



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the fourth periodic report of Israel (CCPR/C/ISR/4) adopted by the Human Rights Committee at its 105th session, 9-27 July 2012*

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/ISR/CO/3), including any necessary statistical data.

Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations

Constitutional and legal framework within which the Covenant is implemented (art.2)

4. With reference to the Committee's previous concluding observations (para. 5), please provide updated information on developments aimed at ensuring the full application of the Covenant in Israel, as well as in the Occupied Palestinian Territory, including East Jerusalem and in the Occupied Syrian Golan.
5. Please indicate any step taken to include the principle of equality and non-discrimination in the Basic Law: Human Dignity and Liberty, and to repeal any discriminatory laws. How are allegations of discrimination brought before the State party's domestic courts dealt with in practice? Please indicate measures taken by the State party to

* The present list of issues was adopted by the Committee at its 105th session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant

ensure that the principle of equality and non-discrimination is applied to both Israeli settlers and Palestinians.

Right to privacy, right to participate in public life, right to equality and non-discrimination and rights of persons belonging to minorities (arts. 2, 17, 25, 26 and 27)

6. In light of the Committee's previous concluding observations (paras. 17 and 24) and in order to guarantee minorities' rights, especially those of Palestinians and Bedouins, please provide updated information on measures taken:

(a) To cease the practice of the collective punitive demolition of houses and private property;

(b) To review the State party's housing policy and the issuance of construction permits, to ensure that municipal planning systems are not discriminatory and to increase the legal construction of houses for minorities in the West Bank and East Jerusalem;

(c) To recognize and promote the Bedouin population's right to ancestral land and traditional livelihood (follow-up analysis on paragraph 24, CCPR/C/105/2). In this regard, please provide detailed information on the situation of the unrecognized Arab-Bedouin villages and indicate measures that have been taken to stop the demolition of houses and indicate whether the State party envisages withdrawing the 2012 proposed Law for the Regulation of the Bedouin Settlement in the Negev;

(d) To ensure the Bedouin's and Palestinians' access to health services, education, adequate housing, water and sanitation. In particular, please indicate how does the State party ensure that it supports the livelihoods of farmers and fishing communities in the context of the military blockade of the Gaza Strip?

7. Please indicate efforts made to ensure that the State party's public administration services are fully accessible to all linguistic minorities. What measures have been taken to ensure linguistic rights of Arab citizens of Israel? Please further indicate to what extent the State party has been promoting cultural rights in Israel and the Occupied Palestinian Territory, including East Jerusalem and in the Occupied Syrian Golan.

8. Please provide information on steps taken by the State party to ensure:

(a) Equal representation of Jewish and Arab citizens in the civil service, in particular in decision-making positions. In this regard, please inform the Committee of the outcome of the Government's employment-policy and on cases of discrimination in employment against Arab Israeli citizens addressed by the courts or the labour inspection service;

(b) Equality in access to education between Jewish and Arab citizens, in particular in higher education where Arab citizens still face challenges to be accepted;

(c) The right of every citizen to participate in public life. In this regard, please comment on cases where political leadership of the Arab minority faces continued and severe attacks and harassment, including Members of Knesset (cases of Members of Knesset Sa'id Naffaa, Mohammed Barakeh, Haneen Zoabi and Ahmad Tibi.)

9. Please provide information on access by all residents of the Occupied Palestinian Territory, including East Jerusalem, and of the Occupied Syrian Golan to natural resources, such as agricultural land and adequate water supplies. What measures have been taken to allow the construction of water and sanitation infrastructure, including wells? Please also provide information on how the State party addresses the issue of sewage and waste water in the Occupied Palestinian Territory, including East Jerusalem and in the Occupied Syrian Golan emanating from Israel.

10. Please provide information on the measures taken to ensure that asylum seekers are not discriminated against on the basis of their national origin and to provide refugees with the protection guaranteed under the 1951 Convention relating to the Status of Refugees in particular asylum seekers and refugees of African origin. Please also indicate whether the State party envisages amending the Law to Prevent Infiltration to respect the principle of non-discrimination. Please indicate which measures are taken to investigate cases of brutality and violence against asylum seekers by police and immigration authorities and to prosecute those responsible.

11. Please indicate how the State party ensures the full application of the principle of equality between women and men, in particular with respect to Israeli Arab women and women belonging to minorities. Please indicate what action was taken by the State party following the event in Beit Shemesh, where a number of women were attacked by a group of ultra-orthodox men.

State of emergency (art. 4) and derogations from international standards

12. With reference to the Committee's previous concluding observations (para. 7), please provide detailed and updated information on the progress made to review the legislation governing the state of emergency and the declaration made under article 4 of the Covenant. How does the State party refrain from using administrative detention and ensure that administrative detainees are afforded, in practice, all the fundamental safeguards, including the rights to have prompt access to a lawyer, to have an independent medical examination, to notify relatives and to receive visitors. What measures have been taken to ensure that detainees are systematically informed about their rights from the very outset of their deprivation of liberty, in a language that they understand, and are promptly brought before a judge?

Right to life (art. 6)

13. In order to minimize the adverse effects on the civilian population living in Gaza Strip, in particular on their access to medical care and sufficient drinking water and adequate sanitation, please indicate which measures have been taken to lift the military blockade of the Gaza Strip (follow-up analysis on paragraph 8, CCPR/C/105/2). In light of the previous concluding observations (para. 8) and the follow-up analysis, please comment on the Committee's concern relating to the Turkel Commission and the Panel of Inquiry.

14. In light of the previous recommendation by the Committee (para. 9), please indicate whether the State party has launched credible and independent investigations into all allegations of excessive use of force by the Israeli forces, in particular the Israel Defense Forces (IDF), against Palestinian civilians and demonstrators, particularly in the Gaza Strip and at checkpoints in the Occupied Palestinian Territory, including East Jerusalem. Please also provide information on measures taken to ensure that the perpetrators are promptly prosecuted and punished. Please provide updated information in particular on investigations related to "Operation Cast Lead" and other recent incidents such as the case where a family had been confined to a house and the house was subsequently shelled by members of the Israeli Defense Forces.

Prohibition of torture, right to liberty and security of person, treatment of persons deprived of their liberty and fair trial (arts. 7, 9, 10, and 14)

15. Please provide information on legislative measures envisaged or taken to incorporate the crime of torture in the legislation in conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 7 of the Covenant and to remove any justification of torture, including the notion of "necessity" (follow-up analysis on paragraph 11, CCPR/C/105/2). Please provide information on how

the State party ensures that all allegations of torture are examined in light of the Istanbul Protocol and confirm whether the transfer of the Inspector for Complaints against the Israel Security Agency (ISA) to the Ministry of Justice has taken place as announced in November 2010 by the Attorney General.

16. Please indicate any measures taken to ensure that all alleged cases of torture, ill-treatment and disproportionate use of force by law-enforcement officials including with respect to detained children, are promptly, impartially and thoroughly investigated by an independent body, that those found guilty are punished with appropriate sentences, and that compensation is provided to victims and their families. Furthermore, please provide more detailed information on the Draft Bill on Criminal Procedure Law that would exempt security services from recording interrogations in cases involving security offences.

17. Please provide detailed information on efforts made to end the practice of administrative detention and whether the State party envisages withdrawing its derogations from article 9 of the Covenant. Please also indicate any measures taken to ensure that civilians are not tried before military courts and provide information on cases of ill-treatment of detainees and arbitrary detention, in particular in cases of “shabah” and beatings.

18. Please provide updated information on progress achieved in reducing violent acts by Israeli settlers. Can the State party comment on the information that violent acts from settlers against Palestinians have taken place with the acquiescence and sometimes active involvement of members of the Israeli Defense Forces? In view of ongoing reports that settlers are not prosecuted or punished for their violent acts at Palestinians, please update the Committee with detailed information on how the State party has conducted investigations, how many settlers have been prosecuted and punished and on the remedies provided to victims.

19. Please provide detailed and updated information on concrete efforts by the State party to ensure that measures taken to respond to threats of terrorism are in line with the Covenant. Please specify whether the State party has reviewed its legislation to comply with the requirements that definitions of terrorism and security suspects be precise, and that the maintenance of national security be in full conformity with the Covenant. Please provide any new legal safeguards and remedies available to suspects, detainees or victims of terrorism and whether and when the State party envisages repealing The Detention of Unlawful Combatants Law as amended in 2008.

Freedom of movement (art. 12)

20. Referring to the Committee’s previous concluding observations (para. 14), please provide information on measures taken by the State party to ensure the issuance of valid permits for all long-term residents in the West Bank, to refrain from expelling long-term residents of the West Bank to the Gaza Strip on the basis of their formal addresses in the Gaza Strip and to allow Palestinians to travel between the Gaza Strip and the West Bank. Please also indicate whether the State party envisages reviewing military order Nos. 1649 and 1650 to ensure that any person subject to a deportation order is heard and may appeal the order to an independent and judicial authority. Please indicate any steps taken to allow and facilitate the displaced persons of the population of the Occupied Syrian Golan to return to their homes and to recover their property.

21. In light of the Committee’s previous concluding observations (para. 16), recalling the 2004 Advisory Opinion of the International Court of Justice, please indicate which measures have been taken to refrain from constructing settlements in, or transferring its population to, the Occupied Palestinian Territory, including East Jerusalem, to stop the construction of a “Seam Zone” by means of a wall to guarantee the right to freedom of

movement and to prevent and eradicate all practices of segregation which affect the Palestinian population. What measures have been taken to put an end to further resettlements in the Occupied Palestinian Territory, including East Jerusalem?

Freedom of religion, conscience and expression, right to peaceful assembly (arts. 18, 19 and 21)

22. In view of the Committee's previous concluding observations (para. 20), please indicate any steps taken by the State party to protect the rights of religious minorities and to ensure equal and non-discriminatory access to places of worship for Christians and Muslims by avoiding restrictions of movement such as checkpoints, earth mounds, road blocks, trenches and road gates especially in Jerusalem and in the Occupied Palestinian Territory. Please also provide information on measures taken to preserve and protect Muslim and Christian religious sites.

23. How does the State party ensure that the "Committee for Granting Exemptions from Defence Service for Reasons of Conscience" works independently and that persons submitting applications on the grounds of conscientious objection have the right to appeal the Committee's decision? Please also provide information on any step taken to cease repeated imprisonment for refusal to serve in the armed forces, in line with the principle of *ne bis in idem*.

24. Please provide detailed and updated information on the situation of human rights defenders' freedom of association and freedom of opinion and expression. In light of the recent decision of the State party to allow a Palestinian human rights defender to travel abroad from the West Bank, please indicate whether the State party envisages revoking definitively its travel ban. Please provide detailed information on the new Israeli anti-boycott law and its compliance with the right to freedom of conscience, expression and opinion. Please also provide information on the "Foreign Funding Law", adopted on 2 March 2011 and specify what measures have been taken or are envisaged to revise these laws in accordance with the Covenant, in particular articles 18, 19 and 21.

Protection of the family (art. 23)

25. Please provide information on measures taken to revoke the Citizenship and Entry into Israel Law (Temporary provision) and to review the State party's policy with a view to facilitating family reunifications for all citizens and permanent residents without discrimination in particular Syrian residents of the Occupied Syrian Golan, who are particularly affected by the issue of family separation. Please provide information on measures taken by the State party to reinstate the family visit programme supported by the International Committee of the Red Cross, for prisoners from the Gaza Strip. Please also indicate measures taken to enhance the right of prisoners suspected of security-related offences to maintain contact with their families, including by telephone. Please also provide information on steps taken to ensure the right of Israeli citizens and residents of East Jerusalem to marry or live with a Palestinian partner.

Rights of the child and equality before the law (arts. 24 and 26)

26. In light of the previous Committee's concluding observations (para. 22) and its follow-up analysis (CCPR/C/105/2), please provide information on measures taken by the State party:

(a) To ensure that children are not tried as adults in the Juvenile Military Court and to establish a separate court for juveniles at the expiration of the Amendment of the Security Provisions Order on 29 September 2012.

(b) To ensure that children are only detained as a measure of last resort and for the shortest possible time, to guarantee that proceedings involving children are audio-visually recorded and that their rights to a fair trial and fundamental safeguards are guaranteed.
