

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 70<sup>TH</sup> SESSION ISRAEL, 10<sup>TH</sup> – 13<sup>TH</sup> REPORTS.

Information submitted to the Committee.....	1
NGO briefing.....	2
Themes and issues.....	3
Status of the Convention under domestic law.....	3
Equality: nationality vs. citizenship.....	4
Citizenship law.....	5
Education.....	5
Housing.....	6
Health.....	6
Hate speech.....	6
Occupied Palestinian Territories.....	7
Representation of Arab Citizens in the Israeli Civil Service and Government Corporations.....	8
Bedouin Arabs.....	8
Migrant Workers.....	9
Conclusions and Next Steps.....	10

### Information submitted to the Committee

Israel appeared before the Committee on the Elimination of All Forms of Racial Discrimination (the Committee) on 22-23 February to present its 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> periodic reports. The Committee welcomed the fact that the report was largely in accordance with reporting guidelines. However, the Committee expressed dissatisfaction with the fact that Israel did not submit any information regarding the Palestinian Territory occupied since 1967, despite the fact that the Committee had previously stated that it is the responsibility of Israel to implement the treaty to all persons under its jurisdiction. It also expressed dissatisfaction with the fact that Israel did not respond to the questions submitted to it by the Committee in June 2006, following its preliminary assessment of Israel's State report.<sup>1</sup>

<sup>1</sup> Among the core issues raised were differences between Jewish nationality and Israeli citizenship; differences in treatment for Palestinians and Israelis in the Occupied Palestinian Territory; the destruction of property and used of force by Israeli settlers towards Palestinians in the West Bank; *the Citizenship and Entry Into Israel Law*; relocation of the Arab Bedouin population in the Negev Desert; misconduct by Israeli police and military towards Israeli Arabs and Palestinians; and the Separation Wall.

In its report to the Committee, Israel provided an overview of laws and court decisions in Israel that have been aimed at the elimination of racial discrimination. The report paid special attention to minority groups living within Israel, mainly Arabs, Arab Bedouins, and the Druze. The Report dealt mostly with the implementation of government anti-discrimination plans, as well as important court rulings.

In the report, the **Multiyear Development Plan for the Arab Sector**<sup>2</sup> was described as the main program to implement the basic principles of the Convention, and the elimination of gaps between the Jews and Arabs. The primary objective of this plan was to encourage development in the fields of education, housing, employment and economic growth.

The Ambassador of Israel, Mr. Itzhak Levanon, also stressed that it was important that the Committee 'understand the political and security situation' in Israel. He claimed that these realities place major burdens on the implementation of the Convention.

Shadow reports were submitted by numerous non-governmental organizations (NGOs Check footnote).<sup>3</sup> These reports raised a wide list of issues that were not included in Israel's report. Some of them focused on the situation inside the Occupied Territories, and specifically at the issues of the restriction of movement, destruction of property, denial of family unification forced requisition of land and the Separation Wall. Others looked at the forced relocation of Bedouin Arabs in the Negev desert and the abuse of migrant workers.<sup>4</sup>

### NGO briefing

A large number of Non Governmental Organizations (NGOs) from Israel and the Occupied Palestinian Territory (OPT) presented issues prior to the beginning of the two sessions. These consultations with the Committee allowed for valuable insight into issues that were overlooked or ignored by the State report. The dominant issues were the differences between nationality and citizenship, the Citizenship and Entry into Israel Law, Bedouins in the Negev desert, and migrant workers.

Habitat International argued that the situation in Israel is unique because of a system of two-tiered civil status. In other words, nationality and citizenship are not synonymous, and people of Jewish origin enjoy advantages over Palestinians. B'tselem raised the point that equality and dignity are not in the basic laws of Israel. The representative explained that a two-tiered civil status was established by a series of laws, namely, *Law of Return* of 1915 and the *Citizenship and Entry into Israel Law (Temporary Order)* originally passed in 2003. He explained that native Palestinians do not enjoy the right of return, which indicates that the law is based solely on religion. Al-Haq spoke on the discrimination of Palestinians in East Jerusalem, where the population is 33% Palestinian, yet only 8.5% of the budget is allocated to them.

Many NGOs who submitted information to the Committee were gravely concerned about the *Citizenship and Entry into Israel Law (Temporary Order)* originally passed in 2003.<sup>5</sup> A representative from the Legal Center for Arab Minority Rights in Israel (Adalah) stated that this was a racist discriminatory law based on national belonging. Essentially, the law prohibits family reunification within Israel if one of the spouses resides in the Occupied Territories. She explained that there is a new proposed bill to extend the law for another two years, and extend the scope of the citizenship law to cover Arab States. Adalah was also concerned about the revocation of citizenship for citizens who visit Arab States that have not signed a peace treaty with Israel. This hinders many from visiting family members in neighbouring Arab States.

---

<sup>2</sup> Paragraph 17 of the 10<sup>th</sup> to 13<sup>th</sup> Periodic State Reports submitted by Israel to the Committee, available at <http://ohchr.org/english/bodies/cerd/cerds70.htm>

<sup>3</sup> Amnesty International, B'tselem, ACRI, Adalah, Al-Marsad, OMCT, The Laborer's Voice, The Negev Coexistence Forum for Civil Equality, the Israel Religious Action Centre,

<sup>4</sup> The Laborer's Voice ACRI, the Negev Coexistence Forum for Civil Equality; all of the NGO shadow reports are available at <http://ohchr.org/english/bodies/cerd/cerds69-ngos.htm>

<sup>5</sup> The law has been extended several times. The most recent extension runs until April 2007.

B'tselem spoke about freedom of movement and land expropriation in the Occupied Palestinian Territory. B'tselem explained that the freedom of movement in the West Bank is based on ethnic origin. They also countered the State's claim that the restriction of movement is based on security considerations, since it applies to all Palestinians and not just those deemed to be security threats.

In terms of land expropriation, B'tselem explained that it was done through the improper application of an Ottoman Land Law from 1858, which allows the State to seize land if it has been uncultivated for three years. The representative argued that Israel has no real reason not to remedy this situation, as it would not compromise security. He also pointed out that the common denominator regarding discrimination in the territory is that they originate from the existence and the establishment of settlements.

Another main concern was the displacement of the Arab Bedouins from the Negev Desert. The Association for Civil Rights in Israel Stated that half of the 160,000 Arab Bedouins live in the Negev in dozens of villages that are not recognized by the State of Israel.<sup>6</sup> The representative argued that Israel fails to recognize historical ownership rights, and that the State actively recruits Israelis to move to the Negev while moving Bedouins out of the desert. The Committee cited the State report's claim that the Bedouins were consulted and were better off by moving to these new villages. Adalah responded by saying that the State had consulted the Bedouins but ignored their needs, and that the negotiation did not result in a new plan.

Migrant workers were another important issue for several NGOs.<sup>7</sup> The Association for Civil Rights in Israel explained that foreign nationals are subject to a different set of criminal procedures than Israeli citizens, where they have fourteen days to be charged while a citizen must be charged within 24 hours. Furthermore, employers are rarely punished for abusing their powers, and confiscating the passports of migrant workers.

## Themes and issues

The Israeli delegation was headed by the Israeli Ambassador of the Permanent mission to Geneva, Itzhak Levanon. In addition, there were several high-ranking State attorneys, representatives from the Ministry of Interior, Ministry of Internal Affairs, as well as the Director of Educational Institutions and other ministries.

The Committee was disappointed that Israel did not submit written responses to their list of issues,<sup>8</sup> or respond to the questions directly in their introduction. This list was submitted to the delegation in June, and the Committee had hoped to receive replies before the start of the session.

In their initial introduction, the Israeli delegation chose not to answer any of the questions on the list of issues that were submitted to it by the Committee in June. Instead, they gave a broad overview of the positive steps taken by Israel that they felt were relevant to the implementation of ICERD. In its concluding observations, the Committee once again expressed regret that many of the questions sent in advance were not answered by the delegation.

The delegation put a significant amount of emphasis on the Israeli High Court of Justice. They stated that anyone who felt that their rights had been violated could petition the High Court. They also spoke of the need for a higher level of Israeli Arabs in the civil service, and spoke at length of their affirmative action plan that was meant to achieve this goal.

## Status of the Convention under domestic law

---

<sup>6</sup> Adalah also spoke of discriminatory practices against the Bedouin Arabs.

<sup>7</sup> The Association for Civil Rights in Israel, Adalah

<sup>8</sup> Available at <http://ohchr.org/english/bodies/cerd/docs/LOI-Israel.pdf>

The Ambassador stated that although Israel does not have a constitution to frame its legal and social actions, it does have a Declaration of Independence that guides its legal actions and social behaviour. He explained that the Declaration is the document that ‘guides Israel’s actions as a Jewish state and as a democratic society free of any discrimination.’ However, in the Committee’s concluding observations, it stated that it was concerned that there is no general provision for equality and prohibition of racial discrimination, and that the State of Israel should enact these as general norms of high status in domestic law.

The Committee re-stated its view from previous conclusions and recommendations that the State of Israel is responsible for implementing the Convention in the OPT. In their previous concluding observations, the Committee had stated that Israel is not only responsible for the ‘implementation of the Convention, including the reporting obligation’ but that the settlements in the Occupied Palestinian Territory are illegal under international law.<sup>9</sup> The Committee hoped that the delegation would be willing to discuss their concerns, and some were wondering if there is any change in the government’s stance regarding the implementation of international treaties in the Occupied Palestinian Territory. According to one Committee member, it is as if they had been presented with half a report, while the other half was completely missing.

The Israeli delegation responded by quoting Article 29 of the *Vienna Convention on the Law of Treaties*,<sup>10</sup> which States that unless a treaty has a different intention, the State concerned is only responsible for its implementation within its borders. Since the ICERD does not have this stipulation, Israel’s position is that it does not apply to the Palestinian Territory, a view that they have held firm since 1968. It argued that Israel does not exercise effective control of the OPT due to a series of agreements throughout the 1990’s. Nevertheless, the Israeli delegation Stated that they would respond to some of the Committee’s concerns in the OPT. However, many of them were not addressed by the delegation. Because Israel took the stance that the ICERD was not applicable to the OPT, it allowed them to only respond to certain issues on the grounds that any mention of activities in the OPT is going above and beyond the scope of the Convention. In its concluding observations, the Committee once again expressed regret that the report did not provide any information on the Occupied Palestinian Territory. The Committee added that such a position ‘cannot be sustained under the letter and spirit of the Convention or under international law’.<sup>11</sup>

### **Equality: nationality vs. citizenship**

The Committee was concerned about the compatibility of a number of laws with the Convention; namely, the *Law of Return*, the *Citizenship Law*, and the *Basic Law: Human Dignity and Liberty*. The Country Rapporteur stated that none of these laws contain a basic prohibition on discrimination or contain an equality clause. He explained that any difference between Jews and non-Jews are a concern to the Committee and asked how the State ensured that the application of these fundamental laws are compatible with the principles of non-discrimination embodied in Article 1 of the Convention.

The Country Rapporteur, Mr. Morten Kjaerum, added that most States strive towards creating social cohesion, and that one of the ways to meet this challenge is to adopt a robust constitution and law which enshrines human rights standards.

The delegation stated that the only difference between Jewish Nationality and Israeli citizenship has to do with the Law of Return. It explained that once citizenship has been acquired, all citizens are equal. The delegation argued that the *Law of Return* is the unconditional right of every Jew to acquire Israeli nationality. The delegation claimed that this law does not discriminate against non-Jews who wish to become citizens, as they may apply in accordance with the *1952 Law of Citizenship*. The delegation felt that the *Law of Return* is no different from other immigration laws that limit immigration to people who have close social ties to a country but live in diasporas.

---

<sup>9</sup> CERD/C/304/Ad.45

<sup>10</sup> Available at [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

<sup>11</sup> Paragraph 32, Concluding observations.

Nevertheless, the Committee expressed concern in its concluding observations over reports that Jewish nationals receive other privileges, in particular regarding access to land and benefits. It recommended that the definition of Israel as a Jewish nation-state does not result in any systemic distinction exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin. Furthermore, the Committee was concerned that military service provides highly advantageous access to various public services in the fields of housing and education. It stated that this policy is not compatible with the Convention, since most Israeli Arabs do not perform national service.

### **Citizenship law**

The Committee asked for the delegation to comment on the Supreme Court decision of 14 May 2006 to uphold the *Citizenship and Entry into Israel Law (Temporary Order)*. The Committee had already initiated two early-warning procedures regarding this law on the basis that it denies the right to family unification between Israeli citizens and residents of Gaza and the West Bank.<sup>12</sup> Committee member Mr. Linos-Alexander Sicilianos added that this is a law that affects 120,000 families, and that measures barring entrance into the OPT have increased significantly in 2006. Mr. Kjaerum expressed his concern that this law has been in force for more than four years despite the fact it was meant to be a temporary order. One Committee member followed up by stating that there were 1,200 requests for family unification that were left pending, and that this needs to be resolved.

The delegation defended this Law on the grounds of national security. They stated that there has been growing support by Palestinians in Israel for terrorists in the West Bank, and that family unification is used as a means for their entry into Israel. It explained that the Knesset, the legislative branch of Israeli government, decided to suspend the status of Palestinians in Israel because of difficulties in obtaining information on Palestinians since the transfer of powers in Judea and Samaria. The delegation stated that they do not deny the right to family unification, as these families are permitted to reside in the West Bank. It elaborated on the decision of the Israeli Supreme Court by stating that the Law was 'constitutionally upheld' on the grounds that although it does harm family life, it is proportionate to the security needs of the State of Israel. The delegation also stated that the Law is being amended to include 'enemy States' in addition to residents of the West Bank and Gaza.<sup>13</sup>

In its concluding observations, the Committee stated that such a restriction targeting a particular national or ethnic group is not Compatible with the Convention, and recommended that the *Citizenship and Entry Into Israel Law (Temporary Order)* should be revoked.

### **Education**

The Country Rapporteur was concerned that the level of education of Arab Israelis was lower than that of the Jewish population. He was also concerned about segregation within the education system, and that Arabs were receiving a lower quality of education.

The delegation explained that education is compulsory for all citizens between the ages of 3 and 15, and that students receive education in both Hebrew and Arab. Furthermore, the delegation explained that the State had produced a series of brochures in both Arabic and Hebrew listing the *UN Declaration on Human Rights* as a means of making children aware of their rights.

The representative added that Israel offers both State education and State religious education, and that parents have the right to choose between these two systems for their children. The Committee was particularly

---

<sup>12</sup> CERD Decisions 2/63 and 2/65, available at <http://ohchr.org/english/bodies/cerd/early-warning.htm>

<sup>13</sup> Iran, Lebanon, Syria

concerned about the literacy rates among Arab women, but the delegation did not produce statistics due to lack of time. One Committee member did note that there has been progress in relation to education received by the Arab minority in Israel.

## **Housing**

The Rapporteur also stated that since 1948 a large number of Jewish towns have been built but no new Arab towns had been established. He also explained that Arabs own only 3% of the land in Israel, while the State owns 97%, and asked for more information on how land is allocated to Jewish and Arab citizens respectively. Furthermore, he asked for more information about the responsibility of the World Zionist Organization, the Jewish National Fund and the Jewish Agency's<sup>14</sup> mandate, role and responsibility in the housing sector. However, this information was not provided by to the Committee, and expressed concern about reports that these institutions manage land, housing and services exclusively for the Jewish population.

Another Committee member added whether it is correct that those who have completed military service have preference in the fields of education and purchasing property over Arab students, who are exempt from military service. The Committee also asked the delegation to comment on the difference in the supply of water to the Jewish and Arab population within Israel.

The Committee was also concerned about the severe shortage of housing for the Arab population. The Rapporteur asked the delegation to respond to the question of potential barriers for obtaining a permit. He explained that this was significant because the lack of building permits leads to a number of problems, including the risk of house demolitions and a lack of services. He was concerned that Arabs were disproportionately affected by demolitions and asked what the criteria was for recognizing villages.

The delegation responded by simply stating that the State is not authorized to base land distribution on the grounds of religion and nationality. They added that a special budget has been allocated for the development and expansion of buildings, infrastructure and services for the Arab sector. Given this effort, there is no excuse for the construction of the mass of illegal buildings by Arabs. The delegation did not elaborate on how this budgetary allocation was spent.

The Committee was also interested in the High Court of Justice's ruling of the *Ka'adan v. The Israel Lands Administration* (08.03.2000) case,<sup>15</sup> where it was decided that the State of Israel was prohibited from allocating State land to the Jewish Agency for Israel for the purpose of establishing a community that would discriminate between Jews and non-Jews. One Committee member commented that it appeared that the ruling was limited to the specific facts of the case, and asked if there was any precedent in the State of Israel allowing for general rules to be abstracted from particular decisions.

## **Health**

The Committee had requested that the State of Israel explain why the life expectancy of Israeli Arabs was lower than that of Israeli Jews, and whether any measures are being taken to remedy the situation. The Israeli delegation did not respond to this line of questioning, despite the fact that it had been included in the list of issues.

## **Hate speech**

The delegation Stated that they viewed anti-racism laws very seriously and that it seeks to enforce them. However, the Committee was concerned that cases involving hate speech of public officials often go

---

<sup>14</sup> The Jewish Agency works to serve the interests of the Jewish population within Israel and Palestine, including the acquisition and development of Palestinian lands for the benefit of the Jewish people.

<sup>15</sup> Paragraph 38 of Israel's State Report submitted to CERD, available at <http://ohchr.org/english/bodies/cerd/cerds70.htm>

unpunished. The Rapporteur commented that this may give the impression that racism is tolerated by the State. The delegation was of the view that there is a delicate balance between freedom of expression. The representative explained that each allegation of incitement has to be examined on a case-by-case basis.

## Occupied Palestinian Territories

The Rapporteur was concerned about the continued establishment of settlements in the West Bank and East Jerusalem that are for Jewish persons only. He requested that the Israeli delegation respond to the effect these settlements have on human rights. He requested that the delegation specifically refer to the situation in Hebron, where segregation and lack of freedom of movement impacts the right to work, education, and health of the Palestinian population. Another Committee member asked if any compensation is given to Palestinians whose land is seized by the State. Furthermore, he asked if this land is used to the benefit the entire State of Israel, or only one segment of the population.

The Israeli delegation did not comment on any of the Committee's concerns with regards to the establishment of settlements within the Occupied Palestinian Territory, or compensation given to Palestinians whose land had been seized for the establishment of a settlement. One Committee member requested that the delegation comment on if there are economic incentives granted to Israeli Jews who settle in the West Bank as a follow-up, but there was no time for the delegation to respond.

The delegation did attempt to respond to the Committee question on the application of two different sets of legislation and rules to Palestinians and Israelis who have committed offences within the OPT, and how this complies with the principle of non-discrimination.<sup>16</sup> The delegation responded firstly by saying that the question did not fall within the scope of the Convention, since the distinction is not made on the basis of race, but citizenship. Furthermore, the delegation stated that trying Palestinians under Israeli penal law would contradict the Fourth Geneva Convention, which stated that the occupying power must leave the laws of the territory in place. However, there was no legal explanation given as to why Israelis living in the West Bank are tried primarily through the Israeli criminal courts. The Committee concluded that although different legal regimes may apply to Israelis and Palestinians living in the OPT, the State should ensure that the same crime is judged equally not taking into consideration the citizenship of the perpetrator.

The Committee's requested information be provided on any measures the State had adopted in relation to the 2004 Advisory Opinion of the International Court of Justice (ICJ) on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territories.' The delegation was of the view that this question was outside the scope of the Committee, since the International Court of Justice did not conclude that the barrier was a form of racial discrimination. However, it explained that the 'security fence' was built as a defensive measure against terrorist attacks. Furthermore, Israel argued that the ICJ's ruling is advisory, and hence, non-binding, particularly since the State did not accept its ruling. This was because it made no mention of terrorism emanating from the OPT, and examined the fence as a totality, and not in segments. The delegation reiterated the view of the Country Rapporteur that the freedom of movement was not absolute, and that the barrier was a proper barrier between security and human rights. They defended this claim by stating that there had been a decrease in suicide attacks after the construction of the Wall. The delegation also claimed that the evaluation of segments of the fence has led to 'concrete changes' in its route. The Israeli delegation claimed that the requisition of land is carried out in a dialogue and that landowners are compensated if their land was apprehended. However, no cases were cited as examples, despite the fact that over 80% of the Wall is being built inside the West Bank. The Committee expressed concern that the Wall gravely infringes on a number of human rights of Palestinians residing in the territory occupied by Israel. The Committee stated that these infringements cannot be justified by requirements of national security and public order.

---

<sup>16</sup> Paragraph 14, List of Issues. Israeli citizens living in the West Bank are subject to Israeli law while Palestinians are subject to harsher military law. While a Israeli citizen residing in the West Bank must be formally charged within 24 hours, a Palestinian resident can be detained for 14 days before being charged.

Mr. Kjaerum, expressed his concern over freedom of movement within the OPT, as guaranteed under Article 5 of the Convention. Although he acknowledged that freedom of movement was not absolute, and that restrictions may be needed for security reasons, he stated that there is a need for these restrictions to be proportional. He was concerned that there were severe restrictions against Palestinian movement, and cited the Wall and the Seam Zone as examples. Mr. Kjaerum also requested to know why Palestinians need permits to travel between villages and into Israel, while Jews living in the OPT can travel freely. Kjaerum added that these restrictions are the primary cause of poverty inside the West Bank, and asked if there were any measures being taken to limit these negative economic as well as social effects.

The head of the Israeli delegation responded by stating that the Country Rapporteur rightly acknowledged that freedom of movement is not an absolute right. He explained that human rights are often described in absolutist terms without taking into consideration Israel's 'unique' security challenges. Although the 'security fence' and checkpoint pose difficulties for local residents, he stated that Israel does not have the luxury of being able to ignore suicide bombers. He added that Israel's Supreme Court provides a crucial role in providing oversight to every administrative action taken by the government. The Committee was deeply concerned that restrictions on the freedom of movement are targeting a particular national or ethnic group, and that the State should review these measures to ensure that restrictions are not systematic but only temporary and exceptional in nature, and are not applied in a discriminatory manner.

The delegation also dismissed the Rapporteur's claim that attacks on Palestinians and destruction of property by Israeli settlers are widespread. It also failed to provide information on any investigations of misconduct by the Israeli Defence Forces in the OPT, as the Committee had requested. In their concluding observations, the Committee reiterated its call for the halt of housing demolitions of Arab properties, particularly in East Jerusalem and for respect of property rights regardless of the ethnic or national origin of the owner.

### **Representation of Arab Citizens in the Israeli Civil Service and Government Corporations**

The delegation claimed that the government of Israel has taken 'major steps' with the introduction of several legislative measures aimed at eliminating discrimination. One of these was the *Civil Service and Equal Opportunity Employer Law* that forbids discrimination by public and private employers. Israel also stated that it has been actively pursuing affirmative action measures to enhance minority representation in the civil service, and that by December 2005 Arabs comprised 5.7% of the total civil service workforce. In 2005, 313 Arabs and Druze citizens had been incorporated into the civil service, representing 6.9% of the total. In addition, the delegation stated that by the end of 2008, 20% of the positions in each government ministry would be allocated for the Arab minority. The Country Rapporteur said he was pleased with these developments, but remained concerned that the representation of Arabs was not enough, particularly relating to women. He had asked if Israel had taken any measures targeting the exclusion of minority women in particular, but the Israeli delegation did not reply.

### **Bedouin Arabs**

The Country Rapporteur stated that, according to a number of reports, the problem of housing demolitions is most acute among Bedouins living in the Negev. Furthermore, the Committee requested more information on the process of relocating the Bedouin population to planned towns in light of new opportunities and the provision of facilities, and the degree to which they are consulted on the issue. The Committee also was surprised that the delegation described these villages as 'illegal' rather than 'unrecognized', because it insinuates that these inhabitants do not have the right to live there, despite their cultural ties to the land. The Committee requested that the delegation inform them how the Bedouins' customary patterns of landholding is recognized in the Israeli legal system. Mr. Thornberry explained that according to international standards

regarding indigenous peoples, traditional occupation creates international rights. Mr. Kjaerum was also concerned about reports that these residents do not receive public services.

Boraz Oren, Deputy Director of the Department of International Agreements and International Litigation of the Ministry of Justice, dealt with the issue. He explained that there are currently 100,000 Bedouins living in planned towns, all of which have electricity, running water, sanitation, and municipal services. The remaining Bedouins are living in hundreds of 'illegal clusters' throughout the Negev, and the government is encouraging these groups to move to planned towns as well. Oren explained that there are currently nine additional towns being built which include the 'best infrastructure and services' that the State offers its citizens. The delegation claimed that this is done in constant consultation with Bedouin representatives in order to ensure that their specific needs are taken into account. He added that Bedouins who leave their 'illegal structures' behind receive significant compensation.

In terms of providing services to Bedouins of the Negev, he explained that it was very difficult to provide water for those living in 'illegal villages' and 'sporadic destinations'. He stated that a Ministerial Committee has decided to establish 'water centres' to meet the needs of the Bedouin population.

In terms of health care, Oren cited the *1995 National Health Insurance Law*, which guarantees by law health services to all residents in Israel without distinction. As of 2005, there were 13 health clinics in the unrecognized villages<sup>17</sup>, and 31 in the planned towns.

As a follow-up, one Committee member stated that it is important to note whether traditional populations appropriate modernity, or if it is imposed upon them. He did note that the consultation with the Bedouin population as significant. He also felt, however, that all countries could follow the approach of equal validity of traditional and formal forms of land ownership.

In its concluding observations, the Committee expressed concern that the State did not enquire into possible alternatives to relocation, and that the lack of basic services provided to the Bedouins may in practice force them to relocate to planned towns. The Committee recommended that the State consider recognizing the 'illegal' villages and the recognition rights of Bedouins to own, develop, control and use their communal lands, territories and resources.

## **Migrant Workers**

Several Committee members were concerned about the situation of migrant workers in Israel. According to the information they received, it appeared that they suffer from discrimination in relation to work and detention. Mr. Sicilianos stated that it is possible for an individual to be deported before their trial, and that it is often very difficult for a migrant worker to be granted bail. Furthermore, the Committee questioned that employers have abused their position vis-à-vis migrant workers, and many have gone unpunished.

The delegation responded by explaining that in 2006 there were 86,000 permits issued for migrant workers, but that it estimated that there were between 70,000 and 80,000 who were working illegally. The delegation stated that Israel was working hard to stop illegal recruitment, and that the licenses of thirteen recruiting agencies were revoked in 2006.

With regards to human trafficking the delegation explained that the Anti-Trafficking Law of 2006 established a number of criteria for trafficking, with a maximum penalty of 16 years. In its concluding observations, the Committee recommended that the State ensure the full implementation of these laws.

---

<sup>17</sup> There are approximately 45 unrecognized localities.

## Conclusions and Next Steps

The examination ended with many issues and concerns that the Committee had hoped would be addressed by the delegation left unanswered. This stemmed from the fact that the delegation did not respond at the initial stage to the list of issues presented by the country rapporteur on the first day. When additional questions were then put to them by other Committee members, the delegation failed to respond directly, instead providing general statements not always relevant to the questions asked. This meant that the interactive dialogue was almost completely curtailed.,

The Country Rapporteur stated in his conclusion that the Committee sees the dialogue as an ongoing process. He was concerned that there was no explicit clause for prohibiting discrimination in Israeli law, and he felt that there is a need for this to be established. He also questioned if the balance between the protection of human rights and security was proportionate. He concluded by raising the issues of indirect discrimination, such as the requirement of the completion of military service for certain benefits, freedom of movement, and the Wall.

The Committee recommended that the State party submit its fourteenth, fifteenth, and sixteenth periodic reports, due on 2 February 2010, and that the report be an update document and address all points raised in the concluding observations.

## **TREATY BODY MONITOR STAFF**

**Meghna Abraham**, Program Manager, Information Program

**Gareth Sweeney**, Human Rights Officer, Information Program

**Eléonore Dziurzynski**, Communications Officer, Information Program

## **AUTHOR OF THE ISRAEL REPORT**

**Rami Chalabi**, Intern

## **ABOUT THE PUBLICATION**

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

## **FEEDBACK**

We would welcome your feedback on this publication so please send any comments and suggestions to [information@ishr-sidh.ch](mailto:information@ishr-sidh.ch).

## **COPYRIGHT AND DISTRIBUTION**

Copyright © 2007 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

## **DISCLAIMER**

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on or any use of this publication. We are however happy to correct any errors you may come across so please notify [information@ishr-sidh.ch](mailto:information@ishr-sidh.ch).