



GENEVA CENTRE FOR HUMAN RIGHTS ADVANCEMENT AND GLOBAL DIALOGUE

HUMAN RIGHTS COUNCIL / WORKING GROUP on the Universal Periodic Review of Israel– Fourth cycle

9 May 2023

Palais des Nations, Geneva

Israel's report was presented by Deputy Attorney-General for International Law at the Ministry of Justice, Dr. Gilad Noam and his delegation.

While introducing the delegation, Permanent Representative to UNOG H.E Ms. Meirav Eilon Shahar addressed the airstrikes launched on the Gaza Strip that have been taking place since the morning of the presentation of the report Tuesday 9th of May. According to the Israeli Defense Forces, the attack targeted Palestinian Islamic Jihad senior members at the heart of a residential area.¹ The Palestinian Authority's Ministry of Health reported that 12 citizens were killed and 20 were injured.²

Dr. Noam addressed the current political unrest over Israel's proposed judicial reform but noted that most of the proposed legislative amendments are only in their initial phase and that a public debate is being held among various political parties in order to reach a consensus.

In 2021 Israel joined the Council of Europe Convention on Action against Trafficking in Human beings. In 2018 Israel ratified the 2014 Protocol to the International Labour Organization Forced Labour Convention of 1930.

In June 2022, the parliament passed the Social Services for Persons with Disabilities Law. Israel was generally congratulated by delegation for its progress on this matter since the last UPR cycle, and was encouraged to continue its efforts

¹ "Operation Shield and Arrow" media updates, IDF [website](#) in Hebrew

² "Preliminary statistics of the Israeli aggression on the Gaza Strip", media update PA Ministry of Health [website](#)

Recommendations

Occupation of Palestinian Territories, the Syrian Golan and other Arab territories

- **End colonial practices and recognize the inalienable right to self determination of the Palestinian people, the establishment of an independent state.**

Cuba, Egypt, Islamic Republic of Iran, Kazakhstan, Malaysia, Namibia, Pakistan, Qatar State of Palestine*, Venezuela,

- **Lift blockade on the Gaza Strip**

Cuba, Democratic People's Republic of Korea, Malaysia, Spain, State of Palestine*, Switzerland, Venezuela

- **End the occupation of the Syrian Golan**

Democratic People's Republic of Korea, Kazakhstan, Switzerland, Arab Republic of Syria

Racism and Xenophobia

- **Set up laws and policies to combat racism and xenophobia.**

China, Colombia, France, Morocco, Paraguay, Republic of Korea, Uganda

- **and step up efforts to counter it in public discourse**

Albania, Côte d'Ivoire, Ecuador

The Republic of Korea also recommended incorporating the principle of equality and non-discrimination into its Basic Law, which serves as the countries constitution

South Africa recommended Israel "repeal all legislation enshrining racial discrimination, including Israel's Basic Law: Israel – National State of the Jewish People of 2018 (the Nation State Law) which it uses to justify the oppression and discrimination of Palestinians by Israel"

This law states that "the realization of the right to national self-determination in the State of Israel is exclusive to the Jewish People."³

Settlements

- **Halt the expansion of settlements and comply with its obligations under international law**

Australia, Denmark, Ireland, New Zealand, Pakistan, Qatar, Spain, United Kingdom

Jordan recommended to reverse the establishment of settlements while Mexico recommended curbing implementation of the amendments to the 2005 Disengagement Law

³ Unofficial translation, see :

<https://m.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>

Note that in March 2023, the parliament amended the 2005 Law for the Implementation of the Disengagement Plan, allowing resettlement in 4 locations in the northern West Bank.

- **Cease evictions and home demolitions, including as punitive measures and collective punishments against Palestinians**

Australia, Canada, Cuba, Democratic People's Republic of Korea, Mexico, Qatar, United Kingdom, Venezuela

- **Investigate and prosecute cases of settler violence to ensure those who commit these crimes are held accountable.**

Canada, Sweden

On the other hand, the United States of America specifically called for investigations irrespective of the identity of the perpetrators or the victims.

Rule of Law, Administration of Justice, Impunity and Policing

- **Ensure judicial independence and impartiality in light of the recently proposed set of legislative changes regarding the Supreme Court**

Belgium, Norway, United States of America

The set of legislative changes in question proposes to reduce the capacity of the Supreme Court to strike down legislation in many ways. Since the Supreme Court is the only organ that can rule over the legality of State decisions, these changes have prompted concerns from the international community and large protests in Israel.

- **Investigate and prosecute the excessive use of force, including lethal force against civilians, including on children.**

Belgium, Brazil, China, Costa Rica, France, Latvia, Liechtenstein, New Zealand, Pakistan, Poland, Qatar, Switzerland, Venezuela

- **Put a stop to the widespread practice of arbitrary arrest and detention**

Democratic People's Republic of Korea, Portugal

including administrative detention of Palestinians, including children

Luxembourg, Czechia, France, The Gambia, Germany, Ireland, Pakistan, Norway, Romania, State of Palestine*, Sweden

In situations of administrative detention, Israeli military can hold persons, including children based on secret evidence for renewable periods of six months without charge or trial. Israel hold 1016 administrative detainees according to the OHCHR:⁴

- **Criminalize and take immediate action against torture and ill-treatment**

Cuba, Cyprus, Ecuador, Ireland, Latvia, State of Palestine*

and remove the term of “necessity” as a justification for the crime of torture

Costa Rica, Poland

The concept of “necessity defense” is enshrined in Israeli Law and affirmed in 1999 by the Supreme Court acting as High Court of Justice which ruled that Israel Security Agency interrogator could use physical interrogation methods in certain situations.⁵

⁴ OHCHR Special Procedures - Press release – 3rd May 2023, consulted on the 10.05.2023

<https://www.ohchr.org/en/press-releases/2023/05/israel-un-experts-demand-accountability-death-khader-adnan-and-mass>

⁵ HCJ 5100/94 Public Committee Against Torture in Israel v the Government of Israel, (1999)

Religious Freedom and Religious Communities

- **Adopt norms and take measures to protect the rights of religious groups and religious freedom**

Argentina, Austria, Cameroon, Cuba, Egypt, Holy See*, Italy, Nigeria, Norway

- **Protect religious sites and provide access to communities**

Argentina, Greece, Venezuela

Bolivia, Holy See, Qatar, Malaysia, Syrian Arab Republic

- **and prosecute those accountable for desecration**

Pakistan

Human Rights Defenders and Freedom of Opinion and Expression, Freedom of Association and Freedom of Peaceful Assembly

- **Ensure that, civil society, including human rights defenders, can operate freely and without obstacles or undue restrictions**

Albania, Czechia, Denmark, Finland, France, Honduras, Latvia, Liechtenstein, New Zealand, Kingdom of the Netherlands, Norway, Panama, Paraguay, Republic of Korea, South Africa, Spain, Switzerland, United States of America, Uruguay

- **such as those imposed in connection with financing from foreign sources**

Argentina

- **including by reconsidering plans to impose new taxation on such groups**

Canada

- **Remove recognized Palestinian NGOs from the list of terrorist entities**

France, Namibia

The NGOs in question are Addameer, Al-Haq, Defense for Children International – Palestine, the Union of Agricultural Work Committees, the Bisan Center for Research and Development, and the Union of Palestinian Women Committees and were designated as terrorist organizations by the Ministry of Defense in 2021

Death Penalty

- **Abandon the pursuit of legislation to expand the use of the death penalty and establish a moratorium on death penalty and consider de jure abolition.**

Australia, Austria, Canada, Germany, Holy See*, Iceland, Italy, Spain, Switzerland

Note that legislation referred to above concerns a bill approved in preliminary reading at the parliament, which states that a person who is deemed to “intentionally or out of indifference causes the death of an Israeli citizen when the act is carried out from a racist motive or hate to a certain public”⁶ should face a death sentence. Also note that within Palestinian Occupied Territories, Palestinians are tried in Israeli military courts which can impose death sentences.

⁶ “Approved in preliminary reading: Bill instituting death penalty for terrorists” Knesset News – March 1, 2023, consulted on the 10.05.2023

Women's Rights and Women's Participation in Civil and Political Life

- **Take further steps to promote the inclusion of women at all decision-making positions**

Azerbaijan, Cameroon, Colombia, Republic of Moldova, Viet Nam,

- **Take further concrete steps to reduce the pay gap between women and men**

Bulgaria, Costa Rica

- **Take measure to combat gender-based violence against women and domestic violence.**

Brazil, Cabo Verde, Czechia, Georgia, Greece, Iceland, Kazakhstan, Panama, Ukraine, Viet Nam

Brazil recommended the establishment of a National Action Plan on Domestic Violence

Human Rights Instruments, Mechanisms and Institutions

- **Establish a National Human Rights Institution in alignment with the Paris Principles**

Côte d'Ivoire, India, Kenya, Latvia, Nepal, Senegal, Zambia

- **Fully cooperate with UN Human Rights mechanisms and allow access to Israel and Occupied Palestinian Territories to OHCHR staff.**

Burkina Faso, Jordan, Latvia, Liechtenstein, Malaysia, Pakistan, Panama, Paraguay, Portugal, Spain, State of Palestine*, Switzerland, Syrian Arab Republic

- **Ratify the International Convention for the Protection of all Persons from Enforced Disappearance**

Argentina, Colombia, the Gambia, Honduras, Paraguay, Peru, Senegal, Togo, Venezuela

- **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

Colombia, the Gambia, Honduras, Paraguay, Sri Lanka, Togo

- **Ratify the Rome Statute of the International Criminal Court**

Ecuador, Latvia

- **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

Colombia, Iceland, Paraguay, Togo

* Non-Member State