applies the principles of promoting gender equality and provides solutions for a variety of family units, whilst increasing the flexibility of filling academic assignments, without reducing the academic quality of these demands.

299. The following measures are aimed at increasing the representation of women in the civil service and in decision making positions:

300. On April 10, 2011, the Knesset enacted the Expansion of the Appropriate Representation of Women Law (Legislative Amendments) 5771-2011 (hereinafter: "the Law"). This Law amended both the National Commissions of Inquiry Law 5728-1968 (Hereinafter the "Commissions of Inquiry Law") and the Equal Rights for Women Law, to obligate appropriate representation for both men and women in inquiry committees and national examinations committees. Moreover, according to the new Law, amending the Equal Rights for Women 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. According to Section 3(4)(5)(a) of the amendment, in cases where the appointing body is unable to locate an appropriate women candidate to participate as a committee member, the appointing body will ask the Authority for details concerning women candidates which are suitable to the committee's field of interests. In addition, the person or team responsible for the appointment will examine the list prior to appointing the members of the committee, and will examine the suitability of the women according to their expertise, education, training and experience.

301. On November 1, 2010, the Knesset enacted 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 discharged from the Israel Defense Forces, in the sense of dismissal, due to her pregnancy, during a maternity leave, during a special leave following the maternity leave, or 60 days following these leaves, without the authorization of the Minister of Defense. The Minister shall not authorize the dismissal if, in his/her opinion, it relates to the pregnancy, delivery or an absence of the soldier due to the abovementioned leaves. The Minister may not issue an authorization for dismissal before conducting a hearing in which the soldier may present her arguments.

Case Law

302. A very recent and significant example of the prominent role played by the Israeli judiciary in safeguarding women's rights is the conviction of the former 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.

303. This case demonstrates the Israeli law enforcement authorities' and judiciary's relentless commitment to promoting and protecting human rights, including women's rights and dignity. It is evident that the Israeli justice system does not shy away from prosecuting even the highest level officials, where sufficient evidence is present.

Administrative Measures

304. In June 2013, the Civil Service Commissioner issued a circular (73/18), in which he notified about several amendments to the Civil Service Regulations (hereinafter "the Regulations"). According to this circular, the fact that parental rights are automatically provided to the mothers, and fathers are required to make special efforts in order to transfer these rights, wholly or partially, to them, anchors the women as the children primary caretakers. This constitutes as a barrier faced by many women when trying to advance to senior positions. Therefore, with the aim of providing equality in the family, assisting the advancement and promotion of women in the Civil Service and to facilitating fathers employed in the Civil Service with better implementation of their parental rights, it was decided to amend the Regulations. According to the amendment, the term "mother's position" will be replaced by the term "parent's position" and parenting rights will not be provided automatically to mothers, instead, any employee, male or female who is a parent to a child/children in the relevant ages, will be entitled to realize its parental rights. However, both parents will not be able to use the same right on the same day.

305. Also in June 2013, the Civil Service Commissioner issued a circular (73/16), notifying an additional amendment to the Civil Service Regulations relating to the reporting of absence hours due to pregnancy related examinations. According to paragraph 33.311 of the Regulations, women civil servants are entitled to absence hours for medical

examinations relating to pregnancy. These are not deducted of the employee's annual number of vacation days. Since many of the pregnancy examinations are conducted in the beginning of the pregnancy, at a stage in which the employee is not required by law to inform the employer about her pregnancy, it was decided to allow the employee to submit the medical absence authorization forms, confirming that these examinations are pregnancy related, together with her report regarding her pregnancy, which is required from the fifth month of the pregnancy. Upon receiving these authorizations, the annual number of the employee's vacation days account will be updated accordingly.

306. On May 13, 2013, the Government resolved to appoint a Ministerial Committee for the Promotion of the Status of Women in the Israeli society (Government Resolution No. 139). This committee will be comprised of the Ministers of Senior Citizens, Health, Justice, Interior, Immigration Absorption, and Social Affairs and Social Services and will be headed by the Minister of Culture and Sport. According to the decision, permanent members in the committee's deliberations will include the director of the Authority for the Promotion of Women in the Prime Minister's Office.

307. The Committee will be in charge, *inter alia*, of forming policies and promotion of various issues relating to the status of women and equal opportunities for women in the Israeli society.

308. In March 2012, the Government approved Resolution No. 4382, aimed at increasing the rate of women who serve and are employed in local municipalities, by special and unique programs intended for promoting and advancing women to leadership positions. This will be carried out by providing women with skills and tools for running in elections for local municipalities, conducting awareness raising and explanatory activities for encouraging women to enter senior and leadership positions in local authorities.

309. In addition, as of 2012, the Authority for the Advancement of the Status of Women (Hereinafter the "Authority") conducts special courses throughout Israel for the economic empowerment of women and for women leadership with the goal of integrating women in key positions in the society. The authority also hold special courses for training women to serve as directors, and each year several hundreds of women qualify such courses.

310. On January 3, 2012, the Civil Service Commissioner issued a circular to all Government Ministries' Director Generals, in which he emphasized that government authorities are obligated to operate equally towards both genders. The Commissioner also noted that the Commission will see as serious and will take the necessary measures in any case of discrimination for reasons of gender.

311. The Gender Implications of Legislation Law (Legislative Amendments) 5767-2007, which entered into force on January 25, 2008, requires the Authority to submit an opinion regarding gender implications both in regard to bills and proposed regulations. During 2012, the Authority submitted 63 such opinions on new bills and in the first half of 2013, 49 such opinions were prepared by the Authority, 20 of which were already filed to the Knesset for deliberations on various new bills.

312. The Authority also monitors the way women are portrayed in the media, in ceremonies and in various advertisements. During 2011, the Authority approached 15 advertisers regarding offensive advertisements, and in most cases the offensive advertisement was removed.

313. On the occasion of the International Day for the Elimination of Violence against Women, on November 27, 2011, the Government adopted Resolution No. 3884, on the establishment of a public committee for the examination of treatment of domestic violent men. The committee was charged with creating a plan to deal with such men, which will, *inter alia*, include reference to existing methods and required legislative amendments.

Implementation of the Prevention of Sexual Harassment Law 5758-1998

314. The Authority continued to distribute an information kit on the prevention of sexual harassment, as well as conducted a radio information campaign and an information and enforcement campaign in cooperation with the Ministry of Economics, in which a letter was sent to employers, workplaces were visited and codes, information kits and pamphlets were distributed.

315. The Code for the Prevention of Sexual Harassment was distributed to employers in five languages, and was also attached to the pay slips of employees in the Civil Service, during May 2011. This is the second year in which this campaign takes place, and it contributed to the awareness for sexual harassment.

Public Disorder in Beit Shemesh

316. During the period of August and December 2011, several incidents related to modesty occurred in Beit Shemesh, including a verbal attack on an eight year old girl. Following this incident and additional such incidents of public disorder, several suspects were detained by the Police, mainly for public disorder offences. Note that no complaint was filed by the eight year old girl or anyone on her behalf.

317. In addition, following these incidents, the Beit Shemesh police station took several enforcement steps and arrested seven suspects for assault, harassment and arson.

Women Segregation in the Public Sphere

318. One of Israel's challenges in the area of gender based equality protection has been recent attempts by some groups to exclude women from the public arena, especially within certain religious communities. The Government rejected these attempts and in December 2011 formed an inter-ministerial team whose task was to recommend various solutions. The inter-ministerial team concluded its work and reported its recommendations to the Government on March 11, 2012.

319. On January 5, 2012, the Attorney General appointed a team headed by the Deputy Attorney General (Civilian Affairs), to examine the marginalization of women from the public sphere. The team was established due to the increasing number of reports regarding various instances of discrimination against women and excluding them from the public sphere, inter alia, through verbal and physical violence. The team was assigned to examine the legal aspects of some of the more prominent examples of this phenomenon, and to reach recommendations to handle this phenomenon, either through criminal or administrative measures. The team was also asked to examine the necessity of legislative amendments.

320. Representatives from the Ministries of Transportation and Road Safety, Health, Interior, Communication, and Religious Services appeared before the committee, as well as representatives from the Police, the Commission for Equal Employment Opportunities, and the Second Authority for Television and Radio. The Team also heard the Legal Advisor to the Municipality of Beit Shemesh.

321. The team received applications from individuals, organizations and Knesset Members regarding the various topics it examined. These applications presented a variety of views and opinions regarding the phenomenon of segregation between men and women in the public sphere. These views were all examined and considered by the team.

322. Note that the Ministry of Justice team was established following the establishment of an inter-ministerial team for the prevention of exclusion of women from the public sphere, which was headed by the Minister of Culture and Sports. The representative of the Ministry of Justice to the inter-ministerial team also acted as a coordinator between the two

teams. The inter-ministerial team concluded its work and reported its recommendations to the Government on March 11, 2012.

323. The Ministry of Justice team submitted its report to the Attorney General in March 2013, and as a preliminary remark, the team emphasized that the phenomenon which some of its expressions are referred to as “exclusion of women” is a grievous phenomenon characterized by discrimination against any and all women. This discrimination undermines the foundations of the democratic State of Israel, which recognized the human value of any and all persons.

324. Following are the recommendations of the team on the specific issues:

(a) The separation between men and women during funerals which was found in certain cemeteries, as well as the prohibition on allowing women to eulogize amounts to wrongful discrimination. The team recommended that the Ministry of Religious Services will operate for the immediate cessation of these acts (with an exception in cases where the deceased’s family expressed its will to implement such measures, in which the Jewish burial society is allowed to take such temporary means).

(b) Segregation between men and women in national ceremonies and events – the team noted that the responsibility to protect human rights is entrusted first and foremost on the public authorities. Thus, a Government Ministry or another public authority are not authorized to conduct a governmental or national event, or to auspice one, in which measures to segregate between men and women will be carried out. The team noted that women have a full and equal right to take part in these events, both as audience and as participants. The team determined that in such events there is a prohibition to post any signs, barriers or take any other means in order to direct the crowd for separate seating or separate participation in such a public event. That, even if it is conducted at the request of some of the participants.

(c) The team noted that the only exception to the abovementioned rule is when the event is of a religious nature, and the authority believes that the vast majority of the attendees want such separation.

(d) The team recommended that the Ministry of Health will act in order to end any segregation in Health Funds branches in which segregation which was deemed unwarranted by medical considerations between men and women occurs. The team also recommended that the Ministry of Health will operate immediately for the issuance of a Director General circular on this matter.

(e) The team noted that the problem of separation in certain public transportation bus lines still persists, and is occasionally accompanied by coercion and violence towards women. The team recommended that in all public transportation bus lines, including lines in which such segregation exists, the boarding of the bus by women will not be allowed through the back door (as is done in segregated lines) and all passengers will be required to board through the front door and pay directly to the driver. In addition, all passengers will be allowed to freely choose their seat. The team recommended that the Ministry of Transportation and Road Safety will order operators of public transportation to immediately cease from allowing passengers to board through the back door. In addition the team recommended that the Ministry will increase the enforcement and supervision on public transportation companies and act in order to ensure free and equal use of public transportation services.

(f) The team noted that signs calling for women to choose different routes or dress modestly express a message that women are not free to use any area of the public sphere equally. This infringes upon women human dignity. The team recommended that municipalities which hold the authority to regulate the matter of posting signposts in the

public domain and provide licenses for such signposts, must refrain from allowing segregating posts in its domain. The team recommended that while considering setting up signposts, the municipality will attach great importance to the severe infringement caused by the posting of such signs and act not only for their removal but also for the prosecution of the persons responsible according to the law. The team also recommended that the Ministry of Interior should also exert its monitoring and supervising authorities in order to ensure that the municipalities will uphold their duties regarding this issue.

(g) According to the team, the policy of the “Kol Ba-Rama” radio station not to broadcast women voices or hire women as broadcasters infringes the fundamental rights of equality and freedom of expression. The team noted that the fact that this station is intended for a religious public does not mitigate these discriminations. The team advised the Second Authority to conclude its deliberation with the station, for ending this policy, within a six month time frame and to ensure that until then the discriminating means will cease.

325. The team members were disputed regarding the question of whether a criminal legislative amendment is required in order to deal with this phenomenon. On the one hand it was held that the severity of the phenomenon warranted stricter effective measures, as criminal offence, than the administrative measures offered, while others held that the use of criminal law, which is one of the strongest tools that the Government wields over the public, is too powerful and intrusive to be used in regards to behavior which is, although wrong and offensive, not strictly criminal. The team recommended leaving this decision to the Attorney General based on the other recommendations specified throughout their report.

Adoption of the Report by the Attorney General

326. Following the submission of this report, in a meeting that was held on May 6, 2013, the Attorney General decided to adopt the team’s recommendations regarding prohibition of women segregation, and to promote criminal legislation that will prohibit harassment of a person in a way of contempt or humiliation for reasons of religion or religious group, nationality, country of origin, gender, sexual inclination, opinion, political affiliation, personal status or parenting, all of the above with a purpose of preventing access and use of a public service or with the purpose of harming the conditions of receiving such a public service. It was concluded that a draft bill will be presented in the near future.

327. In addition to the above, in Government Resolution No. 4052 (woman/6) of December 29, 2011, the Government resolved that the Authority will operate an open hot-line designated for receiving complaints concerning women segregation. On January 8, 2012, the Authority published the opening of this hot-line. According to information received from the Authority, the complaints that were received were handled with the relevant authorities in each case. According to this resolution, the Ministry of Transportation, National Infrastructures and Road Safety has also opened such hot-line designated for complains regarding women segregation in public transportation.

Advancement of Arab Women

328. According to several Government Resolution that were approved between the years 2008 and 2012, and with the aim of advancement of Arab women, the Authority of the Advancement of the Status of Women has awarded 440 scholarships for Arab women studying for their first degree, including Bedouin, Druze and Circassian Students.

329. In addition, the Authority has conducted 55 business entrepreneurship courses for Arab women, which are intended, inter alia, for providing education completion, empowerment, leadership, providing business skills etc.

330. In the framework of a new project aimed at the advancement of Arab women, the Authority has opened in 2013, courses for economic empowerment and business planning

for Arab women, with the aim of assisting and encouraging them to open private businesses. The curricula includes self-empowerment, financial procedures and negotiation with banks, budget planning, establishing a private business, marketing, using the internet (basic information and for promotion of a private business), education for financial awareness and more.

331. All of the Authority's publications are disseminated in several languages including Arabic.

C. State of emergency (art. 4) and derogations from international standards

Question 12

Review of the Legislation Governing the State of Emergency

332. The State of Israel remained in an officially-proclaimed state of public emergency since May 19, 1948, four days after its founding, until the present day. The original declaration of a state of emergency was issued by the Provisional Council of State, in the midst of the war that began several months prior to the declaration of Israel's independence on May 14, 1948, with neighboring states and the local Arab population. Since then, the state of emergency has remained in force due to the ongoing state of war or violent conflict between Israel and its neighbors, and the constant attacks on the lives and property of its citizens. For additional information regarding the state of emergency in Israel please see Replies of the Government of Israel to the List of Issues to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/Q/3/Add.1, Question 9, p. 28).

333. On May 8, 2012, Israel's High Court of Justice rejected a petition that was submitted in 1999 by the Association for Civil Rights in Israel, to cancel the declaration on state of public emergency in Israel. The Court decided to cancel a previous order nisi and to strike off the petition since the proceedings have been exhausted and especially due to the legislative progress to enact a law that will allow the future cancelation of the state of emergency. The Court noted that although the work is not done yet, it is in the opinion that the authorities should be allowed to continue and conclude the legislation activities which this petition assisted in promoting. The Court also noted that the Israeli reality is still sensitive and complex and does not allow leaving the authorities without the necessary powers they require in times of emergency. The Court further noted that "Israel is a normal state which is not normal – it is a normal state in the sense that it is an active democracy which observes basic rights, among them free elections, freedom of speech, independent courts and legal advice. However it is not normal since the threats over its existence have not yet been lifted, it is the only democracy under such threats and the fight against terrorism still continues and will probably continue in the near future." (H.C.J. 3091/99, *The Association of Civil Rights in Israel v. The Knesset*).

334. The Court also referred to several legislation processes that have reached their appropriate conclusion recently: the partial replacement of the Extension of Validity of State of Emergency Regulations Law (Supervision of Naval Vessels) [Consolidated Version] 5733-1973 with two new laws: the Shipping Law (Foreign Naval Vessel Under Israeli Control) 5765-2005, and the Shipping Law (Violations Against the Security of International Sailing and Maritime Facilities) 5768-2008. The Court further noted that additional bills in this matter are under various stages of legislation that indicates that the authorities understand that the time has come to part from the rest of the emergency legislation that was in force since the establishment of Israel. The Court stated that due to the circumstances and the measures taken, the Court's interference is not required.

335. In addition to the abovementioned information, in 2012, the link between the Prevention of Infiltration Law and the state of emergency legislation was severed. Furthermore, in the tenure of the previous Knesset (2009-2013), over 100 Supervision Orders that have been previously enacted according to the Supervision on Products and Services Law 5718-1957 have been annulled, leaving only 54 valid orders.

336. The current state of emergency is in force until December 31, 2013. The Knesset extended the state of emergency by only six additional months in order to expedite the separation of the current legislation.

337. For further information please see Israel's reply to Question no. 4 above.

D. Right to life (art. 6)

Question 13

338. Please see Israel's reply to Question no. 4 above.

Independence of the Turkel Commission for the Examination of the Flotilla Incident

339. As detailed in Israel's Follow-up to the Oral Presentation by the State of Israel before the Committee on Civil and Political Rights of October 2011, following the flotilla incident of May 31, 2010, the Government of Israel established by Government Resolution No. 1796, dated June 14, 2010 (hereinafter: the Government Resolution) an independent public commission headed by (retired) Supreme Court Justice Yaacov Turkel, for the purpose of examining the conformity of the actions taken by Israel in connection with the flotilla incident with the norms and requirements of International Law. As further mentioned in Israel's Follow-up report, in addition to the esteemed members of the Commission, two international observers were appointed to the Commission, as will be detailed further below. As noted by the Turkel Commission itself in its report, the observers were full participants in all aspects of the Commission's work.⁷

340. The establishment of such a Commission, a measure undertaken only in exceptional circumstances, further amplifies Israel's commitment to comprehensively investigate all aspects of the incident, above and beyond the robust mechanisms of investigation and review provided by Israeli law.

341. The Government Resolution determined that the Turkel Commission could request any individual or organization, Israeli or foreign, to testify before it or to relay information in another manner, on topics which it considered relevant to its deliberations, including the Prime Minister and members of the Israeli cabinet. As per military personnel, section 6 of the Government Resolution sets forth that the Turkel Commission may hear testimony from the IDF Chief of Staff and the head of the Expert Military Investigative-Team, General (Res.) Giyora Eiland.

342. With respect to other military personnel, the Commission's mandate created a special procedure for the collection of testimonies. Section 6 of the Government Resolution sets forth that Turkel Commission shall receive all the required documents for its review, and can also request the head of the Expert Military Investigative-Team, to provide it with the summary findings of the operational debriefings (also known as command investigations) conducted after the flotilla incident. Furthermore, if the Turkel Commission was to decide, after examining these documents, that there is a need for further

⁷ The Report of the Public Commission to Examine the Maritime Incident of 31 May 2010 – Part 1 (hereinafter: The Turkel Report), published on January 23, 2011, pg. 17.

investigation, it had the authority to request the Expert Military Investigative–Team to instruct the team to do so, and provide it with the summary findings collected thereby.

343. In addition, on July 4, 2010, the Commission’s jurisdiction was broadened and it was given authorities according to Sections 9-11 and 27(b) of the Commissions of Inquiry Law, subject to the abovementioned limitations, provided in Section 6 of the Government Resolution. These Sections of the Commissions of Inquiry Law allow the chairman of an inquiry commission to subpoena a person to testify before the committee or present documents or other exhibits in his/her possession; to require a witness to testify under oath; to force the appearance of a person who did not present him/herself following the subpoena; to collect testimony abroad; to impose a monetary fine on persons who refused to appear after being subpoenaed; to provide a witness with a warrant for expenses; and more.

344. A petition was submitted to the Supreme Court against the limitation on the ability of the Turkel Commission to directly hear testimonies by IDF personnel who took part in the military efforts to prevent the breach of the maritime blockade during the flotilla incident (H.C.J. 4641/10, *Uri Avneri et al. v. The Prime Minister et al.*).

345. During the deliberations on this petition, the parties agreed (in a decision that was given the status of court decision) to postpone the proceedings, leaving the case as “pending”, since it was unknown at the time whether the Commission would need to subpoena soldiers to testify before it. It was agreed that insofar as the Turkel Commission would wish to subpoena soldiers to testify before it regarding the events of the flotilla, it could request the Government to enable it do so, and were the Government to refuse, the matter would be examined on merit by the Court.

346. In practice, the Turkel Commission used the authority granted to it by the Government Resolution to extend and deepen the scope of the investigations into operational aspects of the incident, where the Commission considered it necessary. It was resolved that a representative of the Commission would work opposite IDF personnel, who were appointed for this purpose and were not involved in the flotilla incident. Subsequently, additional debriefings were conducted according to the specific instructions and guidance provided by the Commission’s representative. As part of these debriefings, the testimonies of numerous combat soldiers and IDF personnel which were directly involved in the incident were provided to the Commission.⁸

347. Furthermore, it is important to add that many senior officials, from both the political and the military ranks, testified before the Commission at length and in detail, including the Prime Minister, the Minister of Defense, the IDF Chief of Staff, the Military Advocate General and the Coordinator of Government Activities in the Territories (COGAT).

348. Given the extensive powers given to the Turkel Commission to hear witnesses and receive documents, and the procedure established in the Commission’s mandate and employed vigorously by the Commission in order to present to it testimony of IDF personnel, the Turkel Commission was able to receive all of the necessary information it required from the military authorities.⁹ As noted above, in the course of proceedings before Israel’s High Court of Justice, the Court ruled that in the event that the Commission was interested in hearing direct testimony of military personnel and was unable to do so, the matter would be adjudicated by the Court. However, under the circumstances described above, the Turkel Commission did not find it necessary to directly subpoena soldiers to

⁸ The Turkel Report, pg. 20-21.

⁹ Note that while the abovementioned petition has not been erased, to date, the petitioners did not approach the court requesting it to deliberate.

testify before it. This was because its members were satisfied that the powers granted to the Commission, the information submitted to it and the extensive testimonies provided, including that of the IDF Chief of Staff which testified before it twice, were sufficient.

349. A significant indication as to the independence of the Commission can be found in the statements of the distinguished international observers, Nobel Peace Prize laureate Lord William David Trimble from Northern Ireland (UK), and former Canadian Judge Advocate General of the Canadian Forces, Brigadier General (ret.) Kenneth Watkin QC. In a letter attached to the first part of the Turkel Report, the two observers note that “[t]he Commission made enormous efforts, to get as much information as possible. This involved going back to the IDF for additional information, obtaining further staff to examine all the video material (hundreds of hours) including the CCTV downloaded from the Mavi Marmara and to collate the material so that it has been able to examine each use of force by the IDF. [...] We have no doubt that the Commission is independent. This part of the report is evidence of its rigor.”¹⁰

350. Finally, the Turkel Commission published the first part of the report in January 2011. Many of the determinations made by the Commission, based on the extensive information that was made available to the Commission, including its conclusion that the imposition and enforcement of the naval blockade on the Gaza Strip was lawful and complied with the rules of International Law, were also adopted by the UN-appointed Secretary-General’s Panel of Inquiry on the 31 May 2010 Flotilla Incident (the Palmer Report¹¹).

351. In February 2013, the Commission concluded its work on the second part of its report pursuant to Section 5¹² of its mandate, in which the Commission reviewed the examination and investigation mechanisms in Israel for complaints and claims of violations of the laws of armed conflict and their compliance with Israel’s obligations under international law¹³.

352. Additional support to the Commission’s independence can be found in the statements of the distinguished international observers accompanying the second part of its report. For example, Lord Trimble stated, *inter alia*: “[i]t is my observation that the members of the Commission and the international observers were free to deliberate and to recommend as we saw fit without interference from, and independently of, the Government of Israel”. Brigadier General (ret.) Watkin QC had retired due to a previous commitment prior to the conclusion of the second part of the report; however, in his letter to the Commission he noted, *inter alia*, that: “since the completion of the last report the Commission has continued to independently and rigorously investigate the significant issues with which it has been entrusted”.

353. Finally, Professor Timothy McCormack, a Professor of Law at Melbourne University and Special Adviser on International Humanitarian Law to the Prosecutor of the

¹⁰ The Turkel Report, pg. 11.

¹¹ In regard to the Report of the UN Secretary-General’s Panel of Inquiry on the 31 May 2010 Flotilla Incident, please see Israel’s Follow-up response to the Oral Presentation by the State of Israel before The Committee on Civil and Political Rights of October 2011 (Page 9).

¹² Section 5 of Government Resolution No. 1796 of June 14, 2010: “In addition the Commission will examine the question whether the examination and investigation mechanism in regard to complaints and claims concerning violations the laws of armed conflict in Israel in general, and the way it is implemented in regard to the present incident are compatible with the State of Israel obligations under international law”.

¹³ The second part of the Report is available online at the Turkel Commission’s website – <http://turkel-committee.com/content-107.html>.

International Criminal Court in The Hague, who replaced Brigadier General (ret.) Watkin QC, wrote: “[a]ny reader of this report will see that it is comprehensive and rigorous. It is independent. It reveals, that taken as a whole, Israeli law and practice will stand comparison with the best in the world”. All of these statements are an additional and unmistakable indication as to the independence of the Turkel Commission.

354. In regard to the Report of the UN Secretary-General’s Panel of Inquiry on the 31 May 2010 Flotilla Incident, please see Israel’s Follow-up response to the Oral Presentation by the State of Israel before The Committee on Civil and Political Rights of October 2011 (Page 9).

Question 14

355. Please see the reply to Question no. 4 above.

E. Prohibition of torture, right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 7, 9, 10, and 14)

Question 15

Prohibition of Torture and the “Necessity” Defense

356. An offence containing a prohibition of torture has not been legislated in Israel. However, acts and behaviors defined as torture under Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR) (causing pain or suffering, whether physical or mental) constitute offenses of assault (Sign Eight to chapter ten of the Penal Law), threat (Sections 192 or 428 of the Penal Law) or causing injury (Sign Four to Chapter Ten of the Penal Law).¹⁴ Furthermore, abuse or cruel treatment towards a victim of an offence is expected to exacerbate the criminal punishment. Section 40(i)(a)(3),(4),(10) and (11) of the Penal Law, which was amended in the past year as part of Amendment No. 113 to the Penal Law (Construction of Judicial Discretion in Punishment), lists “the cruelty, violence and abuse by the perpetrator against the victim of the offence or his exploitation”, and the damage from the offence or the abuse of power of the defendant towards the victim as aggravating circumstances for perpetrating the offence, according to which the appropriate scope of punishment will be determined in the verdict.

¹⁴ See for example: Section 277 to the *Penal Law*:

Pressure by public servant

1. A public servant who is doing one of the following, is liable to three years imprisonment:
 - (1) Using or ordering to use force or violence against a person, in order to extort from that person or from another person in whom he/she has an interest, a confession of an offense or information concerning an offense;
 - (2) Threatening a person or ordering a person to be threatened, with bodily injury or damage to his/her property or of another person in whom that person has an interest in, in order to extort from him/her a confession of an offense or information about an offense.

And Section 280 to the *Penal Law*:

Abuse of office

1. A public servant who is doing one of the following, is liable to three years imprisonment:
 - (1) While abusing his authority he performs or ordering to perform an arbitrary act that injures the rights of another person;
 - (2) [...].

357. The defense of “Necessity” remains in Israeli legislation, and this defense has neither been cancelled nor limited by legislation.

The Inspector for Complaints Against the Israel Security Agency (ISA) Interrogators (Hereinafter the “Inspector”)

358. According to the Police Ordinance [New Version] 5731-1971, opening an investigation against an ISA employee is subject to the decision of the Attorney General or the State Attorney or one of his/her deputies. If so decided, such an investigation shall be conducted by the Department for Investigations against Police Officers (DIPO). However, in order to decide upon conducting such an investigation, a preliminary examination is to be made by the Inspector. Following such an examination, the Inspector’s findings are transferred to his/her Supervisor who is a senior advocate in the State Attorney’s Office, who decides if there is room to recommend on opening an investigation.

359. Following comprehensive deliberations, the Attorney General announced in November 2010, that the Inspector for Complaints against ISA Interrogators (hereinafter: the “Inspector”), 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.

360. This reform, establishing an external inspector to examine complaints concerning ISA Interrogations was supported by the Head of the ISA, the State Attorney and the Director General of the Ministry of Justice.

361. 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. Mrs. Modzgvishvily, who in the last four years served as the Chief Military Prosecutor, recently retired from 22 years of military service, in which she served in many positions in the military advocacy, including several years as a military judge. 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.

Case Law

362. In H.C.J. 1265/11, *The Public Committee Against Torture et al. v. The Attorney General* (6.8.12), the High Court of Justice reviewed complaints regarding the Inspector. The petition included complaints regarding the Inspector’s authority to examine complaints against ISA Interrogators, the duty of the respondent and the Police (or another authorized body such as the Department of investigation of Police Officers (DIPO)) to investigate any complaint regarding an offence, and the question of organizational affiliation of the Inspector, who was at that time, an ISA employee.

363. The Court noted that a preliminary examination prior to a decision regarding opening a criminal investigation may be part of the decision making process in the State Attorney’s Office and held that such a preliminary examination is an acceptable course of action.

364. The Court also noted that in regard to the authority to order a criminal investigation, as determined by the Court in previous rulings, the authorities are not obligated to automatically open an investigation following complaints, and such duty to open an investigation is conditioned on sufficient evidentiary infrastructure which justifies it.

365. The Court noted that in light of the principle authority to conduct a preliminary examination, and the need of sufficient evidentiary infrastructure to justify the opening of a criminal investigation, the mechanism of the Inspector and the Inspector’s Supervisor (a

senior attorney in the Israeli State Attorney's Office of the Ministry of Justice, appointed by the Attorney General) is an appropriate balance between all the relative interests, in parallel to the recently completed process of the Inspector becoming part of the Ministry of Justice.

366. The Court also noted that conducting such a preliminary examination by one specific mechanism, who will not be an ISA employee, but an employee of the Ministry of Justice, will serve the public interest in safeguarding the ISA interrogation methods by ensuring that efficient interrogation tools are used within the boundaries of the law, which will assist in protecting confidential information.

367. The Court found that the availability of an appeal process, both by appealing to the Attorney General, followed by the possibility to petition for judicial review by the High Court Of Justice, provide adequate safeguards. The Court did not examine the cases of the specific plaintiffs but rather recommended that the period of appeal over a decision not to open an investigation in these specific cases will be extended in order to allow them to file an appeal to the Attorney General.

368. In H.C.J. 1266/11, *Mahmoud Sa'witi et al. v. The Attorney General* (21.10.12), the Public Committee against Torture and the Sa'witi family petitioned the High Court of Justice and requested the Court to instruct the Attorney General to order the Department of investigation of Police Officers (DIPO) to launch a criminal investigation against ISA investigators who were involved in Mahmoud Sa'witi's interrogation during which they presented Mr. Sa'witi with a false display according to which his father and wife had been arrested and detained.

369. The Court further noted that an assistant of the Attorney General replied to this application stating that the ISA has examined this issue and had emphasized that an arrest of an interrogatee's family member is legal when it is done under the same criminal sequence, and there is legal grounds for the arrest of the family member. On such circumstances, there is no hindrance to inform one relative about the detention of the other, including allowing them to meet. However, when a detainee's relative is not arrested and there are no legal grounds for his/her arrest, there is no justification to create a false display in which the detainee's relative is under arrest. The Attorney General Assistant also noted that there was no cause to take such an action, from which a false display was created as if Mr. Sa'witi's father had been arrested. The Court further noted that a previous petition to the High Court of Justice by the Public Committee Against Torture, to totally prohibit the use of family members as a coercive tool during interrogation was denied (H.C.J 3533/08, *Mison Sa'witi et al. v. The Israeli Security Service et al.* (9.9.09)).

370. The Court noted the abovementioned High Court of Justice ruling (H.C.J. 1265/11, *The Public Committee Against Torture et al. v. The Attorney General* (6.8.12)) and stated that also in the present case, the appropriate way to examine the specific allegations is by submission of an appeal to the Attorney General against the Deputy State Attorney's decision not to conduct an investigation against the ISA interrogators, according to the verdict in H.C.J. 1265/11. The Court, after receiving the consent of the Attorney General, stated that the date for such an appeal (that has expired already) should be extended in order to allow the petitioners to submit such an appeal.

371. In July 2012, the Public Committee against Torture – Israel, petitioned the High Court of Justice in order to instruct the Attorney General and the State Attorney to order a criminal investigation against a number of ISA interrogators who were involved in the interrogation of A.A.G (petitioner no. 1), for suspicions of use of torture and abuse during his interrogation. According to the complaint, petitioner no. 1 was subject to illegal interrogation means, including physical violence, sleep deprivation, mental stress and threats against his family members. It was also claimed that one of the rooms in petitioner no. 1's home was demolished and he was brought to watch the demolition. According to the

complaint, the Attorney General and the State Attorney, based on the recommendations of the Inspector's Supervisor, decided not to open such an investigation – which according to the petition is an unreasonable decision. It was also claimed, that not only that the Inspector's examination of this case did not refute A.A.G's complaint, but it noted that the examination of his complaint gave rise, in certain points, to lessons for the future. However the final decision was that no grounds were found to take legal measures against the interrogators. This case is still pending before the Court (5722/12, *A.A.G. et al. v. The Attorney General et al.*).

372. In addition, there are several additional pending petitions among them: H.C.J. 1494/12, *Anonymous v. The Attorney General et al.*, regarding the right to review examination material and H.C.J. 7273/12, *Jihad Riad Muqrabi et al. v. The Attorney General*, regarding the time period to review an appeal against a decision not to open a criminal investigation against ISA interrogators for alleged violence and abuse, by the Attorney General.

Question 16

Alleged Cases of Torture, Ill-Treatment and Disproportionate Use of Force by Law-Enforcement Officials

373. Every complaint or report regarding torture, ill-treatment and disproportionate use of force against detainees, adults and children alike is investigated promptly by the relevant authorities.

374. A number of sections of the Penal Law provide criminal sanctions against acts of torture. Reference should also be made to the Basic Law: Human Dignity and Liberty. Moreover, strict guidelines relating to methods of interrogation of security suspects are also directed to prevention of torture.

375. Another relevant statutory provision is Section 12 of the Evidence Ordinance [New Version] 5731-1971 which invalidates any confession made by an accused person not made freely and voluntarily.

376. Section 34m of the Penal Law allows the defense of conducting an act by a person that was obligated or authorized to do so according to the Law (Section 34m(1)), and acting according to an order of an authorized authority to which he/she was obligated to obey, except if the order was clearly illegal (Section 34m(2)). Where an order is manifestly illegal, as would be the case with an order to commit acts of torture, acting under such order would clearly not constitute a defense for a person accused of committing such acts.

377. Furthermore, Israel's legislation provides for different supervision and oversight mechanisms, including the Israel Security Agency Law 5762-2002 that addresses the major relevant issues concerning the mandate, operation, and scope of functioning of the ISA. This, in order to ensure that the relevant authorities uphold the law in particular, and the prohibition on torture, ill treatment and disproportionate use of force, in particular.

378. For further information regarding the Inspector for Complaints Against the Israel Security Agency (ISA) Interrogators please see the reply to Question No. 15 above.

ISA Interrogators

379. The ISA is responsible by law for the safeguarding of Israel's security, regime, and state institutions, from terrorist threats, espionage and other threats. In order to fulfill its purpose, the Agency performs, among other things, investigations of suspects in terrorist activity. The main goal of such investigation is data gathering intended to foil and prevent terrorist acts.

380. The Israel Security Agency (ISA) operates in accordance with the ruling of the High Court of Justice, and specifically the ruling concerning ISA interrogations from 1999 (H.C.J. 5100/94, *The Public Committee against Torture v. The State of Israel*).

381. In addition, in 2009, the High Court of Justice, in a panel of three judges headed by the President Dorit Beinisch (retired), rejected a petition which claimed an alleged breach, by the State and the ISA, of the High Court of Justice's 1999 ruling concerning the ISA investigations. (H.C.J. 5100/94, *The Public Committee against Torture in Israel v. The State of Israel*).

382. The ISA and its employees act within the limits of the law and are subject to both internal and external supervision and review, including by the State Comptroller, the State Attorney's Office, the Attorney General, the Knesset and every instance of the courts, including the High Court of Justice.

383. The detainees undergoing ISA interrogation receive all the rights to which they are entitled according to international conventions to which Israel is a party and the Israeli law, including the rights to legal representations, medical care and visits by the International Red Cross.

384. The ISA directives provide minors with special protections warranted by their age. For example, actions concerned with interrogations involving a minor, including the very decision to detain a minor for interrogation, requires the approval of the highest ranks of the ISA. Furthermore, the interrogation hours are meticulously observed, as well as providing minors with sleep time. Additionally, minors are detained separately from adults. Finally, there is strict observance that minors are interrogated by an investigator which has undergone special training for investigation of youths.

Israeli Police

385. The Israeli Police and the Department for Investigation of Police Officers in the Ministry of Justice views instances of police officers' ill-treatment and disproportionate use of force against detainees with the utmost severity.

386. Serious efforts are being undertaken to eliminate any form of such abuse. Cases of alleged violence are investigated thoroughly and meticulously, using all means to exhaust the interrogation and bring to justice those found to be unnecessarily violent or acting in an unreasonable manner.

387. The Police Disciplinary Tribunal, residing in a case of unlawful use of force towards a non-officer, shall be composed of two police officers and a public representative. The purpose of convening such a tribunal is to elevate the public's trust in police treatment of complaints regarding the unlawful use of force. The tribunal may impose penalties ranging between fines, warnings, reprimands, confinement, demotion, or incarceration.

388. In certain cases, when the use of force is relatively trivial, the Department submits complaint fact sheets, judicially reviewed by a single Tribunal judge through an expeditious process, without legal counsel. The Tribunal considers the type of injury, the results of the use of force, the location of the offence, the officer's disciplinary record and his/her personal circumstances.

389. As detailed in Israel's previous reports, the Department for Investigation of Police Officers in the Ministry of Justice is responsible for most criminal investigations against police officers. Disciplinary proceedings are initiated by submitting a complaint to the Disciplinary Department of the Personnel Division at the Police Central Headquarters, or to any of its branches. Also, administrative sanctions may be imposed at any time during the proceedings, as well as after the proceedings are completed.

Israeli Prisons Service

390. Every prisoner or detainee under the care of the Israel Prisons Service (IPS) has access to the following complaint mechanisms concerning grievances regarding the staff and wardens', including claimed wrongful use of force:

- Filing a complaint to the director of the prison;
- Petitioning the relevant District Court in a prisoner's petition, in accordance with section 62A of the Prisons Ordinance, 5732-1971, and the Procedures (Prisoners Petitions) Regulations, 5740-1980;
- 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; or
- 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. Following the completion of the inquiry, and based on its findings, the complaint shall be forwarded to the WIU or the Disciplinary Branch in the IPS.

391. Additionally, Section 71 of the Prisons Ordinance establishes rules for Official Visitors in prisons. These Visitors are appointed by the Minister of Public Security and are comprised of lawyers from the Ministry of Justice and other Governmental Ministries, who are appointed on a yearly basis, either for a specific prison, or nationwide. Section 72 of the Prisons Ordinance grants official visitor's 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. 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 Guideline (No. 4.1201. (1.5.75), updated – 1.9.2002) broadened the scope of the above to also include detention facilities and detention cells in police stations.

392. In addition, Israeli prisons, the Israeli Prisons Service and the Ministry of Public Security are routinely subjected to inspection by the State Comptroller.

Audio/visual Documentation of Interrogations

393. The temporary provision in Section 17 to the Criminal Procedure (Interrogation of Suspects) Law 5762-2002 (Hereinafter the "Criminal Procedure (Interrogation of Suspects) Law"), provides the Police with an exemption from the obligation of audio or visual documentation of interrogations of suspects detained for security offences, an obligation that is set in Sections 7 and 11 to the Law. This temporary provision was enacted after it was revealed that in the special circumstances of a security interrogation, in which the relevant authorities deal with extreme terrorist organizations, the audio and visual documentation of the interrogations may assist these organizations to learn and draw conclusions regarding the interrogations procedure and by that assist and strengthen them for future interrogations, what may lead to foiling future interrogations and investigations.

394. In addition, such documentation may deter interrogatees from providing information, due to the fear that the cooperation with the interrogating authorities will be discovered to or revealed by their families, friends and the terrorist organization to which they belong to.

395. In July 2012, the temporary provision was examined once again, however, since there is no change in the security situation that requires such exemption, and due to improvements in the intelligence capabilities of the terrorist organizations, the Ministerial Legislation Committee decided that the temporary provision is still essential for the investigation and foiling of terrorist offences. Accordingly, the duration of the temporary provision was prolonged by additional three years during which similar arrangements in other states will be analyzed in order to examine the possibility of an alternative arrangement to the temporary provision (for example evidence confidentiality etc.). In addition, during this period, the term “security offence” is expected to be amended, inter alia, by narrowing its definition, and by adding the condition that such an offence is required to be carried out in circumstances in which there is a fear for harming state security or if the offence was carried out in connection to an act of terrorism.

396. The exemption from audio or visual documentation does not exempt the Police from their obligation to properly document security investigations, according to previous rulings, but this documentation may be conducted in writing.

Case Law

397. On February 6, 2013, the High Court of Justice rejected an appeal filed by “Adalah – the Legal Center for Arab Minority Rights in Israel” against the Ministry of Defense, in which the petitioners requested the Court to revoke Section 17 to the Criminal Procedure (Interrogation of Suspects) Law and to instruct the ISA to visually document interrogations of suspects in security offences. The Court determined, inter alia, that in this case, when the arrangement of the temporary provision and the definition of a “security offence” are being reviewed by the State, the petitioners should wait for the results of the examination, and therefore the Court found no room to intervene and dismissed the case (H.C.J. 9416/10, *Adalah the Legal Center for Arab Minority Rights in Israel et al. v. The Ministry of Defense et al.* (6.2.13).

Question 17

398. In regard to administrative detention please see the reply to Question 4 above.

Article 9 of the Covenant

399. Israel’s derogations to Article 9 of the Covenant are reviewed periodically. At present, Israel has not changed its position in this matter.

Question 18

400. Please see the reply to Question no. 4 above.

Question 19

401. The most recent development in the efforts to fight terrorism is the current work on the Fight against Terrorism Bill, 5771-2011. In August 2011, this bill was approved by the Knesset in the first reading and is currently waiting to be reviewed by the Knesset Constitution, Law and Justice Committee. Significant efforts were invested in drafting this bill, which includes, inter alia, definitions of “act of terrorism”, “terrorist organization”, “member in a terrorist organization” etc. Some of the definitions were adapted to match similar definitions in other states with a justice system similar to Israel. In any case, all of these definitions were drafted carefully, in order to provide the law enforcement authorities with effective and precise tools in their fight against terrorist organizations and terrorism in general, while protecting human rights and due process rights.

402. This bill, upon its enactment, will continue the fight against terrorism and terrorism offences in the framework of the criminal law in the civil instances, and therefore accordingly, in these instances and proceedings, the defendants shall continue to enjoy all the substantial and procedural safeguards meant to protect the defendants and the transparency of the procedure.

403. This bill, upon its enactment, will allow the annulment of current legislation in the field of fighting terrorism, such as: the Prevention of Terrorism Ordinance 5708-1948 (Hereinafter the "Prevention of Terrorism Ordinance"), Prohibition of Financing Terrorism Law 5765-2005 and some of the Defense Regulation (State of Emergency) 1945.

Additional Safeguards and Remedies Available to Detainees

404. These include Amendment no. 42 to the Prisons Ordinance [New Version] 5732-1971 of May 2012, which added Sections 11B to 11E to the Ordinance. These sections refer to adequate detention conditions for prisoners, including adequate sanitation conditions, medical treatment and supervision according to an IPS physician's determination, bed and mattress, the ability to hold personal items, adequate food and water, cloths, items for personal hygiene, adequate lighting and ventilation and the ability to go outdoors, all according to the IPS Regulations. In addition, Section 11C provides the right to integrate in leisure or educational activities according to IPS Regulations. According to Section 11D, the Prisons Service Commissioner shall examine the possibility of rehabilitation of a prisoner who is an Israeli citizen or resident, and will take the necessary steps to ensure maximal integration of that prisoner in rehabilitation activities.

405. In addition, in 2010, the Prisons Service (Detention Conditions) Regulations entered into force. These regulations also specify rights and obligations in regard to detention. Also, in 2012, the Conditional Release from Incarceration Law 5761-2001, was amended and Section 7 to the Law regarding conditional release of a prisoner for medical reasons was expanded, and the Law currently allows the IPS conditional release committee to instruct an early release of a prisoner for medical reasons which include severe medical condition such as a prisoner who is given constant artificial respiration, advanced dementia, unconsciousness, cancer or a prisoner who has a transplant surgery, and all in accordance with the conditions specified in the Law. In addition, the Youth Regulations (Trial, Punishment and Modes of Treatment) 5773-2012, and the Youth Regulations (Trial, Punishment and modes of Treatment) (Version of Notice to a Suspected Minor of His/Her Rights Prior to Investigation) 5773-2013 that were issued pursuant to the Youth (Trial, Punishment and Modes of Treatment) Law 5731-1971, regulate, inter alia, specific instructions regarding the unique treatment of minors, including the obligation to inform the minor about his/her rights according to a specific version, prior to his/her investigation. For additional information please see the replies to Questions 15 and 16 above.

406. The Incarceration of Unlawful Combatants Law 5765-2002, as detailed in the previous periodic report, is currently under review towards introducing certain further amendments.

F. Freedom of movement (art. 12)

Question 20

407. Please see the reply to Question 4 above.

Question 21

408. Please see the reply to Question 4 above.

G. Freedom of religion, conscience and expression, right to peaceful assembly (arts. 18, 19 and 21)**Question 22****Freedom of Religious Worship**

409. Freedom of religion and conscience are an important aspect of Israeli society, and include also the freedom from religion and the freedom of religious worship and the freedom to practice one's religion, which are all basic principles of Israeli law.

410. Freedom of religion was already mentioned in Israel's Declaration of Independence, but with the enactment of Basic Law: Human Dignity and Liberty has further gained the status of a basic constitutional right. Even though the right itself is not stated specifically therein, the High Court of Justice stated that freedom of religion has a central place in the Basic Law.

Administrative Measures

411. In 2011, the budget of non-Jewish communities stood at a total of 80 Million NIS (21.6 Million USD), which included, among others: 47 Million NIS (12.7 Million USD) for religious services, 19 Million NIS (5.13 Million USD) for development of religious buildings and nine Million NIS (2.43 Million USD) for the development of cemeteries.

412. In 2012, the Ministry of Interior has allocated 55 Million NIS (14.5 Million USD) for religious services for non-Jewish populations. In addition, the Ministry has allocated additional 24 Million NIS (6.315 Million USD) for development of religious sites and structures, of which 7.5 Million NIS (2 Million USD) for the development of cemeteries.

413. The Police is operating to protect the freedom of religious worship and access of persons of all religions to their places of worship without interruption. To this end, the Police invest great efforts and resources. Some of these religious events take place on daily or weekly basis and demand special deployment by the Police, for example, Muslims Friday prayers in the Temple mount, which takes place with the participation of thousands of worshippers. An additional example is Christian holidays' prayers, also with the participation of thousands of worshippers, that demand special deployment, traffic changes and use of special equipment.

Measures Taken to Preserve and Protect Muslim and Christian Religious Sites

414. The Ministry of Interior is operating to provide and ensure the freedom of religion and worship to each and every congregation and assists in construction and development of structures and building of religious purposes. The Ministry of Interior employs religious personnel, as Civil Service employees in order to provide religious services in mosques.

415. In the recent years there is a new development project in the Mount of Olive cemetery carried out by the Jerusalem Development Authority. The development program includes reconstruction of tombstones, cleaning the site, restoration of infrastructure, improving the security (including placing security cameras), fixing signposts and the establishment of an information center at the cemetery. The program budget is 80 Million NIS (21.6 Million USD), of which 600,000 NIS (162,000 USD) are spent annually on cleaning the cemetery. Note that since 2006, 15,000 tombstones were restored and the process is ongoing. In addition, more than ninety cameras were installed at the cemetery so far in order to prevent the vandalism of the tombstones. Security at the cemetery is further enhanced by 24 hours patrols.

416. In addition, please see the reply to Question no. 4 above.

Question 23

417. In principle, a person designated for security service must perform military service. Military service is a legal duty pursuant to the Law and it applies to every citizen. It is also a moral duty that stems from the State's security needs.

418. Section 36 of the Security Service Law (Consolidated Version) 5746-1986 (hereinafter: "the Law"), states that the Minister of Defense may exempt a person designated for security service (or an army veteran) from performing military service for a number of reasons including "different reasons". This term was interpreted by the Court as providing the Minister of Defense with the discretion to exempt persons for reasons of conscience.

419. In addition, relevant procedures for the drafting authorities were set for this purpose, according to which applications for exemption are handled. According to these procedures, inter alia, in order to review an application for reasons of conscience, opinions of the soldier's commanders, the military advocacy and the drafting authorities are required. All of these opinions are transferred to the relevant military official who determines whether to refer the applicant to the following committee.

420. In 1995 the head of the IDF's human resources branch decided to appoint a special committee (hereinafter: "the Committee") that will review applications of persons designated for security service, soldiers in active service and persons performing their reserve service for release from military service (or reserve service) for reasons of conscience, due to a pacifistic point of view. Prior to the establishment of the Committee, applications were reviewed in an individual and specific manner. The Committee is headed by a military official authorized to issue an exemption from security service, and is comprised of several members, including a public representative who is a person of the academia, a representative of the IDF's behavioral science department, an officer from the Meitav unit (in charge of classification and placement of all those who are designated for security service) and a representative from the military advocacy.

421. The Committee is responsible for recommending to the competent authorities whether to accept an individual's application for exemption from obligatory military service for reasons of conscience or to reject it. Note that the Committee does not possess the authority to decide. This authority is given only to those officials who have been delegated such an authority pursuant to Section 36 to the Law - namely the Committee's chairperson.

422. The Committee carefully examines the applications for exemption for reasons of conscience. If the Committee is satisfied that the main factor for the application's submission is the inherent use of violent force in the military framework, and the absolute objection of the applicant to war, in a way that prevents him/her from serving in a similar framework – at any position, then the committee will recommend to exempt the applicant from performing security service for reasons of conscience. However, if the Committee believes that the main reasons for the submission of such an application are different reasons, such as: the compelling nature of the military framework or personal convenience considerations the Committee's recommendation will be to reject the application.

423. If the Committee is satisfied that the applicant is clearly pacifistic, it recommends the competent authorities to exempt the applicant from security service on the basis of reasons of conscience. Prior to this recommendation, and in light of the current recognition in clear and sincere pacifistic views that justifies the grant of an exemption from security service, the Committee does not consider the IDF's human resources needs or the value of equally fulfilling the duty of security service.

424. The Committee is also authorized to recommend on allowing certain easements in the applicants service, such as: the permission not to hold weapons or to wear uniforms, etc. if it is satisfied that application stems from genuine conscience dilemmas. The abovementioned is true, *mutatis mutandis*, with regard to the placing of an exempted applicant in certain position or in particular branch that meets the applicant's conscience point of view (for example: the possibility of serving in a non-combat position or in a rear unit).

425. In addition, according to the relevant internal procedures of the drafting authorities, the Committee's chairperson's decisions may be appealed within 30 days. Any such appeal will be heard by a military official who is also authorized to issue an exemption from security service – the Committee's chairperson's commander, who is also authorized to issue an exemption from security service.

426. In regard to additional imprisonment and the principle of *ne bis in idem* – the relevant authorities do not consider an additional imprisonment, in regard to a person that was not recognized as a conscientious objector, to be a repeated imprisonment. As long as the person designated for security service has a legal duty to perform the security service, and he/she continues to refuse to perform his/her legal duty, it is to be considered as a new offence with a new factual infrastructure and new criminal intent and thus, according to the relevant case law, this justifies an additional indictment.

Question 24

Freedom of Association

427. The freedom to associate with persons or groups in order to pursue any lawful aim has long been recognized in Israel as a fundamental civil right and a cornerstone of any democratic regime. As with other basic freedoms to which it is related – speech and expression, assembly, thought and conscience – freedom of association is not absolute, and must be reconciled in appropriate circumstances with other legitimate fundamental interests, such as the maintenance of social order, public security, or the very existence of the State. (H.C.J. 507/85, *Bahij Tamimi v. The Minister of Defense* (16.9.87)).

428. *Limitations on the freedom of association* – As a rule, freedom of association may be restricted only through express legislative authorization. There are three types of statutory restrictions on the freedom to associate in Israeli law: the first type is found in statutes that regulate the formation and operation of corporations, cooperative associations and the like; the second class of restriction involves statutes which aim to prevent the formation or activity of subversive organizations, including terrorist groups; the third involves direct or indirect restrictions on the freedom to form professional associations in certain fields or the requirement that certain professionals belong to such an association.

429. *Activities of human rights organizations* – the State of Israel places no legal 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 the applicable law, etc. In every other sense, human rights organizations fully enjoy the freedom to associate and to pursue their various aims. There are hundreds of organizations in Israel which work freely and fruitfully in all areas of human rights. The State has an extensive cooperation with many civil society organizations in many aspects of life.

430. *Freedom of opinion and expression* – While Basic Law: Human Dignity and Liberty, does not directly articulate the right to freedom of expression and opinion, it has been suggested that these rights fall within the ambit of the general right to human dignity

protected by the Basic Law (C.A. 2687/92, *Geva v. Walt Disney Co.*). The right to freedom of opinion and expression is not explicitly protected in Israel by constitutional legislation. The right to free speech has long been recognized as a supreme, constitutional norm, and any limitations on its exercise for reasons related to public order or the rights and reputation of others must meet strict standards of scrutiny regarding their justification and scope.

431. *Limitations on the freedom of opinion and expression* – With several exceptions, freedom of expression may be restricted by official action only if, in the specific circumstances of the case, the speech in question gives rise at least to a “near certainty” that the public peace, broadly construed, will be endangered, and only if other means to lessen the severity or the likelihood of such a violation of public peace are of no avail. (H.C.J. 73/53, *Kol Ha’am Ltd. v. The Minister of Interior*).

432. In criminal prosecutions stemming from prohibited forms of speech, such as incitement to racism, a less demanding standard of proof is applied than the “near certainty” test for prior restraints.

433. In addition, please see Israel’s reply to Question 4 above.

Israeli Legislation Process

434. The State of Israel is a democratic state, which allows every democratically elected Knesset Member the right to present bills that reflect the best interests and will of his/her constituencies, in accordance with the law.

435. Every private bill presented by a Knesset Member goes through a lengthy process, including the preliminary approval of the Speaker of the Knesset and his/her deputies who examine, inter alia, if the bill includes any forbidden racial content or negation of the State of Israel as a Jewish State; a discussion held by the Ministerial Committee for Legislative Affairs regarding the Government’s position; a discussion in the Knesset Plenary and only following the Knesset Plenary’s approval – hearings before the relevant Knesset Committees, and later, the final approval of the Knesset Plenary, symbolizing the legislator’s sanction to the final version of the law.

436. Note that the relevant Knesset Committee is authorized to make significant changes in the wording of the bill, and additional changes may be made by the plenary through reservations filed by Knesset members. This thorough and often prolonged process is aimed at ensuring that the final law reflects due process and the will of the legislator.

437. Israeli courts have the competence of judicial review regarding any act of legislation, in light of the Basic Laws.

The Prevention of Harming the State of Israel by Boycott Law (5771-2011)

438. This Law is intended to protect Israeli citizens from damages caused by organized boycotts and to guarantee that no use of public financial sources will be made in order to support activities that may harm Israeli citizens. The Law does not limit a private person’s consideration if and from whom to purchase goods and services and deals only with organized and deliberate boycotts.

439. An offence according to this law is not a criminal offence but amounts to a civil tort, which in certain cases may lead to compensation. The Law does not have any criminal sanctions or supervision mechanisms, and is subject to the courts’ jurisdiction.

440. Several petitions were filed against this law, and on December 9, 2012, the Supreme Court residing as the High Court of Justice ordered the respondents to provide the reasons why this law or Sections 2-3 of the Law should not be cancelled. The petitions are still pending. (H.C.J. 5329/11, *Uri Avneri et al. v. The Knesset et al.*).

441. The wide public debate, the amendments that were made to this law and even the criticism all demonstrate the strong democracy and freedom of speech enshrined in the Israeli legal system.

The Obligatory Disclosure for Receiving Support by a Foreign Political Entity
Law 5771-2001

442. Following a wide public debate on the non-transparent nature of foreign governmental funding of NGOs operating in Israel, and concerns raised that it is used to interfere with and influence Israeli politics, several Members of the Knesset initiated a private bill to increase the obligation of transparency required by NGOs receiving such funds, in order to enable better evaluation of their extent and impact. The Bill was enacted on February 21, 2011.

443. According to Section 2 of the Law, any association or company for the benefit of the public which receives a donation from a foreign political entity must notify the Associations Registrar (within one week following the end of that quarter) and specify the identity of the entity providing the donation, the donation's sum, the donation's goals and purposes and any conditions and obligation that were given to the foreign political entity in relation with that donation (both orally and in writing and both direct and indirect).

444. According to Section 4 of the Law, the Associations Registrar will publish the list of association and companies for the benefit of the public who submitted such notifications, together with the information issued in according to Section 2 of the Law on the Ministry of Justice' internet site.

445. According to Section 5(a), any association or company for the benefit of the public who receives a donation according to this Law and which operates its own website, shall publish the information which was included in its quarterly report to the Association Registrar in a noticeable manner.

446. According to Section 5(b) an association or company for the benefit of the public which receives a donation for a specific advertising campaign, must publish, in the frame of that campaign, the acceptance of that donation.

447. According to Section 6 of the Law, association or company for the benefit of the public must do their outmost to find out if any donations they receive originate from a foreign political entity.

448. The issue of transparency required of NGOs regarding contributions received from foreign political entities, has already been stipulated in the Law of Associations, which requires NGOs whose financial turnover exceeds a certain amount (300,000 NIS, (81,000 USD)) and which have received contributions that exceed 20,000 NIS (5,400 USD) from foreign governmental entities, to give an annual report about (1) the amount of the contribution, (2) its purpose, (3) the identity of the contributor, and (4) any conditions for receiving the contribution. As noted, this Law deals with the enhancement of existing obligation.

449. The Law does not prohibit or impose any restriction on receiving the contributions themselves or on the activities of NGOs. The commentary to the Law states that the Law balances between the right of organizations in a democracy to operate freely, and the right of the public to know who funds the organizations' activities.

450. There is nothing in the law to substantially change the currently existing situation in Israel, and there is nothing in the law to harm the democratic process or the standing of the civil society and non-governmental organizations in any manner.

H. Protection of the family (art. 23)

Question 25

The Citizenship and Entry into Israel Law (Temporary Provision), 5763-2003

451. Please see Replies of the Government of Israel to the List of Issues to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/Q/3/Add.1, p. 53-54).

452. On January 11, 2012, the High Court of Justice issued its verdict in regard to additional petitions against the constitutionality of the Law (H.C.J. 466/07, 544/07, 830/07, 5030/07, *MK Zehava Galon et al. v. The Minister of Interior et al.*). The Court rejected these petitions and by a majority opinion of 6 out of 11 judges, found the Law to be constitutional. The purpose of the Law, according to both the majority and minority decisions, is to mitigate the security threat posed by terrorist organizations seeking to harm Israeli citizens. The majority judgments also held that, given this purpose, the Law is proportional in that it is a rational means to attaining this end and that the security benefits of the Law outweigh the negative impact of the restrictions that it places on family unification.

453. The majority judges agreed that the right for family life is a constitutional right, though; they stated that the scope of this right does not include its fulfillment precisely in Israel. It was further determined that if there is an infringement in constitutional rights, among them the right to equality, this infringement is in line with the restrictions paragraph of the Basic Law: Human Dignity and Liberty (H.C.J. 466/07, 544/07, 830/07, 5030/07, *MK Zehava Galon et al. v. The Minister of Interior et al.* (11.1.12)).

454. *Residents of the Golan Heights* – the Law states that if the person requesting the permit is a Syrian resident and his/her spouse is a member of the Druze community who lives in the Golan Heights, which is under Israeli jurisdiction, then the Minister of the Interior may consider it a special humanitarian reason (Section 3A1(e)(2)). This section is geared specifically towards allowing family unification for residents of the Golan Heights.

Family Visit Program for Prisoners from the Gaza Strip

455. The IPS directive number 04.42.00 stipulates that criminal and security prisoners are entitled to a visit once every two weeks. Following an Israeli initiative and an IPS decision of July 16, 2012, family visits to prisoners from Gaza Strip which are detained in Israel are now allowed. The visits are the result of cooperation between the Israeli authorities and the ICRC and are conducted together with the ICRC after security examination of the relatives entering Israel. The visits are arranged on a weekly basis (every Monday). Every week 50 prisoners are allowed to receive 150 visitors all together. Each prisoner is allowed to receive up to four visitors, not including the prisoner's children under the age of eight.

456. Note that recently, a petition was filed regarding this issue which is currently pending before the High Court of Justice (H.C.J. 4048/13, *Arshid Arshid v. The Military Commander of the West Bank*).

Maintaining Contact with Families

457. In order to maintain contact with their families, security prisoners are entitled to send and receive letters, they are entitled to receive family visits (unless there is a specific security prohibition on such visitations) and to meet with their attorneys (even where no legal proceedings are taking place in their regard). In exceptional cases these prisoners have the right to contact their relatives by phone.

Case Law

458. *Telephone use by Prisoners suspected of security-related offences* – In a recent decision by the Haifa District Court, the Court partially accepted the petition of a security prisoner who demanded to make a daily use of the telephone for a period of 30 minutes. The Court noted that the respondents pose no concrete information that justifies the conclusion that allowing the appellant to conduct phone calls, similarly to that provided to criminal prisoners, entails a threat to state security.

459. The Court further noted that, without expressing its opinion if indeed a 30 minute phone call will inflict an unreasonable burden on the security authorities, there is a variety of possibilities between total denial of phone calls and a 30 minutes daily phone call, and the security authorities may come up with a position that will balance the appellant rights and the burden upon them. The Court returned the issue to the IPS in order to further examine the requested easements in light of its decision. (C.A. 26844-01-13, *Aafan Abu Guwaid v. The Israeli Prisons Service et al.* (24.3.13)).

I. Rights of the child and equality before the law (arts. 24 and 26)**Question 26 (a)****GOI Reply**

460. Please see the reply to Question no. 4 above.

Question 26 (b)

461. Please see the reply to Question no. 4 above.
