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**UNIVERSAL PERIODIC REVIEW**

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

**Israel**

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**Annex**

## Introduction

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

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

### A. Presentation by the State under review

5. At the 8th meeting, on 4 December 2008, the Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva, H.E. Aharon Leshno-Yaar, introduced the national report, indicating that Israel appeared in an attitude of humility and respect. Although Israel has reservations about aspects of the Council's work, it has approached preparation of the national report and its appearance as an opportunity for genuine introspection and frank discussions.
6. The representative stated that Israel was founded as a refuge for Jewish exiles from all over the world, and the founders were committed to creating a society which would enshrine protection against human rights abuses. Despite decades of conflict and terrorism, Israel is proud to have established a democratic society based on the rule of law.
7. Israel is party to the core human rights treaties and has hosted eight special rapporteurs in the last three years. Israel has several domestic mechanisms that constantly review its human rights record, the most prominent being the Supreme Court. Israel indicated it will make a concerted effort to incorporate its vibrant civil society groups when considering how to implement recommendations emanating from the universal periodic review.
8. Concerned about the challenges of balancing the rights of freedom of movement and privacy with protection against terrorist attack, Israel is also pained at the denial of basic rights such as notification of whereabouts and visits by the International Committee on the Red Cross (ICRC) to missing Israeli soldiers, including Gilad Shalit, Ron Arad and the Sultan Yakoub MIAs.
9. The Deputy Attorney General of the Ministry of Justice cited the Declaration of Independence re-establishing the State of Israel 60 years ago, according to which the new State would be based on freedom, justice and peace as envisaged by the prophets of Israel; ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; and guarantee freedom of religion, conscience, language, education and culture.
10. Since its establishment, Israel has faced continuous security threats, including suicide terrorism and indiscriminate armed attacks against civilians, a context requiring recognition that many rights are not absolute. Competing rights are weighed up in the Knesset, the parliament of Israel, and in its independent judiciary. The Supreme Court refers frequently to international law and does not hesitate to rely on international norms in its rulings.
11. Israel is proud of its social rights system. All Israeli residents are entitled to free primary and secondary education and to public health insurance. Israel has a relatively well developed social security system for its residents, assisting financially, inter alia, people with disabilities, the aged and the unemployed. In recent years, Israel has made great progress with regard to gay and lesbian rights, though the issue remains controversial.
12. The principle of equality is a basic one in the legal system, although not formally mentioned in the Basic Laws. This principle is an important tool in advancing the equality of Arab citizens in Israel and the Government is aware of the difficulties they face.
13. The delegation said Israel is aware of its shortcomings and the challenges that lie ahead and would welcome constructive criticism.
14. The Senior Deputy Legal Adviser of the Ministry of Foreign Affairs thanked those delegations who submitted advance questions, and stated that Israel recognizes that, in many of the issues it faces, especially those which require a balancing of rights, there are no right answers, and the most effective way of navigating the dilemmas is to share experience and best practices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35. Palestine stated that Israel's presentation did not refer to its responsibility as an occupying power to the human rights situation in the Occupied Palestinian Territory. Palestine recommended putting an end to its occupation of the Palestinian and Arab territories, as occupation is the most severe form of human rights violations; reporting to the Council on the situation of human rights in the Occupied Palestinian Territory, being responsible as an occupying power; adhering to the realization of the right to self-determination of the Palestinian people in line with its commitments as a party to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights; adhering to the advisory opinion of the International Court of Justice on the construction of the wall; recognizing the right to return for the Palestinian refugees to their homeland in line with the Fourth Geneva Convention; immediately halting all settlement activities in the Occupied Palestinian Territory; stopping the misuse and destruction of the natural and agricultural resources of the Palestinian people; abolishing the illegal annexation of East Jerusalem, and all measures taken to "Judaize" the city and obliterate its Arabic, Christian and Muslim nature; ensuring freedom of worship and access to worshipers; immediately releasing all Palestinian prisoners and administrative detainees; abolishing all procedures legitimizing the use of torture in line with its commitment to the Convention against Torture and immediately halting extra-judicial killings; removing all military checkpoints in the West Bank to enable Palestinians to enjoy their rights to education, freedom of movement and health; putting an end to the policy of collective punishment against Palestinians; lifting the closure and siege imposed over the Palestinian territories, namely over the occupied Gaza Strip; and implementing all resolutions and recommendations of the Council and all special rapporteurs, including those of the Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Committee on the Israeli practices in the Arab land occupied in 1967, in addition to extending full cooperation with them.

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

37. Pakistan noted that the State's national report ignored the very large number of Palestinians and other Arab citizens suffering from policies of occupation. It noted that almost all human rights mechanisms reported extreme human rights violations against these people and in the Occupied Palestinian Territory, including the grave concern of the Committee on Economic, Social and Cultural

Rights about the deplorable conditions of Palestinians in the territories and the continuing practice of home demolitions, land confiscations and restrictions on residency rights; the concern of the Committee on the Elimination of Racial Discrimination over the implementation of the policy in relation to prosecutions of public figures who indulge in hate speeches against Arabs; and the concern of UNRWA over illegal settlements that continue to expand and encroach upon Palestinian land and restrictive permit systems for Palestinians. Pakistan endorsed the recommendations of the Special Rapporteur on the situation of human rights defenders and the recommendations made by Palestine.

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

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

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

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

42. The Israeli delegation expressed appreciation to the many delegations who commended efforts made to date in many areas and expressed support for the State's democratic tradition, its Supreme Court, its ratification of core human rights instruments and constructive engagement with the universal periodic review process. It said it was willing to engage in bilateral dialogue on issues on which it was asked to share best practices.

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

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

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

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

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

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

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

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

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

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

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

54. Jordan asked why Israel had not ratified the Rome Statute of the International Criminal Court. It recommended extending a standing invitation to all special procedures; ratification and/or accession to the Rome Statute or acceptance of its jurisdiction; establishment of a national human rights institution; refraining from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property. Regarding the Occupied Palestinian Territories, it said Israel, as an occupying power, has an obligation to abide by international humanitarian and human rights law. It regretted that Israel does not fulfil its obligations to respect the right to freedom of religion, and that it is implementing a systematic policy aimed at emptying Jerusalem of its Arab residents by discriminating against them in municipal services and the use of a set of Israeli laws designed to enable Israel to take possession of property of Arab residents in East Jerusalem in the event of their travel and/or temporary residence outside Jerusalem. It stated that Israel violates the rights relative to the Islamic Waqf in Jerusalem, including by housing Israeli settlers in Waqf homes. It recommended that Israel ensure protection and welfare of civilians in the Occupied Palestinian Territories; ensure safe and unhindered access for all humanitarian personnel and humanitarian assistance to civilian population, and most importantly refrain from imposing blockades on the Gaza strip; refrain from subjecting the civilian population to collective punishment; ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites; refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf; refrain from evicting Arab residents from their homes in Jerusalem; recognize and ensure the right of refugees to return to their homes and be adequately compensated, in accordance with relevant United Nations resolutions and international law; stop all settlement activities; recognize, accept and implement the advisory opinion of the International Court of Justice on the wall; and end its occupation and withdraw from all the territories occupied since 5 June 1967.

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

dispute, based on two States living in peace.

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

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

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

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

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

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

62. Qatar indicated that Israel's practices outside of its borders contradict its treaty obligations. It noted Israel's continued policy of collective punishment, the use of blockades and checkpoints to prevent the movement of individuals and trade, including of United Nations humanitarian assistance. Qatar asked whether these were necessary to protect citizens or a political manipulation to impose more suffering on Palestinians and to weaken their will. Qatar recalled recommendations of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. It noted the deterioration of the health and the psychological situation of Palestinians, particularly of children, as a result of preventing entry of food, medication and other basic needs. Qatar indicated that the restriction of the right to movement is a violation of the rights to medical care and to education, since it prevents students and teachers from reaching educational institutions. Qatar indicated that Israel is obliged as an occupying power to implement the conventions to which it is a party in the occupied Arab territories. Qatar called for an expeditious opening of the crossing and checkpoints and urged Israel to release all Palestinian and Syrian detainees and put an end to all the practices which seek to modify the demographic composition and architecture of Palestine and the Syrian Golan. Qatar also recommended respect for all resolutions and decisions of the Council and for the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination, and that a standing invitation be addressed to all special procedures.

63. The Democratic People's Republic of Korea shared the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Palestinian Territories, the Special Rapporteur **on the promotion and protection of human rights while**



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

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

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

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

67. Ireland noted that Gaza has effectively been isolated as a result of the Government's actions, as all border crossings for people are closed, with very limited exceptions. It noted restrictions on the passage of goods to the Gaza Strip, including the supply of fuel and electricity, and the most recent severe disruptions of humanitarian supplies to Gaza. Ireland asked what the Government is doing to ensure its policies do not constitute collective punishment prohibited by article 33 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Ireland recommended that the Government take all necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which were ratified by Israel in 1991. Ireland noted that, under international law, it is illegal to build settlements in the Occupied Palestinian Territories, including East Jerusalem. It sought information on action taken and planned to freeze construction of settlements and to dismantle existing settlements or outposts. Noting the detrimental impact on civilians' access to essential services and their freedom of movement, Ireland recommended that the Government abide by its international obligations, including those under the Fourth Geneva Convention. Noting the concern of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism over the use of administrative detention and similar concerns by the Special Rapporteur on the situation of human rights defenders, Ireland recommended that the Government actively seek to address these concerns and review the use of administrative detention, which operates to deny people of their rights to liberty, due process and fair trial. Ireland also sought details on the policies on detention of minors.

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

69. The Israeli delegation said that, with respect to the issue of settlements in the West Bank, it had been agreed by Israel and the Palestinians to deal with this in the final status negotiations, which are currently taking place at the highest levels; it was agreed that the two sides should keep the content of the negotiations confidential. It said Israel adopted numerous unilateral policy decisions to ensure that all options for a permanent status agreement remain open, including a Government policy not to commence any new settlements in the West Bank and to ensure that no private land is expropriated for the purpose of construction. The delegation noted the introduction of new requirements to ensure that any approvals for construction, including for natural growth, as well as essential facilities such as schools and health centres, require specific authorization by the Ministry of Defense in coordination with the Prime Minister. Any such authorization can be challenged by any affected individual before the Supreme Court sitting as the High Court of Justice. The delegation added that Israel is aware that a final status agreement with the Palestinians will require painful territorial concessions, and it has shown its willingness to engage in such painful processes in the disengagement from the Gaza Strip, in which, in addition to withdrawing all military presence, it withdrew some 8,000 civilians along with their homes, kindergartens, synagogues and cemeteries, and dismantled four settlements in the West Bank.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83. Ukraine requested more information on mechanisms such as the Military Ombudsman, the Ombudsman of the Ministry of Health and the Ombudsman for Children and Youth, particularly on the way that their activities are coordinated to avoid duplication or in the case of multi-sector problems.

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

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

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

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

88. Azerbaijan recommended that Israel accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party; in line with ongoing work to promote gender equality and eliminate discrimination against women, redouble efforts to increase women's representation in society and to join the Optional Protocol to the

Convention for the Elimination of All Forms of Discrimination against Women; improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms, inter alia, to improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there; and honour its obligations under international humanitarian law with regard to the situation in those territories. It asked about concrete measures envisaged to allow Palestinians in the occupied territories to fully enjoy their human rights. It asked about concrete steps to ensure civil society's involvement in the follow-up to the present review and in the elaboration of future reports. Azerbaijan also asked about steps envisaged to overcome instances of racist violence and crime.

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

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

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

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

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

94. On conditions of detention within Israel, over the past two years, responsibility for all military prisons has been transferred to the Israel prison service and it outlined provisions for health care, special detention for prisoners with physical and mental problems and for prisoners with chronic illnesses, and access to a variety of established complaint mechanisms. Additionally, official visitors appointed by the Minister for Public Security and comprising public sector lawyers are allowed to inspect prisons at any time. Israeli prisons and the prison service are routinely subject to inspections by the State Comptroller.

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

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

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

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

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

experience Israel is pleased to learn.

## **II. Conclusions and/OR recommendations**

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

1. Continue its efforts to overcome constraints and difficulties in order to implement all human rights and fundamental freedoms for everyone (Burkina Faso); take all necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights with regard to the situation in Gaza (Ireland);
2. Evaluate the possibility of ratifying the second optional protocol to the International Covenant on Civil and Political Rights to abolish the death penalty (Argentina); consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of its Committee (Argentina, France); ratify the Optional Protocol to the Convention against Torture (Denmark, Mexico, Brazil), recognize the competence of the Committee against Torture to examine complaints against Israel (Denmark) and ratify the Convention on the Rights of Persons with Disabilities (Mexico, Romania) and the optional protocol thereto (Mexico); ratify/consider ratifying the Rome Statute of the International Criminal Court (Jordan, Brazil);
3. Accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party (Azerbaijan);
4. Incorporate the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture into national legislation as soon as possible (Switzerland);
5. Bring the existing criminal provisions that could be seen as inconsistent with the Israeli Basic Law on Human Dignity and Liberty and basic human rights law provisions guaranteeing freedom of speech into conformity with modern human rights law standards (Norway);
6. Ensure best protection of human rights and follow-up to the implementation of international instruments (France); establish an independent national human rights institution in accordance with the Paris Principles (France, Jordan, Philippines);
7. Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council (Latvia, Jordan, Brazil); reach the human rights goals set by the Council in its resolution 9/12 (Brazil);
8. Increase efforts to implement the recommendations of treaty bodies and to use the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens (Austria); follow-up the recommendations made by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006, in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups of population in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification, freedom of expression, belief and religion (Mexico);
9. Redouble efforts to increase women's representation in society and to join the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Azerbaijan); continue and strengthen its efforts to achieve gender equality in Government and public services at all levels (Guatemala);
10. Take all necessary measures to reduce the existing situation of discrimination and proceed in the near future to the equal allocation of lands, irrespective of the nationality of the owners (Greece);
11. Move towards the formal and final legal abolition of the death penalty (Slovenia);
12. Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment (Austria);
13. Respect the principles of the protection of persons subjected to detention or imprisonment and implement the recommendation of the Committee against Torture that specific legislation to ban torture be adopted (France); ensure prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture (Canada); commit to implementing the recommendations made after the review of its report submitted to the Committee against Torture and end physical and mental torture of Arab prisoners (Syrian Arab Republic); put an end to all forms of torture and other cruel, inhuman or degrading treatment or punishment, give families the right to visit detainees in places of detention wherever they are (Yemen); suppress all decisions allowing the use of torture in accordance with the Convention against Torture, and refrain from using arbitrary and summary executions (Palestine);
14. Spare no effort to investigate allegations of violence and killings committed by the police and also ensure that the State, at all levels, fully respects international human rights standards (Sweden);
15. Take immediate action to ensure all cases are reviewed by a court in accordance with fair procedures and that the rights of detainees, particularly the right to a fair trial and family visitations, are upheld (United Kingdom);
16. All detainees be given the reasons for their detention respecting their fundamental rights during detention (Chile); ensure that prisoners are informed of charges and evidence against them, have prompt access to counsel of their choice, be charged with a recognizable criminal offence and be given a fair trial (Canada);

17. Ensure that administrative detention is carried out in accordance with international human rights standards (Denmark); actively seek to address these concerns and review the use of administrative detention, which denies people their rights to liberty, due process and fair trial (Ireland);
18. Put the law on polygamy in effect (Chile);
19. Respect freedom of movement in all territories under State jurisdiction in conformity with international standards (Mexico);
20. Do not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-discrimination (Switzerland); suspend the Citizenship and Entry into Israel Law (Temporary Order of 31 May 2003) (Holy See);
21. Lift unnecessary restrictions on the granting of visas, in particular multiple entry visas, to members of the Christian clergy in the exercise of their religious duties (Italy);
22. Cease imprisoning conscientious objectors and consider granting them the right to serve instead with a civilian body independent of the military (Slovenia);
23. Refrain from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property (Jordan);
24. Implement all international resolutions confirming the need to preserve the character and characteristics of Jerusalem, not to change its legal status and to preserve its Islamic and Christian spiritual monuments and symbols (Morocco);
25. Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places (Italy); refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf (Jordan); stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship (Palestine, Pakistan);
26. Ensure access of Bedouin populations to basic public services, such as sanitation, electricity and water (Canada);
27. Refrain from evicting Arab residents from their homes in Jerusalem (Jordan);
28. Ensure that the rights of minorities are fully protected (United Kingdom);
29. Address the problem of discrimination against minorities and implement the recommendations made by the Or Commission in 2003 in this regard (Finland); strengthen efforts to ensure equality in the application of the law, counter discrimination against persons belonging to all minorities, promote their active participation in public life, and provide public services and infrastructure fairly (Canada);
30. Intensify its efforts to ensure that human rights are fully respected in the fight against terrorism (Sweden); redouble efforts to guarantee the protection of human rights and fundamental freedoms in the fight against terrorism, paying particular attention to the recommendations made by the Special Rapporteur on this subject (Mexico);
31. A sustained improvement of the humanitarian situation in the Palestine territories can only be achieved by the permanent settlement of the conflict. Encouraged the international community to continue its efforts to that end; necessary measures must be taken to ameliorate the living conditions of the Palestine people. Call on all parties concerned to refrain from any action that could undermine the process leading to a durable solution (Turkey);
32. Respect its obligations under international human rights and humanitarian law with respect to the Palestinian people (Maldives); fully respect its human rights obligations, not only in its own territory, but also in places under its control, such as the Occupied Palestine Territories, as recalled by treaty bodies and the International Court of Justice (Switzerland); comply with obligations under international human rights and humanitarian law, and ensure the rights to health, education, work and protection of family rights in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights (Canada); honour its obligations under international humanitarian law with regard to the situation in the Occupied Palestinian Territories (Azerbaijan); apply international human rights and humanitarian law in the Occupied Palestinian Territories and the occupied Syrian Golan (Kuwait); set a clear timetable to commit itself to the principles of human rights and humanitarian laws in all occupied Arab territories (Syrian Arab Republic); guarantee the enjoyment of human rights and humanitarian law for those living in the occupied territories (Chile); respect all United Nations resolutions and its obligations under international human rights law and international humanitarian law, with a view to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, including East Jerusalem, by combating all forms of discrimination; and ensure the enjoyment of the rights of the Palestinian people, inter alia, to housing, education, health, freedom of expression and freedom of movement (Morocco);
33. Abide by its international obligations, including those under the Fourth Geneva Convention (Ireland); meet provisions of international humanitarian law, particularly the Fourth Geneva Convention (Cuba); fully implement its obligations under international law, including international humanitarian law, in particular the Fourth Geneva Convention of 1949 relating to treatment of non-combatants in the hands of the occupying power (Malaysia); respect and ensure respect of international humanitarian law, particularly the 1949 Geneva Conventions and the Optional Protocol I thereto, including in the Occupied Palestine Territories (Mexico);
34. Recognize and respect the right of the Palestinian people to self-determination (Malaysia, Maldives) and their right to establish an independent sovereign Palestinian State (Maldives); fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement (Malaysia); grant Palestinians economic, social and cultural rights as well as civil and political rights; allow Palestinians to reach places of worship, and protect

religious freedom in accordance with article 27 of the Fourth Geneva Convention, as the occupying power, and bear its responsibility in this respect; and allow the international community organizations, particularly ICRC, to ascertain the health conditions of Arab detainees in Israeli prisons (Bahrain); respect religious and cultural rights of the Palestinian people in the Occupied Palestinian Territories, including Jerusalem, in accordance with Council resolution 6/19 (Syrian Arab Republic); end the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan (Egypt, Kuwait, Cuba); end Israeli violations in the Occupied Syrian Golan (Kuwait); end the occupation of all Palestinian and Arab territories occupied, including Jerusalem (Yemen, Maldives, Jordan, Palestine, Pakistan); and withdraw from all the territories since 5 June 1967 (Jordan); respect the inalienable rights of Palestinians and end all occupation of occupied Arab territories (Saudi Arabia); end the occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem and occupied Syrian Golan, and recognize and respect the right of the Palestinian people to self-determination and their right to establish an independent sovereign Palestinian State with Jerusalem as its capital (Sudan); in the light of the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Territories, the Special Rapporteur on human rights and counter-terrorism and the High Commissioner for Human Rights regarding the continued deterioration of human rights and the humanitarian situation in the Occupied Palestinian Territory emanating from, among others, the construction of the security wall, address the violations immediately, including through the cessation of the occupation (Democratic People's Republic of Korea); respect the right of the Palestinians to self-determination and the establishment of their independent State with Jerusalem as its capital (Egypt, Kuwait, Palestine), as stipulated in various international treaties (Palestine, Pakistan);

35. Acknowledge/recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall (Egypt, Maldives, Jordan, Palestine, Pakistan) that Israel immediately cease work on the construction of the wall being built in the Occupied Palestinian Territories, and begin dismantling it (Maldives); end construction of, and dismantle the already built, illegal separation wall (Cuba); dismantle the wall in the Occupied Palestinian Territories and refrain from expansion of settlements (Brazil); dismantle the separation wall (South Africa).

36. Take urgent and immediate steps to end its occupation of all Palestinian and Arab territories occupied since 1967; implement all Human Rights Council, General Assembly and Security Council resolutions on the Occupied Palestinian Territories and other Arab territories; introduce measures to respect the right of the Palestinian people to self-determination and their right to return; accept its obligations under international human rights and humanitarian law; cease action that would alter the demographic situation of Palestine; and grant access to safe drinking water to Syrian citizens living in the occupied Syrian Golan (South Africa);

37. Develop mechanisms for overseeing the implementation of the Convention of the Rights of the Child in the West Bank and Gaza (Slovenia); apply the definition of a child as a person under 18 also in the Palestinian territories, in line with article 1 of the Convention on the Rights of the Child (Italy);

38. Immediately cease its military operations in the Occupied Palestinian Territories and lift the closure and seizure it imposes on the Gaza Strip (Egypt); end military attacks against the civilian Palestinian population (Cuba); ensure safe and unhindered access to all humanitarian personnel and humanitarian assistance to the civilian population, and most importantly refrain from imposing blockades on the Gaza Strip (Jordan); refrain from subjecting the civilian population to collective punishment (Jordan); ensure the protection and welfare of civilians in the Occupied Palestinian Territories (Jordan); end collective punishment in the Occupied Palestinian Territories, in particular in the Gaza Strip (Palestine, Pakistan);

39. End all settlement activities in the Occupied Palestinian Territories, in particular in and around occupied Jerusalem (Egypt); stop the policy of colonization through illegal settlement (Cuba); annul its illegitimate decision to annex the occupied Syrian Golan and end all settlement activities therein (Egypt); cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families (Switzerland); stop all settlement activities (Jordan); end all construction in the Occupied Palestinian Territories and the destruction of natural and agricultural resources of the Palestinian people (Palestine, Pakistan);

40. Improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms to, inter alia, improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there (Azerbaijan);

41. Fully and immediately implement all Council resolutions (Qatar, Kuwait, Maldives, Palestine, Pakistan) in relation to the situation of human rights in the occupied territories (Maldives) and respect the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination (Qatar); implement all resolutions adopted by the Council, in particular resolution 7/18, in which the Council requested Israel to cooperate with the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 and to immediately withdraw all legislative and administrative measures aiming at making the occupied East Jerusalem Jewish, including measures that allow archaeological digging around the Aqsa Mosque, the building of a synagogue, the establishment and expansion of settlements and the shutting down of Palestinian institutions (Morocco); implement the recommendations of the Council (Kuwait, Palestine, Pakistan) and special procedures, particularly the **Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967** and the Special Committee on Israeli Practices in the Occupied Palestinian Territories (Palestine, Pakistan); endorse the recommendations of the Special Rapporteur on the situation of human rights defenders (Pakistan);

42. Ensure prompt investigation into allegations of and bring to justice those committing attacks against Palestinian human rights defenders (Denmark); issue a directive to the military with a view to expanding the category of "humanitarian exceptions" to permit human rights defenders to enter and leave Gaza for their work (Norway);

43. Immediately release all Palestinian, Syrian and other Arab prisoners and detainees (Egypt); release all Palestinian and Syrian detainees and put an end to all the practices that seek to modify the demographic composition and architecture of Jerusalem and the Syrian Golan (Qatar); free all Palestinians, Syrian and Arab detainees, including women, children and journalists, and allow

international organizations, including ICRC, to visit these detainees and examine their situation in all Israeli prisons to ensure that detention conditions conform to minimum standards (Yemen); commit itself to releasing all Arab prisoners and detainees in Israeli prisons imprisoned for years without trial; enable ICRC to provide for needs and health care in conformity with Council resolution 7/30, as the state of health is deteriorating on an ongoing basis (Syrian Arab Republic); ensure the release of all prisoners and administrative detainees (Palestine, Pakistan);

44. Refrain from subjecting the civilian population to collective punishment (Jordan);

45. Establish a separate juvenile justice system to try accused Palestinian children (Slovenia);

46. Guarantee access and freedom of movement to the inhabitants of Gaza and the West Bank notwithstanding the necessary security measures (Netherlands); limit the cases in which restrictions to free movement are applied to situations that require guaranteeing its security, in accordance with international law, in particular with the International Covenant on Civil and Political Rights, non-discriminative and proportionate to the desired aim (Belgium);

47. Expediently open crossing points and checkpoints (Qatar); lift blockades in the Gaza Strip and remove restrictions of movement currently placed in the Occupied Palestine Territories that gravely harm the human rights of Palestinians (Switzerland); reopen points of passage to and from the Gaza Strip (France); end the blockade in the Gaza Strip and guarantee full access of the Palestinian population to all basic services (Cuba); lift all military checkpoints and end all restrictions on the rights of Palestinians to movement and their rights to health and education (Palestine, Pakistan); ensure more freedom of movement for the Palestinians in the West Bank and particularly Gaza in order to assure adequate standards of living of the Palestinian people and improve their access to health, education and work (Italy); open crossing points (Yemen);

48. Ensure the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration for Human Rights, and allow them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restriction, and in order to preserve the cultural heritage, take all measures to protect these places and preserve their dignity (Morocco); take positive and constructive measures in order to effectively reduce the deprivation under which the Palestinian people are living (China); take action to ensure that Palestinians are fully able to enjoy their economic, social and cultural rights (United Kingdom);

49. Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites (Jordan);

50. Progressively remove restrictions that prevent Palestinian children from having access to basic services, including schools and health care (Italy);

51. Respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred and to retrieve their properties (Egypt, Jordan), in accordance with relevant United Nations resolutions and international law (Jordan); acknowledge the right of refugees to return to their homes, according to the Fourth Geneva Convention (Palestine, Pakistan);

52. Submit a report on the situation of human rights in the Occupied Palestinian Territories since Israel is in charge as the occupying power (Palestine, Pakistan);

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

53. Include in its next review report measures taken to comply with the recommendations of treaty bodies, especially with regard to the situation of human rights in the Occupied Palestinian Territories (Malaysia);

54. Engage with civil society in the follow-up to and implementation of the universal periodic review process (United Kingdom).

101. The response of Israel to these recommendations will be included in the outcome report to be adopted by the Council at its tenth session.

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

#### **Annex**

##### **COMPOSITION OF THE DELEGATION**

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

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

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

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

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



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

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

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

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