

**Statement by**

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Mr. President  
[Madam High Commissioner on Human Rights]  
Excellencies, Ladies and gentleman,

It is an honor for me to address the Human Rights Council on the occasion of the second Universal Periodic Review of the State of Israel.

Our National Report and our presence here today, together with Israel's periodic reports to the core human rights treaty bodies and our interactive dialogue with them, are not just about dryly reporting on the past, far from it: they are an opportunity for in-depth self-examination. The UPR exercise is a helpful element in this ongoing process of reflection, scrutiny and transparency, and Israel is determined to seize the opportunity, as it has done on previous occasions, in order to build upon its achievements and address the challenges that lie ahead. Human rights have always been a major element in Israel's public discourse, and this process further assists us to increase the awareness, both in the governmental and public spheres, of human rights issues, and in the identification of some of the challenges that remain.

It must be stressed that Israel's engagement with such mechanisms is often fraught with challenges of its own. Israel has been regularly subject to significant, and often politically motivated, scrutiny over the years, disproportional to the worldwide human rights situation. Nevertheless, Israel regularly works with various international and domestic bodies and NGOs involved with human rights issues, including a specific with the Minerva center and civil society on the reporting process and follow-up with the Human Rights treaty bodies. Israel's efforts in that regard attest to its appreciation for transparency and dialogue in a democratic society

and in the international arena.

Before discussing some of Israel's main achievements in the field of human rights during the reporting period, it is important to recall the unique security issues that Israel has been facing since its establishment. Israel has been, and continues to be, faced with serious security threats, including suicide terrorism, external hostility and indiscriminate armed attacks against its civilians. Over the years, terrorist organizations have never ceased to attempt to kill innocent Israeli citizens, in Israel and around the world, and even today we hear various calls to destroy the State of Israel. The primary duty of the State of Israel – and indeed of every country – is to protect the lives of its citizens, the same right to life which underlies the Human Rights Conventions. The State of Israel endeavors to address these challenges while complying with its international obligations, the welfare of its entire population, human rights and humanitarian considerations for all sides.

The State of Israel is keenly aware of the complexity of its multicultural society and of the vital need to protect human rights, and to strike an appropriate balance between protection of human rights and the public interest. As we hope to demonstrate during this dialogue, Israel's legislative, judicial and governmental organs, have shown a genuine concern for achieving this balance and for ensuring the protection of human rights.

Mr. President,

The many actions undertaken by the executive, legislative and judicial branches, since the foundation of the State, and more specifically since the last reporting period, reflect the importance Israeli society as a whole attaches to the protection of human rights.

Israel is an open and dynamic society, with an extremely robust media and with courts that are both empowered and willing to intervene and impact public debate and policy.

Equality before the law and non-discrimination are basic principles of Israel's legal system. The law applies not only to private people or legal entities, but also to every public authority. These principles are a cornerstone of the Israeli legal system as apparent both in legislation and adjudication.

The extremely limited scope of my statement does not permit me to cover all of the improvements pertaining to the implementation of human rights in Israel. Many of these are described in the report currently before you. However, I will endeavor to address some key topics in which significant improvements have occurred.

1. As part of the continuous efforts to grant children special status and to enable them to express their position and opinion, especially through judicial proceedings, in 2011, the *Rules of Civil Procedure* were amended, so that Family Matters Courts, deliberating cases regarding a child, are now required to provide an appropriate opportunity for the child to express his/her feelings and preferences. The child's preferences will be taken into consideration according to the child's age and level of maturity. The rules will be fully implemented by 2014.
2. In December 2011, the *Youth Law* was amended to include a mechanism of restorative justice for juvenile offenders.

Israeli courts, led by the Supreme Court, have continued to play a crucial role in anchoring and promoting human rights in Israeli society.

The Supreme Court, sitting as the High Court of Justice, oversees the actions of all governmental bodies. Israeli courts are empowered to conduct judicial review of any act of legislation, in light of the Basic Laws. Access to the Court is extremely broad, with very few procedural, substantive or financial hurdles. Any interested party (including non-governmental organizations) or any person (including non-citizens and non-residents, like the Palestinians residing in the West Bank), affected or potentially affected by a government action, can petition the High Court of Justice on a claim that the action is *ultra vires*, unlawful, substantially unreasonable etc.

Let me mention three recent examples of the prominent role played by the judiciary in safeguarding these rights:

1. In September 2013, the High Court of Justice rendered judgment in a petition filed by several NGOs, regarding the constitutionality of Amendment No. 3 to the *Prevention of Infiltration Law (Offenses and Jurisdiction)* 5772-2012. The extended panel of nine judges ruled that holding persons who entered illegally, in detention for a long period of time (up to a maximum period of three years) constitutes a material violation of their rights, including liberty and dignity, as enshrined in the *Basic Law: Human Dignity and Liberty*. The court determined that this violation does not meet the proportionality criteria contained within the limitation clause of the Basic Law, and was therefore unconstitutional. The court annulled the operative section of this law and ordered that 1,700 persons arrested according to this law will be released in 90 days, at the

most, unless there was a different ground for the arrest. (*H.C.J. 7146/12 Naget Serg Adam et. al. v. The Knesset et. al.*(16.9.13).

2. In February 2011, the High Court of Justice ruled that the Ministry of Education was required to take concrete measures promoting the right to education for children in the eastern neighborhoods of Jerusalem, in light of the lack of classrooms there. The Court held that the right to education is a key component of the constitutional right to human dignity, requiring that every child in Israel (including eastern Jerusalem) be afforded the same basic educational opportunities. The Court ordered the Ministry of Education to establish adequate infrastructure, in order to enable the local education system to absorb all eligible children residing in the eastern neighborhoods of Jerusalem. The Ministry of Education was given five years to achieve this goal, and in the meantime, it was instructed to pay for alternative educational arrangements.

In June 2013, a contractor who refused to sell an apartment to an Arab Israeli citizen was obliged, in a court proceeding, to pay a high fine for his actions. In addition to measures taken by the legislative and the judicial branches, Israel's executive branch has also been actively working towards the enhancement and protection of human rights. I will highlight a few examples:

During 2012, several steps were taken in order to improve and accommodate the working conditions for persons of various populations, including through media campaign – all with the aim of making the Civil Service more accessible to the Arab population. Data indicates a steady increase in the rates of Arab, Druze and Circassian employees in the Civil Service. **In December 2012, 8.4% of all the Civil Service**

**employees were Arabs, including Bedouins, Druze and Circassians** (in comparison to 6.17% in 2007,).

The seriousness with which the State of Israel addresses human rights matters can be further demonstrated by the establishment in 2011, of a joint inter-ministerial team, headed by one of the Ministry of Justice's Deputy Attorney General (Advisory Department), for reviewing and implementing the Concluding Observations of human rights committees. This inter-ministerial team meets periodically and has promoted several significant changes in regard to various human rights issues.

An important testament to Israel's commitment to self-examination and the adherence to international law, is the establishment of a Public Commission of Inquiry, mandated, among other responsibilities, to assess whether the mechanisms for examining and investigating complaints and claims raised in relation to violations of the laws of armed conflict, conforms with Israel's obligations under international law.

The Commission submitted a comprehensive report in February 2013, ultimately and after a thorough examination of comparative and international law concluding that Israel's mechanisms for examining and investigating complaints and claims of violations of the rules of the law of armed conflict, **generally comply with its obligations under international law**. The Commission nevertheless makes several recommendations for improving the Israeli system. This commission, headed by a Supreme Court Justice, with two distinguished foreign observers, is a clear evidence for Israel's will to comply with international standards in this important field. The Prime Minister has decided to recommend to the Government to establish a professional team that will

study the recommendations of the report, examine the need for modifications and improvements, and suggest specific modes of action.

Mr. President,

Israel has given careful consideration to the recommendations made in the course of the former UPR, also regarding the legal regime in the West Bank, especially regarding minors. Accordingly, several dramatic changes were made, fully supported by the Attorney General. Let me give you just three examples:

- In 2009, in a major step, a Juvenile Military Court was established in the West Bank, to handle cases involving minors, and to guarantee adequate and professional care for juveniles. The Court is required to give due consideration to the welfare and best interests of the child in the course of the proceedings [(The Security Provisions Order (Temporary Order) (Amendment No. 109), 5769-2009)]. The 2009 order was defined at first as a temporary order, and was extended periodically. On September 30, 2013, the amendment became a permanent order [(the Security Provisions Order (Amendment no. 35)(Judea and Samaria) (no. 1727) 5774-2013)].
- In 2011, the age of majority in the West Bank was raised from 16 to 18 years of age, thus aligning it with the age of majority in Israel [(The Security Provisions Order (Amendment No. 10) (Judea and Samaria) (Order No. 1676), 5711-2011)], which entered into force on September, 27, 2011). It should be noted, however, that even prior to the aforementioned orders, the Military Courts in the West Bank were applying special rules



regarding minors, and in practice were already treating juvenile offenders between the ages of 16 and 18 as minors.

- In addition, an extensive review process led to a substantial shortening of detention periods in the West Bank, for all detainees, but especially for minors.

Finally, I would like to mention a few examples for steps that were taken lately, in order to facilitate everyday life and the observance of religion for the Palestinian population in the West Bank.

One example can be found in the extensive efforts to accommodate Palestinians observing the Muslim month of Ramadan. Last year, in light of the relative security stability in the West Bank, wide-ranging measures were adopted during Ramadan. This year, despite continued terrorist attempts, the security assessment has allowed for the approval of even more extensive measures. During Ramadan, over a million Palestinians entered Israel, especially in order to pray on the Temple Mount. The hours during which crossings are open were extended, numerous permits were given for family visits in Israel and internal crossings were opened to facilitate the movement of thousands of vehicles.

The second example deals with alleviating restrictions that were previously imposed on freedom of movement in the West Bank in order to make it difficult for terrorists to move in the area. Despite the underlying security concerns, in accordance with Israel's policy, the IDF is continuously examining restrictions on movement imposed in the West Bank, with the aim of reducing the restrictions to the minimum required according to security concerns. Currently, there are only a few checkpoints in place which are normally open, thus creating almost no restrictions on movement between Palestinian villages and towns.

Another example is related to the possibility of Palestinians from the West Bank to enter Israel in order to work. The recent year has seen further increases in the number of work permits for Palestinian workers by 5,000 permits. These are additional to the 70,000 permits, given to Palestinian workers already employed in Israel and Israeli settlements.

### **Concluding remarks**

Mr. President,

The promotion of human rights is a just, yet complex task, in every society; especially in a democratic, multicultural society that constantly confronts terrorism, and is one which we, are committed to. A key challenge in this context is to ensure that the daily difficulties created by this situation, do not inhibit creative thinking and the proactive taking of appropriate legislative and administrative measures to address human rights issues. Clearly, despite the many improvements that I mentioned earlier, and the ones that were mentioned in the report, there is still much to be done. We are aware of our shortcomings and of the challenges that still lie ahead. We are of course open to constructive criticism, and we look forward to working within the framework of the UPR mechanism, conducted on the basis of universality, impartiality and professionalism, so that our shared goal of promoting and enhancing human rights can be fully achieved.

Thank you, Mr. President.