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Replies of the Government of Israel to the List of Issues (CCPR/C/ISR/Q/3/) to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3)*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Constitutional and Legal Framework within which the Covenant is Implemented (Art. 2)

Question 1:

In light of the repeated observations of the Committee on the responsibility of the State party under international law to apply the Covenant in the Occupied Palestinian Territory (OPT), regardless of any state of armed conflict (CCPR/CO/78/ISR, para. 11, and CCPR/C/79/Add.93, para. 10), and the view expressed in this regard by the International Court of Justice in its Advisory Opinion of 9 July 2004, with reference to the Supreme Court decision of 30 June 2004 (HCJ, 2056/04), what measures has the State party taken to ensure full application of the Covenant to its activities in the OPT?

Reply:

The applicability of the *International Covenant on Civil and Political Rights* (hereinafter: the Covenant or the Convention) to the West Bank or to the Gaza Strip has been the subject of considerable debate in recent years. In its Third Periodic Report, Israel did not refer to the implementation of the Convention in these areas for several reasons, ranging from legal considerations to the practical reality.

Critical to assessing and interpreting Israel's obligations pursuant to the Convention, is the changing reality and the recent dramatic developments on the ground since Israel's last appearance before the Committee in 2003. These include Israel's disengagement initiative in August 2005, involving the full withdrawal of all Israeli forces, the dismantling of its military administration and the evacuation of over 8,500 civilians from the Gaza Strip, and the rise of a Hamas-led terrorist administration, committed to violence and to the destruction of Israel. In these circumstances Israel can clearly not be said to have *effective control* in the Gaza Strip, in the sense envisaged by the Hague Regulations.

It is against this background that Israel is called-on to consider the relationship between different legal spheres, primarily the Law of Armed Conflict and warfare and Human Rights Law. This relationship remains a subject of serious academic and practical debate. For its part, Israel recognizes that there is a profound connection between human rights and the Law of Armed Conflict, and that there may well be a convergence between these two bodies-of-law in some respects. However, in the current state of international law and state-practice worldwide, it is Israel's view that these two systems-of-law, which are codified in separate instruments, nevertheless remain distinct and apply in different circumstances.

Furthermore, Israel has never made a specific declaration in which it reserved the right to extend the applicability of the Convention with respect to the West Bank or the Gaza Strip. Clearly, in line with basic principles of interpretation of treaty law, and in the absence of such a voluntarily-made declaration, the Convention, which is a territorially bound Convention, does not apply, nor was it intended to apply, to areas outside its national territory.

Question 2:

Please indicate why the State party has not yet included the right to equality and the prohibition of discrimination in the "Basic Law: Human Dignity and Liberty (1992)" and whether it envisages to do so. Please provide information on any measures envisaged to protect further the right to equality, in accordance with articles 2 and 26 of the Covenant, and to ensure that no discriminatory laws are enacted. In addition, please provide information on the measures taken by the State party to establish a national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134,

annex), which vested with the competence to promote and protect human rights and consider complaints, including about discrimination.

Reply:

Equality

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

The Basic Law: Human Dignity and Liberty protects basic guarantees of personal liberty within the framework of Israel's Jewish and democratic character. The goal of the Basic Law is "to defend Human Dignity and Liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic State."

The Basic Law stipulates, inter alia, the following: There shall be no violation of the life, body or dignity of any person as such; There shall be no violation of the property of a person; All persons are entitled to protection of their life, body and dignity; There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise (unless as provided by law); There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required.

Furthermore, many laws emphasize the principle of equality, as detailed extensively in Israel's Initial and Periodic Reports.

Just as the Israeli legislature crafts and adopts both new laws and administrative measures to ensure that government agencies adhere to the principle of equality and do not engage in any discriminatory act or practice, the country's independent judiciary serves to interpret, guide, and enforce these measures.

This judicial effort is guided by the Supreme Court, which plays a pivotal role in the promotion of the principle of equality through the development of jurisprudence dealing with contentious and highly charged political and security-related issues, for example:

Cr.A. 9040/05, *Yitzhak Orion and Yehuda Ovadia v. The State of Israel* (07.12.06) - Here, the Supreme Court rejected an appeal filed against a judgment given by the Jerusalem District Court, which convicted the two appellants of various charges of violence and assault committed against Israeli-Arabs, and sentenced each of the appellants to three years' imprisonment, six months' suspended imprisonment and ordered each of them to pay compensation to the victims in the sum of 7,500 NIS (U.S. \$1,923). When imposing the sentence, the District Court attributed particular gravity to the fact that the offences were racially motivated – the Court asserted that the racial element involved in the offences must be reflected in the punishment as well. The Supreme Court reaffirmed this approach and emphasized that in a society which espouses the values of equality and the protection of human rights, there is no room for such racially motivated crimes, and any such behavior is to be condemned and denounced. In light of the above, the appeal was dismissed.

H.C.J. 11163/03, The High Follow-up Committee for the Arab Citizens in Israel et. al. v. The Prime Minister of Israel (27.02.06) – In this case, the Supreme Court, residing as the High Court of Justice affirmed the principles of equality and non-discrimination of any kind, and asserted that the allocation of resources on the basis of any discriminatory criteria is unacceptable. A unanimous ruling was issued to cancel the Government's Resolution establishing national priority areas in Israel, alleging it was discriminatory on the basis of national origin. The Supreme Court held that the Government must respect the principle of equality and is prohibited from discriminating against the minority citizens of Israel. The Court stated that all governmental acts must be performed in conformity with the Basic

Laws and in conformity with the values of Israel as a Jewish and democratic State. *The Court emphasized that the basic values of Israel are human dignity, liberty, equality, the right to property etc.* The Court noted that the prohibition against violating these values was rendered even stronger following the legislation, in 1992, of *Basic Laws: Human Dignity and Liberty and Freedom of Occupation*, which granted these values higher and more significant status in the Israeli legal system.

Following the State's requests for an extension in the implementation of the decision, the Court granted the State two such extensions. In its second decision, on November 23, 2008, the Court prolonged the implementation period of its decision until September 1, 2009. Doing so, the Court rejected the State's request to postpone the implementation date until the beginning of the 2012 school year. The Court also rejected the petitioner's request to hold the State in contempt of court due to the delay in the implementation of the decision. A petition submitted to the Court on December 2, 2008, to impose the exemplary costs of the proceedings upon the State was dismissed. The Court noted that while the pace at which its decision was being implemented was not satisfactory, considering the complexity of the implementation and the requests for extensions that were granted to the State, the circumstances did not justify imposing such exemplary costs in favour of the petitioners (*H.C.J. 11163/03, The High Follow-up Committee for the Arab Citizens in Israel et. al. v. The Prime Minister of Israel* (15.2.09)).

H.C.J 1113/99 Adalah et. al. v. The Minister of Religious Affairs, et. al. (18.4.00) – Here, the Supreme Court accepted the petitioner's demand to instruct the Minister of Religious Affairs to establish clear, non-discriminatory criteria for the distribution of resources to all cemeteries. The Court ruled that the Minister of Religious Affairs should allocate money designated for cemeteries on an equal basis and according to the proportionality test (population percentage). Furthermore, the Court ruled that: "The resources of the State, whether land or money...belong to all citizens and all citizens are entitled to enjoy them according to the principle of equality, without discrimination based on religion, race, gender or other prohibited consideration." *In his judgment, the former President of the Supreme Court, Justice Aharon Barak, stressed that the right to equality is a constitutional right incorporated in the right to human dignity.*

A Human Rights Commission

Protection of Human Rights

Protection of human rights plays an essential role in Israel, and has been an inseparable part of the State from its very inception, as is evidenced by the Declaration of Independence, Israel's basic laws, ordinary laws, and Supreme Court rulings. In addition, several commissions and institutions have been established in order to uphold human rights in various fields of daily life:

The Ombudsman (Public Complaints Commissioner)

In Israel, the State Comptroller also serves as Ombudsman (Public Complaints Commissioner). He/she performs this function by way of a special unit within the State Comptroller's office - the Public Complaints Commission. The Ombudsman investigates complaints against statutory bodies that are subject to audit by the State Comptroller, including Government Ministries, local authorities, state enterprises and institutions, government corporations, as well as their employees. The Ombudsman is entitled to use any relevant means of inquiry, and has the capacity to order any person or body to assist in the inquiry.

Complaints relating to the activities of public bodies which the law does not authorize the Ombudsman to investigate, such as banks, insurance companies and other non-governmental entities that serve the public, are often forwarded to the bodies statutorily charged with their supervision, examples being the Supervisor of Banks, Supervisor of Insurance etc. Thus, the Ombudsman is an effective address for dealing with problems of discrimination within a broad array of governmental and public institutions.

Any person may submit a complaint to the Ombudsman, be he/she a citizen, a resident, a tourist or any other person who feels that an act of a public body, which is subject to audit, directly wronged him/her or withheld from him/her a right or a benefit. The submission of the complaint is free of charge. The complainant is only required to sign the complaint and state his/her name and address. It is possible to submit a complaint regarding an act that resulted in a wrong being caused to another person provided that that person agrees that another person will submit the complaint in his/her name. Members of the Knesset may also complain about an act that results in a wrong being committed against another person. The Ombudsman does not investigate anonymous complaints; however he/she forwards such complaints, as well as complaints of a general nature, to the State Comptroller's office.

The Commission for Equal Employment Opportunities

In 2005, the Knesset enacted Amendment No. 10 to the *Equal Employment Opportunities Law*, which established the Equal Employment Opportunities Commission within the Ministry of Industry Trade and Labor (ITL). The Equal Employment Opportunities Commission commenced operation at the beginning of 2008, following Government Resolution No. 2578 of November 2007 regarding the appointment of a National Commissioner.

The Commission is charged with the promotion, implementation and civil enforcement of the following laws and statutory provisions: *Equal Employment Opportunities Law* 5748-1988; *Male and Female Workers (Equal Pay) Law* 5756-1996; *Women's Employment Law* 5714-1954; *Prevention of Sexual Harassment Law* 5758-1998 (in relation to employment) and other statutory provisions relating to: discrimination on religious grounds and grounds of army reserve duty service, discrimination on the part of public and private employment agencies, affirmative action for women, people with disabilities, Israeli-Arabs and persons of Ethiopian origin in the public sector, and legislation protecting workers who "blow the whistle" on violations of the above laws and statutory provisions.

The Commission is also charged, *inter alia*, with a wide range of duties, including fostering public awareness through education, training and information; encouraging programs and activities; cooperation with relevant persons and bodies; conducting research and gathering information; intervention, with the courts approval, in ongoing legal proceedings; handling complaints regarding violations of equal employment legislation; submission of requests for general orders; and instructing employers to take general measures regarding all or part of their workforce or employment applicants, designed to ensure compliance with duties imposed by equal employment legislation or to prevent violations of such duties.

The Commission for Equal Rights for People with Disabilities

The Commission for Equal Rights for People with Disabilities was established according to the *Equal Rights of People with Disabilities Law* 5758-1998. The Commission operates within the Ministry of Justice as a national regulator and counselor for advancing and ensuring the equal rights of people with physical, sensory, mental, intellectual and cognitive disabilities. The Commission provides information, legal advice, guidance and

references, publishes brochures and guidelines, and organizes seminars, lectures and training programs regarding human rights and accessibility. The Commission also represents people with disabilities in cases of discrimination, mainly with respect to employment and accessibility issues, and has the authority to examine the issue of accessibility, such as in new and existing buildings.

The Authority for the Advancement of the Status of Women

The Authority focuses on promoting legislation and policies for the advancement of women, as well as raising general awareness on the matter. As an official part of the Prime Minister's Office it also coordinates between governmental and non-governmental bodies working towards the same goal.

The Ombudsman of the Ministry of Health

The Ministry of Health Ombudsman serves all citizens, including children, who may file a complaint against any Health Maintenance Organization (HMO), including employees and affiliates.

The National Council for the Child

The Council is an independent non-profit organization, which, as part of its work for the advancement of children's rights, has established the position of an Ombudsman for Children and Youth, who receives referrals concerning infringements of children's rights. There is also a special ombudsman for Israeli-Arab children and for the many immigrant children in Israel from the former Soviet Union and Ethiopia.

Military Ombudsman

The Israel Defence Force (IDF) Ombudsman (Soldiers' Complaints Commissioner) is authorized to receive complaints from soldiers, concerning their conditions of service. The Ombudsman is accountable to the Minister of Defence and to the Knesset's Foreign Affairs and Security Committee.

Right to Self-Determination, Right to Privacy, Right to Equality and Non-Discrimination and Rights of Persons belonging to Minorities (arts. 1, 17, 26 and 27)

Question 3:

Please indicate which measures the State party has taken to guarantee to the Palestinian people the right enshrined in article 1 of the Covenant read in light of the Committee's general comment No. 12. In this connection, please specify how the settlement policy of the State party can be deemed compatible with its obligations under article 1 of the Covenant (see in this regard the 9 July 2004 Advisory Opinion of the International Court of Justice) and with judgment HCJ 2056/04 of 30 June 2004 of the Supreme Court sitting as the High Court of Justice.

Reply:

Please see Israel's response to Question 1, above.

Question 4:

Please provide data on the number of house demolitions carried out since 2003, in particular with regard to non-Arab citizens of Israel in the West Bank, including East Jerusalem. Please explain the grounds for such demolitions, the definition of illegal

dwellings and illegal construction, and indicate who bears the responsibility for the decision to carry out a demolition. Please also provide information on: (a) the policies of the State party regarding punitive home demolitions pursuant to the Israeli Supreme Court judgment HCJ 9353/08 of 5 January 2009 (Abu-Dahim v. Commander of the Rear Forces); (b) the current housing situation of the owners and residents of demolished houses and victims of forced evictions; and (c) whether the State party envisages establishing an independent commission to provide equitable restitution and compensation for victims of the policy of home demolitions, and victims of forced eviction. In addition, please provide comparative disaggregated data on the number of building permits issued to Palestinians in the West Bank and East Jerusalem and the number of building permits issued to citizens of Israel, including those belonging to the Palestinian and Arab community in Israel.

Reply:

Demolition of Structures due to Planning and Zoning Violations in Jerusalem:

Since 1967, the percentage of the Jewish population of the city has decreased, while the percentage of the Arab population has increased from 26.6% to 31.7% in 2000. Specifically, the growth rate of the Arab population in Jerusalem and the surrounding areas has increased since 1967. This increase has led to significant increases in the construction of neighbourhoods that serve this community. The Municipality of Jerusalem approved outline plans for construction of housing for the Arab population that will serve the needs of the population until 2020.

During recent years, several measures have been taken in order to adjust the outline plans relevant to the eastern neighbourhoods of Jerusalem, so as to properly address the needs of the population. Thus, currently, there is a new outline plan, pending approval, which includes the expansion of some of the eastern neighbourhoods of Jerusalem, and grants additional construction rights to the local population. In the course of this expansion, emphasis will be granted for providing public establishments and open public areas.

Further, currently there are additional outline plans, in various stages of preparation and authorization, which were initiated by established agents on behalf of the population in the eastern neighbourhoods of Jerusalem. Among these are plans initiated by the population in Dir Al-Amud, Ali-Muntar and Ara-Al-Sahra. These plans aim to address the needs of the residents.

The Municipality of Jerusalem initiated approximately 60 plans that will enable additional construction rights, while taking into consideration the needs of the population for providing public establishments and open public areas, in the neighbourhoods of Beit-Hanina and Shuafat. The plans are currently in various stages of preparation and authorization.

The District Planning Committee established a simple procedure to prove an interest in property in unregistered lands. This procedure alleviates the preparation of outline plans in areas in the eastern neighbourhoods of Jerusalem where the land is unregistered. Additionally, the Committee discussed numerous plans that were presented by land owners in the eastern neighbourhoods of Jerusalem. These plans were examined in light of the policy of the Committee, and in many cases have been authorized, thereby granting additional construction rights. Approximately 50% of the plans that are presented to the Committee relate to lands in the eastern neighbourhoods of Jerusalem, and scores of resources are dedicated to examining and facilitating the plans in accordance with the planning policy.

From the above mentioned it is evident, that the District Planning Committee operates, alongside the Municipality of Jerusalem, in order to address the planning needs of

the eastern neighbourhoods of Jerusalem. In doing so, consideration is always given to planning policies that will ensure a reasonable quality of life, preserve open public areas as well as sites having cultural and historical value.

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

Additionally, it should be mentioned that the Mayor of Jerusalem has appointed an Advisor for Religious Communities, whose main function is to aid the communities in every field of service provided by the municipality (for example, building permits, sanitation and transportation).

Among other steps taken to strengthen the ties with the religious communities, the Mayor visited several churches in the city and learned about their activities. The Mayor was informed of different areas in which the communities require the municipalities' assistance. Amongst the problems that were discussed were housing permits and transportation. The relevant departments were instructed to resolve those issues as fast as possible.

In the western areas of Jerusalem, building violations almost invariably consist of additions to a legal building, such as the addition of a room in a courtyard or an attic within a roof space. In the eastern neighbourhoods of Jerusalem, violations typically take the form of entire buildings that are constructed without a permit. Thus, demolitions in the eastern neighbourhoods of Jerusalem are far more dramatic than in the western part of the city.

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

During the years 2004-2009 the Municipality of Jerusalem has demolished 693 buildings and building additions, 482 of them in the eastern neighbourhoods of Jerusalem.

Please also see Israel's reply to Question 1, above.

Question 5:

Please provide detailed information on training programmes provided to civil servants, members of the police and military forces to raise their awareness of forms of discrimination based on the grounds of religion or ethnic origin, and about their duty to promote and respect the rights protected by the Covenant, in particular freedom of religion.

Reply:

The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice

The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice has conducted many seminars, courses, and vocational training, intended to raise the awareness of attorneys and legal advisors with respect to human rights issues and in particular regarding the elimination of discrimination based on any grounds, including religion or ethnic origin, which seminars were attended by hundreds of attorneys and legal advisers. The following are several examples of training seminars which were focused upon issues of human rights and the elimination of discrimination: religion and state (December 2000, April 2003), the impact of international law on criminal law (February 2005), the individual in international law (February 2007), terrorism and human rights (May 2007) enforcement of international law (February 2009), human rights in international law

(September 2009), freedom of speech versus incitement (December 2009) and various lectures regarding Jerusalem and the holy sites etc.

The Institute of Advanced Judicial Studies

The Institute holds lectures, seminars and courses for judges of all instances on different human rights related issues, including the various forms of discrimination. In 2005 for example, the Institute held a course entitled, "Equality and Discrimination," chaired by Professor Daphna Barak-Erez. The course is scheduled to be conducted again in December 2010. In May 2009, the Institute held a four-day seminar entitled: "Israeli-Arabs - Culture and Customs." In addition, various forms of discrimination and the need to eliminate it have also been discussed in seminars presented by the Institute regarding other issues such as trafficking in persons etc.

In 2009-2010, two seminars for judges were held in Israel by the European TAIEX (Technical Assistance Information Exchange Instrument). In March 2009, 50 judges participated in a seminar on "General Principles of European Union Law, Procedures before the European Court of Justice and the Role of National Courts in the Enforcement of Community Law." The seminar included lectures on European Community Law and the European Convention on Human Rights, the protection of fundamental freedoms and additional human rights issues.

The second seminar, on "Substantive EU Law," was held in February 2010, with the participation of 27 judges. Inter alia, the seminar included lectures on EU asylum and migration law, human rights in the EU, the status and rights of labour migrants under Israeli labour law, freedom of movement, and individual and collective minorities' rights under Israeli and EU law.

Israeli Police

As mentioned in Israel's Periodic Report, the Israeli Police attaches great importance to educating those serving in its ranks regarding the need to defend and promote the rights protected by the Covenant and to raise their awareness of all forms of discrimination and the elimination thereof. The Police regularly hold educational activities for police officers in order to raise awareness of the social complicity and religious and cultural diversity in Israel and its effects on police work. The activities afford the Police knowledge and understanding of, inter alia, the characteristics of minority populations in Israel, including Arabs, and provide tools for the provision of professional, sensitive Police work among these populations. The concept of "equal and suitable service in a multi-cultural society" was established as the annual education target for 2007.

Israel Defence Force (IDF)

IDF Soldiers of all ranks and levels in the IDF receive training and guidance on issues related to the Law of Armed Conflict. The training is provided mainly by the IDF School of Military Law. In two of the various training programs a significant emphasis is given to International Human Rights Law and particularly to the elimination of all forms of discrimination and the right to freedom of religion:

Training concerning IDF activities within Israel's territory: this training focuses, inter alia, on the principles of constitutional and administrative law in Israel and the IDF's obligation to adhere to the basic norms of Israeli law emanating from the Basic Law: Human Dignity and Liberty and Basic Law: Israel Defence Force, Israeli administrative law, and other laws and army regulations that concern the IDF's authority and the rights of the individuals that IDF soldiers encounter during routine and emergency operations.

Training for company commanders and soldiers of the Checkpoints Unit within the Military Police Corps, in charge of security checks conducted at the West Bank checkpoints: This training address, inter alia, the issue of freedom of religion and religious rights, as part of the duty to respect human dignity, protect human life, body and liberty of all persons. The training also includes discussions and simulations.

Question 6:

What measures is the State party taking to ensure that Arab citizens of Israel are able to use their own language and enjoy their own culture, in accordance with article 27 of the Covenant? Please comment on the July 2009 decision of the Transport Minister to remove the Arabic names of towns and villages from all road signs in the State party and to replace them with Hebrew names.

Reply:

The Status of the Arabic Language

High Institute for the Arabic Language: On March 21, 2007, the Knesset approved the High Institute for the Arabic Language Law 5767-2007, according to which, the Arabic Language Academy was established. Among its functions, the Arabic Language Academy is charged with researching the Arabic language and its cultural and historic resources, promoting the study of terminology, grammar, vocabulary, pronunciation and transcription. The Academy also addresses linguistic innovation and the adaptation of the Arabic language to the modern and computerized reality. According to the Law, the Institution's activities are financed by the State budget.

Official Documents: On January 7, 2009 the Supreme Court handed down its decision in a petition submitted by the Association of Defence for Children International (DCI) (Israel) against the National Insurance Institute (NII). In their petition, the DCI requested that the NII forms be translated to Arabic, which would allow the population of the eastern neighbourhoods of Jerusalem to submit forms to the NII in Arabic, and to order the NII to send letters and notices to the population of the eastern neighbourhoods of Jerusalem in Arabic.

The purpose of this petition was to allow the residents of the eastern neighbourhoods of Jerusalem accessibility to the social rights granted by the NII, as most residents are not fluent in the Hebrew language. The petition was submitted in 2001, and the NII undertook upon itself to translate all of its forms. However, this commitment was not fulfilled, and in May 2007, the Court issued a temporary injunction order. In July 2008, the Court criticized the NII and ordered the NII to present, within 90 days, a concrete plan of action together with a detailed schedule. On December 1, 2008, a schedule to translate the forms was presented to the Court. Furthermore, the NII confirmed that they would accept forms submitted in Arabic. Thus, the Court issued an absolute order according to which the NII should complete the translation of the forms to Arabic, and accept forms in Arabic submitted to it. However, the Court determined that the request to send letters and notices in Arabic would not be granted, due to the fact that translators are available in the offices of the NII for clarifications. (H.C.J. 2203/01 The Association of Defence for Children International (DCI) v. The National Insurance Institute (07.01.2009))

In a separate case, the Jerusalem Magistrate Court residing as the Transportation Tribunal, decided on September 19, 2007, to acquit a defendant whose driving license had been suspended for 20 days, because the defendant's hearing had been inadequately conducted. The defendant, who was born in the West Bank and is a permanent resident of Israel, speaks Arabic and cannot read or speak well in Hebrew. Yet, his hearing was conducted in Hebrew alone, and he was unable to understand the context or to argue against

the decision. The Court noted that a hearing should be conducted in the driver's language, by an officer who speaks that language or through the use of an interpreter. Thus, the hearings for drivers of the Arab population, who do not understand Hebrew, should be conducted in Arabic, in order to prevent the miscarriage of justice. The Court reasoned that the establishment of Arabic as an official language in Israel was primarily intended to provide equal conditions to the Arab population (S.T.C. 759/05 The State of Israel v. Abu Zaida Ahmad (19.9.07)).

Public Tenders: The Attorney General has directed all legal advisors in the civil service that public tenders are to be published in both an Arabic language newspaper and a Hebrew one, as well as to be made available on the internet (17.06.1999). The Directive stresses that it is prohibited to distinguish between public tenders according to their relevance to the Arab population. Furthermore, the duty to translate the public tenders into Arabic is the Government's duty.

Participation in the Media: The importance of ensuring participation in the media for the Arab population is reflected in the legislation regulating the activities of the two main T.V. authorities in Israel:

- The Broadcasting Authority Law 5725-1965 directs that TV programs in Arabic are required to meet the needs of the Arabic-speaking population and to promote understanding and peace with Israel's neighbouring states.
- The Second Television and Radio Broadcast Authority Law, 5750-1990 was amended in March 2000, and a requirement was included to broadcast programs in Arabic and Russian, either by way of speech or translation. The amendment stipulates that a minimum of 5% of the total amount of broadcasts must be in each language (Section 4 of the first Addendum). The amendment has also changed the Second Authority's functions and duties. They now include catering to the needs of the Arabic-speaking population, promoting peace and understanding with neighbouring states, and providing a proper venue for showcasing the cultural diversity of Israeli society (Section 5 of the Law).

Arabic Language Education

In Director General Circular No. 5769-8(a) dated April 1, 2009, the Director General of the Ministry of Education noted that the core education program is the educational common denominator for all the pupils in the Israeli education system. This core program which was detailed in the circular included the Arabic language.

Arab Heritage and Culture

The Ministry of Culture and Sport:: The Ministry accords high priority to the promotion of cultural activities among the Arab population, both as creators and as consumers of culture; and to the promotion of qualitative art by Arab-Israeli artists. The aims of the Cultural Administration within the Ministry include, among others:

- To encourage the consumption of art and culture while ensuring the exposure and accessibility of the entire population of Israel to these elements.
- To nurture pluralism and multicultural dialogue.
- To nurture and express the culture of Israeli communities and the different segments of Israel's population.

The budget for cultural activities is allocated according to a policy which emphasizes the promotion of qualitative and professional cultural activities, and includes all Israeli

citizens in the process of the formation of culture making. The budget is divided between all eligible cultural bodies in accordance with relevant eligibility tests.

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

All of Israel's cultural institutions are open to all Israeli citizens regardless of their ethnicity or religion. All Israeli citizens are welcome to enjoy the activities conducted by these institutions and to take an active part in the activities. The list of cultural institutions and persons that receive governmental support includes numerous figures that operate within the Arab population, authors who write in Arabic and institutions that are identified with the Arab population. For example:

- The theatres "Al- Midan" and "Beit Hagefen;"
- "The Museum for Islamic Art" and the "Daroma" association which operate the "Museum for Bedouin Culture" in the Negev.
- Many festivals for the Arab population receive support under the Festival Regulation, including the "Abu- Ghosh" festival and the "Masrahid" festival in Acre;
- The "Al- Zitoon" association receives support for the conservation of the "Sisters of Nazareth Convent;"
- The "Association for Promotion and Cultivation of Arab Music;"
- The Nazareth Cinemateque "Alsana;"
- Special enterprises for Arabic literature and children's literature in Arabic in Arab localities. Dozens of public libraries for the Arab population receive a large portion of their funding from the Administration.

In addition, these institutions, among many others, have received funds for renovations. Additionally, institutions that were damaged during operation "Cast Lead" received special funding for renovations.

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

Note that the relevant advisory committees to the Minister of Culture and Sport, who advise on issues concerning the application of the eligibility tests for financial support, all include Arab-Israeli representatives. In addition, the Administration includes a division which is in charge of the promotion of Arab culture and a division which is in charge of the promotion of Druze and Circassian culture.

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

The eligibility tests for the receipt of financial support for the promotion of Arab culture were updated and published in 2008, after intensive consultations with the relevant

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

The Arab and Druze institutions that qualify for financial support according to the two specific eligibility tests allow the Ministry to allocate specific budgets for professional cultural institutions, which are only eligible to receive limited funding; new or small institutions that are otherwise ineligible for any financial support and communal cultural activities and institutions of popular culture. The latter is very similar to communal culture regulation but is intended only for the Arab population. By comparison, in 2009, the budget for cultural projects within the community for the general population stood at 7 Million NIS (USD \$1,794,872), while the budget for cultural projects within the Arab and Druze populations stood at 11.9 Million NIS (USD \$3,051,282).

The Ministry is currently updating the eligibility tests used to determine whether to grant financial support to cultural institutions; and the updated tests are scheduled to be published by the end of 2010.

Furthermore, every year, the Ministry of Culture and Sport grants awards in the total amount of 600,000 NIS (USD \$153,846) to artists from the Arab population. These awards are granted independent of the artists' ability to nominate themselves for the receipt of other awards granted in various cultural fields.

The Department for Arabic Culture in the Ministry of Culture and Sport –

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

Druze and Circassian Heritage and Culture

Druze Cultural Heritage Center. On June 4, 2007, the Knesset enacted the Druze Cultural Heritage Center Law 5767-2007, aimed at facilitating the establishment of a Druze Cultural Heritage Center in Israel. According to the Law, the Government is to designate the necessary budget for the establishment, operation and maintenance of the Center. The Center shall include a research institute, a museum and an archive of Druze heritage, culture and history. The Center will develop and promote research activities as well as educational programs, including tours, lectures, conferences and exhibitions geared towards developing, enriching and promoting knowledge relating to the different aspects of the Druze culture, history and heritage.

The Ministry of Culture and Sport:

The object of the Department for Druze and Circassian Culture in the Ministry of Culture and Sport is to promote, encourage and develop the Druze and Circassian culture and folklore while preserving their cultural and ethnic uniqueness. The Department encourages the attainment of excellence by granting two awards for Druze and Circassian artists in the fields of literature, art and research. The Department fosters art and cultural creation in peripheral areas by encouraging cultural activities among the weaker segments of the population. In addition, the Department encourages pluralism and multiculturalism through the promotion of festivals, workshops, etc., in various fields of art, including

through holding youth meetings and activities. The Department promotes the exposure of the works of artists and creators of the Druze and Circassian population, by promoting the establishment of and subscription to Druze and Circassian theatre and music clubs, and by promoting exhibitions by Druze and Circassian artists. The Department also grants financial support to cultural institutions.

Road Signs

The Ministry of Transportation and Road Safety performed a comprehensive examination in order to establish clear and uniform rules regarding the text on the signposts on roads. For the drivers' convenience, locals and foreigners alike, the text on the signposts appears in Hebrew, Arabic and English. In addition, according to the professional approach, and in order to improve drivers' orientation and to assure road safety, the text appears in a clear language and standard spelling. In July 2009, the Ministry of Transportation and Road Safety issued an updated draft of a list which includes the names of all of the destinations on Israel's roads. The draft contains approximately 2,500 names of cities, localities, crossroads, intersections, geographic and historical locations in Israel in accordance to the transcription rules of the Academy of the Hebrew Language. The list was edited by the Governmental Names Committee in the Prime Minister's Office. The draft is currently being examined thoroughly by the Ministry of Transportation and Road Safety, as well as other Governmental Ministries, and in this framework, claims regarding the Arabic transcriptions are under inspection.

Question 7:

Please elaborate on the measures taken by the State party to respect and protect the rights of Arab Bedouins to their land and traditional way of life; to stop demolitions of their homes, and to provide them with adequate basic infrastructure and services, including electricity, water, education and health facilities.

Reply:

General

There are more than 180,000 Bedouins living in the Negev desert area. Most of them (approximately 120,000 – 66%) live in urban and suburban centers which have been legally planned and constructed. The remaining 60,000 Bedouins (34%) reside in hundreds of unauthorized clusters, which are spread over an area of more than 500,000 dunams, obstructing urban expansion in the greater Negev area and the common good of the Bedouin population. This, while, as detailed below as well as in Israel's Periodic Report, the existing towns can accommodate most of the needs of the Bedouin population, and while vacant lots await additional occupants in all of these towns.

Bedouins enjoy all the rights and opportunities of Israeli citizens, including the privilege to receive formal education at all levels, health services etc., in accordance with the laws of Israel.

Housing

There are seven existing Bedouin towns in the Negev: Laqiya, Hura, Kseife, Arara, Tel-Sheva, Segev Shalom and Tarabin, in addition to the city of Rahat. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

Although these eight existing towns (the seven towns in addition to the city of Rahat) can effectively provide a proper solution to the Bedouin population's needs, subject

to their expansion, the Government decided that a further eleven new towns for Bedouins should be established. The Government did so in order to accommodate the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format. The new towns will include the best infrastructure and services the State offers to its citizens. The planning and construction of the new towns are carried out by the authorities in consultation with Bedouin representatives who provide input as to their vision of every town's character.

As mentioned in Israel's Third Periodic Report Tarabin was the first town to be populated. "Tarabin" is situated in the Bney-Shimon District Council, and is designated for the members of the Tarabin El-Sana tribe. The first stage of the town's development has been finalized, most of the lots have been distributed, and hundreds of residents have already populated the town. Each of the families received developed land for construction and an agricultural property. The new town was planned jointly with its inhabitants, as a modern town offering educational services, underground infrastructure, and health services. The town spreads over a territory of 1,132 dunams, and is intended to be home to approximately 3,500 people by 2020.

The following eight new towns are in the process of planning and development: Abu Krinat - located on 7,320 dunams, consisting in its first stage of 1,300 lots and an industrial center. Abu Krinat is intended to accommodate approximately 15,000 people by 2020; Bir Hadaj- an agricultural town located on an area of 6,550 dunams, and intended to accommodate approximately 12,500 people by 2020; Kaser A-Sir - located on an area of 5,000 dunams, and designed to accommodate around 8,000 people by 2020. The other towns to be established are Makchul-Marit – for which a detailed plan for two neighbourhoods was approved in September 2005, and a detailed plan for a third neighbourhood is underway, spread over 6,300 dunams, and designed to accommodate approximately 12,000 people by 2020; Um Betin – for which a master plan was approved in March 2005, and which is located on 6,700 dunams, and designed to accommodate approximately 8,000 people by 2020; Moleda - for which a master plan was approved in March 2005, and which is located on 11,000 dunams; and Darijat. The names of these towns were chosen by the Bedouin population. One additional plan that is currently in the advance stages of planning is of the town El-Seid. An additional three towns, Ovda, Abu-Talul, and El-Foraa are currently in the process of receiving statutory approval.

In addition, the Government is in the process of expanding thousands of units in the existing towns. Rahat for example, will be approximately tripled in its size (from 8,797 dunams to 22,767 dunams) through a project that is to be implemented and estimated to cost approximately 500,000,000 NIS (U.S. \$128,205,128). The plan includes the construction of 7,500 additional housing units (intended to house 90,000 people by 2020), public and trade facilities, employment centres for women, and public areas. The above plan, developed according to the highest standards, is a speedy solution to the current situation existing in the town of Rahat. As of May 2010, thousands of lots were sold to Bedouin families and the plan is progressing well.

There are more than 2,800 vacant lots available for occupancy by Bedouins living in the Diaspora throughout the existing permanent towns and in addition more than 6,900 lots which can be developed upon demand.

As mentioned in Israel's Periodic Report, the Government is encouraging movement to permanent towns by providing unique benefits to all the residents of the Bedouin Diaspora who seek to move to permanent towns. This policy was adopted because of the difficulties the State faced in providing infrastructural and social services to so many small, scattered clusters, mostly numbering several dozen houses or huts.

In accordance with the provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the Bedouins receive significant compensation for any structures they leave behind destroyed (even on land unlawfully held by them). Compensation is awarded both in monetary terms and in terms of land. In addition, grants are provided for families who choose to move to an existing or new town regardless of their economic status. Since 2002, the rates of compensation have risen dramatically (800 sqm. per family and 7,500 NIS (U.S. \$1,923) per family and an additional 1,500 NIS (U.S. \$384.6) per child). A family that destroys its unauthorized construction and relocates to the planned towns can receive up to 400,000 NIS (U.S. \$102,564) per family. The average sum received is estimated at 200,000 NIS (U.S. \$51,282), which is exceedingly higher than the actual loss.

Furthermore, the Bedouin population is eligible to receive tens of thousands of dunams for agricultural use and shepherding, at very low rates.

In order to maintain the special character of Bedouin communal life and prevent the exploitation of the abovementioned benefits, the State has refused offers by non-Bedouins to buy land in the areas designated for exclusive Bedouin localities. Furthermore, representatives of the Bedouin population take part in all planning processes; in the sub-committee of the Local Committee for Planning and Building, there are representatives of each of the existing Bedouin towns, and in the District Committee for Planning and Building, the Mayor of Rahat and the Head of Council of Segev-Shalom are members.

In addition, in 2007, the authorities began the planning procedures for the Be'er-Sheva Metropolis District Plan (No. 23/14/4). The plan seeks to regulate the planning situation of the greater Negev area, with consideration being given to the population's needs, restrictions, environmental affects etc. To date there are several objections which have been raised with respect to the abovementioned plan, which are yet to be decided upon by the courts.

As mentioned in Israel's Third Periodic Report, an additional sum of 1.1 Billion NIS (U.S. \$282,051,282) was invested over a period of six years (2004-2010) for the development of infrastructure and the establishment of public facilities and the reorganization of ownership in southern Israel.

The Advisory Committee on the Policy regarding Bedouin Towns

As detailed in Israel's Third Periodic Report, the Advisory Committee on the Policy regarding Bedouin towns was established, in its present form, on October 24, 2007, based on Government Resolution No. 2491. The Advisory Committee's task was to present recommendations regarding a comprehensive, feasible and broad-spectrum plan which was to establish the norms for regulating Bedouin housing in the Negev, including rules for compensation, mechanisms for allotment of land, civil enforcement, a timetable for the plan's execution, and proposed legislative amendments, where needed.

The Advisory Committee, chaired by former Supreme Court Justice Mr. E. Goldberg, comprises seven members, including two Bedouin representatives.

The Advisory Committee began holding its sessions in January 2008. The Advisory Committee's hearings were public and took place in Be'er Sheva. The Advisory Committee concluded its public discussions in May 2008, and on December 11, 2008, submitted its final recommendations to the Government. The Committee's final report dealt with three main areas: land, housing and enforcement. These areas were focused upon after the Committee recognized that only an integrated policy that included these issues could help in organizing the housing of the Bedouin in the Negev. The Committee recommended the development of an arrangement which balances the needs of the Bedouin and the State, can be implemented quickly and established by legislation in a way that assures a defined,

consistent and egalitarian policy. The Committee asserted that such a policy would be a fair and implementable solution for the land disputes, which would serve to renew the Bedouin's confidence in the State and its intentions.

On January 18, 2009, the Government confirmed Resolution No. 4411 after a full examination of the Committee's Report. The Government accepted the Committee's recommendations as a basis for arranging the Bedouin's housing in the Negev, and appointed a professional cadre which comprises representatives of Government Ministries, the Israel Land Administration and the Attorney General. The cadre is intended to submit a detailed and implementable outline aimed at fulfilling the Government Resolution.

Currently, the implementation team is in the final stages of completing the detailed Governmental Plan for regulation of the Bedouin housing situation in the Negev. The Plan is based on the recommendation of the Advisory Committee and on intensive staff work that was conducted in the past year and included consultations with representatives of various segments of the Bedouin community, as well as comments on the Committee's Report by civil society organizations.

Note, that in its current work, the team attempted to create a comprehensive mechanism geared at settling law suits regarding land ownership and development of the physical and social infrastructures. To that end, the necessary mechanisms (both legal and operational) for the establishment of new localities, for the development of existing localities and for the settlement of law suits, are now being created.

Abu-Basma Regional Council

As mentioned in Israel's Periodic Report, a regional council was founded for five of the new towns. It is called "Abu Basma", and was officially established on February 3, 2004. The Abu-Basma Regional Council is responsible for ten Arab villages, of which six are Bedouin villages

Government Resolution No. Arab/40 3956 of July 18, 2005, assigned Abu-Basma regional council with attending to the Bedouin population's needs in areas such as education, infrastructure, employment, transportation, agriculture etc. and allocated a total budget of 387.7 Million NIS (U.S. \$99,410,256) for the development of infrastructures and the building of public structures in Abu-Basma and Al Sid localities between 2005 and 2008. Government Resolution No. 4088 of September 14, 2008 extended the duration of Resolution No. 3956 until the end of 2009, in order to use the entire budget allocated.

Government Resolution No. 724 of August 9, 2009 approves a five-year-plan to improve accessibility to public services and educational centers in the regional council of Abu-Basma, and the public service centers scattered throughout the Bedouin villages in the south. The total budget for these plans amounts to 68.5 Million NIS (U.S. \$17,564,103) over the course of the years 2009-2013, with 13.7 Million NIS (U.S. \$3,512,820) to be distributed per year.

Education

The Bedouins living in existing towns enjoy the same rights and opportunities as other Israeli citizens, including the right to receive formal education at all levels, in accordance with the Israeli law. Indeed, their education has improved considerably over the past several years, as indicated by the information provided below.

Education for the Bedouin Population in the South

In 2009, there were 72,460 pupils in the educational institutions of the Bedouin population in the Negev, in comparison with 45,117 pupils in 2001. Since 2001 there has

been an increase of approximately 70% in the number of educational institutions established in Bedouin localities in the Negev.

In 2000, the Southern Department in the Ministry of Education began to implement a five-year plan for promoting the education system in the Bedouin population. The plan includes bridging gaps between the Bedouin population and the Jewish population. The purpose of the plan is the achievement of better results in schools, the improvement of school environments and the prevention of violence. The plan also trains educators; extends and improves teaching hours and learning techniques, raises the quality of education, and provides additional technological equipment.

In recent years, the Ministry of Education conducted various activities for children of all ages. These activities included developing and improving learning skills in Arabic, Hebrew, English, mathematics and sciences, and also computerizing the school learning environment.

Dropout Rates and Prevention of Dropping Out of School

The total dropout rate between 7th and 12th Grades in the 2008-09 school year was 3.6%. Among the Jewish population the rate stood at 3.1%, among the Arab population it stood at 4.7%, and among the Bedouin population the rate was 7.5%.

Another important indicator of school performance is the rate of attendance. The Ministry of Education operates an internal unit of attendance officers who regularly visit schools in order to prevent pupils from dropping-out of school. The Ministry of Education has a special department aimed at maintaining school attendance, which works to prevent pupils from dropping out. This department works in accordance with the *Compulsory Education Law* (Section 4) and as a part of the Ministry of Education's policy. Currently, there are 498 attendance officers, of which 369 operate in Jewish localities, 96 in Arab localities, 17 in Bedouin localities and 16 in Druze localities.

High priority was afforded to the Bedouin towns, which are characterized by high dropout rates when compared with the dropout rates in the Jewish population. Priority was given to the towns of Rahat, Arara, Abu-Basma and others. One of the most important goals of this Amendment is to drastically reduce the dropout rates among female pupils.

In addition to the expanded five-year plan, the Ministry of Education has invested significant efforts in preventing Bedouin children from dropping out of school. The Ministry of Education operates several educational treatment centers for youth at risk or minors outside the educational framework. These services locate potential dropouts, conduct workshops for parents and insist on teaching methods that accord with pupils' needs.

Administrative Measures

The Ministry of Education constantly invests extensive efforts in the promotion of education in the Arab localities. It is the Ministry's intention to bridge the gaps between the Jewish and the Arab populations. Thus, during the 2009-2010 academic year, approximately 140,000 Arab and Bedouin pupils benefitted from the "Karev" Program for Educational Involvement, a joint initiative of the Ministry of Education and the Karev Foundation. This foundation aims to achieve an educational-social change within Israeli society by means of enrichment activities and reinforcement of the education system.

Following the Ministry of Education's multi-year plan to reinforce the education system in Bedouin localities and several Government Resolutions on the matter, funding was allocated to fund new educational facilities in Bedouin localities (including kindergartens, schools and special education institutions) both in the North and the South. In addition,

funding was allocated towards establishing and upgrading science and computer laboratories. Furthermore, pedagogic counsels provided assistance to school principals in preparing the school's work plan and funding was allocated for reinforcement hours for pupils in need at all levels of education, in order to diminish pedagogic gaps and improve the rate of entitlement to matriculation certificates.

In addition, a program to train Bedouin teachers and assist them in the first stages of their employment was initiated in order to reinforce the teachers' status and to improve their pupils' achievements. Currently, 165 teachers have participated in the program. An additional training program for the amelioration of the teaching staff in secondary education was also initiated in co-operation with Ben-Gurion University.

The positive results of these efforts are already apparent - the rate of 12th grade Bedouin pupils entitled to matriculation certificates increased by 6% between 2004 and 2007. Furthermore, in 2009 the rate of 12th grade Bedouin pupils in the Negev entitled to matriculation certificates increased by 2.8% in comparison to 2008.

The 'New Horizon' (Ofek-Hadash) reform – in the 2007/8 school year, nine schools in the North and 31 in the South were included in the reform, followed by six schools in the North and 17 in the South in the 2008/9 school year. This reform is intended to afford pupils with poor performance an opportunity to improve and to fulfil their potential.

The Psychological-Counselling Service Department:

The Counselling and Psychological Services ("Shefi") is a department within the Ministry of Education, which is responsible for providing counselling, psychological services, and educational counselling for pupils, parents and educators. "Shefi" currently has fourteen educational psychologists allocated to kindergartens and schools in the Bedouin population and 37 educational advisors working with the Bedouin population.

Special Education Frameworks Serving the Bedouin Population

There are four special education schools (in Kssaife, Arara, Rahat and Segev-Shalom), three regional support centres (in Rahat, Abu-Basma and Hura), as well as 25 treatment kindergartens for special education serving the Bedouin population in the southern part of Israel. In 2008, two additional regional support centres were opened, as well as ten classes in primary schools. In addition, all primary and intermediate schools received additional reinforcement teaching hours.

In the northern part of Israel - a new school for pupils with severe mental deficiencies was opened, as well as six special educational kindergartens. In addition, four advance classes in secondary schools were added, as well as 3,000 hours of integration.

New Educational Programs

A new program to teach Arabic language skills in primary schools began in 2008 and will continue functioning until 2011. In addition, new educational cultural and heritage programs were added, as well as a program to teach the Hebrew language and literature in primary and secondary institutions. Furthermore, the education program in history was adjusted in order to better suit primary, intermediate and secondary schools.

The 'Daroma' (South) program – in 2004, the Ministry of Education commenced a program to improve educational achievements among exceptional pupils in the 10th -12th grades. In the 2008-09 school year, the program was operated in five High-Schools (attended by approximately 300 pupils). The purpose of the program is to advance these pupils in Mathematics and English, and to develop their learning skills. The pupils participate in courses in academic institutions such as the Ben-Gurion University. The

program also focuses on self-empowerment and activities within the community and for the community's benefit.

As of 2008, the Ministry of Education has financed a similar program, "Atidim," in two local authorities. In the north, a similar program entitled "Atidim Launch" operates in two local authorities. During 2009, another program for the achievement of excellence commenced operation in Kaabia High school – this program is also funded by the Ministry of Education.

An extra-curricular activities program is also operated in the Bedouin localities in the Negev, in conjunction with the Ministry for the Development of the Negev and the Galilee, and the Israel Association of Community Centers. The program provides scholarships for extra-curricular activities, for children in the 4th to 6th grades in the Negev.

In addition, two classes of diagnostic learning skills were opened, one in the college of Sakhnin (North), and the second in Be'er-Sheva (South) in the framework of the Open University funded by the Ministry of Education.

Psychologists - additional positions for psychologists in both regions were added but there is still a shortage in the number of psychologists per pupil and a shortage of educational psychologists.

Guidance Councillors - since 2004, three frameworks for training guidance councillors were opened - two in the North and one in the South. There has also been an addition to the number of visitation officers in some of the authorities; however, there is still a shortage.

Tuition Grants and Scholarships

In 2008, the Ministry of Education announced its intention to grant Bedouin students studying engineering, technology and science with tuition grants and scholarships in the amount of 5,000 NIS (U.S. \$1,282) each for the 2008/9 academic year. The scholarships are intended to further encourage Bedouin students to pursue higher education.

The Authority for the Advancement of the Status of Women in the Prime Minister's Office issued an announcement regarding the distribution of scholarships for female Bedouin students from the north, as well as for female students from the Druze and Circassian populations. These scholarships are granted in accordance with Government Resolutions No. 412 and 413 issued on August 15, 2006 and are intended for tuition in recognized academic institutions, in the fields of medicine, pharmaceuticals, nursing, law, engineering, and other medical related professions. Between the years 2007 and 2008, the Authority received 400 applications from women of the Bedouin population in the north, of which 45 were approved and granted. Each scholarship awarded the amount of 6,000 NIS (U.S. \$1,538).

The Authority for the Advancement of the Status of Women also conducted a special survey regarding the needs of women in minority populations, and based on the results it was decided to conduct training and to empower women in these populations in various fields, such as completion of their education, leadership, employment, business entrepreneurship and operating communal projects. Each locality, out of the 40 detailed in Government Resolutions 412 and 413, received at least two professional training courses. Approximately 30 professional courses were conducted in 2008, and 50 were conducted in 2009 (of which 15 focused on business entrepreneurship, eleven focused on empowerment issues and four focused on completing education).

Moreover, in accordance with the abovementioned survey, the Authority conducts workshops focusing on various issues in these localities, including: parental authority, first

aid, prevention of domestic accidents and couples' communication. There are also workshops conducted in high schools regarding issues of respect etc.

Abu-Basma Regional Council

Since its establishment in 2004, the Abu-Basma new municipality has invested extensive effort towards improving educational facilities for the Bedouin population in the region, including those residing in unauthorized villages.

The budget allocated towards education in the abovementioned Government Resolution No. Arab/40 3956 included 285 new school and kindergarten classrooms which will be operated by the Abu-Basma Regional Council, in addition to targeted and specialized educational programs with a budget of 3 Million NIS (U.S. \$769,231). Between April 2004 and July 2008, the establishment of two kindergarten classes in three different localities (a total of six classes) was completed; four additional classes are currently under construction. 66 new primary school classes were established in different localities, 42 additional classes are currently under construction, ten of which are nearing completion, and sixteen additional classes are still in planning stages.

In the Council's school system there are 25 elementary schools with an average of 700 pupils per school and three high schools with 100 pupils each. Recent data indicates that immediately after the establishment of regional schools in the Council's towns and villages, the dropout rate due to the transfer from elementary schools to high schools had been eliminated completely. The dropout rate due to the transfer from elementary schools to high schools previously stood at 50%, with a majority of the dropouts being female.

In addition, the number of 12th grade Bedouin pupils entitled to matriculation certificates significantly increased. Thus in 2009 the number of 12th grade Bedouin pupils in this Regional Council entitled to matriculation certificates increased by 11% in comparison to 2007.

The Situation in the Unauthorized Bedouin Villages

Since 2004, three high schools were established for the first time in the unauthorized villages of Abu-Krinat, Al-Huashlla and Bir-Hadge. These schools were connected to the main electricity network, and access roads were paved towards them. The schools' establishment contributed greatly to the prevention of dropout rates, especially among Bedouin girls, who previously were not sent to school by their parents, due to the distance of the school from the village and Bedouin tradition. In addition, since 2004, 14 inspectors' positions were added, including general and vocational inspectors for schools in Bedouin localities, in order to improve the quality of education in these localities.

Higher Education

In August 2009, Amal Abu-Saad became the second Bedouin Israeli woman to be awarded a Ph.D. - in genetics. Since her undergraduate studies, Abu-Saad has been developing curriculum and study materials on genetic diseases and the importance of pre-natal testing. Her doctorate focused on genetic problems stemming from intermarriage in Bedouin society. Abu-Saad's master's thesis focused on teaching biology to Bedouin schoolchildren using camels. Abu-Saad is one of 17 Bedouin women who in recent years received their first degree from an institution of higher education.

Water

The Policy of Water Supply to the Bedouin Unauthorized Villages

The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are specially adapted to their needs. Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions which the Ministry of Health considers to be unsatisfactory. Thus, additional funds were allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins who live in unauthorized villages.

On October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Resolution, a condition for the implementation of the plan was the establishment by the localities of Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law*. However such corporations have yet to be established.

Nearly 60,000 Bedouin live in unauthorized villages in the Negev. These unauthorized villages pose difficulties in supplying the residents with necessary services, especially water. While the Government does not question its duty to supply its inhabitants with services such as water, it is practically impossible to supply such services to sporadic places which disregard the national construction and planning programs.

Nevertheless, pending the completion of the establishment of the 11 additional permanent Bedouin towns and the regulation of water supply systems, the Ministerial Committee for the Arab, Druze and Circassian Populations' Affairs has decided to build "Water Centers." Pursuant to this decision, instructions have been given concerning the planning of water supply systems to several centers in the Negev called "Water Centers." The Water Centers result from the Government's understanding of the needs and current realities faced by the Bedouin population, and governmental efforts to improve the Bedouin's living conditions. The planning of the centers takes into account the amount of water necessary for the population size expected in 2020, and the establishment of the centers involves great costs.

These systems will enable the supply of water to a significantly larger portion of the Bedouin population than that which currently receives a water supply through individual connections.

As of June 2010, there are Water Centers in the following Bedouin localities: Um Betin, El-Seid, Abu-Krinat, Bir Hadaj, Darijat and Kaser A-Sir. In addition, there is an agreement to establish additional Water Centers in Moleda, Abu-Talul, Foraa and Lokia.

An additional method relied upon to provide water is through direct water connections being made to the main water pipeline, which are granted to a minimum of ten families. Due to the problematic nature of these connections, which require the transfer of water to unauthorized villages, this method is less frequently employed than previously. The connection to the main pipeline is approved by the Water Committee, which evaluates requests for connections to pipelines, and conducts negotiations in cases where disputes arise between residents of the Diaspora concerning the ownership of such connections.

According to 'Mekorot' – the Israel National Water Corporation – there are numerous pirated connections to pipelines, which are made absent the authorization of the Water Committee.

On September 13, 2006, the Haifa District Court (residing as a Water Tribunal) rejected an appeal filed by Adalah on behalf of 767 Israeli-Bedouin living in the Negev's

Diaspora, demanding access to sources of water (*D.C.H. Appeal 609/05, Abdallah Abu Msaed, et. al. v. The Water Commissioner*).

In its decision, the Haifa District Court President emphasized that while the case directly deals with connections to the main water pipelines, it indirectly addresses the complex issue of the organization of "Bedouin housing." The Court added that it is not disregarding the fact that all citizens enjoy the basic human right to water and health, which must be granted by the State in order to guarantee the right to dignity, but explained that, in its opinion, providing connections to the main water pipeline is not the way to resolve the problem of unauthorized villages. According to the Court's decision, the right to water is not absolute, but can be made conditional upon a "clear" public interest "not to encourage cases of additional illegal settlement."

On November 18, 2006, Adalah submitted an appeal to the Supreme Court against the ruling delivered by the Haifa District Court. The appeal is still pending (C.A. 9535/06, *Abdullah Abu Musa'ed, et. al. v. The Water Commissioner and the Israel Lands Administration*).

The Current Situation

As of February 2009, 'Mekorot' has begun laying new pipelines, two inches in diameter, in order to improve and enlarge the amounts of water supplied to the Bedouins and to prevent technical difficulties (pipelines that were previously approved for direct connections by the Water Committee are of one inch diameter, which is insufficient for a supply of water to a large number of persons and which causes technical problems, such as low water pressure, freezing of pipes etc.).

Owners of direct water connections to the pipeline of one inch diameter may apply to 'Mekorot' and request that the corporation expand the pipeline. Note that even in cases where such an application has not been made, 'Mekorot' can identify pipes with respect to which there is a large amount of water consumed, and can widen the pipeline at its own initiative.

All of 'Mekorot's' pipelines are located underground, and claims regarding pipelines that are laid on the ground probably refer to pipelines that were illegally laid down by the local population.

Electricity

The *Electricity Supply Law (Temporary Order)*, 5756-1996, was enacted to solve the problem of providing electricity to Arab and Druze citizens whose houses had been built without building permits, and were consequently not connected to the central electricity grid. This Law was amended in 2001, extending the temporary supply for a period of seven years. In 2004 the Law was amended again, so that the extension would cease as of May 31, 2007. Since the enactment of the Law and up until May 31, 2007, the Electricity Administration approved the connection of 8,941 buildings to the electricity grid. Recently there were attempts to promote the further extension of the Law.

Recently, Israel Electric Corporation began connecting el-Mustakabal and el-Aasam b' schools, which operate in the unauthorized village of Abu-Talul, to the national electricity grid. The corporation is also working to connect el-Amal school in the village Hirbat el-Watan and additional schools in other unauthorized villages in the Negev. These steps were taken following a petition to the High Court of Justice by Adalah in July 2009. Following the State's notification to the Court in February 2010 that the necessary works for connecting the schools to the national grid were completed, and that the schools would be connected within several days, the Court stated that the remedy requested in the appeal

had been provided, and therefore rejected the appeal (*H.C.J 5475/09 Aiub Abu-Sabila et. al. v. The Ministry of Education et. al.* (10.3.10)).

Health

Infant Mortality

According to a report prepared by the Ministry of Health, which was published in February 2009, the infant mortality rate among Bedouin in 2008 was 11.5:1000, representing a decline from the rate recorded in 2005 (15:1000). The high rate is mostly attributed to high rates of congenital anomalies and hereditary illnesses resulting from the high rate of consanguineous marriages. Another element impacting the mortality rate is the religious prohibition against abortion among Muslims even in medically recommended cases, as well as the high rate of births among elderly women. The infant mortality rate among Bedouin infants whose families live in unauthorized villages was actually lower than that among Bedouin infants whose families live in established towns. The Government continues to open Mother and Child Health Clinics in unauthorized villages and new Clinics are being built to serve the population.

As mentioned in Israel's Periodic Report, the Government has funded several special projects to improve the health of, and expand the health-care services provided to, Bedouin living in unauthorized villages. One of these programs is a special long-term intervention program intended to decrease the infant mortality rate among the Bedouins. In addition, free genetic testing is also funded by the Government, along with genetic counselling for any member of a Bedouin tribe in which the prevalence of a serious inherited disease is above 1:1000 and for which there is an available genetic test.

The Ministry continues to work intensively on health education/information projects so as to reduce the infant mortality rate among Israeli Muslim Arabs. The central aim of these projects is to discourage marriage among close relatives, encourage pregnant women to make more use of diagnostic procedures during pregnancies, and encourage mothers to make more use of the Mother and Infant Health Care Services dispersed throughout the country.

There is a long-term program aimed at training members of the Bedouin population to work in nurseries and maternity wards in order to further reduce infant mortality among the Bedouin population.

The Ministry of Health is currently financing a project aimed at further reducing infant mortality among the Bedouin population, which project is being conducted in cooperation with Ben Gurion University. In 2009, the Ministry began working on an additional project regarding the improvement of the Bedouin population's nutrition.

Health Infrastructures

Health Clinics – The total number of health clinics and independent physicians in the Bedouin population as of March 2008 was 51, according to the following distribution: in the permanent localities there were 27 clinics and eleven independent physicians; in the localities in the process of planning and development there were nine clinics and in the unauthorized villages there were 4 clinics.

The clinics located in the Bedouin localities are equipped according to the standards of every Health Fund in the country. Clinics in unauthorized Bedouin villages located throughout the Negev are all computerized, air conditioned, and equipped according to the standards followed by all the Health Funds (HMOs) in the country.

It is important to note, that medical services are also available in the various Health Funds' clinics, which are located outside the Bedouin localities, such as in Be'er Sheva, Arad, Dimona, Omer Mitzpe-Ramon etc.

Special Services - The General Health Services Department operates a special health service for the Bedouin population that includes an ambulance service for Bedouins, run by a Bedouin employee. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization.

Immunization Coverage - There have been significant improvements in the past decade in immunization coverage. Improved immunization coverage of Bedouin infants in the Negev, for example, resulted in a significant decrease in vaccine-preventable infectious diseases. 2010 figures show that the rate of immunization coverage regarding hemophilus influenza B, infantile paralysis, diphtheria, tetanus and pertussis is 88% among Bedouin children and 90% among Jewish children. With respect to measles, mumps and rubella, the rate of immunization coverage among Bedouin children is 93% in comparison to 91% among Jewish children.

In addition, as mentioned in Israel's Periodic Report, two mobile immunization teams managed by the Ministry of Health also provide home immunizations to infants of Bedouin families living outside of permanent towns. A computerized tracking system allows for the identification of infants who are overdue for their immunizations and for the sending of a mobile team to immunize them.

Ben-Gurion University has opened a new course of studies – a bachelors' degree for male/female qualified nurses from the Bedouin population. As of 2010, 37 students have enrolled in this new course. In addition, as of January 2010, five nurses were hired to work in mother and infant health care stations and their training for these positions will take six months. There is also a two year program intended to train nurses, who will work in the Bedouin population, in providing parental guidance. In 2010, 16 nurses graduated from this program and a new group of nurses is currently being assembled. Note however that there is still a substantial shortage of qualified nurses in the Bedouin population.

The first female Bedouin physician in Israel, Rania al-Oqbi, has completed her degree. She was part of the special "Cultivating Medicine in the Desert" program, which was aimed at incorporating more Bedouin into the health sector. As of 2009, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

Mother and Infant Health Care Stations - There are 46 mother and infant health care stations located in the southern district, 27 of which (more than 50%) serve the Bedouin population:

- 13 stations are located in the permanent localities (also serving the Bedouin population living in nearby unauthorized villages)
- Eight mobile stations serve unauthorized villages
- Five stations located in Jewish localities also serve the Bedouin population living in localities nearby (Abu-rabiah Station in Be'er Sheva which mainly serves Bedouins living in unauthorized villages, Dimona A, Arab A, Yeruham and Mitzpe Ramon stations.)
- One mobile station serves the Bedouin population located in the unauthorized villages in the Marit Area, near the city of Arad.

Culture

The Ministry of Culture and Sport: The Ministry accords high priority to the promotion of cultural activities among the Arab population, both as creators and as consumers of culture; and to the promotion of qualitative art by Arab artists. The aims of the Cultural Administration within the Ministry include, among others:

- To encourage the consumption of art and culture while ensuring the exposure and accessibility of the entire population of Israel to these elements.
- To nurture pluralism and multicultural dialogue.
- To nurture and express the culture of Israeli communities and the different sectors of Israel's population.

All of Israel's cultural institutions are open to all Israeli citizens regardless of their ethnicity or religion. All Israeli citizens are welcome to enjoy the activities conducted by these institutions and to take an active part in the activities. The list of cultural institutions and persons that receive governmental support includes numerous figures that operate within the Arab population, authors who write in Arabic and institutions that are identified with the Arab population. For example, "The Museum for Islamic Art" and the "Daroma" association which operates the "Museum for Bedouin Culture" in the Negev.

States of Emergency (art. 4) and Derogations from International Standards

Question 8:

Please provide detailed and updated information on the measures taken by the State party to ensure that definitions of terrorism and security suspects are precise and limited to the countering of terrorism and the maintenance of national security respectively, in full conformity with international human rights standards and in particular with the Covenant. Please provide disaggregated data by sex, age, nationality and ethnic origin on persons detained as "unlawful combatants" since 2003, elaborate further on the legal status of these persons (see State party report, paras. 270 to 277) and indicate whether and when the State party envisages repealing the Incarceration of Unlawful Combatants Law 5762-2002, as recommended by various human rights international experts.

Reply:

The definition of terrorism, as well as other related issues, is currently being thoroughly examined as part of a legislative process aimed at introducing comprehensive legislation concerning the struggle against terrorism and the necessary means to counter the terrorist threat faced by Israel.

Unlawful Combatants Law 5762-2002

As mentioned in Israel's Periodic Report, in June 2008, the Supreme Court upheld the constitutionality of the Law while rejecting an appeal submitted by two detainees. Here, the Supreme Court addressed the substantial legal aspects of unlawful combatant incarceration, for the first time since the Law was enacted (Cr.A. 6659/06 Anonymous v. The State of Israel). While reaffirming the legality of the specific incarceration orders, the Supreme Court held that the Law meets the standards of both Israeli constitutional law and International Humanitarian Law (which it found to be applicable to the Israeli fight against the various Palestinian terrorist groups) - noting that the Law as a whole does not infringe upon the right to liberty in a disproportional manner and finding it to be consistent with the

administrative detention provisions in the Fourth Geneva Convention relative to the Treatment of Civilian Persons (1949). In addition, the Supreme Court interpreted the principle Sections of the Law as intended to strike a delicate balance between generally accepted Human Rights standards and the legitimate security needs the Law was designed to address.

Since the enactment of the Incarceration of Unlawful Combatants Law a total of 49 persons have been detained according to the Law. Twelve persons were detained during the second Lebanon war, 30 were detained during operation "Cast Lead" and seven on other occasions. There are currently seven persons held under the provisions of the Law. Periodical judicial review of the incarceration takes place in a civil District Court every six months, as required by the Law, and the decision may be appealed before the Supreme Court.

It is Israel's position that in light of the current security situation facing Israel, the use of this method of detention is obligatory, and is essential in preventing terrorist activity.

Question 9:

In light of general comment No. 29 of the Committee on States of Emergency (art. 4) and of the serious concerns and recommendations expressed by the Committee in its previous concluding observations (CCPR/C/79/Add.93, para. 11, and CCPR/C0/78/ISR, para. 13) regarding the continued state of emergency in Israel since independence, please provide detailed and updated information on progress in the implementation of the "joint program to complete the needed legislative procedures required in order to end the state of emergency" mentioned in paragraph 159 of the State party's report and indicate the timeline for completion.

Reply:

In the current state of affairs, there should be no doubt that the State of Israel is experiencing a State of Emergency. Since September 2000, Israel has been subjected to an unprecedented wave of terrorism. The State and its citizens have been the victims of countless attacks that have been perpetrated with the goal of causing mass havoc, destruction and loss of life and limb. Various Palestinian terrorist groups, including Hamas, the Islamic Jihad and others, have targeted Israeli citizens, without distinguishing between Arabs and Jews, the elderly, children, women or soldiers.

Nevertheless, as mentioned in Israel's Periodic Report, in recent years, Israel has been considering refraining from extending the State of Emergency any further. However, the actual termination of the State of Emergency cannot be executed immediately, as certain elementary laws, orders and regulations legally depend upon the existence of a State of Emergency. These acts of legislation must be revised, so as not to leave crucial matters of the state unregulated when the State of Emergency expires.

Specifically, several laws essential to the war against terrorism are contingent on the existence of a declaration of a State of Emergency. The Emergency Powers (Detention) Law 5739-1979, allows the administrative detention of a person, based on reasonable grounds if such detention is necessary for reasons of state security or public safety. The Prevention of Terror Ordinance 1948, prohibits membership in terrorist organizations and support of such organizations, and provides for judicial and administrative sanctions.

As mentioned in Israel's Periodic Reports, in 1999, the Minister of Justice called for a review of the need to maintain the declared State of Emergency. The Ministry of Justice has begun reviewing the subject, and preparing the required legislation. Since then, several laws which were dependent on the State of Emergency have been repealed or amended, and other legislative changes are in various stages of preparation.

In June 2009 the Joint Knesset Committee for Declaring a State of Emergency established a team to supervise the aforementioned work, which has become increasingly intensive.

Furthermore, the petition mentioned in Israel's Third Periodic Report is still pending before the Supreme Court. As ordered by the Court, in April 2009, the State submitted an updated report on the progress of the legislative amendments being made with regards to the annulment of the State of Emergency status.

With regard to the rights of citizens; the fact that there exists the option of enacting emergency regulations does not affect citizens' rights. This is due to the fact that for the past several years the Government has not enacted such regulations (as their validity is for three months at the most), and even when enacting these regulations, the purpose has almost always been to ensure the provision of essential services during labour disagreements. Even in these situations, in most cases, the Government makes usage of ordinary legal tools available to it, i.e. petitions to the Labour Court rather than the enactment of emergency regulations.

Currently, efforts are being made to replace the legislation dependant on the existence of the state of emergency, however the new legislation is not necessarily less restrictive than the former legislation, in terms of human rights.

However, there are no rights that are suspended due to the Emergency Situation. Some rights may be restricted as a result of the emergency situation, but this fact does not render them different from other legislation not related to the emergency situation. Thus, the same rules apply to these rights as do to all other rights, including those of interpretation and judicial review.

It is important to note that the relevant legislation applies to all, Jews and Arabs alike, citizens and residents. The primary use of the legislation is however directed against Palestinian terrorism. However the legislation is also used against Israeli-Jews, including with respect to the declaration of Jewish entities as terrorist organizations under the Prevention of Terrorism Ordinance, which applies in the emergency situation. In relevant cases, administrative detention is also applied to Jews.

The current State of Emergency is in force until June 13, 2011.

Right to Life (art. 6)

Question 10:

Please provide information on the measures taken by the State party to ensure that the military comply with the fundamental requirement of distinguishing between civilians and military objectives when resorting to the use of force and that utmost consideration be given to the principle of proportionality in all the State party's responses to terrorist threats and activities. Please also indicate whether the State party envisages establishing an independent body to monitor the strict compliance of military forces with international human rights law. According to information received by the Committee, "targeted killings" have continued to be used by the State party in response to terrorist activities. Please indicate (a) the number of "targeted killings" carried out since 2003; (b) whether any complaints were lodged in light of the Supreme Court decision of December 2006 imposing certain limitations and restrictions on such acts; and (c) the outcome of these complaints. In addition, please provide specific information on the status of investigations and prosecutions initiated by the State party on alleged violations of international law resulting from the conduct of Defence Forces during: (a) the Second Lebanon War, including the

investigations following the Commission of Inquiry into the Events of Military Engagement in Lebanon 2006 (Winograd Commission); and (b) Operation Cast Lead.

Reply:

Israel's military justice system, like those of many other democracies, is part of the State's military forces but is professionally independent. The military justice system includes three main components: the Military Advocate General's Corps, the Military Police Criminal Investigation Division (MPCID), and the Military Courts.

The military justice system is responsible for the supervision on the adherence of the IDF to the law, including international law. As such, the military justice system deals with all allegations of offences or violations of law committed by IDF personnel, including violations of international law. Hence, as far as international human rights law norms apply to IDF activities, the military justice system provides the necessary guidance and supervision rendering the establishment of an additional body for this purpose redundant.

Note, that the military justice system is under the review and scrutiny of the civilian law enforcement authorities, lead by the Attorney General, as well as the civilian judicial system, lead by the Supreme Court.

Please see Israel's reply to Question 1, above.

Question 11:

Please provide detailed information on Operation Cast Lead, which took place in Gaza in December 2008 and January 2009, in particular on measures taken to ensure the distinction between civilian and military objects and persons during the Operation. Please comment on allegations regarding: (a) direct targeting of civilians and civilian objects with lethal outcome despite the absence of any justifiable military objective; (b) the use of Palestinian civilians by the Israeli military forces as human shields, despite the 6 October 2005 ruling of the High Court of Israel on this practice; (c) the refusal of Israeli forces to allow the evacuation of the wounded and permit access to ambulances; and (d) a sharp increase in the use of force by security forces, including different "open fire regulations" to deal with disturbances where only Palestinians are present.

Reply:

Please see Israel's reply to Question 1, above.

Question 12:

Please provide information on the provision of supplies, in particular food and medical supplies, to people in the Gaza Strip since Operation Cast Lead. In addition, please provide information about the access of Palestinians in the OPT to adequate water supplies.

Reply:

Please see Israel's reply to Question 1, above.

Prohibition of Torture (art. 7)

Question 13:

Please provide further information on the legislation referred to in paragraph 173 of the State party's report, designating torture and ill-treatment as a criminal offence, and on any additional legislative measures the State party envisages taking to fully incorporate the prohibition of all forms of torture and other cruel, inhuman or degrading treatment or

punishment into domestic law, as set out in article 7 of the Covenant. According to information before the Committee, Amendment No. 4 made in 2008 to the Criminal Procedure (Interrogation of Suspects) Law – 2002, has extended for an additional four years the existing exemption of the Israel Security Agency (ISA) and the police from making audio and video recordings of interrogations of security suspects. What measures does the State party have in place to guard against torture and ill-treatment during such interrogations, as well as against the extraction of false confessions? Given the further extension of the exemption for a period of four years, does the State party intend to make it permanent?

Reply:

As stated in Israel's Previous Reports, as well as Israel's Periodic Reports on the implementation of the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), all acts of torture, as defined in article 1 of the CAT, are criminal acts under Israel's legislation. In addition, all forms of torture or other cruel, inhuman or degrading treatment or punishment are prohibited by Israel's *Basic Law: Human Dignity and Liberty*.

Moreover, in C.A. 5121/98, *Prv. Yisascharov v. The Head Military Prosecutor et. al.* (4.5.06), mentioned in Israel's Periodic Report, the Supreme Court held that "...the nature and extent of the unacceptable methods of interrogation included today in the scope of 'harming the human character of the interogatee' may be wider than in the past. This, in light of the interpretative impact of the *Basic Law* and considering the international contractual law that Israel is a party to."

Audio and Video Recordings of Interrogations

The obligation to record the interrogation of suspects is being gradually implemented in accordance with the type of offence in question, as detailed by the *Criminal Procedure (Investigation of Suspects) Law 5762-2002*: Since August 1, 2006, the obligation has applied with respect to murder offences; and from August 1, 2007, the obligation has applied with respect to manslaughter offences as well. Furthermore, as of January 1, 2009, the obligation will apply to all other offences punishable by a minimum of 15 years' imprisonment. During 2010, the requirement will also apply to offences punishable by a minimum of ten years' imprisonment.

An exception has been made with respect to the recording of the interrogation of a suspect suspected of security related offences. The exception was to remain in force for a period of five years from the time that the Law came into effect. Following this five year period, the exception period was extended for an additional period of four years. No additional changes have been made.

Furthermore, there are additional requirements for the recording of interrogations which are stipulated by the Law, for example - when the interrogation is not documented in writing in the language in which it is conducted, it is possible to use an audio recording. When a person cannot read or write or if he/she is a person with a disability that makes it difficult for him/her to confirm the correctness of the documentation in writing - it is also possible to make do with an audio recording. However, when the investigation is conducted in sign language- there is an obligation to record the interrogation using visual methods.

With regard to the implementation of the abovementioned law - 34 investigation rooms were equipped with recording equipment in 2007, and 70 additional rooms were chosen to be equipped with recording equipment in 2008.

With regard to training - during the first half of 2008, 250 police investigators and investigation officers underwent training in six training cycles.

The following table contains figures regarding investigations documented by the Police (January – June 2008) (according to Section 16 of the Criminal Procedure (Investigation of Suspects) Law :

	No. of exposed cases ¹ [1]	No. of suspects in the exposed cases ² [2]	No. of suspects in exposed cases whose investigation was documented by visual recording	No. of cassettes and CD's with visual recording	No. of cassettes and compact-discs that were translated		Costs for translation and transcription ³ [3]
					By the police	By a translation company	
Murder	57	180	593	1,353	221	334	
Manslaughter	4	4	4	22	2	18	
Other offences (punishable by over 10 years imprisonment – in the addendum to the Law	7,299	13,726	2,194	3,068	427	903	
Total (for offences in the addendum to the Law	7,360	13,910	2,791	4,443	650	1,255	
Offence not included in the addendum to the Law	-	-	650	860	113	444	
Total January-June 2008	-----	-----	3,441	5,303	763	1,699	2.7 million NIS

Source: The Ministry of Public Security

Similar to the Police, Israel's Security Agency and its employees act within the framework of the law, and are subject to internal and external review by, inter alia, the State Comptroller, the State Attorney, the Attorney general, the Knesset and the High Court of Justice in Israel.

¹[1] Cases in which a suspect is interrogated under a warning and his details were fed to the criminal system.

²[2] The number of suspects may change during the investigation of the case.

³[3] It is worth mentioning that the length of the cassette/disc may vary from 4-17 hours (according to the company's report). The translation cost has also variants in different conditions. In addition, this figure may also include translation or word-to-word translation that is not needed from the interrogation.

Detainees receive all the humanitarian rights provided by the Conventions Israel is a party to and by Israeli law, including access to legal counsel and meetings with ICRC representatives.

In 2009, Israel's High Court of Justice rejected a petition claiming that the Government and the Israel Security Agency (ISA) disregarded the High Court of Justice ruling in HCJ 5100/94 *The Public Committee against Torture in Israel v. The State of Israel*. The Court found no legal or factual basis for this claim.

Question 14:

Notwithstanding the State party's assurances that the prohibition on the use of "brutal or inhuman means" is absolute, and its affirmation that "necessity defence" is not a source of authority for an interrogator's use of physical means, please explain whether the "necessity defence" exception may still arise where physical pressure is used during the interrogation of terrorist suspects or persons otherwise holding information about potential terrorists ("ticking bombs"). Have complaints of torture or cruel, inhuman or degrading treatment been referred to the Attorney-General's office for filing of criminal charges against interrogators during the questioning of security detainees considered to be "ticking bombs"? If so, please provide the Committee with detailed information about the number of complaints, their outcome and reasons for which an investigation or prosecution was not pursued in certain cases, if any. Please also provide information on the total number of persons classified as "ticking bombs" who have been interrogated since 2003 as well as the outcome of these interrogations.

Reply:

The Supreme Court, in H.C.J. 5100/94 *The Public Committee against Torture in Israel v. The State of Israel* determined that: "[A] reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment of the subject and free of any degrading handling whatsoever. There is a prohibition on the use of 'brutal or inhuman means' in the course of an investigation. Human dignity also includes the dignity of the suspect being interrogated ... These prohibitions are 'absolute.' There are no exceptions to them and there is no room for balancing. Indeed, violence directed at a suspect's body or spirit does not constitute a reasonable investigation practice."

Furthermore, in its decision, the Supreme Court held: "...- that the "necessity" exception is likely to arise in instances of "ticking time bombs," and that the immediate need ("necessary in an immediate manner" for the preservation of human life) refers to the imminent nature of the act rather than that of the danger. Hence, the imminence criteria is satisfied even if the bomb is set to explode in a few days, or perhaps even after a few weeks, provided the danger is certain to materialize and there is no alternative means of preventing its materialization. In other words, there exists a concrete level of imminent danger of the explosion's occurrence..."

The Israeli Security Agency (ISA) operates according to the above principles and fully adheres to the Supreme Court ruling.

Although the Court was ready to assume that the "necessity defence" could arise in instances of "ticking bombs," the "necessity defence," as such, did not constitute a source of authority to utilize physical means. The Court held that any future directives governing the use of these means during interrogations had to be anchored in an authorization prescribed by law, and not in defences to criminal liability. To date no such directives have been introduced.

Treatment of Interrogatees defined as "Ticking Bombs"

The Attorney General's guidelines direct the ISA to operate according to established internal procedures, also relating to a system of internal consultations, relevant to its operations. Accordingly, internal guidelines were prepared by the ISA, determining the manner in which consultation with high-ranking officials of the ISA should occur when the circumstances of a specific interrogation support the necessity requirement. These guidelines were presented before the Attorney General.

The State of Israel adheres to its position that the current wording in the *Penal Law* is in accordance with international law, as can also be seen from the above ruling of the Supreme Court.

The ISA is obligated to conduct interrogations of individuals suspected of terrorist activity in order to gather information which will enable the ISA to foil, prevent and disrupt the execution of terrorist activities and related infrastructures. ISA interrogations are conducted according to the law and according to the relevant guidelines and regulations. The interrogations are monitored regularly by the ISA, the Ministry of Justice, the State Comptroller and by the Courts.

The Inspector for Complaints against ISA Interrogators ("The Inspector") operates independently under the instruction and close guidance of the Inspector's supervisor in the Ministry of Justice, who is a high-ranking attorney in the Ministry of Justice. The Inspector is guided professionally by the supervisor that approves his/her decisions. These decisions are further examined by the Attorney General and the State Attorney when the issues raised are sensitive or when the circumstances so necessitate. Every complaint regarding improper treatment which is made by an interrogatee is examined by the Supervisor, with no regard, whatsoever, to whether that person is considered to be a "Ticking Bomb."

Investigations

The number of examinations conducted by the Inspector per year is as follows: 2006 – 67 examinations; 2007 – 47 examinations; 2008 – 30 examinations; 2009 – 50 examinations.

The fact that none of the examinations, initiated during the years 2006-2009, ended with the submission of criminal charges merely indicates that all the interrogations were performed according to law and procedures, and no ill-treatment or torture took place during the interrogations. Nonetheless, certain procedures and interrogation techniques were modified as a result of some of the examinations conducted. Additionally, during the years 2003-2009, 10 examinations were initiated as a result of complaints forwarded solely by the investigators themselves. In addition, 55 examinations were initiated based on the reports of investigators to the Inspector regarding complaints of interrogatees made to the ICRC and other public organizations.

In 2009, Israel's High Court of Justice rejected a petition claiming the Government and the ISA disregarded the High Court of Justice's ruling in H CJ 5100/94 The Public Committee against Torture in Israel v. The State of Israel. Thus, the Court found no legal and factual basis for this claim.

Question 15:

Please indicate whether complaints against Israeli military forces and the police are recorded immediately and provide information on the remedies available to victims of unlawful use of force and their families. Paragraph 200 of the State party's report states that 49 complaints out of 1,273 investigations for unlawful use of force by police officers resulted in criminal proceedings in 2004. What is the reason for relatively few criminal

proceedings? Please indicate the number of proceedings that have led to the conviction of the accused and the sanctions imposed on those convicted. In addition, please elaborate on the measures taken by the State party to ensure that no acts of torture or ill-treatment are committed by police, ISA interrogators, Israeli prison authorities, the Israel Defence Forces as well as the private security agents posted at checkpoints between Israel and the OPT, in the "Seam Zone" in the OPT between Israel and the Wall and within the West Bank.

Reply:

As detailed in Israel's Periodic report, the actions and conduct of law enforcement officials are subject to several legal institutions for review and oversight. Overall, each branch of the law enforcement authorities has disciplinary procedures, which may be initiated by the person claiming a violation, by other entities, or by the authorities themselves. All civil servants are subject to the provisions of the *Penal Law* and most of them to the regulations pertaining to governmental employees. Detainees, prisoners or any other relevant person may apply directly to the courts or administrative proceedings for relief against the action or decision in question.

The Police

As detailed in Israel's previous reports, complaints against police officers are dealt with by the Department for Investigation of Police Officers (hereinafter: DIPO). As also detailed in Israel's Periodic Report, the DIPO is a unit within the Ministry of Justice. Thus, all investigations of complaints concerning maltreatment or unlawful use of force by police officers are conducted by an independent body which is external to the Police, and which works within a different governmental branch and has no organizational subordination to the Police. Therefore, the DIPO is an independent body that investigates police misconduct and works determinedly to conduct comprehensive and diligent investigations, to collect evidence and, if necessary, prosecute officers that overstepped their authority and committed an offence.

It should be remembered that there is an inherent difficulty in investigating complaints of the illegal use of force, since police officers have a basic authority to use force in certain situations, and at times, it is difficult to determine where such use of force was excessive. Prosecution of a police officer requires a reasonable probability of conviction – the same probability as is required for conviction in any other criminal case.

Additionally, some of the complainants are people who were arrested by the Police, and some were suspected of assaulting police officers. Thus, filing a complaint, which is sometimes false, might be an attempt to avoid prosecution.

Since the use of force can be seen as a tool for police officers when exercising their duties, in certain cases the complaints are handled by disciplinary measures. Disciplinary measures are used in cases where the police officers were authorized to use force, but the force used has slightly deviated from the reasonable force needed. The advantage of the disciplinary procedure is the examination of an event from organizational, educational and other important points of view.

While considering data concerning proceeding initiated following a complaint against a police officer and their results, disciplinary proceeding should be regarded, as with criminal proceeding, as a legal proceeding, which carries with it all the relevant implications. The result of these proceedings has grave implications for the continuation of the officers' service and promotion.

In 2009, out of 93 criminal cases in which proceedings were concluded, 68 cases resulted in conviction or a determination that an offence was committed. The sentence in

each case was given in accordance with the circumstances of each case, and at times might be imprisonment.

The ISA

Please see Israel's reply to Question 14 above.

The Israel Prisons Service (IPS)

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

- Filing a complaint with the director of the prison;
- Petitioning the relevant District Court in a prisoner's petition, in accordance with section 62A of the *Prisons Ordinance 5732-1971*, and the *Procedures (Prisoners Petitions) Regulations 5740-1980*;
- Filing a complaint with the Warden's Investigation Unit (WIU), through the IPS or directly to the Unit. This Unit is part of the Israeli Police, and its members are police officers. The findings of the WIU are subject to the State Attorney's Office's scrutiny, who decides whether to institute disciplinary measures or criminal proceedings; or
- Filing a complaint with the Prisoners Complaint Ombudsman, who is a member of the Ministry of Public Security's internal comptroller unit that has the authority to investigate. Following the completion of the inquiry, and based on its findings, the complaint shall be forwarded to the WIU or the Disciplinary Branch in the IPS.

Additionally, Section 71 of the *Prisons Ordinance* establishes rules for official visitors in prisons. These visitors are appointed by the Minister of Public Security and are comprised of lawyers from the Ministry of Justice and other Governmental Ministries, who are appointed on an annual basis, either for a specific prison, or nationwide. Section 72 of the *Prisons Ordinance* grants official visitor's authorities to Supreme Court judges and the Attorney General in prisons throughout Israel, and to District and Magistrate Court judges in prisons in their jurisdiction. Official visitors are allowed to enter the prisons at any given time (unless special temporary circumstances apply), inspect the state of affairs, prisoners' care, prison management, etc. During these visits, the prisoners may approach the visitors and present their complaints, including grievances pertaining to use of force. Prisoners may also make a complaint with the director of the prison and ask for an interview with an official visitor. Attorney General's Guideline (No. 4.1201. (1.5.75), updated – 1.9.2002) broadened the scope of the above to also include detention facilities and detention cells in police stations.

According to statistics released by the WIU, between 2004-30.4.09, 1,112 complaints were filed by inmates regarding the use of force by wardens, eleven indictments were filed. During 2008, 226 cases regarding illegal use of force were opened, of which, 218 were for assault and eight cases for threats. In 16 cases the recommendation was to serve indictments against the wardens (Criminal/Disciplinary) and the rest of the cases were transferred to the State Attorney's office for further examination and decision. As of April 30, 2009, 54 cases were opened regarding the illegal use of force, of which, recommendations were made in eight cases to serve indictments for assault.

Disciplinary measures are mostly instituted when the findings indicate that Prison Services' procedures were deviated from to a significant degree, yet to a degree that would not merit a criminal offense, or due to lack of evidence. The penalties available in these disciplinary measures include fines, warnings, reprimands, confinement, and demotion.

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

The IDF

As detailed in Israel's Previous Report, the IDF maintains a strict policy of investigating every claim of maltreatment by IDF soldiers. Any person may file a complaint with the Israeli Police, the Military Police or the Military Advocacy. All complaints are registered upon admission and are examined by the Military Advocate General's Office.

The investigation of complaints against soldiers is performed by the Investigative Military Police. This unit is subordinate to the IDF Head of the General Staff, independent from the IDF regional commands, and therefore autonomous to handle the investigations within the auspices of the Military Advocate General's Office.

The IDF's actions at the checkpoints in the West Bank, between the West Bank and Israel and in the "seam zone" are regulated according to IDF guidelines that were comprised with the assistance of the Military Advocacy. These guidelines include provisions aimed at preventing cases of abuse or ill-treatment at checkpoints.

As mentioned in Israel's reply to Question 5 above, the IDF School of Military Law provides specific training to the company commanders of the Checkpoints Unit within the Military Police Corps, in charge with the security checks at the West Bank checkpoints. The various training programs and educational activities address, *inter alia*, the duty to respect human dignity, protect human life, body and liberty of all persons.

The Land Crossing Authority

The Land Crossing Authority personnel are comprised of Civil Service employees and of employees of private security firms hired according to tenders issued by the Ministry of Defence. The Land Crossing Authority's employees are required to undergo an extensive and professional training course, which was approved and is supervised by the guiding authorities. During this course, the employees receive professional training in the fields of security and security examinations, the required levels of service to the population, and service and behaviour rules towards the persons using the checkpoints. The employees are also required to undergo a specific training course on Islamic culture, the Arabic language and rules of conduct towards the Arab population.

The activities of the Land Crossing Authority are regulated by Government Resolution B/43, directives of guiding authorities (such as the ISA and the Police) and legal department in the Ministry of Defence.

Right to Liberty and Security of Person and Treatment of Persons Deprived of their Liberty (arts. 9 and 10)

Question 16:

Please elaborate on the frequent use of administrative detention, in particular of Palestinians in the OPT, which entails restrictions on access to lawyers and the disclosure of full reasons for detention, and provide disaggregated data by sex, age and ethnic origin on administrative detainees. Please also provide detailed information on the rules and modalities governing administrative detention, both in Israel and in the OPT, including information on the use of secret evidence as a basis for administrative detention. Please comment on information according to which Palestinians were arrested and sent to detention facilities in Israel during Operation Cast Lead, and elaborate on information about the detention of Palestinian men, women and children in sand pits in degrading conditions

as regards their treatment, food, water, exposure to the elements and access to sanitary facilities.

Reply:

Please see Israel's reply to Question 1, above.

Question 17:

According to Section 3 of the Criminal Procedure (Detainee Suspected of Security Offence) (Temporary Order) Law-2006, access to a lawyer can be denied for up to 21 days. Please explain the reference to a maximum delay of up to three months mentioned in paragraph 252 of the State party's report. Furthermore, a detainee suspected of a security offence can be held for up to 96 hours before being brought before a judge (paras. 256-257 of the State party's report). Please indicate what measures the State party envisages to take to bring the law in conformity with the Covenant and the previous recommendations of the Committee (CCPR/CO/78/ISR, para.13) regarding both access to a lawyer and to a judge. Please also provide: (a) disaggregated data on prisoners classified as security prisoners; (b) detailed and updated information on the conditions of solitary confinement; and (c) disaggregated data on the persons held in solitary confinement, including their age at time of detention, length of total detention and solitary confinement, and grounds for detention and solitary confinement. Bearing in mind the possibility provided under various laws and regulations to hold security suspects, including minors, in incommunicado detention for prolonged periods of time, please indicate what safeguards are in place to ensure that the persons concerned are not subjected to torture or ill-treatment during such detention and explain the reasons for holding detainees in prolonged incommunicado detention.

Reply:

Israel maintains its position that the provisions of the law dealing with arraignment before a judge and access to legal counsel are in accordance with the Covenant.

Access to Legal Council

In a 2006 Supreme Court decision, the Court held that "[t]here is no dispute as to the high standing and central position of the right to legal counsel in Israel's legal system." (C.A. 5121/98, Prv. Yisascharov v. The Head Military Prosecutor et. al. (4.5.06)) Here, the Court adopted a relative exclusion doctrine, according to which the court may rule on the inadmissibility of a confession due to the interrogator's failure to notify a soldier of his right to legal counsel.

Criminal Offences

Detainees

Section 34 of the Criminal Procedure (Powers of Enforcement - Arrests) Law, 1996-5756, states that a detainee is entitled to meet and consult with a lawyer. Following a detainee's request to meet with an attorney or the request of an attorney to meet a detainee, the person in charge of the investigation shall enable the meeting without delay, unless as stipulated in the following. The meeting can be delayed if, in the opinion of the police officer in charge, such a meeting necessitates terminating or suspending an investigation or other measures regarding the investigation, or substantially places the investigation at risk. The officer in charge shall provide a written reasoned decision to postpone the meeting for the time needed to complete the investigation, provided this deferment does not exceed several hours.

The officer in charge can further delay this meeting if he/she issues a sufficiently reasoned decision to the effect that such a meeting may thwart or obstruct the arrest of additional suspects in the same matter, prevent the disclosure of evidence, or the capture of an object regarding the same offence. Such additional delay shall not exceed 24 hours from the time of arrest. An additional 24 hour deferment (to a total of 48 hours) can be granted, if the officer in charge provides an elaborate written decision that he/she is convinced that such postponement is necessary for safeguarding human life, or thwarting a crime. However, such a detainee shall be given a reasonable opportunity to meet or consult with legal counsel prior to their arraignment before a court of law. Data indicates that this additional extension is seldom used.

In Israel, Section 11 of the Criminal Procedure (Powers of Enforcement - Arrests)(Terms of Detention) Regulations, 5757 – 1997, stipulates that the date of a detainee's meeting with an attorney shall be coordinated in advance, and that the commander of the detention facility shall enable the first meeting of a detainee with an attorney, at their request, even during extraordinary hours.

Prisoners

A 2005 Amendment to the Prisons Ordinance, 1971, further stipulates the conditions for a prisoner's meeting with an attorney for the receipt of professional services. According to Section 45, this meeting shall be held in private and in conditions allowing for the confidentiality of the matters discussed and documents exchanged, and in such a manner that enables supervision of the prisoner's movements. Following the prisoner's request to meet with an attorney for receipt of professional service, or the request of an attorney to meet a prisoner, the director of the prison shall facilitate the meeting in the prison during regular hours and without delay.

Section 45A of the Prisons Ordinance relates to all prisoners, except for detainees who have yet to be indicted. This section authorizes the Israel Prisons Service's (IPS) Commissioner and the Prison Director to postpone or stop such a meeting for a set period of time if there is a substantial suspicion that meeting with a particular lawyer will enable the commission of an offence risking the security of a person, public security, state security or the prison security, or a prison offence substantially damaging to the prison discipline and that brings about a severe disruption of the prison procedures and administration. The Prison Director may delay such a meeting for no longer than 24 hours, and the IPS Commissioner may order an additional five days delay, with the agreement of the District Attorney. Such a reasoned order shall be given to the prisoner in writing, unless the IPS Commissioner specifically orders it shall be given orally. The reasoning may be withheld under certain limited provisions. Decisions rendered according to section 45A may be appealed to the relevant District Court.

The District Court may further extend the above time-periods up to 21 days, following an application of the representative of the Attorney General, based on one of the grounds specified above. The maximum delay shall not exceed three months. Such a decision can be appealed to the Supreme Court. A Supreme Court judge may further extend these periods based on one of the grounds specified above.

Security Related Offences

In exceptional cases, the Law allows for the postponement of a meeting with legal counsel on specific grounds.

In Cr.C 1144/06 Abu-Hashish Ziad v. The State of Israel (9.2.06), the defendant, a resident of the Gaza Strip, was arrested while illegally present in Israel. The defendant was

arrested due to his activity in a terrorist organization, contact with a foreign agent and illegal entry to Israel.

The Court asserted that preventing a detainee from meeting his attorney constitutes grave harm to his rights. Such harm can be tolerated only when such prevention is necessary due to security reasons and for the sake of the interrogation. The Court added that the duration set by law for the prevention of a detainee from meeting with his lawyer is the maximum period of time, and that the relevant authorities, when considering imposing such a restriction, should set this period for the minimum number of days required for the interrogation and whilst considering the interrogation progress.

Arraignment before a judge

Criminal Offences

Section 29 of the Criminal Procedure (Powers of Enforcement - Arrests) Law, specifies that a person arrested without a warrant must be brought before a judge as soon as possible, and no later than 24 hours following their arrest, with a special provision regarding weekends and holidays. Following the completion of the above measures, the detainee shall be brought promptly before a judge, or released from custody.

Section 30 allows for an additional 24-hour extension based on the need to conduct an urgent interrogation, which cannot be conducted unless the detainee is in custody, and cannot be postponed following his arraignment; or if an urgent action must be taken regarding an investigation in a security-related offence. Following the completion of the above measures, the detainee shall be brought before a judge swiftly, or released from custody.

The Criminal Procedure (Powers of Enforcement - Arrests) (Arrangements for Holding Court Hearings according to Section 29 to the Law) Regulations, 5757 – 1997 provides special arrangements concerning the arraignment of detainees on weekends and holidays in order to properly balance respect for the holidays with the individual rights of the detainee.

Security Related Offences

The Criminal Procedure (Detainee Suspected of Security Offence) (Temporary Provision) Law, 2006, regulates the powers required by the enforcement authorities in order to investigate a detainee suspected of terrorism or security related offences. Such investigations necessitate special enforcement powers due to the special characteristics of both the offences and the perpetrators. The main provisions of the Law result from the exceptional circumstances of such a security offence.

Section 3 of the Law stipulates that the appointed officer may delay the arraignment before a judge for a maximum of 48 hours from the time of arrest, if the officer is convinced that the cessation of the investigation would truly jeopardize the investigation. The officer may decide to delay the arraignment for a further 24 hours if he/she is convinced that the cessation of the investigation would truly jeopardize the investigation or may harm the possibility of preventing harm to human lives.

The officer may delay the arraignment for an additional 24 hours for the same reason, provided that he/she explains his/her decision in writing and obtains the approval of the relevant authority. A delay of over 72 hours also requires the approval of the Head of the Investigations Department of the Israel Security Agency (ISA), or his/her deputy. In any case, the maximum delay is not to exceed 96 hours from the time of arrest.

The initial stage of the investigation of a detainee suspected of terrorist and security related offences is critical for the investigation in many ways, including the possibility to use the information obtained during the investigation to prevent imminent terrorist attacks. Therefore the legislator asserted that the provision concerning this delay in arraignment is properly balanced with the need to protect human lives.

Moreover, as a way of further assuring the rights of the detainee, and in light of the temporary nature of the Law, during the duration of the Law, the Minister of Justice is obligated to report to the Constitution, Law and Justice Committee of the Knesset on the implementation of the law every six months. The report would include, inter alia, detailed information concerning postponements in bringing a detainee before a judge (including the number of cases in which the postponement occurred and the duration of such postponements).

According to information brought by the Israel Security Agency, before the Knesset Constitution, Law and Justice Committee, from July 1, 2006 up until December 31, 2006 – the arraignment of one person was postponed between 48-72 hours in accordance with Section 3(1) of the Law, and the arraignments of 2 persons were postponed between 72-96 hours in accordance with Section 3(2) of the Law. In 2007 – the arraignments of 4 persons were postponed between 48-72 hours in accordance with Section 3(1) of the Law, and the arraignment of one person was postponed between 72-96 hours in accordance with Section 3(2) of the Law. In 2008, the arraignments of 2 persons were postponed between 48-72 hours in accordance with Section 3(1) of the Law, and the arraignment of none (0) was postponed between 72-96 hours in accordance with Section 3(2) of the Law. In 2009, the arraignments of 5 persons were postponed for no longer than 48 hours in accordance with Section 3(1) of the Law, and the arraignment of none (0) was postponed between 72-96 hours in accordance with Section 3(2) of the Law.

The Conditions in IPS Detention facilities

Internal IPS Procedures

General

The conditions granted to security related inmates are determined by the IPS rules regarding security related inmates.

The security risk posed by security related inmates necessitates separating them from criminal prisoners and imposing specific limitations on their vacations, visits and conjugal visits. In many cases, Israeli prisons function as a center of terrorist activity. The security related inmates divide themselves according to their organizational affiliation, and try incessantly to contact their organization outside the prison walls. The main path for the transfer of information is through family and other visits. The security risk posed by these inmates and the deriving necessity to impose limitations, including on family visits, has been recognized, scrutinized and affirmed by the Supreme Court in several cases (for example Pr.P.A 4714/04 Igal Amir V. Israel's Prisons Service, Pr.P.A 1076/95 State of Israel V. Samir Kuntar).

Alongside these limitations, they are offered a variety of services and benefits that enable their detention in appropriate and adequate conditions, whilst granting them respect and being sensitive and aware of their unique needs.

Breaches of order and discipline in detention facilities necessitate the use of disciplinary and administrative measures according to IPS procedures, including confinement that does not revoke the prisoner's basic rights.

The security related inmates' living conditions enable them appropriate existence according to their needs, their cells are ventilated and they are provided with cleaning products to maintain the cleanliness of their cells and wings. The prisoners are allowed to store private artifacts and food in their rooms.

Medical Care

Every IPS detention facility employs a general practitioner, a dentist, a narcology specialist, a psychiatrist and a professional infirmary staff providing regular infirmary services. Examinations by expert doctors are made possible in the IPS medical center, prison infirmary and hospital clinics. Inmates are also allowed to have private doctors at their own expense.

Visits and Family Relations

Contact with families is maintained through letter correspondence, postcards and family visits. In specific cases, the transfer of video cassettes and photographs is also made possible.

The State of Israel acknowledges the importance of maintaining family visits, and as clarified in H.C.J. 11198/02 Salah Diria v. The Head of the Military Detention Facility, Tak-Al 2003(1)1695, - "The State does not dispute the inmates' right to receive family visits." The State has consistently acted, despite the many security and administrative difficulties involved, to enable the existence of these visits.

Family visits are allowed for security related inmates according to IPS procedures. First relation family (parents, spouses, children, siblings and grandparents) visits are allowed and the Prison Director may also allow family visits before holidays and an additional monthly visit pending positive performance. A detainee is entitled to a weekly visit and a sentenced inmate is entitled to a visit once every two months.

Regarding the issue of open visits, as a rule, visits are held through a divider, which serves to prevent the transfer of objects between the visitor and the inmate. Yet the Prison Director may allow open visits under certain conditions detailed in the IPS procedures. Thus, the Prison Director may enable a security related inmate, for the last ten minutes, direct contact with his/her minor child aged six or under.

Telephone privileges are not given to security related inmates, other than in exceptions and humanitarian cases, such as the death of a relative, terminal illness of a relative, the marriage of a close relative, etc. The Prison Director may also grant phone privileges to an inmate that has not received family visits for over two years.

During visits the Prison Director may allow the inmate to offer sweets and drinks to his relatives, and the inmate's family may purchase cigarettes for the inmate in the prison's canteen.

Smoking in the visitors' room is prohibited, and visitors undergo searches.

Access to Legal Counsel

Inmates are entitled to meet with their lawyers and receive consultations; these meetings are held behind a divider, and with the Prison Director's approval, in exceptional cases, without a divider.

Living Conditions

In addition to family visits, security related inmates receive visits from representatives of the ICRC and diplomatic representatives. Furthermore, the living

conditions of security related inmates, as with all other inmates, are also inspected by official visitors in prisons. Any complaints concerning living conditions raised before ICRC representatives or before official visitors are brought to the attention and care of the IPS authorities.

Inmates are allowed to uphold their religious duties under the security limitations of the prison, including celebrating holidays, holding group prayers and sermons. A security related inmate may also receive visits from authorized clergy, upon approval of the IPS Commissioner.

Security related inmates are given food provided by the IPS and may, as a privilege depending upon his/her behaviour, purchase food at the prison's canteen.

Inmates are allowed to hold educational activities, receive books, magazines and papers.

Inmates are allowed one daily hour in the prison courtyard and the Prison Director is authorized to prolong this hour. They are mostly given three hours per day. Through the ICRC, inmates may receive sports equipment for their courtyards.

Minor-Prisoners Education

As of July 2010, there are 3 school classrooms for minor security prisoners and detainees in "Hasharon" and "Megido" prisons. The Israeli Prisons Service (IPS) is currently in advanced stages of opening an additional classroom in "Damon" prison for minors transferred from "Ofek" prison.

In May 2009, there were 67 pupils in 4 classrooms in the "Megido" prison, in "Rimonim" prison there were 64 pupils in 4 classrooms and in "Damon" prison the IPS was in the process of establishing a new classroom.

The participation in the classes is voluntary – the pupils who participate are the ones interested in doing so and who lack disciplinary problems.

The materials being learned are mathematics, Arabic and enrichment studies in areas such as: environment protection, the human body etc. the studies are conducted 5 days a week for 4 hours each day.

The classrooms are operated according to the Ministry of Education learning program and are financed by the Ministry. Note that mobilizing prisoners between the various prisons requires further organization process with the Ministry of Education, which is also responsible for locating or mobilizing teachers and equipping the classroom with the necessary teaching aids.

Note that the number of classrooms and teaching hours are set according to the youth promotion department and according to the law.

The ISA

Detainees' incarcerations' conditions (Palestinians, Israelis and aliens) are determined by laws and regulations and the ISA operates accordingly. The detention facilities are operated by the IPS or the Police, who are responsible for the physical conditions of the detainees. As mentioned above, during the period of interrogation a detained person is not allowed to meet with his/her relatives but he/she is not isolated as he/she is generally allowed to meet with ICRC representatives, a lawyer, medical staff etc.

The ISA comptroller is not authorized by law to investigate complaints made by interrogated persons; this authority is vested with the Supervisor. The ISA comptroller is also not authorized to investigate complaints regarding criminal offences made by ISA

employees; this authority is vested with the Department for Investigation of Police Officers within the Ministry of Justice, independent of the ISA itself.

Judicial Review

Any inmate requesting to contest an individual decision in his/her matter or to challenge a general claim regarding the conditions of detention, may address the prison authorities or petition the District court in an Inmate Petition, according to Section 62A of the Prisons Ordinance.

In recent years, thousands of petitions have been filed and several have been accepted.

Solitary Confinement

Section 56 of the Prisons Ordinance 5732-1971 enumerates 41 prison offences. One of the penalties for these offences is a term, no longer than 14 days, in solitary confinement. Section 58 stipulates that a prisoner will not spend a term longer than seven consecutive days in solitary confinement and will continue the sentence only after an interval of seven days. According to Section 58, only the Prison Director or the Deputy Director may impose a sentence longer than seven days of solitary confinement.

In April 2010, the High Court of Justice ruled with respect to a petition concerning the above mentioned Section 58 to the Prisons Ordinance which establishes the terms for the holding of prisoners in solitary confinement (HCJ 1475/10 Moshe Cohen v. The State of Israel). The petitioners claimed that the section was in contravention of the Basic Law: Human Dignity and Liberty, since it denies the prisoners right to proper living conditions that allow for a dignified, healthy existence. It was further claimed that the use of solitary confinement under this section amounts to a cruel and degrading form of punishment.

The State asserted that the discussed section was legislated prior to the legislation of Basic Law: Human Dignity and Liberty, which includes a reservation of laws clause (section 10).

The Court dismissed the petition while holding that the Law is compatible with the Basic Law: Human Dignity and Liberty. The Court accepted the State's claim as far as the applicability of the reservation of laws clause. Nonetheless the Court stated that section 58 in itself is compatible with the provisions of Basic Law: Human Dignity and Liberty.

Incommunicado Detention

The various Israeli applicable legal instruments do not allow for such detention. At the most, they allow for an exceptional and temporary separation and solitary confinement, but nothing that amounts to incommunicado detention, i.e. devoid of any contact with the outside world. Thus, the Prison Director or the commander of a detention facility may use confinement of up to 14 (non-consecutive) days as a disciplinary measure; with respect to administrative detainees, he/she may also direct that no cellmates will be allowed; and finally, criminal detainees may be separated from certain or all detainees due to various reasons.

None of these measures cause a complete detachment from the outside world. Thus, as of the 14th day of the arrest, and until he/she is released, every security detainee receives regular visits by ICRC delegates, arranged in accordance with Article 143 of the Fourth Geneva Convention. Moreover, all security detainees may send and receive mail for the duration of their detention or imprisonment.

Freedom of Movement (art. 12)**Question 18:**

In its previous concluding observations, the Committee urged the State party to respect the freedom of movement guaranteed under article 12 of the Covenant and stop the construction of a “Seam Zone” including a wall, within the Occupied Territory. This recommendation of the Committee was reiterated by the International Court of Justice in its 2004 Advisory Opinion. Please provide information about any measures taken by the State party to comply with the 2004 Advisory Opinion of the International Court of Justice. Please provide information with regard to all restrictions of movement in the OPT, including those arising from checkpoints, the imposition of travel permits for movement in, out and within the “Seam Zone” and the whole of the OPT, and the lack of access to roads for exclusive use by Israelis.

Reply:

Please see Israel's reply to Question 1, above.

Question 19:

Please provide information about regulations that determine the ability of persons with a Gaza identity card to move to the West Bank and East Jerusalem and vice versa. Please provide information on the movement of persons in and out of Gaza, and in particular about the issuance of permits to patients from Gaza to seek treatment abroad. Please comment on information before the Committee according to which patients are denied exit, including those with serious medical conditions, due to “security reasons”. Furthermore, according to information before the Committee, in at least 35 cases since July 2007, the ISA has interrogated patients with permits at the Erez Crossing, in the course of which they were asked to provide information about relatives and acquaintances as a precondition for being allowed to exit Gaza. According to patients’ testimonies, they were denied permission to exit Gaza for the purpose of receiving medical treatment if they refused or could not provide the information requested by the ISA. Please indicate whether investigations into these allegations have taken place and with what results.

Reply:

Please see Israel's reply to Question 1, above.

Right to a Fair Trial (art. 14)**Question 20:**

Please elaborate on the measures taken to ensure the independence and impartiality of Israeli courts, in particular military courts. Please also indicate whether: (a) all Palestinians accused of offences before military courts are adequately informed in Arabic of charges against them; (b) they are able to meet with their lawyers well before the trial; and (c) all relevant prosecutorial and court documents are promptly provided in Arabic to the defence. Please also comment on reports according to which some of them are made to sign papers in Hebrew, which they do not understand.

Reply:

Please see Israel's reply to Question 1, above.

Freedom of Religion (art. 18)

Question 21:

In light of article 18, please comment on the recent decision of the Supreme Court that denies legal protection, under the Protection of Holy Sites Law (1967), to holy Muslim sites located in Israel. What measures does the State party envisage to take to ensure equal protection for all holy sites and to ensure peaceful access to Muslim holy sites?

Reply:

Several statutes aim to protect holy sites against physical harm by requiring consent and guidance from the relevant Ministries as a precondition to performing certain actions in or around a holy place, such as excavating (Mines Ordinance, Section 8(1)(a)), draining (Drainage and Protection Against Flooding Law 5718-1958, Section 22(a)), the addition of water and sewage systems (Water Law 5719-1959, Sections 70-71; Local Authorities (Sewage) Law 5722-1962, Section 14), declaring the site a national garden (National Parks and Nature Reserves Law 5723-1963, Sections 4-5), vacating and demolishing houses (Building and Evacuation of Rehabilitation Areas Law 5725-1965, Section 51), and so on. Furthermore, most of the holy places are also considered as antiquities sites, and are thus protected by similar provisions in the Antiquities Law 5738-1978.

The Planning and Building Law 5725-1965 stipulates that every plan promoted by the planning institutions must be published and an opportunity for submitting objections together with the right to a hearing must be provided. This includes the opportunity to contend against real estate initiatives concerning religious structures and sites. The planning institutions are obliged to hear the parties who claim that they might be harmed by the implementation of a specific plan. According to Section 100 to the Law, a contention can be also submitted by a public or professional body which was authorized by the Minister of Interior, and since January 2004, the Arab Center for Alternative Planning has been authorized as aforesaid.

The Protection of Holy Places Law 5727-1967 does not include any distinction between Jewish holy places and holy places of other religions. Moreover, the Planning and Construction Law also does not distinguish between structures which are used for the needs of the Jewish religion and structures which are used by other religions. Thus, there is no advantage to structures of the Jewish religion in planning initiated by the planning institutions. Note that in cases of a plan which is to be carried out in an area where over 10% of the population is Arab, the plan must be published and approved in Arabic as well.

Planning is implemented while considering the allocation of land for public needs, including religious institutions. The allocation is made according to the quotas established in the "Planning Guidebook for Allocating Land for Public Needs" which was adopted in Government Resolution no. 2873 of January 28, 2001, and which determines land allocation quotas, including for religious institutions of the non-Jewish population.

On November 21, 2004, 'Adalah' (The Legal Center for Arab Minority Rights in Israel) petitioned the Supreme Court requesting that the Court issue an order compelling the Minister of Religious Affairs to issue regulations for the protection of Muslim holy sites in Israel according to the Law.

Following this petition, a committee was established to investigate the condition of Arab holy sites and consolidate a program for their management. This committee had in fact been established in 2000 following a Government Resolution. Based on the work of these committees a program was prepared for the appropriate management, in terms of budget and planning, of the relevant holy sites and a special budget was allocated for the restoration of Arab holy sites, the list of which is being consolidated.

On August 16, 2007, the Supreme Court issued an interim order ordering the State to explicate whether the promulgation of regulations to proclaim specific holy sites was necessary for the implementation of the Law and whether other alternative measures existed for that purpose.

The State's response, submitted on March 5, 2008, clarified that the promulgation of specific regulations is not necessary in order to execute and implement the provisions of the Law. For this reason, the State refrained from expanding the list of Jewish holy sites stipulated in the regulations, and did not consider it necessary to compile a list of Islamic holy sites through specific regulations. The Law does not define specific holy sites to be protected but rather provides protection to holy sites of all religions, as intended by the legislator. Furthermore, in Cr.A. 3338/99 Damian Pakovitch v. The State of Israel, the Supreme Court held that a declaration, in the form of regulations or any other form, defining a site as a holy site is not a prerequisite for the implementation of the provisions of the Law.

The State addressed the main concern in the petition - the maintenance of inactive Muslim religious sites. The State found that the appropriate solution for the concern raised is the maintenance of the said sites and the allocation of a designated budget for that purpose. The State informed the Court that in order to improve the management of the said sites, the responsibility for their maintenance was assigned to the Israel Land Administration, which manages most of the lands on which the said sites are situated. In addition, a special budget in the amount of 2 million NIS (U.S.\$ 512,820) was allocated to the Israel Land Administration for this purpose. In order to determine the priority of the sites to be tended to, it was decided that a list of sites to be tended to each year should be compiled by government representatives. Accordingly, a list was compiled for the year 2007 and fully executed. Towards the beginning of 2008, the State approached the petitioners requesting their assistance in compiling a new list, yet the petitioners refused to cooperate. Therefore, the new list, consisting of twelve sites which were to be tended to during 2008, was compiled based on the list annexed to the petition. The State concluded by requesting the Court to dismiss the petition, due to the fact that new regulations are not required and the concern raised by the petition is being addressed. Thus, the Supreme Court decided to dismiss the petition, subject to the State's commitment to establish procedures for the management of Muslim holy places (H.C.J 10532/04 Adalah et. al. v. The Prime Minister et. al., 9.3.09).

In practice, access to holy places and freedom of worship for members of all faiths is very strictly guarded, with a few exceptions relating to the maintenance of public order or morals. Within the Christian community, there are no holy sites at which freedom of access and worship is restricted by the State. It may be noted that the physical control over some parts of the Church of the Holy Sepulchre, the nearby Deir Sultan chapel, the Tomb of St. Mary and the Church of the Ascension have been the subject of centuries-old internal disputes between different Christian denominations, and give rise to a certain limitation on freedom of access to members of rival denominations; the State, however, has adopted a consistent policy of non-intervention in these disputes.

Question 22:

Please provide information on measures taken by the State party with regard to a recent increase in activities by certain religious groups in connection with the holy sites in the Old City of Jerusalem, with a view to protecting these sites belonging to different religions and faiths in order to guarantee the right to freedom of religion and belief.

Reply:

Please see Israel's response to Question 21 above.

In H.C.J. 7128/96 *The Temple Mount Faithful Movement v. The Government of Israel et. al.* (12.3.97): the Court held the following:

The Government has decided, following the Six Day War, that the Muslims are permitted to continue and perform prayers in mosques that are located on the Temple Mount as they did in previous years, whereas the Jews, even though their right to the Temple Mount exists and stands historically, are not permitted to currently actualize their right to perform public prayers on the Temple Mount.

Access to the Mount exists; yet up to the present day, access is still limited. Jews and other visitors that are not Muslim are permitted to access the Mount and to enter the area that is reserved most days of the year, only during morning and noon hours, when prayers are not being performed in the mosques.

The Israeli policy regarding the Temple Mount and other places holy to Islam has not changed in recent years. The Israeli Police does not allow individuals who are not Muslim (Jewish or Christian individuals) to hold any kind of ritual ceremonies on the Temple Mount. Should there be an indication that a group intends to hold such a ceremony, law enforcement authorities prevent such individuals from approaching the Mount, not to mention ascending the Mount and holding the religious ceremony. The enforcement authorities intend to retain and implement this policy in the future. Israel is aware of its responsibility to guarantee religious freedom to members of all religions in Jerusalem, and will continue to act responsibly and tolerantly in maintaining the human-religious-national-urban mosaic which exists in the city.

This policy is supported by judicial and legal authorities in Israel. The Israeli Supreme Court, sitting as the High Court of Justice, accepted the State's position, and recently rejected a petition to hold a Jewish religious ceremony on the Temple Mount, and thereby retained the status quo that exists on the Mount.

Israel respects the right to freedom of religion and faith of all people in the holy sites in the Old City of Jerusalem. In A.H.H.C.J. 4128/00 (06.04.03), the High Court of Justice ruled that the religious group "Women of the Western Wall" has the right to pray according to their customs near the Western Wall in the Old City of Jerusalem. Since their customs do not accord with the customs recognized in the Regulations for Protection of Holy Places 5741-1981 and may offend the congregation of worshippers of the place, the Court ordered the State to make appropriate arrangements to enable the group to pray at "Robinsons Arch," an area of the Western Wall separate from the main prayer area. Following the ruling, the State constructed a prayer plaza near Robinsons Arch which serves the "Women of the Western Wall" as well as additional Jewish denominations.

Freedom of Conscience, Expression and Peaceful Assembly (art. 19)

Question 23:

Please provide updated information on the measures taken, if any, following the announcement made by the State party regarding the adoption of a provision on an alternative service of a civilian nature for conscientious objectors. Please provide information about measures taken by the State party to advocate the cessation of the provision of funds from sources abroad to non-governmental organizations in Israel, including those whose members formerly served in the Israel Defence Forces, such as "Breaking the Silence".

Reply:**Conscientious Objectors**

According to Section 36 of the Israeli Defence Service Law (Consolidated Version), 5746 - 1986, the Minister of Defence has the authority to exempt any man or woman from fulfilling his/her national army service for reasons that are listed in the Law (or, as an alternative, to defer his/her conscription). Further exemptions by law are granted in Section 39 of the Law, to women that wish to be exempt from their duties for one of the following reasons: a) Marriage, parenthood or pregnancy. b) Conscientious objection. c) Religious familial background. In H.C.J. 2383/04 Liora Milo v. The Minister of Defence et. al. the High Court of Justice affirmed that where conscientious objection has been proven, exemption from army service is granted to men and women alike

In H.C.J. 7622/02 David Zonsien v. Military Advocate General the High Court of Justice addressed the issue of conscientious objection and determined that the difficulty lies in balancing conflicting considerations: the respect to be afforded to the conscience of the individual objector, stemming from the individual's right to dignity; and the nature of army service in Israel, as a general duty imposed on all members of society.

Israel considers freedom of conscience to be a fundamental human right and views this attitude as integral for maintaining a tolerant society, being that conscientious objection is a human phenomenon. Therefore, the IDF respects the views of conscientious objectors, provided that it is satisfied that these views are genuine. To this end, a special military committee reviews the applications of those who wish to be exempted from the army on the basis of conscientious objection. Among the members of this committee are an officer with psychological training, a member of the IDF Military Advocate General's Corps and a member of the Academia.

The Committee first examines the reliability and authenticity of the request and the nature of the reasons presented, including the type of conscientious claim brought before them – whether it is inclusive and unconditional, as explained below. The Committee is also authorized to recommend that an enlistee receive special treatment throughout his/her military service so he/she can perform his/her duty without its conflicting with his/her beliefs.

An enlistee whose request for exemption was denied must, of course, perform his/her duty of military service. If he/she refuses to do so, the IDF employs a variety of disciplinary measures at its disposal – and if the enlistee's refusal persists, he/she may also be criminally prosecuted. Note that the disciplinary measures that Israel has taken against objectors who illegally refuse to fulfil their duties are lenient in nature.

In the aforementioned Milo judgment, the High Court of Justice emphasized the need to distinguish between conscientious objection cases and civil disobedience. Conversely to civil disobedience, conscientious objection is compelled by specific personal motives. It is not purported to change state policy. Rather, it stands alone as a completely individual decision. The conscientious objector has no interest in influencing others to join him.

Furthermore, the Court in Zonsien distinguishes between a general conscientious objection and a selective conscientious objection. Selective objection is a result of ideological and political beliefs and is directly linked to the prevailing circumstances under which duties need to be performed by the army. Inherent in the army system is the fact that individuals do not choose what orders to fulfil or not. Selective objection signals discrimination and consequently dismantles the unity needed in every army.

Analytically speaking, this position is grounded in the widely accepted distinction between "civil disobedience" and "conscientious objection." This is the practice of other countries as well.

National-Civil Service

The Public Commission for National-Civil Service (hereinafter: the Commission), which was established on August 1, 2004 was mandated to examine the issue of civil service for populations not performing military service. In February 2005, the Minister of Defence adopted the committee's recommendations advising that all Israeli citizens and residents, not recruited to military service such as most ultra-orthodox Jews (men and women), orthodox Jewish women and most of the Arab population (men and women), perform civil service. This option is also available to conscientious objectors.

The Commission has advised on the establishment of a governmental authority that would coordinate the issue, while addressing the special needs of such populations.

Government Resolution No. 4598, dated December 18, 2005, stressed the importance of promoting the option of performing either military or civil service as part of equality and dividing the burden among the Israeli society. During the government meeting which resulted in the above Government Resolution, instructions were set with regard to the realization of the civil service initiative; and it was determined, inter alia, that a Civil Service Administration would be established.

It has been further decided to allocate, during 2006, 30 Million NIS (5.45 Million Euros) for the realization of the initiative, in order to enable the issuance, at first, of 200 positions for National Civil Service members, and to continue the issuance of at least 500 additional positions per year.

On December 13, 2006, the Prime Minister's Office announced that the Civil Service Administration would be established by September 2007 and a project manager was appointed.

Government Resolution No. 2295, dated August 19, 2007, established a new National-Civil Service Administration in the Prime Minister's Office, and a founding team was subsequently formed to implement the resolution. The new administration mandate is to regulate and coordinate the implementation of the National-Civil Service program in order to enable youth from all the population groups, exempt from military duty, to take part in the program for a period of one to two years, performing activities aimed at promoting society in general and weak populations in particular, thus enhancing the linkage between the individual and the State.

The resolution stresses that the national-civil service is aimed at those exempted from military service, for people that postponed their service and people who were not summoned for military duty for other reasons.

The resolution stresses the voluntary nature of the national-civil service, and its help in reducing inequality between people who serve in military service or any other voluntary service, to those who do not serve, and will increase the possibility of all those serving to integrate in civil life.

The main challenges the administration faces are the creation of attractive service options for youth from the different populations, countering opposition in different populations and providing professional training where needed.

The total annual public budget of the National Civil Service is approximately 60,000,000 U.S. Dollars (230,000,000 NIS). One of the National Civil Service

Administration's goals is to double this budget over the next ten years. The total cost per volunteer per year is approximately 5,000 U.S Dollars (19,000 NIS).

Funds from Sources Abroad

Israel has an open, vibrant and pluralistic civil society, actively engaged in raising priorities and challenging the Government's conduct. The Government is engaged in an ongoing dialogue with numerous NGOs, sometimes leading to joint alliances in the endeavour to advance issues of common concern, such as in the fields of combating trafficking in persons and enhancing the status of persons with disabilities, as well as contributing significantly to the protection of human rights in Israel.

Israel welcomes the contribution of NGOs and civil society and appreciates the support provided to all organizations which operate for the advancement of human rights issues whether by way of humanitarian activities or other activities.

At the same time, Israel regards it as important that when organizations receive funding from foreign agents to support or promote a political or quasi-political activity, that there is proper public disclosure of their relationship with the foreign sponsors, as well as activities, receipts and disbursements in support of those activities.

Disclosure of the required information facilitates evaluation by the Government and the Israeli people of the statements and activities of such persons in light of their function as foreign sponsors.

Question 24:

Please comment on the compatibility with the Covenant of restrictions imposed by the State party on travel of human rights defenders to or from Israel and the OPT. Please also comment on the information before the Committee according to which Israeli security forces use excessive and lethal force against Palestinian civilian demonstrators, in particular in the context of demonstrations against the construction of the Wall.

Reply:

Please see Israel's reply to Question 1 above.

Question 25:

Please provide information with regard to the "loyalty bill" stating that persons wishing to retain Israeli citizenship would have to declare their loyalty to Israel as a Jewish State, which was rejected in May 2009 by the ministerial legislative committee.

Reply:

The State of Israel is a democratic state, which allows for freedom of expression in its fullest sense. This freedom is expressed in the daily life of citizens and residents of the State, and, naturally, especially in legislative initiatives and other political processes in the Knesset.

As for the mentioned "loyalty bill," this was a private bill, initiated by a certain Knesset member, and was rejected on May 31, 2009 by the ministerial committee for Legislative Affairs. This bill was subject to severe criticism, yet the fact that it was still presented to the Ministerial Committee is the best indication of the State of Israel's vibrant and uncompromising democratic character.

Prohibition of Incitement to Discrimination, Hostility or Violence (art. 20)

Question 26:

In 2003, the Committee expressed concern at public pronouncements made by several prominent Israeli personalities in relation to Arabs and recommended that the State party take the necessary action to investigate, prosecute and punish such acts. Please provide updated information on prosecutions by the Attorney-General against politicians, government officials and other public figures for hate speech against the Arab minority.

Reply:

The issue of incitement involves a constant delicate balance between the preservation of public wellbeing and the important interest of freedom of speech. While such balance requires strict scrutiny of each and every case, the State Attorney's Office operates for the elimination of racial incitement in accordance with the guidelines set by the law and the Supreme Court.

Achieving a balance concerning freedom of speech is even more complex when Knesset (Parliament) members (MKs) are involved. The Supreme Court held that due to their parliamentary immunity, MKs are granted an even wider protection with regard to their freedom of speech, and are thus less likely to be indicted in connection to their speech. (H.C.J 11225/03, MK Azmi Bishara, et. al. v. The Attorney General, et. al.).

However, despite the described complexity of law enforcement regarding incitement and hate speech, the State Attorney's Office thoroughly examines each complaint and decides the manner of operation on a case by case basis. Nevertheless, investigations are opened, indictments are filed, and convictions are attained.

Since 2003, two indictments were filed against Rabbis. In both cases the proceedings concluded with a settlement:

In 2006, Rabbi Shmuel Eliyahu, Chief Rabbi of Safed, was indicted for three counts of publication of prohibited incitement (Section 144B to the Penal Law 5737-1977) for inciting comments he made during several interviews to the media. The indictment was dropped after Rabbi Eliyahu agreed to apologize and make a statement.

In 2007, two Rabbis, David and Itzhak Batzri, (father and son) were indicted for the publication of prohibited incitement (Section 144B to the Penal Law 5737-1977) for inciting speeches they made at a protest gathering against the opening of a bilingual school in Jerusalem. Rabbi Itzhak Batzri was convicted on the basis of his own admission and was sentenced to community service. Rabbi David Batzri was not convicted; however, he signed a commitment not to partake in such actions in the future.

In both cases, the Attorney General gave his consent which is required by Section 144E to the Penal Law 5737-1977 to prosecute the offenders.

On April 13, 2008, the Attorney General issued an opinion in which he ruled that Ramla Mayor Yoel Lavie cannot serve as Director General of the Israel Lands Administration (ILA) because of several racist statements he made to the media in 2006 which were directed against the Arab population. The Attorney General instructed the Minister of Construction and Housing to find another candidate to head the organization, which controls all the country's publicly-owned land.

Protection of the Family (art. 23)

Question 27:

Please provide information on: (a) the measures taken to revoke the Citizenship and Entry into Israel Law (2003) (temporary order) as recommended by the Committee in 2003; and (b) measures and practices with regard to family reunification concerning Israel and the OPT. What measures are taken by the State party to reinstate the possibility of family visits for Palestinian prisoners from Gaza?

Reply:

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

Since the outbreak of the armed conflict between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, there has been a growing involvement in assistance provided to terrorist organizations on the part of Palestinians originally from the West Bank and the Gaza Strip. Such individuals carry Israeli identity cards pursuant to procedures of family unification with Israeli citizens or residents, allowing their free movement between the West Bank and the Gaza Strip and into Israel.

In order to prevent the potential danger posed by former residents of these areas during the current armed conflict, the Government decided in May 2002 to temporarily suspend granting them legal status in Israel, through the process of family unification. The decision was adopted following the horrendous wave of terrorist attacks in March of 2002, when 135 Israelis were killed and a further 721 were injured.

In addition, between September 2000 and the end of 2006, 38 of the 172 terrorist attacks committed in Israel were committed by such individuals. Those injured in these 38 terrorist attacks constitute 86% of the total number of those injured by terrorist attacks. In fact, in 2007, a twenty year old woman, whose mother is an Israeli-Arab from Kafar Qasem and whose father is Palestinian, was caught – merely twelve minutes before exploding herself in a restaurant in Israel - using a bomb which was stored during the previous night in the home of a relative in Kfar Qasem.

This situation is the result of the genuine difficulties in obtaining information concerning residents of the West Bank.

Israel, as any other State, has the right to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence against its citizens. It should be emphasized that while the value of family life is indeed sacred, there is no necessity for it to be realized in Israel, and it may be fully realized in the West Bank.

On July 31, 2003, the Knesset enacted the Citizenship and Entry into Israel Law (Temporary Provision), 5763-2003, which limits the possibility of granting residents of the West Bank and the Gaza Strip Israeli citizenship pursuant to the Citizenship Law 5712 - 1952, including by means of family unification; and the possibility of granting such residents residence permits into Israel pursuant to the Entry into Israel Law, 5712 -1952. The Law was amended in 2005 and 2007 in order to expand the humanitarian relief it initially provided. The amendments also expanded the applicability of the Law to citizens of enemy states (namely, Iran; Syria; Lebanon; and Iraq). Later, an amended version was extended until July 31, 2008, and re-extended twice until July 31, 2010.

The Law enables entry to Israel for the purposes of medical treatment, employment, or on other temporary grounds, for an overall period of up to six months.

In addition, the Minister of Interior may authorize a request for family unification for those who are married to an Israeli spouse, and are residents of the West Bank, for men over the age of 35 and women over the age of 25.

The Law further authorizes the Minister of Interior to grant residence permits to children under the age of 14, of whom one of the parents is legally residing in Israel. With regard to children who are minors over the age of 14, the Law stipulates that the Minister of Interior has the authority to grant temporary permits under certain conditions.

The Law further allows the Minister of Interior, due to special humanitarian reasons and according to a recommendation of a professional committee appointed for this purpose, to grant temporary residence permits for a resident of the West Bank or a citizen of Iran, Iraq, Syria or Lebanon, who has a family member legally residing in Israel, and to approve a request for a stay permit of a resident of the West Bank who has a family member legally residing in Israel.

Such a decision made by the Minister of Interior is to be reasoned and be provided in writing, within six months from the day that the professional committee received all the necessary documents. According to the Law, the fact that the family member (e.g.-spouse, parent or child) of the person requesting the permit, legally residing in Israel, is his/her spouse or that the couple have shared children – will not be considered as a stand-alone special humanitarian reason. If the person requesting the permit is a Syrian resident and his/her spouse is a member of the Druze community who lives in the Golan Heights, which is under Israeli jurisdiction, then the Minister of Interior may consider it a special humanitarian reason.

The Law stipulates that a request can be denied in cases where the Minister of Interior or certain security functionaries assert that the person, or a family member of first degree, poses a security threat.

In cases where a person or a family member has been known to act for the benefit of the State of Israel, the Law enables the Minister of Interior and certain security functionaries to grant permits to a resident of the area.

The Law does not change the status of persons who already received their status prior to the day the Law came into effect. However, the status of such persons shall remain static.

The Law's constitutionality was scrutinized and upheld by the Supreme Court in H.C.J. 7052/03, 7102/03 *Adalah – The Legal Center for Arab Minority Rights in Israel et. al. v. The Minister of Interior* (14.5.06). The High Court of Justice, residing in an extended panel of eleven judges, rejected the petitions against the legality of the Law, by a vote of six to five.

On December 17, 2007, the Minister of Interior announced the formation of the professional committee according to the Law, and proclaimed its members.

Additional petitions against the constitutionality of the Law are pending before the High Court of Justice. (H.C.J. 466/07, 544/07, 830/07, 5030/07 *MK Zehava Galon et. al. v. The Minister of Interior et. al.*). On July 31, 2008, the State submitted its arguments in these cases and on April 13, 2010, the State submitted a supplementary notification to the Court.

In its supplementary notification, the State clarified that since August 2005, the Ministry of Interior has authorized the provision of staying permits in Israel to 4,118 Palestinians (more than 1,000 individuals per year) based on requests for family unification and under the exceptions recognized by the Law. The State noted that in addition to these figures, the professional humanitarian committee received over 600 requests, 282 of which

were dealt with and 33 of which were transferred to the Minister of Interior with positive recommendations which were adopted by the Minister, thus resulting in the provision of staying permits in Israel for the applicants.

The State further noted that since September 2005, 632 requests for status in Israel on the basis of family unification were rejected. An analysis of the requests that were rejected reveals that the rejections were based on the following grounds: the applicant was a terrorist (four cases), the applicant was an operative of a terrorist organization (149 cases), the applicant was linked to operatives of terrorist organizations (63 cases), the applicant aided a terrorist organization (22 cases) and the applicant had contact with family members who are operatives of terrorist organizations (394 cases).

In its response to the Court, the State further indicated that according to official data, in 2006, 42 terrorist attacks which were in the stage of final preparation or implementation stages were foiled by Israel's security forces; in 2007, 43 such attacks were foiled; in 2008, 63 such attacks were foiled; in 2009 - 40 such attacks were foiled by the Israeli security forces and in 2010 - 11 such attacks have thus far been foiled, eight of which originated from the Gaza strip.

Family Visits from the Gaza Strip

As mentioned in the response to Question 17 above, the State of Israel acknowledges the importance of maintaining family visits and has consistently acted, despite the many security and administrative difficulties involved, to enable the existence of these visits.

On September 19, 2007, the Israeli Government (The Ministerial Committee on National Security Issues) resolved to restrict the passage of goods and the supply of fuel and electricity to the Gaza strip and to limit the movement of persons in and out of the Strip. However, it was determined that the restrictions would only come into effect following a legal examination, taking into account the humanitarian situation in the Gaza Strip, and with the intention of preventing a humanitarian crisis.

That decision was based on political consideration arising from the situation caused by Hamas's violent take-over and in light of the current grave security condition in Israel and the Gaza Strip, the need to ensure those entering from the Gaza Strip areas are not endangering public security, including visits of families of inmates in prisons in Israel.

In H.C.J. 5268/08, 5399/08 Rami Zaker Ismaeel Inbar et. al. v. The Minister of Defence et al. (9.12.09), the Court stated that throughout the years, the authorities in charge allowed the entrance of residents of the Gaza Strip into Israel for the purpose of family visits of their imprisoned relatives, subject to a lack of any security concerns and based on an individual examination. The Court stated that this policy was implemented even after the completion of the Disengagement Plan and the cessation of the military rule over the Gaza Strip in September 12, 2005. However, as of June 4, 2007, following Hamas's violent take-over in the Gaza Strip, the area has turned into a "hostile zone" similar to an enemy state engaged in a war against the State of Israel and its citizens. In light of the situation, the State began to implement a new policy, as detailed below, according to which the entrance of residents of the Gaza Strip to Israel has been forbidden. This restriction also applies to visitors from the Gaza Strip.

The Court held that no foreign resident has the given right to enter Israel and that the State, according to the principle of sovereignty, has wide discretion in determining who will be allowed to enter the State and who will remain outside of its borders. The Court added that although the discretion given to the State is wide, it is not absolute and the relevant authorities should ensure that a proper balance is achieved between the relevant considerations in order not cause excessive harm to human rights.

The Court stated that it found no reason to intervene in the decisions of the relevant authorities, which determined a general policy that prevents the entrance of residents of the Gaza Strip into Israel, including for the purpose of family visits. According to the Court, allowing the entrance of residents of the Gaza Strip into Israel is not a basic humanitarian need of the Gaza Strip residents. The Court further stated that the policy taken by the State is based on clear political and security considerations, and the policy coincides with and implements the decision of the Ministerial Committee.

The Court rejected claims to the effect that the refusal to allow family visits is in breach of international law, and held that international law cannot deny a sovereign state its right to prevent foreign residents, and more specifically foreign residents from a hostile entity, entrance into its borders.

The Court noted however, that according to the Ministerial Committee's decision, the restrictions must be implemented while taking into consideration humanitarian aspects, and that the State in its response clarified that in exceptional cases the relevant authorities shall allow residents of the Gaza Strip to enter Israel, for example in order to receive urgent medical treatment or in other exceptional humanitarian cases.

The Court held that the harm caused to the prisoners held in Israel does not justify cancelling or changing the policy implemented in this regard.

It should be mentioned, that as detailed in Israel's reply to Question 17 above, the inmates can maintain contact with their families through letter correspondence.

Rights of the Child and Equality before the Law (arts. 24 and 26)

Question 28:

Please comment on: (a) the compatibility with articles 24 and 26 of the Covenant of Israeli Military Order 132, which allows military courts to prosecute children as young as 12 years old, as well as of the differing definitions of a child in Israel and in the OPT (e.g. legal age is 18 in Israel and 16 in the OPT); and (b) on information according to which most cases involving children in the military courts are decided solely on the basis of confessions. Please also provide detailed and updated information, including disaggregated data, on children arrested by Israeli soldiers and brought before the military courts, and indicate whether all interrogations of children in Israel and the OPT are conducted in the presence of a lawyer and a parent of the child, and are audio-visually recorded. Please comment on the information according to which Palestinian minors, including children under 14, are subjected to interrogation techniques contrary to article 7 of the Covenant, including beating and kicking, verbal abuse, humiliation and sleep deprivation. Please provide information regarding children arrested and detained during Operation Cast Lead, including disaggregated data on the age and gender of children concerned, the length, place and conditions of their detention, as well as sentences issued.

Reply:

Please see Israel's reply to Question 1, above.

Question 29:

In light of article 24 of the Covenant, please provide information on the measures taken to redress the negative impact of forced displacements on the enjoyment of rights of displaced children. Please also comment on reports of: (a) attacks against educational facilities and schools in the OPT by the Israeli military and settlers; (b) restrictions on school development; (c) a shortage of classrooms in East Jerusalem; and (d) restricted access to schools in many locations due to the Wall and other movement restrictions.

Reply:**Construction of Schools and New Classrooms in the Eastern Neighbourhoods of Jerusalem**

In the 2009-2010 school year, 41,364 pupils attended schools in the eastern neighbourhoods of Jerusalem, which constitutes an increase of 40% over the last 10 years.

The Municipality of Jerusalem has no restrictions on the development of schools in the eastern neighbourhoods of Jerusalem. The Municipality is aware of the shortage of classrooms in the eastern neighbourhoods of Jerusalem and is working to improve the situation:

- In 2008, the municipality expropriated five lots in Shuafat, Wadi Joz and A-Tur, which will hold 80 new classrooms, including eight kindergarten classrooms, 48 elementary school classrooms and 24 junior and high school classrooms. These kindergartens and schools are in various stages of planning.
- The Municipality commenced the necessary procedures to expropriate an additional six lots in Beit Safafa, Um-Tuba, Sheikh Jarrah, Al Tzala and A-Tur. These lots will accommodate 90-96 new kindergarten and elementary school classrooms.
- A new junior high school of 18 classrooms was opened in 2009 in the Ras al-Amud neighbourhood and another school which will include 39 new classrooms is in advanced building stages and is due to be opened in September 2010. A third school in the Ras al-Amud neighbourhood which will accommodate 39 new classrooms is waiting to receive additional budget supplements.
- The Jerusalem Municipality placed six mobile classrooms in the Beit Safafa neighbourhood.
- Expansion of Existing Schools - During 2009, the Municipality performed an inspection of all the municipal schools in the eastern neighbourhoods of Jerusalem and found that there is further potential to expand the existing schools and add several dozen new classrooms. After receiving all the necessary permits the Municipality will be able to start the expansion.
- Rent - the Municipality rents numerous buildings that function as classrooms for pupils in the eastern neighbourhoods of Jerusalem. Unlike with respect to the construction of new schools and classrooms, which is mostly budgeted for by the Ministry of Education, the rent of these buildings is budgeted for almost entirely (90%) by the Municipality.
- In the 2008-2009 school year, the Municipality, at the request of the neighbourhood residents, rented and renovated a large lot in Shuafat. The Municipality allocated approximately 2 Million NIS (U.S. \$512,820) to this project and the lot currently houses an elementary school of 20 classrooms (approximately 700 pupils). Some of the parents, who requested this particular location, later filed an administrative petition to an Administrative Court against locating the school in proximity to a metal factory. The petition was rejected by the Administrative Court. However, in an appeal to the Supreme Court, the Court reversed this decision. As a result, the Municipality rented the grounds of the factory, and plans to operate an additional school there subsequent to the necessary renovations.
- In addition, recently the Municipality rented a building previously used as a retirement home in Beit Hanina. This building is currently under renovation and will be opened as a school with approximately 20 classrooms in September 2010.

- In sum, the Municipality rented three new buildings intended to function as schools, in addition to the buildings it rented for long periods that function as schools for more than 1,500 pupils.
- Twelve new schools are in the advanced stages of planning. After the projects are done there will be an additional 205 classrooms in the eastern neighbourhoods of Jerusalem.

Please also see Israel's reply to Question 1, above.

Right to take part in the Conduct of Public Affairs (art. 25)

Question 30:

Please provide disaggregated data by sex, age and ethnic origin on employees in the public service. Please also provide updated information on the progress achieved to meet the targets set out in Government Resolution 2579, as well as on the five-year work plans (para. 527 of the State party's report) to improve the representation of Arab citizens of Israel in the public service. Please comment on information regarding the detention of members of the Palestinian Legislative Council based on their political affiliation.

Reply:

As mentioned in Israel's Third Periodic Report, on November 11, 2007, the Government adopted Resolution No. 2579 entitled: "Proper Representation of the Arab, Druze and Circassian Populations in the Civil Service." This Resolution amended the previous Resolution No. 414. According to the new Resolution, Arabs, including Druze and Circassians, are to make up 10% of all Civil Service employees by the end of the year 2012. In addition, until 2012, 30% of all new positions advertised are to be allocated to this segment of the population. In order to achieve these goals, the Resolution requires all Government Ministries to consolidate a five-year working plan. The Resolution further requires that until the end of 2012, priority be given to Israeli-Arab appointments and promotions. The Resolution established an Inter-ministerial team headed by the Director General of the Ministry of Justice to follow-up on the implementation of the provisions detailed above by every Government Ministry and examine ways in which obstacles to the integration of Israeli Arabs into the Civil Service can be overcome.

Pursuant to this Resolution, the Civil Service Commission has been in constant contact with each Ministry, monitoring its progress in achieving the goals set by the Government (at least once every six months).

In recent years, an Inter-ministerial team headed by the Director General of the Ministry of Justice operated and assisted Government Ministries in removing barriers hindering the employment of members of the Arab population. The team consisted of representatives of the Civil Service Commission, the Ministry of Transportation and Road Safety, Prime Minister's Office etc.

The Civil Service Commission is very active in the promotion and advancement of proper representation of the Arab, Druze and Circassian populations in the Civil Service and as in previous years, in 2009 it took several important steps to this end, including, inter alia, the following:

1. Publication of a report regarding the integration of Arab employees in the Civil Service.
2. Hosting explanatory conferences intended for Arab-Israelis regarding integration into the Civil Service.

3. Holding explanatory meetings and seminars for Civil Service employees on the importance of integrating Arab employees into the Civil Service.
4. Allocation of designated jobs and positions for Arab-Israelis.
5. Recruitment of manpower companies to find suitable Arab candidates and applicants.

The Civil Service Commission held an extensive examination in which it found that members of the Arab population encounter difficulties in passing the civil service entry examinations. In light of these findings, the Commission modified the tests intended for Arab nominees and applicants. In 2008-09, the Commission also examined the possibility of making cultural changes to the entry tests. The Commission also prepared a cadre of Arab examiners in order to integrate them into the civil service examination committees.

Data indicates a steady increase in the rates of Arab, Druze and Circassian employees in the Civil Service. In 2009, 6.97% of employees in the Civil Service were Arabs, Druze and Circassians (in comparison to 6.17% in 2007 and 6.67% in 2008).

Furthermore, 11.66% of all new employees integrated into the Civil Service in 2008 were Arabs, Druze and Circassians, in comparison to 6.9% in 2005, and 4.26% in 2003. The rates of Arab, Druze and Circassian newly integrated female employees are also on the rise. In 2009, 39.8% of all recently accepted Arab, Druze and Circassian employees were women, in comparison to 34.2% in 2003, 35.3% in 2007, and 36.8% in 2008.

The number of Arab women employed in the Civil Service has also increased in recent years. In 2009, 1,595 Arab and Druze women were employed in the Civil Service (2.62%), in comparison to 1,265 in 2007 (2.18%), and 1,048 in 2004 (1.84%).

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

Data also indicates an increase in the number of Arab employees holding senior positions – 452 employees in 2009, in comparison to 428 in 2008.

Government Resolution No. 4436 of January 2009, adopted the abovementioned Government Resolution No 2579, and established a list of steps that are intended to aid Government Ministries to reach the desired representation targets.

Many of the Arab-Israeli employees within the civil service maintain senior level positions, some with decision-making capacity. Thus, there are civil service employees from the minority population fulfilling important roles such as investigative engineers, clinical psychologists, senior tax investigators, senior economists, senior electricians, geologists, department controllers, lawyers and educational supervisors, to name but a few.

Moreover, these employees serve the good of the Israeli community as a whole and are a driving force in the integration of the Arab minority into Israeli society.

In 2005, a petition was filed with the High Court of Justice, requesting the Court to order the Prime Minister and the Civil Service Commissioner to implement Section 15A of the Civil Service (Appointments) Law 5719-1959, with respect to Arab population representation in the Civil Service. On February 18, 2009, after receiving a detailed report by the state regarding the steps taken in this regard (as detailed above), the Court decided to reject the petition (H.C.J. 10418/05 Dr. Yossi Beilin v. The Prime Minister et. al. (18.2.09, not published).

Local Municipalities: Local municipalities in Israel provide services to all of Israel's citizens and residents, without any form of discrimination based on religion, race, gender or ethnic background. The employees in all local municipalities in Israel represent the entire State's population, as well as its various religious and ethnic groups, without any discrimination.

In the 88 local councils or municipalities which serve towns and villages where the population is primarily composed of Arabs, Druze, Bedouins or Circassians, the employees of the local government bodies are almost exclusively composed of members of these minorities. In larger municipalities with mixed populations, such as Jerusalem, Haifa and Lod, members of minorities are employed proportionate to their overall representation in the population, although less so at the most senior positions.

The Judiciary: In the past ten years there has been a significant increase in the number of Arab citizens working in the Israeli judicial system. This is greatly the result of the increase of appointments of members of minority populations within the Ministry of Justice. In the judicial system there are currently 569 judges. Out of the twelve justices serving in the Supreme Court, one is Christian Arab. Out of the 128 judges serving in the District Courts five are Muslim, two are Christian and one judge is of Druze origin. Out of the 381 judges serving in the Magistrate Courts, 14 are Christian, ten are Muslim and five are Druze judges. One Christian judge and one Druze Judge serve in the Labour Courts. In total 40 judges from minority groups' function in the judicial system.

Minorities' Terms of Employment in the Civil Service: In addition to increasing the level of representation of minority groups, the Civil Service Commission has also taken steps to better accommodate the various needs and lifestyles of minority employees. Holiday and vacation time is provided according to the relevant religious holidays, such that Muslim employees are entitled to a day off during Ramadan, and Christians can choose Sunday as their day off work.

Furthermore, members of the Arab population employed in the Civil Service enjoy a unique benefit in the form of State participation in the rental paid by them for apartments in the vicinity of their workplace and funding of weekly commuting expenses.

In a Civil Service circular of November 15, 2007 it was determined that in the name of equality and uniformity, Muslim and Christian employees should be entitled to mourning leave of seven days in the event of a death of a first degree relative. No change has been made with respect to the three-day mourning period of Muslim and Christian employees in the event of a death of a relative of the second degree.

As per detention of members of the Palestinian Legislative Council, please see Israel's reply to Question 1, above.
