



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Israel and welcome the constructive engagement of your Government during the 29<sup>th</sup> session of the UPR Working Group in January 2018.

As the final outcome report on the review of Israel was recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office had prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and statements made by 78 countries, Israel's presentation and responses, and the action taken by Israel to implement the 54 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight that I am particularly encouraged by Israel's action to promote gender equality and combat violence against women, including through its sponsorship of and support for the resolution of the Commission on the Status of Women on Preventing and Eliminating Sexual Harassment in the Workplace, as well as by the establishment, in 2011, of a joint inter-ministerial team, for reviewing and implementing the concluding observations of the various human rights committees. I would like to encourage Israel to consider further measures to implement recommendations made by all human rights mechanisms and bodies so as to improve the situation in the country and in the Occupied Palestinian Territory.

I encourage Israel to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Israel's preparations for the fourth cycle of the UPR. The development of such a national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities.

H.E. Mr Benjamin Netanyahu  
Foreign Minister  
Israel



I also encourage Israel to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Israel to submit a mid-term report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Israel to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and seven optional protocols to human rights conventions to which it is a party, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; as well as Additional Protocols I and II to the Geneva Conventions and the Rome Statute of the International Criminal Court.
- Remove its reservations to articles 16 and 7 (b) of the Convention on the Elimination of All Forms of Discrimination against Women.
- Recognize the applicability of its human rights obligations and implement its obligations under international humanitarian law with regard to all persons under its jurisdiction or effective control; and accept the *de jure* applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to the Occupied Palestinian Territory, including East Jerusalem and to the occupied Syrian Golan.
- Cooperate with and consider further measures to implement recommendations made by human rights mechanisms and bodies.
- Cooperate with the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; and consider issuing a standing invitation to the special procedures of the Human Rights Council.

### **National human rights framework**

- Establish an independent national institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Amend the Basic Law to incorporate explicitly the principle of equality and non-discrimination; and the principle of gender equality and non-discrimination in the public and private spheres.
- Ensure equal treatment for all persons within its territory and subject to its jurisdiction, regardless of their national or ethnic origin.

- Continue to strengthen measures to combat violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons.

*Development, the environment, and business and human rights*

- Protect individuals and communities from adverse human rights impacts by third parties, such as business enterprises, operating in territory under its effective control.

*Human rights and counter-terrorism*

- Respect human rights in counter-terrorism efforts, and pay particular attention that counter-terror legislation is in compliance with Israel's obligations under international law.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Make further efforts to effectively prevent and sanction incidents of excessive force, including by ensuring that the rules of engagement and the open-fire regulations of the security forces are fully consistent with its obligations under international law; and that law enforcement and security officials are adequately trained in and comply with relevant international standards.
- Take the measures necessary to speed up the process of incorporating a separate offence of torture into Israeli law and ensure that the definition of torture is in full conformity with the Convention against Torture; and remove necessity as a possible justification for torture.
- Take the measures necessary to end the practice of administrative detention and ensure that all persons in administrative detention are afforded all basic legal safeguards.
- Ensure that solitary confinement and equivalent measures are used only in exceptional circumstances and as a measure of last resort, and put an end to and prohibit the use of such measures for juveniles; and ensure that detainees engaging in hunger strikes are not subjected to feeding or other medical treatment against their will, as such practices might amount to torture or ill-treatment.
- Put an end to policies of collective punishment such as punitive house demolitions, closure and blockade of neighbourhoods or areas, including in Gaza.

*Administration of justice, including impunity and the rule of law*

- Pay particular attention and consider action to ensure that all persons under Israel's jurisdiction, regardless of nationality and origin, in particular in the West Bank, are treated equally before the courts; including by not trying civilians in military courts.
- Remove barriers and facilitate effective access to justice for possible violations of international humanitarian law and human rights in the Occupied Palestinian Territory.

- Take further measures to ensure accountability and investigate allegations of violations of human rights and humanitarian law including by carrying out prompt, thorough, effective, independent and impartial investigations into all allegations of excessive use of force and torture and ill-treatment, and ensure that alleged perpetrators are duly prosecuted and, if found guilty, adequately sanctioned; and enhance the independence and impartiality of the Military Advocate-General.

*Fundamental freedoms and the right to participate in public and political life*

- Ensure access to religious sites, including the Al-Aqsa Mosque in East Jerusalem.
- Ensure that civil society actors, including human rights defenders can carry out their work unhindered in a secure and free environment; take measures to ensure that criminal, legal and security tools are not used to obstruct the legitimate work of human rights defenders; and repeal all restrictive legislation disproportionately affecting human rights defenders.
- Ensure freedom of movement for the residents of the Occupied Palestinian Territory; and ensure that checkpoints and other measures address legitimate security concerns and that limitations on freedom of movement do not restrict people's basic rights.

*Right to privacy and family life*

- Harmonize religious laws on marriage and divorce with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, and eliminate provisions that are discriminatory against women.

**C. Economic, social and cultural rights**

*Right to an adequate standard of living*

- Ensure and facilitate non-discriminatory access of Palestinians in the Occupied Palestinian Territory, including East Jerusalem, to land, natural resources, water and sanitation; and that restrictions on freedom of movement do not result in impediments to gaining access to basic services.
- Cease discriminatory planning processes in the West Bank, including East Jerusalem, which favour settlement interests and make it practically impossible for Palestinians to obtain building permits; and refrain from implementing evictions and demolition orders based on such discriminatory planning policies, laws and practices.
- Lift the blockade of the Gaza Strip, and provide unrestricted access for the provision of urgent humanitarian assistance and of fuel, food and essential materials needed for civilian reconstruction efforts.

*Right to education*

- Take further steps to improve equitable access to education and adopt additional measures directed at fostering education opportunities for disadvantaged and marginalized groups.

### *Right to health*

- Remove restrictions for Palestinians in the Occupied Palestinian Territory placed on freedom of movement which result in the denial of the right to health including by ensuring access to drugs and adequate medical care, and the possibility of transfers in a timely manner to external medical institutions when necessary; and ensure that the residents of Gaza receive necessary medical equipment and essential drugs by lifting restrictions on import of these materials.

## **D. Rights of specific persons or groups**

### *Women*

- Continue with the implementation of current measures aimed at attaining equality between men and women; and put in place a comprehensive strategy targeted at women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and in society.
- Address underreporting and lack of investigation of cases of violence against women owing to social pressure and lack of trust in the police, ensure effective access to justice for all victims of gender-based violence under its jurisdiction or its effective control; and address the protection gap related to the absence of services for women and girls at risk of domestic violence within Arab communities.

### *Children*

- Take measures to ensure that existing legislation providing safeguards for children are effectively implemented and that that judicial proceedings against children fully respect international juvenile justice standards, and in particular the Convention on the Rights of the Child and that children are afforded, in practice, all fair trial guarantees; and end the practice of holding children in administrative detention.
- Take measures to ensure that all children within its territory including migrant, asylum-seeking and refugee children have access to birth certificates.

### *Minorities and indigenous peoples*

- Promote and protect the human rights and social participation of minorities, including citizens of Arab origin, in order to ensure and strengthen their access to housing, education, and social infrastructure and equal access to justice; and continue to address allegations of discrimination against Ethiopian and Arab Jews inside Israel.
- Legally recognize unrecognized Bedouin villages in the Negev and improve the access of all Bedouin citizens to basic services; ensure the participation of Bedouins in the Negev in any process concerning their relocation and that any proposed relocation plan take due account of their traditional way of life and is carried out in accordance with relevant international standards; and desist from any actions that may facilitate or result in forcible transfer and forced evictions, particularly of the Bedouin communities in the central West Bank.



*Migrants, refugees and asylum seekers*

- Simplify the asylum procedure and provide linguistic and legal assistance throughout all stages of the procedure; and ensure migrants, refugees, asylum seekers and displaced persons have access to a fair and expeditious refugee status determination process.
- Develop alternative processing structures, such as prima facie recognition, for categories of asylum seekers that are likely at risk; and refrain from implementing the policy of forcible relocation to third countries and in cases of voluntary relocations ensure that the overall legal framework is known by those who may volunteer for relocation.

*Specific regions or territories*

- Cease all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including, inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians; repeal legislation confiscating private Palestinian lands; recognize the right to self-determination of the Palestinian people; and abide, as the occupying power, by all obligations under international law in the Occupied Palestinian Territory.