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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Israel**

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\* The present document was not edited before being sent to the United Nations translation services.



## **I. INTRODUCTION AND METHODOLOGY**

1. Israel's national report for this review has been prepared in accordance with the principles formulated in the Elements for a Roadmap based on resolution 5/1 of 18 January 2007 by the Human Rights Council, and on the General Guidelines for the Preparation of information under the Universal Periodic Review contained in Document A/HRC/6/L.24. The present report is submitted pursuant to the United Nations General Assembly resolution 60/251 of 15 March 2006, which established the Human Rights Council. Accordingly, this report should be read as a supplement to existing reports for the other United Nations human rights mechanisms. The Report was prepared in an extensive consultation process involving the relevant Departments and Ministries.

2. Israel is deeply committed to the promotion and protection of human rights, and in 1991 it completed a process of ratification of all core United Nations human rights instruments. Its accession to the human rights treaties reflected a commitment to human rights principles already enshrined in its existing law, and developed in a body of jurisprudence dealing with the protection of human rights and liberties.

## **II. THE NORMATIVE AND INSTITUTIONAL FRAMEWORK**

### **A. Constitutional aspects**

3. Israel is a parliamentary democracy, based on the principle of separation of powers, and is comprised of three branches - the Legislative (the Knesset (parliament)), the Executive (Government) and the Judiciary. Israel has no formal constitution. It has nevertheless enacted instead a number of Basic Laws dealing with various aspects of its constitutional regime and enshrining fundamental human rights. Among the most significant of these laws, which can be seen as a "constitution-in-the-making" are Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation, both adopted in 1992.

### **B. The Legislative: the Knesset**

4. The Knesset is the Legislative Branch of the State. Its main functions are legislation of laws, overseeing the Government's work, appointing the President and the State Comptroller, and serving as a link between the public and the State Authorities. Israel's Parliament plays a growing role in human rights areas, not only by means of legislation, but also by scrutinizing governmental activity and initiating debates in its various Committees. Thus, for example, the Constitution, Law and Justice Committee in the Knesset has convened extensive debates over sensitive human rights and security issues, in which members of the various Governmental branches, including the Military, have been requested to participate and explain the compatibility of certain counter-terrorism measures and security considerations with human rights.

5. Human rights considerations are part and parcel of the process of drafting new bills, and compatibility with human rights standards including international standards, is examined throughout the legislative process, both by external bodies which are consulted with by the Government, as well as by the executive branch.

6. One significant piece of legislation designed to ensure the rights of victims of crime, is the Crime Victims' Rights Law (2001). Its aim is to protect their personal dignity, without prejudicing the rights of suspected, accused or sentenced persons under the provisions of any law. Under this Law, the courts and authorities are to take all necessary measures to safeguard the rights of the crime victim. According to the Law, a crime victim is entitled to the rights

including: protection, right to receive information on criminal proceedings, right to receive information on imprisonment or other means of custody, right to be present at in-camera hearings and other related and important rights. In order to ensure the proper exercise of rights under the provisions of the Law, the State and District Attorneys' Offices have established support departments whose functions include: ensuring the transfer of information from the State and District Attorneys' offices to crime victims, and from crime victims to the State and District Attorneys' Offices; directing and assisting the employees on the implementation of the provisions under the Law and other functions to that end.

7. On 15 May 2007, the Knesset enacted the Criminal Procedure Law (Amendment no. 51), (2007), accepting the legal doctrine regarding "Abuse of Process" into Israeli criminal law. According to the doctrine, which had been previously recognized by the Supreme Court in a number of cases, the court is permitted to strike an indictment or halt criminal procedures against a defendant where there is a deficiency in the procedures caused by some fault of the executive authority and where resort to the deficient procedure would damage the right to fair trial of the defendant.

8. Among the substantial legislative safeguards for protection of human rights is the Freedom of Information Act, 1998. The Act imposes upon public authorities a duty to disclose information held by them, upon request from any Israeli citizen or resident, subject to certain limitations, comparable to those common in freedom of information legislation in other countries. The Law also allows requests from foreign residents, regarding their rights in Israel. A denial of the request can be appealed to an Administrative Court. In 2005, an amendment to this Law imposed a duty on any public authority to make information it holds concerning environmental issues available to the public through the authority's internet website and via alternative methods to be determined by the Minister of Environmental Protection. In 2007 another amendment imposed the provisions of the Freedom of Information Law on all Governmental Corporations, excluding corporations determined by the Minister of Justice, and approved by the Knesset's Constitution, Law and Justice Committee.

### **C. The Executive: accountability mechanisms**

#### **1. The Attorney-General**

9. The Attorney-General plays a crucial role in safeguarding civil liberties in Israel. The office of the Attorney-General enjoys complete independence and functions separately from the political establishment. Its four main functions are to serve as the Head of the Prosecution, to provide legal counsel to the Government, to advise the Government on legislation, and to represent the public interest in the legal sphere. Decisions of the Attorney General are subject to judicial review. The High Court of Justice, however, has followed a policy of restraint, and judgments overturning a decision of the Attorney General are rare.

#### **2. The Public Defender's Office**

10. In 1995, the Public Defender's Office (PDO) was established in order to provide high quality professional legal representation to suspects, defendants, detainees and convicted persons. The right to be represented by the PDO is defined by law and depends, among other things, on the severity of the offence and the economic status of the person requesting the service. From 2003 up until 2006, the percentage of representation by public defenders in magistrate court cases, (including in youth magistrate courts), increased from approximately 35 per cent to 54 per cent. This increase is the

result of a gradual decrease in the number of indictments submitted to Magistrate Courts, and a gradual increase in criminal cases represented by the PDO.

### **3. The State Comptroller**

11. According to Basic Law: State Comptroller (1988), the State Comptroller carries out external audits and reports on the legality, regularity, economy, efficiency, effectiveness and integrity of the public administration in order to ensure public accountability and the rule of law. The State Comptroller also fulfills the function of a *Public Complaints Commissioner (Ombudsman)*, receiving complaints from the public against State and public bodies subject to the comptroller's audit. The scope of a State audit in Israel is very extensive and includes the activities of all Government Ministries, State institutions, branches of the security system, local municipalities, Government Corporations, State enterprises, and other bodies or institutions subject to audit. In addition, the State Comptroller may inspect the financial affairs of political parties represented in the Knesset, including election campaign accounts. In cases of financial irregularities the State Comptroller may also impose monetary sanctions.

## **D. Security and police forces**

### **1. Israel Defense Force**

12. Promoting human rights value and respect for human dignity are an integral part of the Israel Defense Force (IDG) training. The IDF maintains a strict policy of investigating every claim of maltreatment by IDF soldiers. The IDF instructions specifically prohibit any improper attitudes towards detainees, and instruct as to the denunciation of any instance of an inappropriate behaviour of a soldier in relation to detainees. In cases of misbehaviour towards detainees and interrogatees, soldiers are either court-martialed or face disciplinary proceedings, depending on the severity of the charges. The interrogation of soldiers suspected of the above violations is performed by the Investigative Military Police. This unit is subordinate to the IDF General Staff which is independent from the IDF regional commands, and therefore autonomous to handle the investigations within the auspices of the Military Advocate General's Office.

### **2. Department for the Investigation of Police Officer**

13. The Department for the Investigation of Police Officers was established as part of the Ministry of Justice to investigate complaints concerning police personnel independently. The cases investigated generally involve acts of unlawful use of force and related offences. The Department may recommend the initiation of administrative and/or criminal proceedings against the suspected officer. Tenders intended to turn the Department into a civilian body, are currently underway.

### **3. Israel Security Agency**

14. Complaints against Israel Security Agency (ISA) personnel alleging the use of unlawful investigation techniques are dealt with by the Inspector for the Complaints within ISA (hereinafter, "the Inspector"). The head of this unit is appointed directly by the Minister of Justice and is granted the authority of a disciplinary investigator. According to ISA rules of operation, the Inspector functions independently and under the close supervision of a high-ranking prosecutor from the State Attorney's Office. Following a full examination of the complaints, the Inspector's report is thoroughly reviewed by the prosecutor and in cases in which the issues at hand are sensitive or circumstances so necessitate, also by the Attorney General and

the State Attorney. The decision is an administrative decision, subject to the judicial review of the Supreme Court sitting as High Court of Justice.

#### **4. Israel Prisons Service**

15. Every prisoner or detainee under the care of the Israel Prisons Service (IPS) has available the following complaint mechanisms regarding the staff and wardens' use of force: filing a complaint to the director of the prison; petitioning the relevant District Court in a prisoner's petition; filing a complaint to the Warden's Investigation Unit (WIU), through the IPS or directly to the Unit. This Unit is part of the Israeli Police, and its members are police officers. The findings of the WIU are subject to the State Attorney's Office scrutiny, who decides whether to institute disciplinary measures or criminal proceedings; other complaint mechanisms include filing a complaint to the Prisoners Complaint Ombudsman, who is a member of the Ministry of Public Security's internal comptroller unit that has the authority to inquire. Additionally, official visitors in prisons are appointed by the Minister of Public Security and are comprised of lawyers from the Ministry of Justice and other Governmental Ministries.

16. Section 72 of the *Prisons Ordinance* grants official visitor authorities to Supreme Court judges and the Attorney General in prisons throughout Israel, and to District and Magistrate Courts judges in prisons in their jurisdiction. Dozens of 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 Guidelines broadened the scope of the above to also include detention facilities and detention cells in police stations.

### **E. National Commissions and Ombudsmen**

#### **1. The Commission for Equal Rights for People with Disabilities**

17. The Commission for Equal Rights for People with Disabilities was established according to the Law for Equal Rights of People with Disabilities (1998), and 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. It includes three main units: Accessibility, Integration in Society and the Legal Department. The Commission's work is aimed at promoting public policies regarding the rights of persons with disabilities and providing assistance to individuals who encounter difficulties.

18. The Commission's enforcement role has been enhanced by virtue of an amendment in 2005: in addition to filing a civil claim for violation of the provisions of the employment chapter, in relation to violation of accessibility provisions the Commission may either file a civil claim or, subject to providing notice as required by the Law, issue an accessibility order setting out the various steps required in order to make a particular place or service accessible, together with a time frame for so doing. Alongside the Commission operates a steering committee, composed mainly of persons with different disabilities who represent the main organizations operating in the field.

#### **2. The Commission for Equal Employment Opportunities**

19. On 11 November 2007 the Government adopted Resolution No. 2578, concerning the appointment of an Equal Employment Opportunities Commissioner. This position is the first of

its kind in Israel. The Commissioner is responsible for collecting information and hearing complaints from workers concerning instances of sexual harassment, and/or discrimination based on gender, sexual orientation, parenthood, religion and race. Where necessary, the Commissioner is also responsible for initiating legal action on behalf of any adversely affected workers. The Commissioner also has the authority to intervene in court proceedings and request that Courts issue special orders prohibiting sexual harassment in places of work. Violation of these orders will be considered a criminal offence.

20. In addition, the Commissioner is responsible for encouraging special programs relating to equality in employment as well as other educational and promotional activities in working places. Additional tasks of the Commission are fostering public awareness through education, training and information; handling complaints regarding the violation of equal employment legislation; and instructing employers to take general measures regarding all or part of their workforce or employment applicants, to ensure compliance with duties imposed by employment equality legislation or to prevent violations of such duties. Under the amendment, a 21-member advisory committee to the Commission was appointed, including representatives of the Authority for the Promotion of the Status of Women, the Commission for Equal Rights of People with Disabilities, relevant Government Ministries, organizations engaged in the promotion of equal employment rights, trade unions and employers organizations, as well as experts in areas associated with the work of the Commission.

### **3. The Authority for the Advancement of the Status of Women**

21. The Authority for the Advancement of the Status of Women in the Prime Minister's Office, focuses on promoting legislation and policies for the advancement of women, as well as raising public awareness on the matter, primarily the education system and the media. Its fields of activity include the formulation and encouragement of policy and activities to advance the status of women, equality and the prevention of violence against women, the coordination of activities in Government Ministries, local authorities and NGOs in the field of women's rights, establishing oversight and follow up of Government Ministry activity in the field and providing consultation for Government Ministries regarding the enforcement of laws under the purview of the Authority.

### **4. The Ombudsman of the Ministry of Health**

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

### **5. The Military Ombudsman**

23. The Military Ombudsman – The IDF Ombudsman (Soldiers' Complaints Commissioner) is authorized to receive complaints from soldiers, concerning their conditions of service. The Ombudsman is accountable in these matters to the Minister of Defense and to the Knesset's Foreign Affairs and Security Committee.

### **F. The Judiciary: the Supreme Court**

24. As a common law country, Israel's Supreme Court judgments constitute a binding precedent. The Supreme Court has been at the forefront of Israel's human rights mechanisms, monitoring and safeguarding the protection of the rule of law. For this reason it has gained considerable international recognition and respect throughout the years.

25. For historical-political reasons, Israel's basic laws concerning human rights do not include all the political and social human rights. Thus, there is no explicit clause concerning equality, freedom of expression or the right to education. Hence, Israel's Supreme Court has played a central role in developing a broad framework of human rights, by basing its constitutional jurisprudence on the democratic character of the state, and developing an "Israeli-made" bill of rights. In resolving the formal legal lacuna, the Supreme Court has interpreted the right to dignity in a broad manner, recognizing other human rights derived from this principle such as the freedom of expression, the right to equality, the protection from the degradation and discrimination, freedom of expression and a number of social rights such as the right to work, the right to organize a trade union, the right to strike, the right to an adequate standard of living, guaranteed minimal conditions for human subsistence, shelter, food and access to basic medical treatment. The Supreme Court has also recognized additional rights as deriving from the broad concept of human dignity, such as freedom of religion, freedom of assembly, the freedom to choose one's attorney, and the freedom to choose one's name. Based on this Basic Law and as part of the patient's rights, with the recognition of the patient being an autonomous individual, the Court also recognized the patient's right to refuse medical treatment. Furthermore, the Court has interpreted the Law to protect the rights of prisoners and detainees in many criminal cases.

26. Furthermore, in recognition of the right to a dignified death, the Knesset enacted on 6 December 2005, the Terminally Ill Patient Law, which provides an answer to the medical-ethical dilemma present in the treatment of terminally-ill patients. The Law attempts to create a balance between the values of sanctity of life, quality of life and respect for a person's autonomous will. The Law states that a terminally ill patient's will to not have his/her life extended shall be respected, and that providing them with medical treatment is to be avoided. Nevertheless, the Law does not allow committing an act, including a medical act, which is intentionally directed to cause the terminally ill patient's death, or which will certainly result in death, even if committed from means of grace and compassion. In addition, assisting the patient to commit suicide or stopping a consecutive medical treatment are both prohibited.

27. Since 1967, the Supreme Court sitting as High Court of Justice has adopted a policy of opening its doors to petitions filed by non-residents. Among the explicit goals for liberalizing the Court's rules of standing was the protection of human rights. This was further entrenched by recognizing the standing of entities and institutions which lacked a personal interest in the case but whose role is to protect human rights. Hence, under Israel's broad rules of standing, virtually any person or group who claims an interest in the legal or humanitarian issues involved, beyond the alleged victim and his/her family, may petition Israel's highest civil judicial instance, having the petition heard within 48 hours of being filed.

28. Another major development concerns the Supreme Court's approach to claims of non-justiciability. The Court has limited these claims, asserting, *inter alia*, that they do not apply where a violation of human rights is alleged. As a result, the Court hears issues concerning human rights which otherwise would not have been litigated due to their non-justiciable character. For example, the Court examines the question of respect for human rights in the course of active hostilities. Such petitions are heard on an expedited basis, sometimes within hours, during which time – military operations under review may be suspended and the security forces required to desist their military operations pending a court order, and even cease them completely upon the Court's decision.



### III. INTERNATIONAL COMMITMENTS

29. Israel is a party to the core United Nations human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child and its two Additional Protocols on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Pornography and Child Prostitution. Israel has also recently ratified the Protocol to the Palermo Convention on Transnational Organized Crime, on the prohibition of trafficking in persons, especially women and children. Additionally, Israel is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It is also signatory to the Convention on the Rights of Persons with Disabilities and in the process of its ratification. Israel was actively engaged throughout the process of drafting this Convention and has significantly contributed to the inclusion of specific Articles such as on access to justice. Israel has also ratified numerous international labor conventions such as No. 138, on minimum age, and No. 182, on the worst forms of child labor, as well as those under the auspices of UNESCO. Israel regularly reviews its reservations to human rights treaties, in considering the possibility of withdrawing them.

30. While international treaties are not directly incorporated into Israeli legislation, given its dualistic system of law, Israel's general approach, however, is to ensure that domestic legislation, policies and practice comply with its international commitments. Furthermore, Israeli courts recognize and apply *a presumption of compatibility* as an interpretive tool, assuming that the Knesset, when enacting new legislation, has no intention of derogating or deviating from international obligations, and therefore Israeli legislation should be interpreted in conformity with international law, unless an express intention to the opposite exists.

31. Certain laws integrate some of the human rights treaties into Israeli legislation. For instance, the stated objective of the Pupil Rights Law (2000), is the spirit of human dignity and the principles of the International Convention on the Rights of the Child (CRC); the Victims of Offences' Rights Law, (2001), refers directly to the CRC when addressing a victim who is a minor; and the Law for the Authority for Advancing the Status of Women, (1998), states that one of its goals is to implement the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

32. As part of its bilateral relations, Israeli legal experts provide legal training, upon request, on human rights issues to counterparts in developing countries. Israel's International Development Program through *the Center for International Cooperation* of the Foreign Ministry (MASHAV), shares technology and know-how with developing countries to alleviate problems of hunger, disease, and poverty by means of technical training and technology transfer. These programs encourage professionals from developing countries to find their own solutions to problems and adapt them to their respective cultural and social values, economic potential, natural resources and regional priorities. Training concentrates on areas in which Israel has gained experience: The largest scope of Israel's development activity focuses on adapting new technologies to eliminate hunger and poverty affecting millions of people in the developing world. It also includes training on education, social development, public health, environmental and natural resources protection, and empowerment of women in a developing society. Short-term and long-term consultancies are arranged at the request of the host country, with Israeli experts sent to provide specific advisory services or assistance in program implementation, to

conduct a survey on a particular topic or to provide support. Problems arising from inadequate medical and preventive health services in developing countries continue to be of great concern. Cooperation in this field focuses on the areas of ophthalmology, epidemiology and HIV/AIDS.

33. MASHAV adheres to the *Millennium Development Goals* (MDGs) set by the international community to halve poverty by 2015, as well as the *Paris Declaration on Aid Effectiveness*, calling for greater synergy among donor and partner countries.

### **Civil society**

34. 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, which has led occasionally to forging joint alliances in the endeavor to advance issues of common concern, such as in the fields of combating trafficking in persons and enhancing the status of persons with disabilities.

35. Thus, for example, *the Association for Civil Rights in Israel* (ACRI) is the largest and oldest organization which deals with the entire spectrum of human rights and civil liberties issues. ACRI has contributed significantly to the protection of human rights in Israel. Its work encompasses litigation and legal advocacy, bringing precedent-setting litigation to the Supreme Court, providing expert opinions before the Knesset, running human rights education programs for school teachers, conducting training workshops for security forces, and mounting public outreach campaigns, including the provision of free legal information and advice through a public hotline.

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

37. Furthermore, as part of its commitment to safeguard human rights and open itself to international scrutiny and dialogue, Israel has adopted a policy of constructive engagement and cooperation with various international human rights mechanisms and NGOs. Israel attaches considerable importance to the participation of NGOs in the United Nations activities and recognizes the professional contribution of many of them to the deliberative processes on human rights.

38. Recent examples of such engagements are the visits, in the past three years, by the High Commissioner on Human Rights, the United Nations Special Representative of the Secretary General on Children in Armed Conflict and the Special Mechanisms of the Human Rights Council such as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, Representative of the Secretary-General on the human rights of internally displaced persons, in addition to the recent visit of Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

#### **IV. IDENTIFICATION OF ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS: ACHIEVEMENTS AND BEST PRACTICES**

39. As a melting pot for immigration from over the world, and given the unique composition of its population, and the concomitant problems which arise in the integration, absorption and day to day dealing with diversified communities of differing religions and cultures, Israel continues to face numerous challenges, both internally and from the outside. Added to this, are the tensions created by ongoing security threats, including acts of terrorism against Israel's civilian population.

##### **A. Trafficking in persons**

40. Israel is a country of destination for victims of trafficking in persons for the purpose of prostitution, and there have been isolated cases of forced labor. Israel is deeply committed to combating this grave phenomenon.

41. Among the measures taken by the Government have been the appointment of a *National Coordinator* to assist policy making in this area, particularly with regard to protection of victims, as well as the establishment of a National Plan to Combat Trafficking for Prostitution, and a National Plan to Combat Slavery, Trafficking for Slavery and Forced Labor. Furthermore, important Government Resolutions adopted these National Plans and decided upon the establishment of a shelter and apartments for victims of slavery and trafficking for slavery and forced labor. Additional procedures and guidelines were introduced to ensure harmonious law enforcement by the relevant bodies, training activities, awareness campaigns and in particular a precedential case in which traffickers for organ removal were convicted.

42. On 29 October 2006 the Anti Trafficking Law came into force, paving the way, among other things, for Israel's recent ratification in August 2008, of the United Nations Optional Protocol to the Convention on the Sale of Children, Child Pornography and Child Prostitution, as well as the Protocol to the Palermo Convention on Transnational Organized Crime, on the prohibition of trafficking in persons, especially women and children.

43. The new legislation places an emphasis on the prohibition of all forms of slavery, as well as forced labor with heightened sentencing and heightened punishment for exploitation of vulnerable populations. Before the new Law, Israel did not have a slavery offence. Now, it is a crime with a maximum punishment of 16 years of imprisonment and 20 years if committed against a minor.

44. The promulgates a broad trafficking crime for a number of illegal purposes: prostitution, sexual crimes, slavery or forced labor, removal of organs, pornography, and using the body of a person to give birth to a baby who is then taken from her. The trafficking and slavery crimes do not require use of force, coercion, pressure, or fraud, under the assumption that the Israeli society will not countenance these practices even if the victim "consented".

45. The Law further establishes a special fund for fines and forfeited property, with the purpose of allocating money for protection, prosecution and prevention of trafficking crimes. At least 50 per cent of the fund will be allotted to the rehabilitation and protection of trafficking victims. In addition, the fund will reimburse trafficking victims who have received a judgment for compensation by traffickers (whether in criminal or civil proceedings) and can establish that they have used all reasonable means to collect the compensation but have failed.

46. The Law revises the abduction offences and creates two new crimes: abduction for the purposes detailed in the trafficking crime (prostitution, pornography, sexual crime, removal of organs, slavery or forced labor, etc.), and the crime of causing a person to leave his/her country of residence in order to engage him/her in prostitution or hold him/her under conditions of slavery.

47. In practice, law enforcement agencies such as the Police, the Immigration Administration and the Enforcement Department in the Ministry of Industry, Trade and Labor, have greatly intensified their efforts to combat trafficking.

48. *The “Maagan” shelter* for victims of trafficking for prostitution began operating on 15 February 2004, creating a supportive climate for victims and providing access to psychological, social, medical and legal assistance. In addition, procedures have been developed in the framework of the shelter to allow for the return of victims of trafficking to their countries of origin in safety aimed towards promoting their rehabilitation.

49. *Information and Education Campaigns.* The Authority for the Advancement of the Status of Women in the Prime Minister's Office has been increasingly active in the area of promoting awareness to combating trafficking in women, and in conducting promotional activities in the education system. Its activities are aimed at the following target audiences - the Civil Service, the Local Authorities, the Education System, the Kibbutzim Movement and the IDF.

50. *The Courts* for their part, interpret the relevant legislation in a broad manner, thus facilitating the conviction of a maximal number of traffickers, resulting in dozens of verdicts annually. While sentencing is not uniform, it is increasingly severe, including cases where traffickers were sentenced to periods of incarceration of 18 and 15 years.

51. *The State Attorney* vigorously espouses a broad interpretation of these crimes and initiates appeals when lower court interpretation falls short of these principles and when sentences do not reflect the gravity of the crimes. The Supreme Court has accepted the State Attorney's position and interprets the offence broadly while meting out substantial sentences.

52. *Witness Protection* – in this context it should be noted that the groundwork continues, following the Government Resolution on “A Witness Protection Program in Israel,” dated 1 January 2006, regarding the establishment of an Authority for the Protection of Witnesses in Israel, as part of the Ministry of Public Security. On 10 February 2008, the Ministerial Committee on Legislation and Law Enforcement approved the bill.

53. *The Parliamentary Subcommittee of Trafficking in Persons* is a Subcommittee of the Committee on the Status of Women, designed to focus on the battle against trafficking in women. This Subcommittee remains active in the realm of control, monitoring and overall supervision of trafficking for prostitution, through legislation, regular meetings, advocacy of relevant causes, etc. There is also a special Parliamentary Committee on the Issue of Foreign Workers, where the needs and conditions of employment of migrant workers are addressed.

54. *Non governmental organizations* too, serve as watchdogs to ensure that issues be properly addressed by the Government. One of the most important developments in the field has been the growing cooperation between actors concerning victim protection. Noteworthy examples are the campaign to have the police severely enforce the crime of advertising prostitution services; the criticism of police efforts to close places of prostitution; the constant push and pull to increase and broaden victims' rights. The activities of these organizations have

led to public awareness of the problems of female trafficking victims, and the need to treat them and view them as victims.

## **B. Rights of persons with disabilities**

55. The disability rights revolution which has swept the world over the past decade is a prominent feature of the Israeli landscape. A major landmark in the Israeli disability rights movement is the enactment of the Equal Rights for People with Disabilities Law in 1998, together with a major, extensive amendment to the Law passed in 2005, dealing with accessibility of public places and services, as well as to those operated by the private sector. The new accessibility regime under the 2005 amendment will only enter into force once the regulations have been published, and this process has not yet been completed due to the complexity of the subject matter. Implementation is considerably more advanced where accessibility of public transport services is concerned.

56. In general, legislation predating the Law was not focused on an approach treating the state of people with disabilities as a human rights issue, whereas the new Law embraced a holistic approach.

57. It was the Supreme Court decision in the *Botzer case* in 1996 (HCJ 7081/93 *Botzer v. Local Municipality Ma'cabim-Reut*) which made the legal breakthrough, ruling that a boy with muscular dystrophy who is confined to a wheelchair, was entitled to access all areas in his school, basing the decision on general principles of equality and human dignity.

58. The Law enshrines the basic right of a person with disabilities to equality, human dignity, and active participation in society in all walks of life. Patronizing interference with personal autonomy is replaced by the right of a person with disabilities to make decisions regarding his/her own life. Another fundamental principle is the legitimacy of affirmative action programs for the disabled. The Law establishes the universal right of a person with disabilities to exercise rights within the existing institutions of society, as opposed to segregated frameworks. Similarly, an extensive amendment to the Special Education Law passed in 2002 makes a series of provisions for the right of children with disabilities to integrate into the regular school system.

59. The prohibition on discrimination in all of these areas includes, but is not limited to, failure to make reasonable accommodations which will enable persons with disabilities to integrate into the workplace and to access public places and services as others do. The employment chapter requires the Civil Service and other employers with more than 25 employees to promote "appropriate representation" of persons with disabilities in the work force. In two precedent-setting cases in 2006, the Tel Aviv and the Haifa Labor District Courts ruled that people with intellectual and/or mental disabilities, who work for private employers, are not to be regarded as "volunteers" but as "workers" entitled to the benefits of the employer-employee relationship and the applicability of all relevant labor laws. In both decisions, the employers were obligated to retroactively compensate the disabled and provide their inherent rights as employees. (L.C (Tel-Aviv) 10973/04 Goldstein v. Na'amat; L.C (Haifa) 3327/01 Roth v. Ram Buildings Ltd).

60. Implementation of the third and final operative part of the Law, concerning the establishment of the Equal Rights Commission, has come a long way since the establishment of the Commission in August 2000. Since then the Commission has been active in a number of areas, including the promotion of co-operation between the various bodies - public private and voluntary - active in the field, expansion of accessibility to public places and services, including

public transport, adaptation of emergency services to the needs of people with disabilities, commissioning research and surveys, taking an active role in the formulation of new legislation, public relations campaigns raising awareness in the field of accessibility and to the rights of people with disabilities in general.

61. The Law has profoundly changed the nature of public discourse concerning persons with disabilities. Public authorities now employ the language of human rights in this context, a fact evidenced by the State Comptroller's Report of 2002, although there is still room for improvement.

62. In 2005, the Investigation and Testimony Procedures (Suitability to Persons with Mental or Physical Disability) Law was issued. This is a precedential Law which regulates methods adjusted to investigate people with mental or intellectual disabilities and also adjusted methods for their testimonies. The Law applies to all suspects, victims and witnesses, to specific offences enumerated in the Law (violence offences, sexual assaults and prostitution). The implementation of the Law on victims and witnesses will proceed gradually until the year 2010.

63. In December 2007, the Prohibition of Slander Law (1965) was amended by the Israeli Knesset. According to the revised Law, making a mockery of, or humiliating persons with disabilities because of said disability - whether it is a psychological, mental (including cognitive) or physical, permanent or temporary, shall be considered unlawful and prohibited slander.

64. In this context it should also be noted that as a signatory to the United Nations Convention on the Rights of Persons with Disabilities and an active contributor in its drafting process, Israel is currently reviewing its legislation in this field, in order to assess which adjustment need to made in its domestic law as part of the process of advancing towards ratification.

### **C. Sexual orientation**

65. On 21 November 2006, the Supreme Court handed down a landmark decision concerning the rights of same sex couples. It held that a wedding certificate from a foreign country in which same-sex marriages are recognized, could allow the couple to be registered as married by the Ministry of the Interior. The Supreme Court based its decision on a previous ruling in which a distinction was made between the duty to register marriages, and the question of recognition of their status. The Supreme Court determined that the Ministry of the Interior must not discriminate against same-sex couples who hold a wedding certificate from a foreign country that permits same-sex marriages. Nevertheless, it noted that by doing so, it did not grant a new status to same-sex marriages, and reiterated that it is the role of the Knesset to endow as much.

66. On 19 April 2007, The Haifa Labor District Court accepted a claim against a pension fund, and determined that a surviving partner of a lesbian relationship was eligible to the legal rights of an "insured widow," and not of an "insured widower" (D.L.C 1758/06 Moyal-Lefler v. Mivtachim). The Court stated that "the distinction between men and women in the rules of the respondent and the Social Security Law derives from a similar rationale- a reflection of the economic situation in which we live, where women's incomes are lower than men's, and their promotion in the labor market is more difficult. Therefore there is a justification for the preference of female widows as it narrows the existing gap between men and women." The Court held that the plaintiff should be classified as a female widow, and not as a male widower. She was therefore eligible for the rights of an "insured widow," and the pension as stated in the rules of the pension fund.

67. In a decision dated 23 January 2005, the Attorney General established a new precedent in which the State is willing to grant legal status to same-sex adoptions of the birth-child or adopted child of the other spouse. Furthermore, it states that the State is willing to allow the adoption of a non-biological child by same-sex couples, while considering the best interest of the child. In a significant decision dated January 2005, (C.A. 10280/01 *Yaros-Hakak v. The Attorney General*) the Supreme Court accepted the appeal of two women, a same-sex couple, to adopt each other's children. The Court emphasized that the decision solely concerns this couple and is not a principled one, thus leaving the question of same-sex relationships for a later date, recommending that the Knesset amend the Law to provide a solution to a real problem.

#### **D. Prohibition on corporal punishment of children as a method of education**

68. In a significant ruling of the Supreme Court in 1999, corporal punishment was completely banned from the educational system and later expanded to the framework of the family unit. In reaching this conclusion, the Supreme Court relied on the United Nations Convention on the Rights of the Child and on Israel's Basic Law: Human Dignity and Liberty, recognizing that a child is autonomous, with rights and interests of his or her own. The Supreme Court determined that corporal punishment is not a legitimate method to be used by preschool or other teachers or other staff in the education system. The Court ruled that physical violence against a student is prohibited, and that the old case law "no longer conforms to acceptable social norms." Similarly, it unequivocally stipulated that flogging, beating and ear pulling have no place in school. A student's dignity as a person is violated when physical violence is exercised. Likewise, striking a student's hand with a ruler is not a sanctioned teachers' means of warning.

69. In 2000, the legislature annulled the defense against the civil tort of battery in the Tort Ordinance, which was used by parents and teachers who inflicted reasonable and moderate corporal punishment on children. The Pupils' Rights Law (2000) was consequently enacted in 2000, determining that the rights of the pupil were not to be punished corporally or in a humiliating way in as much as it is inconsistent with human dignity.

70. The Ministry of Education imposes an absolute ban on the use of any form of corporal punishment as a means of discipline. The same holds for verbal violence - that is, injurious or humiliating remarks. These directives are enforced through the criminal justice system and through disciplinary measures.

### **V. CHALLENGES AND CONSTRAINTS**

#### **A. Combating terrorism while preserving rule of law**

71. Since its establishment, Israel has faced serious security threats, including suicide terrorism, external hostility and indiscriminate armed attacks against its civilians. With the conflicting imperatives of preserving its democratic character, and maintaining public security and ensuring the inherent right to life of individuals under its jurisdiction, Israel has consistently sought to maintain its democratic nature, and to preserve and safeguard human rights.

72. As part of the international community, Israel has always been committed to abiding by international norms, and ensuring that its fight against terrorism is carried out within the framework of the law. Given its ongoing challenges in countering terrorism, the upsurge of international terrorism since 9-11 onwards did not change Israel's approach nor create new and stricter balancing formulas, recognizing that as a democracy, it must fight with one hand tied behind its back, as not all means are acceptable to it in its fight against terrorism.

73. It is a reflection of this conviction that Israel's Supreme Court, in an unprecedented and exceptional role, continues to play an active and independent role in scrutinizing the most detailed aspects of the governments' counter-terrorism measures, in real time, both in Israel and beyond its territory, even amidst fierce fighting and active hostilities. Thus, for example, in the case of interrogation techniques of suspected terrorists, the Supreme Court, in an expanded panel of nine judges, in September 1999, unanimously prohibited the use of moderate physical means during interrogations of suspected terrorists. The Supreme Court stated that the Israeli Security Agency had no authority under Israeli law to use physical force in its interrogations. As if to further-sharpen the dilemma, this ruling was given less than eighteen hours after two car bombs exploded in the heart of two northern cities - Haifa and Tiberias.

## **B. Equal rights of women and men**

74. Complete equality between men and women before the law is entrenched in Israel, except in some of the matters governed by religious law. The Equal Rights for Women Law (1951) establishes that the same laws shall apply to men and women regarding any legal action, and that any law discriminating against women shall be null and void. The Law also equates the legal status of women to that of men. This Law was amended by the Knesset in 2000 and in 2005, the latter stipulating that any task force appointed by the Government for the creation of foreign and/or interior national policies (including negotiation teams working towards a peace agreement) must include an appropriate number of women.

75. On 20 November 2007, the Knesset enacted the Gender Implications of Legislation Law (Legislative Amendments) which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. The Law is aimed to expose any hidden inequalities between men and women that might be present in different bills, in order to advance the status of equality between both genders. Accordingly, among the official functions of the Authority for the Advancement of the Status of Women is the submission of opinions to the relevant Knesset committee concerning the gender implications of any bill or secondary legislation, when brought for its consideration or approval.

76. In terms of representation in political parties, women are still under-represented in political positions, both in the national and municipal levels. However, there have been significant positive changes in the past few years. In national elections, several of the large parties included women's representation as a dominant factor in the establishment of party lists (through appointments, quotas, affirmative action etc.). Of the 120 members of the current Knesset, 17 are women, and from among those women, one is of Arab descent.

77. On 11 March 2007, the Government resolved to obligate Ministers to appoint women to directorates of Government Corporations until they achieve a 50 per cent representation of women within two years from the date of the Government Resolution. The Governmental Corporations Authority supervises closely and effectively any appointments made to directorates of Government Corporations.

78. The number of women featured among the top three ranking senior staff positions in the civil service is slowly increasing. The civil service has four main classifications which comprise the main sources in which administration managers may be ranked. In 1997, women comprised 61 per cent of all civil servants, yet high ranking female civil servants numbered less than 15 per cent. In October 1999, women still comprised 61 per cent of all civil servants, only the number of high ranking women had increased to 16.4 per cent. As of 31 December 2006, 45 per cent of the top four ranking positions, and 43 per cent of the top three ranking positions were held by



women. These figures do not include women in the security forces, but does include all other ranks such as nurses and advocates, in which the representation of women is very high.

79. In terms of representation of women in the legal arena in the public sector, the percentage of women in the Judiciary has substantially increased. There has been a growth of 72 per cent in the National Labor Court, 42 per cent in the District Courts, and 28 per cent in the Supreme Court. In all of the different civil courts combined, there are 317 female judges, and 304 male judges, so that 51 per cent of the civil judiciary in Israel is now composed of women (compared to a total of 40 per cent in 1998). In 2007 alone, 49 new judges were appointed, 27 of whom were females.

### **C. Racism, hate crimes and incitement**

80. Given its history as homeland of the Jewish people, and in view of its democratic tradition, Israel views the challenge of combating racism, Anti-Semitism and hate crimes as a priority. In addition to being a party to the United Nations Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide, Israel is committed to tolerance and addressing all manifestations of racism, xenophobia and anti-Semitism. This is done, through awareness raising projects, educational programs and events regarding the importance of fighting and denouncing these phenomena.

81. On 12 April 1951, the Knesset (Israel's parliament) proclaimed Holocaust and Ghetto Revolt Remembrance Day (Yom Hashoah U'Mered HaGetatot) to be the 27th of Nissan. The name later became known as Holocaust and Heroism Day (Yom Hashoah Ve Hagevurah). One important educational activity is the March of the Living - an international program that brings Jewish teens from all over the world to Poland on Yom Hashoah, Holocaust Memorial Day, to march from Auschwitz to Birkenau, the largest concentration camp complex built during World War II, in Poland. The goal of the March of the Living is for these young people to learn the lessons of the Holocaust and to lead the Jewish people into the future vowing "Never Again". It is this conviction that led Israel, together with the United Nations and numerous other countries, to initiate in 2005 the "Holocaust Remembrance" resolution, which designates 27 January as an annual International Day of Commemoration in memory of the victims of the Holocaust – observed with ceremonies and activities at United Nations Headquarters in New York and at United Nations offices around the world.

82. In the domestic arena, Israel focuses on the prevention of racially motivated crimes through the use of comprehensive and complementary strategies, including through criminal and administrative tools focusing on the prohibition of public incitement to racist discrimination, violence or hatred; public racist insults or threats; public denial of the Holocaust; leadership or support of activities carried out by racist groups, political parties and movements; hate speech; criminal offences motivated by hatred.

83. Protecting ethnic minority communities from hate speech is the foundation of effective debate and dialogue in multi-cultural societies. The challenge of striking a constant delicate balance between ensuring freedom of expression and the prohibition of incitement, is one which Israel continues to face as a liberal democracy, applying the test of actual possibility and other safeguards as developed by extensive jurisprudence of Israel's Supreme Court.

84. In order to ensure an effective response to hate, violence and aggression, racism is widely defined in the Israeli *Penal Law 5737-1977*, as constituting persecution, humiliation, degradation, a display of enmity, hostility or violence, or causing violence against the public or

parts of the population, merely because of their color, racial affiliation or national ethnic origin. Israel *Penal Law* prohibits publication of racist incitement or possession of racist publications. However, publication of a true and a fair report of an act shall not be deemed an offense, on condition that it was not intended to cause racism. Furthermore, the 2002 Amendment to the *Penal Law* prohibits incitement to an act of violence or terrorism.

85. State Attorney Guideline No. 14.12 requires approval by the Deputy State Attorney, (Special Functions), to initiate investigations into matters of great public sensitivity, i.e. offences of incitement to racism, incitement to violence, hate offences, and other incitement offences. The Law also requires the Attorney General's approval to file an indictment for these offences.

86. The State Attorney's Office regards racial remarks against the Arab population as incitement to racism, and initiates criminal proceedings on their behalf. Criminal investigations have been conducted into a number of cases of incitement to racism against the Arab population, and indictments have been filed. Some of the cases were concluded with the defendants convicted as a consequence.

87. Hate crimes - Racial motivation is recognized as an aggravating circumstance in the Israeli *Penal Law*. Accordingly, racist and xenophobic motivation, as well as hostility based on religion, ethnic origin, sexual orientation, disability or on being a foreign worker, are to be taken into account as an aggravating factor by the courts.

88. In numerous instances of criminal offences motivated by hatred, investigations have been opened and indictments filed. An example of such a case is Cr. A. 9040/05, *Yitzhak Orion and Yehuda Ovadia v. The State of Israel*; in which the Supreme Court, on 7 December 2006, rejected an appeal filed against a judgment given by the Jerusalem District Court, which had convicted the two appellants of various charges of violence and assault of Arabs, and sentenced each of them to 3 years imprisonment, 6 months suspended imprisonment, and compensatory payments to their victim, in the amount of 7,500 NIS.

89. Israel further combats hate crimes through other constitutional, criminal and administrative provisions, such as its *Basic Law: the Knesset* which forbids any political party from running for election to the Knesset if, *inter alia*, its objects or actions, explicitly or by implication, show incitement to racism or denial of the democratic character of the State. In addition, the Knesset By-Laws forbid the submission of any legislative bills which, *inter alia*, are racist in content.

90. Under section 173 of the *Penal Law* a person who "publishes any printed, writing, picture or effigy calculated to outrage the religious feelings or belief of other persons", or who "utters in a public place and in the hearing of another person any word or sound calculated to outrage his religious feelings or belief" is liable to imprisonment of one year.

91. Under the *Second Television and Radio Authority Law* (1990), the holders of concessions for cable television services may not broadcast any material containing racial incitement, and they bear a duty to ensure that none of their broadcasts will be liable to incite discrimination on grounds of religion, race, nationality, ethnicity, lifestyle or origin.

92. The *Prohibition of Defamation Law* (1995) prohibits defamation of any group as such, including national, racial or religious groups. To the extent that such defamation, in each particular case, constitutes incitement to discrimination or hostility, it may fall under the provisions of the *Penal Law* as well.

93. The *Prevention of Terrorism Ordinance* (1948), makes it an offence to publish, in writing or vocally, any praise, support or encouragement to acts of violence that are likely to result in death or injury. The *Safety in Public Places Law* (1962) specifically prohibits racially motivated expression at sporting events. The Israeli Police has the authority to deny, restrict or place conditions on a demonstration permit due to the likelihood of incitement or violence having a racial or religious cast. In such cases, the formal reason for denial of a demonstration permit will be a concern for violation of public order and security.

94. In 1986, the Knesset enacted the *Denial of Holocaust (Prohibition) Law*, which prohibits denial of the Holocaust and the publication of expressions sympathizing with Nazi crimes. On September 2007, Israeli Police announced that it exposed a group of eight young men aged 16 to 21, suspected of Neo-Nazi activity, following an extensive under-cover investigation. The young Israeli men are suspected of abusing foreign workers and religious Jews, the burning and desecrating of synagogues, and also planning to harm groups of punks, homosexuals and drug addicts.

95. Israel continues to focus on the prevention of racist crimes through education and training. The education system regards the concept of preventing hate crimes and propaganda from a wider point of view which emphasizes the concepts of tolerance, pluralism, prevention of racism and improved attitudes toward foreigners. These concepts are part of special educational programs designated for school pupils of all ages aimed at exposing them to different groups within Israeli society. In addition, the pupils learn about the principles of democracy, the rule of law, human rights, rights of minorities and pluralism in the framework of civics lessons.

96. The Israeli Police has introduced educational programs for police officers in order to raise awareness. The activities accord knowledge and understanding of the characteristics of minority groups in Israel, including Arabs, immigrants, the homosexual community and persons with disabilities, and provide tools for professional, sensitive police work among these groups. The concept of "equal and suitable service in a multi-cultural society" was set as the annual education target for 2007.

97. Despite all efforts made by the State to prevent hate crimes, racist violence and crime remain a problem in Israel. In order to eliminate the phenomenon, Israel continues to implement its comprehensive and complementary strategies which, as noted, include education, legislation and penal action.

#### **D. State of Emergency**

98. A State of Emergency has existed in Israel since 19 May 1948, due initially to the basic threat and realization of hostilities directed by neighboring states, both aimed at Israel's existence. The on-going struggle against acts of violence and terrorism committed by extremist groups and individuals in centers of civilian life, including public markets and means of transport, has compounded the problem and obliged the Government to take measures to meet the exigencies of the situation, both for the defense of the State as well as for the protection of life and property. Such a need was addressed by the declaration and maintenance of the state of emergency, which included the exercise of powers of arrest and detention.

99. In 1992 the Knesset approved the *Basic Law: the Government* which provided that a state of emergency could only apply for one year and could only be renewed by vote in the Knesset. This altered the pre-existing situation in which a continuing state of emergency had

existed ever since the establishment of the State. Consequently, a state of emergency is no longer necessarily a permanent situation, but is subject to annual parliamentary debate and scrutiny.

100. 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 could not be executed immediately, as certain fundamental 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.

101. Following the present extension of the state of emergency, the Israeli Government and the Knesset have embarked on a joint program to complete the necessary legislative procedures required in order to end the state of emergency. As a result, measures toward removing the linkage to the state of emergency have been taken. Over the past few years, several laws have been amended, and they are no longer linked to the state of emergency, and a number of other bills are now before the Knesset. In addition, the *Military Service Law* (1951) was amended. As a result, none of its articles are now linked to the state of emergency.

102. Since January 2000, the Government has decided to ask the Knesset to extend the state of emergency for a reduced period of six months, and not for a year, the maximum period prescribed under section 49(b) of Basic Law: The Government, as was the former practice. In a recent petition to the High Court of Justice, there was a demand to pronounce the declaration regarding the existence of a state of emergency void, or alternatively, order that it is to be immediately terminated. The petitioners claim that the ongoing state of emergency poses a threat to democracy and to civil rights and that in the present circumstances it is no longer vital. At present, the matter is still pending before the High Court of Justice. The Government has submitted to the Court, upon its request, a comprehensive estimated schedule regarding the measures required in order to replace the acts of legislation linked directly to the state of emergency.

### **E. Reports to treaty bodies**

103. Israel attaches importance to the preparation of accurate, self critical periodic reports to the United Nations human rights treaty bodies, and to submitting them on time. Much effort and energy are devoted to ensure that the reports are drafted accurately and coherently, taking into account the recommendations made by the treaty bodies on previous sessions. In the endeavor to comply with the treaties' requirements for reporting, the Ministry of Foreign Affairs and the Ministry of Justice embarked in 1991 in a joint concerted effort to prepare Israel's periodic reports. The reporting burden places heavy demands on the institutional capacity, especially given the time pressure to meet the reporting deadlines to the various treaty bodies. Furthermore, throughout the initial phase of reporting to the United Nations treaty monitoring bodies, one of the main challenges was the development of expertise in the preparation of professional self-critical reports. Hence, since 2000, the Department for International Agreements and Litigation in the Ministry of Justice formulates these reports following extensive research, where Government Ministries as well as other relevant government institutions are asked to supply information and data concerning their areas of operation.

### **F. Death penalty**

104. Although the imposition of a death penalty formally exists in a limited number of extremely severe cases under Israel's criminal legislation, Israel has applied a *de facto* moratorium on executions, and with the exception of the Nazi war criminal Adolph Eichmann in

1962, who was convicted by the Magistrates Court of committing genocide under the 1950 Nazi and Nazi Collaborators (Punishment) Law. The death penalty has not been applied since. The most recent case in which the death penalty was an option, was that of John Demjanjuk, who, after having been sentenced to death for war crimes, genocide and crimes against the Jewish people, was acquitted in 1993 on appeal to the Supreme Court due to a reasonable doubt as to whether he was indeed “Ivan the Terrible” from the Treblinka death camp.

105. This policy complies with Israel’s obligations as a state party under United Nations human rights treaties, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the child and Israel’s sponsorship of United Nations resolutions in support of a moratorium on the imposition of the death penalty.

106. In theory, under Israeli law, the death penalty may be imposed in four exceptional instances: *the Nazi and Nazi Collaborators (Punishment) Law* (1950), the *Crime of Genocide (Prevention and Punishment) Law*, (1950), and under the *Penal Law*, and the *Military Justice Law*, (1955), for offenses constituting treason during armed hostilities.

107. Finally, the *Defense (Emergency) Regulations*, 1945, allow for imposition of the death penalty for offenses involving illegal use of firearms against persons, or use of explosives or inflammable objects with intent to kill or to cause grievous bodily harm (Regulation 58). In practice, however, the State Attorney’s Office does not request the death penalty, even for the most severe offenses.

108. Israel’s *Youth (Judgment, Punishment and Modes of Treatment) Law*, (1971), prohibits the imposition of the death penalty on any person who was a minor at the time the offense was committed (section 25(b)).

109. The death penalty in Israel can only be imposed when judges decide unanimously. Furthermore, in every case in which a death penalty may be imposed, the *Criminal Procedure Law [Consolidated Version]*, (1982), requires an automatic appeal to the Supreme Court, even if the defendant has not appealed the sentence or conviction (section 202). As with any other convicted person, a person sentenced to death has the right to petition the President of the State for pardon, clemency, or commutation of sentence.

### **G. National priorities**

110. Among Israel’s highest priorities is creating an environment of security and stability, through reaching peace agreements with its neighbors.

111. Reducing social gaps through combating social distress and poverty is another national priority, to be achieved by taking a range of actions to reduce unemployment rates and improving the public health system, and the components of the health basket in particular. Israel views a stable and growing economy as a national goal of the highest importance. Achieving maximal transparency in the state budget and its implementation, and the implementation of reforms in the budgetary process are important elements in this process. Continued immigration is an important component in the growth and prosperity of the economy and society in Israel, and in strengthening national security.

112. Reducing inequality and ensuring respect of civil right of citizens belonging to minority sectors continues to be a central priority. To this end, making an effort to the equal integration of non-Jewish citizens in the civilian society, and ensuring equality in access to education,

infrastructure and in receiving health care and welfare are an ongoing challenge; in particular, the increase of integration of women in the workforce, in the political and economic leadership of Israel, and Arab women in particular, in accordance with their skills and relative to their proportion in the population.

113. Raising public awareness in relation to human rights, including within the Establishment continues to be a principal task, together with the aim of reducing domestic violence, especially against women and children.

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