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Summary record of the 37th meeting

Held at the Palais Wilson, Geneva, on Thursday, 17 November 2011, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3 p.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (agenda item 6) (*continued*)

Third periodic report of Israel (continued) (E/C.12/ISR/3); core document (HRI/CORE/ISR/2008); concluding observations of the Committee on the second periodic report of Israel (E/C.12/1/Add.90); list of issues (E/C.12/ISR/Q/3); written replies by the Government of Israel to the list of issues (E/C.12/Q/3/Add.1)

1. *At the invitation of the Chairperson, the delegation of Israel resumed its places at the Committee table.*

2. **Ms. Ben-Ami** (Israel) said that a significant amount of humanitarian aid reached the Gaza Strip. Every day one ton of food and other essentials, such as medicines and school supplies, arrived and was channelled through humanitarian organizations and private sector companies. The Israeli humanitarian system thus ensured food security in the territory. Despite the policy of aggression until recently by Hamas, Israel had endeavoured to improve the humanitarian situation and living standards in Gaza, which had brought about economic recovery in the territory. The unemployment rate was at its lowest level for 10 years. Exports, particularly in the agricultural sector, had risen, and imports had increased substantially. Some 238 tons of building materials had been delivered to Gaza for international construction projects, and legislation to allow entry of the materials for private use had recently been approved.

3. As far as the West Bank was concerned, there had been economic growth of 8 per cent in 2009, and macroeconomic conditions had improved thanks to economic support measures taken by Israel. Such growth had resulted in an improved quality of life for the Palestinian population in the territory. The number of residential and commercial construction projects had increased and the West Bank had opened a stock exchange – the second in the region. With regard to movement restrictions imposed on Palestinians, many checkpoints had been removed following the improvement of the security situation between Israel and the West Bank, and there were now only 14. In 2009, more than 4,000 work permits for Israel had been granted to Palestinians from the territory. Infrastructure projects had also been launched in the West Bank, particularly in the electricity sector, for sanitation and access to water.

4. **Mr. Gottlieb** (Israel) said that a comprehensive study of food security in Israel was being carried out in cooperation with the National Insurance Institute. According to data already available, there had been little change in the situation. There was food insecurity in the country, since a small segment of the population faced food shortages, but there was no famine. His Government would transmit the results of the study as soon as possible. Poverty in Israel was a relatively serious problem, if one compared the situation in the country with that of other member countries of the Organization for Economic Cooperation and Development (OECD). To combat the problem, the Government had approved the recommendations of the Trajtenberg Committee on the middle class and the poorest classes, and had decided to pay additional benefits to persons who received low wages as of 2012. The poverty rate had declined somewhat since 2010, although it was still relatively high. For example, the rate for families had fallen below the threshold of 20 per cent to 19.8 per cent. Poverty had also declined a little bit within the Arab community, although it remained above average. Tax rates for individuals and businesses had been raised slightly, and a scheme to cut taxes for the richest sector of the population had been abolished to provide additional State revenue. It would be earmarked for social benefits and social expenditure in general.

5. **Mr. Fried** (Israel) said that sex education was part of the school curriculum throughout compulsory education. In secular and religious Jewish schools, such courses were taught under a specific subject. The Arab population handled the matter differently according to the region concerned. For example, among the Druze and Bedouin populations of the north, sex education was the responsibility of the psychological advisory unit, but among the Bedouin population in the south, it was taught mainly by school counsellors in schools, and separate classes were held for boys and girls. In the south, the Ministry of Education planned to reform sex education classes and was holding consultations for that purpose with all stakeholders. The law providing for the free provision of a hot and balanced meal to children on a daily basis had come into force in 2005 and was specifically targeted at low-income areas. The programme was supported by the Government and local communities and parents contributed to it according to their socio-economic status. The programme was run in kindergartens and schools, including in Arab areas, and currently involved 75,000 children.

6. **Mr. Feldman** (Israel) said that the integration of communities inhabited by minorities into mixed commercial and industrial areas was intended to promote the development of business by businessmen who were frustrated by the lack of infrastructure and resources. The integration of the communities into a larger industrial area would also create new jobs in disadvantaged areas.

7. **Ms. Rubinstein** (Israel) said that her Government supported the memorandum of understanding signed between the Magen David Adom (Israeli emergency and ambulance service) and the Palestine Red Crescent Society in November 2005 and insisted on the two parties implementing the agreement. According to a report by the International Committee of the Red Cross, in January 2011, ambulances served the residents of East Jerusalem, including 60,000 residents who lived on the other side of the wall in the West Bank and who had access to all hospitals in the city. Furthermore, in November 2011, the National Security Council had examined the integration issue and the establishment of procedures for transferring emergency patients, and the State was committed to doing everything in its power to facilitate emergency medical care for all.

8. **Ms. Tene-Gilad** (Israel) said that the Municipality of Jerusalem had approved many plans for the construction of housing in order to meet the needs of the Arab population up until 2020. She emphasized that the planning services were trying to involve residents from the neighbourhoods concerned in the planning process and that several members of the local communities of East Jerusalem had received favourable responses to their requests. Demolition of housing was conducted in accordance with relevant international standards. In the past 18 months, only five buildings had been demolished in East Jerusalem: they had been isolated buildings which had represented an obstacle to public order. In the western districts, there had been more demolitions, with 64 buildings affected in 2011. Any person who filed an application to suspend a demolition order had the right to appeal in the event of refusal. Applications were considered regardless of race or ethnic origin. The Municipality did not carry out demolition orders for schools or mosques, but when such buildings were illegal, fines were imposed. The Ministry of the Interior had also made an effort to promote planning projects in Arab communities with the aim of improving their quality of life, including through the expansion of residential areas and the development of infrastructures. Two members of the Goldberg Committee were members of the Bedouin community who had participated in the planning process, and Bedouin chiefs took part in the work of the Committee in certain areas. The plan to follow up on the Goldberg Committee's report, approved by the Government in September 2011, included a section on cooperation with the Bedouin community. The position of the State of Israel was that the Bedouin were not an indigenous people, but Israeli citizens.

9. **Ms. Shmueli** (Israel), on the subject of family reunification, said that since the end of 2000, Israel had been affected by many terrorist attacks and that Palestinians from the West Bank and Gaza had provided increased assistance to terrorists. Some of them had an Israeli identity card and had started family reunification procedures, which had enabled them to move freely between the West Bank, Gaza and Israel. To avert any risk, the Government had decided to temporarily suspend granting legal residency to such persons in Israel. Legislation had been adopted to that end; it provided for exemptions, including for humanitarian or medical reasons, for employment purposes or other temporary grounds, for a period of up to six months. It stipulated that a request could be refused if the Minister of the Interior considered that there was a security risk. Since September 2005, some 632 applications for family reunification had been refused on the grounds that the applicant was a terrorist, a member of a terrorist organization, connected with or abetting a terrorist organization, or in contact with a member of a terrorist organization.

10. Civil marriage had been recognized by the Supreme Court since 2006 in keeping with private international law. Same-sex marriage could be registered if the marriage was pronounced in a country that allowed it. Couples with no religious affiliation could apply to be entered in the spousal relation register as a couple that had entered into a spousal covenant, in other words, if they were committed to living together and having a family. Petitions for divorce were received from as many men as women. It was the responsibility of the rabbinical courts and the family matters courts to grant a divorce and decide on the type of custody, visiting rights and all the necessary arrangements after hearing both parties. Psychologists and social workers and social welfare officers assisted families throughout that process. She emphasized the fact that there was no provision prohibiting a parent from leaving the country. However, the court could issue an order preventing one parent from leaving the country until all the details relating, *inter alia*, to custody or alimony had been settled.

11. **Mr. Mirkin** (Israel) said that most of the approximately 12,000 divorces that took place each year were settled amicably. The redistribution of roles within the family observed during the last decade had, among other things, increased the number of recommendations for joint custody (778 in 2010 as compared with 309 in 2009). The Ministry of Social Affairs and Social Services intervened when the parents failed to reach agreement. It drafted a report, submitted as an expert opinion to the competent court, specifying the needs and best interests of the child. Divorce by no means deprived the parents of their authority and their role, as defined in the 1962 Legal Capacity and Guardianship of Children Law. All decisions concerning the child must be approved by both parents. In the event of disagreement, the court hearing the case would always take a decision in the best interests of the child, who was never deprived of a parent. Fathers' associations had taken part in the meetings of the committees established to deal with post-divorce issues. There were no grounds to assert that the 150 suicides of men aged 25 to 65 each year in Israel were directly related to divorce. Not all the men against whom restraining orders had been issued were fathers.

12. A new bill on food security was being drafted and 7 million new sheqalim (NIS) had been allocated to that end in 12 local communities. A network of non-governmental organizations (NGOs) and a computer system had been set up for that purpose. The Ministry of Social Affairs and Social Services monitored the situation of the homeless closely.

13. **Ms. Tene-Gilad** (Israel) said that article 126 of the Criminal Code prohibited polygamy, which was punishable by a prison sentence of 5 years; several departments, including the Ministry of Education, tackled such cases, which had totalled 15 in 2010, some 8 of which had been referred to the prosecution service. She emphasized that the Bedouins were Israeli citizens who participated in the civil life of the country and that NIS

1.2 billion had recently been released for economic development, infrastructures, employment, public safety, educational institutions and community services.

14. The Ministry of Justice, and the competent authority in each sector, regularly reviewed standard contracts to ensure that they did not contain unfair working conditions. Standard contracts could be amended only by the competent courts. Particular attention was paid to the issue of sexual violence and sexual harassment. The Authority for the Advancement of the Status of Women carried out awareness-raising activities and training on such issues with the authorities concerned and the population at large. The marriage of minors was a criminal offence punishable by a 2-year prison sentence or a fine. It could only be authorized by the Ministry for Family Affairs under certain circumstances, for example, if a girl aged under 17 wanted to marry the father of her child.

15. Many measures had been put in place to protect the victims of domestic violence, including the adoption of protection orders, the imposition of long prison sentences or the recognition of the rights of the victims fully involved in the criminal proceedings. In 2008, more than 2,000 investigations had involved domestic violence. Police officers received training in such matters, in cooperation with NGOs, and public-awareness campaigns were conducted with the population as a whole. Women who were victims of violence were usually interviewed by women police officers. There were around 60 centres for the prevention of domestic violence and for handling domestic violence cases. There were also special centres for the Arab, Bedouin and Orthodox Jews, as well as centres for victims with disabilities.

16. Cases of sex tourism were very rare and only one case of trafficking of a child aged 15 years had been reported since 2000. Trafficking had been prohibited by law since 2001; in 2006, a new law criminalizing it had been adopted. The penalty for trafficking ranged from 16 to 30 years' imprisonment. Between 2003 and 2005, there had been nearly 3,000 victims of trafficking; while, in the last three years, no cases had been reported, which showed that the efforts of the authorities, namely the implementation of two national plans and coordination between the relevant authorities, had yielded results. Over the past two years, migrant women who were trafficking victims, mostly from African countries and trafficked generally by Egyptians, had entered Israel through the Sinai desert. The State provided accommodation for the victims in a special shelter and offered them free legal assistance.

17. **Mr. Sadi** said that he must stress the importance of the water crisis in the Gaza Strip — to which Israel had in some measure contributed — the issue of water sources and the pollution of the Gaza aquifer that deprived people of their right to fish. It was regrettable that fishermen from Gaza were subject to a limit of only 3 nautical miles. He would like to know the long-term goal of Israel for Area C.

18. **Mr. Abdel-Moneim** asked whether poverty, which undermined the enjoyment of economic, social and cultural rights, was the result of a shortage of resources or a poor allocation of resources. He requested the delegation to comment on the social implications of the statistics and to elaborate on the taxation of top earners.

19. **Mr. Schrijver** (Rapporteur for Israel) asked what the effects of the privatization of public services had been on the enjoyment of the right to social security and the right to adequate housing enshrined in the Covenant.

20. **Ms. Barahona Riera** said that she would like to know whether domestic violence had been criminalized or whether violent acts committed within the family were punishable under other criminal provisions, like sexual harassment.

21. **Mr. Karin** (Israel) said that, in 1994, the water supply to the Gaza Strip had been placed under the responsibility of the Palestinian Authority, which since then had sole

control over it de jure and de facto. The Gaza aquifer was totally independent; Israel had no influence of any kind over the Palestinians' water reserves, and the reduced water quality observed was attributable only to the Palestinians' management of the reserves, and in particular to the 6,000 wells that had been dug illegally since 2005.

22. Gaza's territorial waters posed a grave threat to Israeli security because weapons and terrorists were transited through them. Aware that fishermen from Gaza suffered from the restrictions imposed on navigation for security reasons, the Israeli Government ensured the consistent application of the principle of proportionality when adopting restrictive measures in that area.

23. **Mr. Mirkin** (Israel) said that Israel was desperately short of resources and therefore could not invest in public services, which were poorly run and not sufficiently equipped to provide the required quality or meet the needs of the population, which explained the partial privatization of a number of health facilities. The Ministry of Social Affairs and Social Services had drafted recommendations following consultations with NGOs and other civil society partners, that had highlighted the need to provide small communities with local services, to develop a policy to assist families, to draft specific regulations governing social benefits and, lastly, to evaluate the results of the implementation of policies and actions. A committee had also been established to draft strict regulations governing the privatization of public services.

24. **Ms. Tene-Gilad** (Israel) said that acts involving domestic or sexual violence against women constituted an aggravating circumstance of certain crimes or offences under the Criminal Code. For example, article 351 of the Criminal Code relating to the rape and sodomy of a minor raised the term of imprisonment from 16 to 20 years if the offence was perpetrated by a family member. Other articles of the Criminal Code provided for heavier penalties when the offender was a relative of the victim.

Articles 13 to 15 of the Covenant

25. **Mr. Kerdoun**, referring to statistics, said that the situation of Arabs in Israel was alarming: high unemployment; low educational level; very few university graduates (probably due to the fact that only 3 per cent of the Arab population started university studies, compared with 9 per cent of Jews); shortage of 9,000 classrooms and 80,000 hours of class in the Arab education system; school dropout rate more than double that of Jewish students; high percentage of people — 80,000 — lived in unrecognized villages with primary school only. He was not very convinced by the written reply from the State party to question 32 of the list of issues that the high dropout rates of Arab students was because such children, from poor families, were forced to leave school to contribute to the family income. He questioned the effectiveness of measures taken by the State party to combat the phenomenon and sought the view of the Israeli delegation on the matter. The delegation might also wish to explain the reasons for the large gap between the dropout rate of Jewish students (5.4 per cent) and Arab students (12.5 per cent) within the 15–17 year age group.

26. He would also like to know what action the Government of Israel had taken on the Supreme Court ruling ordering it to establish, within five years, universities with instruction in Arabic. In particular, what immediate and temporary measures had been taken to fill the gap pending the completion of their construction? Lastly, he would welcome a clearer answer to question 36 of the list of issues, which requested the State party to indicate the measures taken to guarantee the right to education for Palestinian children living in the Occupied Palestinian Territory.

27. **Mr. Abdel-Moneim** said he regretted that the leading figures in arts, culture, literature and poetry were not mentioned in the part of the report dealing with culture. Noting that only 40 per cent of Jews had Hebrew as their mother tongue, he wished to

know the views of the Israeli delegation on what some called the “monocentric language policy” in the State party. Finally, while recognizing the persistence of worldwide anti-Semitism, which must always be fought, he asked whether the State party would do better to ensure that the media broadcast a culture of peace rather than perpetuating one of fear.

28. **Mr. Marchán Romero** said that the Praver Plan which consisted in confiscating the land of the Arab Bedouin communities to build Israeli settlements — without the prior consultation of parties concerned — would lead to the forced displacement of some 40,000 people and constituted a flagrant violation of the Covenant. He recalled that to deprive an indigenous people of its ancestral lands amounted to depriving it of its identity, and that any compensation offered should be material (allocation of other lands) or financial.

29. Noting that the State party did not recognize the Bedouins as an indigenous people, he explained that, under the right to self-determination, it was for the communities themselves to declare that they were indigenous and that ancestral lands belonged to them. There would not be very many communities like that in the world if it was up to States to officially recognize them.

30. He invited the Israeli delegation to refer to the Committee’s general comment No. 21 of 2009 on the right of everyone to participate in cultural life (article 15, paragraph 1 (a) of the Covenant). Lastly, he would like to know whether the State party had drafted a national action plan to promote and preserve the cultural heritage of the many minorities that made up the country, and whether members of those minorities could all enjoy, without discrimination and under equal conditions, their rights under the Covenant.

31. **Mr. Sadi** said that he would like to know whether the State party intended to set up an integrated school system that would end the separation of Arab and Jewish pupils and would be a means of reconciliation, mutual understanding and peace

32. **Mr. Lenk** (Israel) said that the State of Israel did everything in its power to ensure the integration of the Bedouins into society, from which it had much to gain.

33. **Mr. Karin** (Israel) said that for 15 years it had been the responsibility of the Palestinian Authority to devise its education policies, appoint teachers and draft curricula and textbooks in the Gaza Strip. If he was not mistaken the Committee would not wish such responsibilities to be entrusted to the military authorities in the Gaza Strip. He stressed the fact that Israel guaranteed Palestinian students full enjoyment of their right to education and that they were therefore not stopped at crossing points into the Gaza Strip.

34. **Ms. Ben-Ami** (Israel) said that 38 per cent of the 160 projects being carried out in the Gaza Strip with the assistance of the international community — where one major donor was the United States Agency for International Development — related to education, which reflected the importance attached to the matter. As part of various projects under way, 42 schools should be built in the coming years.

35. **Ms. Tene-Gilad** (Israel) said that high schools and universities were open to all, without distinction as to religion or ethnicity. There were already two high schools in the Arab sector, which offered courses in Arabic and a specialized curriculum on issues concerning the Middle East. The Arabic Language Academy had been established in Haifa in 2007; it offered language courses, conducted research into Arabic and Arab culture and cooperated with the Ministry of Education and other academic institutions, including the Academy of the Hebrew Language, to develop synergies and to promote bilingual education. Moreover, three mixed schools had been established between Jerusalem and Tel Aviv, where some 850 Arab and Jewish students were enrolled and studied side by side.

36. **Mr. Lenk** (Israel) said that Arabic was a compulsory subject for Israelis whose first language was Hebrew, and that students very often kept up the subject after the end of their compulsory education, given the importance for them to be fluent in that language.

37. **Mr. Fried** (Israel) said that the Ministry of Education allocated its resources without any discrimination based on the type of population, ethnicity, religion or nationality. In some cases, the Ministry favoured socio-economically disadvantaged sectors of society, which included the Arab and Druze sectors. Each year, approximately US\$ 22 million was allocated to education programmes for the Arab, Druze and Circassian communities. The Government was working to improve the level of education in Israel by implementing targeted measures for the Arabic-speaking population. There were also programmes to assist young graduates who wished to continue their studies and to help students who had failed some exams to obtain a diploma. In international assessments of academic results, Israel was often at the bottom of the table. The educational level of students in Israel was one of the lowest among OECD countries and major disparities existed at the national level. That was why Israel was devoting substantial resources to improving academic results. While it was rather too soon to measure the effect of such a policy, in 2011, there had been an increase of 7 per cent in Arab graduates, compared with 2008–2009. Arab students scored better results in certain subjects thanks to greater resources allocated to them and efforts made to improve the command of mother-tongue Arabic. A new curriculum for kindergartens had been adopted and financial resources were being set aside so as to improve children's skills.

38. A major reform had been undertaken three years previously in primary and secondary education. One of the most important new methods it had introduced was the option for students to study in small groups in order to address their shortcoming. Classes had been split for priority courses, including courses in Arabic. Efforts were being made to improve the skills of teachers, who must have a basic knowledge of Arabic. Students who wanted to become teachers received greater supervision resulting in more Bedouin teachers. The number of graduates of higher education had increased by 2.2 per cent in 2010 for all students, and by 3.3 per cent for the Arab population. There were also more Arabs applying for entrance to university. The gap between the educational attainment of the Arab population and the Jewish population had been significantly reduced. Indicators had been refined in order to compare the results of Jews and Arabs from the same socio-economic category, which showed that the results were balanced. The Ministry of Education's current focus was on vocational training, which had been neglected in recent years. Additional technical courses were now available and there was a programme to promote the professional integration of students in industry. There were many Arab-speaking students on such training courses.

39. Regarding children dropping out of school, statistics showed that in 1991, some 99.1 per cent of Jewish children aged 5 to 17 years had been enrolled in school, compared with 97.8 per cent of Arab children. According to a Knesset report, dropout rates had declined in the last two years following the adoption of legislation on education making eleventh and twelfth grades compulsory. In recent years, the dropout rate had decreased within the Bedouin community, particularly in Abu Basma, thanks to the construction of schools. Programmes to prevent children dropping out of school which, inter alia, provided for personalized support were being carried out.

40. With regard to the lack of classrooms, a multi-year plan had enabled the construction of 7,930 classrooms between 2007 and 2011, namely 550 more than that required to meet the natural population increase. In East Jerusalem, US\$ 25 million had been allocated for the construction of 153 new classrooms and there were plans to build 250 more classrooms. Given that the lack of classrooms was due to a land shortage, a budget had been allocated to purchase land.

41. **Mr. Texier**, noting that all the replies to the Committee's questions on human rights in the occupied territories, including on the right to water, the right to health and the right to

education, had been provided by the Ministry of Defence, said that he was worried about the future of economic, social and cultural rights in the occupied territories.

42. **Mr. Abdel-Moneim** said that he was struck by the omnipresence of religion in the report.

43. **Ms. Shin** enquired what follow-up would be given to the Committee's concluding observations in the coming years. She wondered whether Israel was willing to establish a framework for open dialogue with the various ministries and civil society to discuss the implementation of the concluding observations.

44. **Mr. Lenk** (Israel) said that he had taken due note of the Committee's comments. Many questions had focused on the different communities that lived in Israel and made it such a special country: both homeland of the Jews and a democratic country working towards the integration of its different communities into society, despite, or perhaps because of the long-standing conflict with its neighbouring countries.

45. **Ms. Tene-Gilad** (Israel) recalled that the Committee had asked the delegation to provide data disaggregated by sex and religion. A distinction had been made earlier between Jews and non-Jews, but the Bureau of Statistics had estimated that other religions should also be taken into account. However, since the very principle of the breakdown of data by religion had been found to be discriminatory, the Bureau of Statistics was trying to find other categories of statistics. The Committee's concluding observations would be the subject of a report to be published and distributed to the various ministries concerned. An inter-ministerial meeting would be held in December in order to decide what steps should be taken to follow up on the concluding observations.

46. **Mr. Lenk** (Israel) said that he welcomed the frankness and openness that had characterized the debate and undertook to convey to the various bodies of the Israeli executive, legislature and the judiciary the Committee's concluding observations.

47. The Chairperson thanked the delegation for the information provided, which would enable the Committee to draft its concluding observations. He hoped that the exchanges that had taken place during the two days would contribute to a better understanding of the Covenant in Israel. The Committee maintained its position that the State party had a legal obligation to report on the situation in the occupied Palestinian territories. It noted with concern that many of the key recommendations made following its consideration of the second periodic report were still valid. In order to comply fully with its obligations, the State party must consider the Committee's recommendations and their implementation. The Committee had thus concluded its consideration of the third periodic report.

The meeting rose at 5.55 p.m.