



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Check Against Delivery

Statement by H.E. Aharon Leshno Yaar
Permanent Representative of Israel
To the United Nations, Geneva

Universal Periodic Review
Human Rights Council
19 March 2009

Mr. Chairman,

Israel took very seriously its participation in the third session of the Universal Periodic Review before the Human Rights Council, as an opportunity for genuine introspection, and frank discussions within the Israeli system, despite our reservations about some aspects of the Council's work.

This exercise, together with Israel's periodic reports to the core human rights treaty bodies and our interactive dialogue with them, is an opportunity for in-depth self examination. The UPR exercise is another step in this ongoing process of reflection, scrutiny and transparency which Israel has taken upon itself.

Israel is convinced that the value of the engagement with the UPR, lies primarily in its own self-critical look at the promotion of human rights, the promotion of public awareness and in the identification of the challenges that are yet to be met. Israel is conscious of its human rights challenges which remain a major element in Israel's public discourse.

In particular, we wish to thank all **those** delegations who engaged in the UPR dialogue in good faith and have shared professional and constructive comments, providing concrete suggestions and ideas, rather than offering sweeping statements of a political nature. We have also appreciated the positive and supportive response we received from numerous states throughout this process. I would also like to thank the

President of the Council, the members of the Troika and the staff of the Secretariat for their professional and efficient work.

Israel has given careful consideration to the recommendations made in the course of the UPR exercise and is still in a process of learning some of them. Certain recommendations reflect the challenges that Israel has already identified and is in the process of addressing, while other recommendations highlight aspects which will require more detailed consideration.

Even at this stage, however, Israel is pleased to be able to report on implementation of a number of the recommendations, and on its commitment to implement others.

Israel is pleased to announce that it agrees to adopt **Recommendation 14**, regarding the investigation of allegations of violence and killings allegedly committed by the police. Israel also agrees to **adopt Recommendation 18** regarding the law on polygamy, and has recently re-instructed the Qaddi's of the Sharia Courts to refer every suspected case of polygamy to the Police; and we have also **decided to adopt Recommendation 28** ensuring full protection to the rights of minorities.

Israel has also taken upon itself to promote the following items from the Council's recommendations:

- (a) the ratification of the Convention on the Rights of Persons with Disabilities;
- (b) ensuring best protection of human rights and follow-up to the implementation of international instruments;
- (c) considering strengthening dialogue with the Council and its special procedures, and the cooperation with all **relevant** United Nations special procedures and mechanisms.
- (d) redoubling efforts to increase women's representation in society;
- (e) continuing and strengthening its efforts to achieve gender equality in Government and public services at all levels. To this end, the newly elected Parliament – the Knesset, has 21 women, among the largest number of women members in Israel's history, and three more than in the previous Knesset;
- (f) ensuring prompt and impartial investigations of allegations of ill treatment, in accordance with its obligations under the Convention against Torture;
- (g) ensuring all cases are reviewed by a court in accordance with fair procedures;
- (h) granting the right to those who object to serve in the army on conscientious grounds to serve instead with a civilian body

independent of the military, such as in the form of the newly established and strengthened Public Commission for National-Civil Service;

- (i) further addressing the remaining gaps between the various populations in the Israeli society;
- (j) Regarding minorities, Israel has the intentions to strengthen efforts to ensure equality in the application of the law, to counter discrimination against persons belonging to all minorities, to promote their active participation in public life, such as through additional Government Resolutions to raise the percentage of the Arab minority in the Civil Service;
- (k) Following the Universal Periodic Review Process, several measures are currently being implemented towards further promoting children's rights through several preliminary means: a draft bill on the establishment of a new youth court has been prepared and is currently under review and additional issues such as necessary adaptations to probation officers reports are evaluated.

While Israel also appreciates the spirit of the recommendation to protect the children and families of migrants, it does not consider that accession to the Convention on the Rights of Migrant Workers and their Families is required in order to achieve this goal, as under Israeli

legislation, the rights of children and family members of migrants are already protected.

Likewise, with respect to the recommendation calling for the acceleration of the process of bringing Israel's national legislation in compliance with the provisions of the main international instruments to which it is a party, Israel notes that while international treaties are not directly incorporated into Israeli legislation, given its dualistic system of law, it remains committed to ensuring that domestic legislation, policies and practice comply with its international commitments. Therefore, since treaties are not self-executing and require legislative implementation, Israel conducts careful consideration of whether, and to what extent the relevant international obligations are already met by existing legislation and case-law, and whether passing implementing legislation is needed prior to becoming a party to an international treaty. This process involves extensive and meticulous governmental work in order to assess the compatibility of new treaties with domestic law, and where necessary – to introduce relevant amendments to the law. Furthermore, Israeli courts recognize and apply a *presumption of compatibility* as an interpretive tool, assuming that the Knesset, when enacting new legislation, has no intention of derogating or deviating from international obligations, and therefore Israeli legislation should be interpreted in conformity with international law, unless an explicit intention to the opposite exists. In addition, certain laws integrate some of the human

rights treaties into Israeli legislation. It is also important to note that customary law, in contrast to treaty law, is considered part of the domestic law. It is binding without the need of transformation by a statute, unless it explicitly conflicts with an existing statute.

With regard to the recommendation to evaluate the possibility of ratifying the second optional protocol to the ICCPR on the abolition of the death penalty, Israel would like to reiterate what was indicated in its Report to the UPR, that while it is not in a position to ratify the Protocol, Israel has applied a *de-facto* moratorium on executions, and the only exception that has ever been implemented since Israel's establishment was in the case of the Nazi war criminal Adolph Eichmann in 1962, who was convicted by the Supreme Court of committing genocide under the 1950 punishment of Nazi and Nazi Collaborators Law. The death penalty has not been applied since. This policy complies with Israel's obligations as a state party under UN human rights treaties, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the child and its sponsorship of UN resolutions in support of a moratorium on the imposition of the death penalty.

Israel also takes note of the recommendation to intensify its efforts to ensure that human rights are respected in the fight

against terrorism. This remains an ongoing challenge for Israel as it continues to confront the threat of terrorism. Israel is keenly aware of the need to find the complex balance between competing rights and other considerations in this regard, and remains ready and willing to share with other countries its experience and challenges.

In achieving these goals, equally significant are the contributions of Israel's vibrant civil society groups. We will make a concerted effort to incorporate civil society groups when considering how to further implement the recommendations we received, and will continue to explore ways to engage with the members of civil society in the protection of human rights in Israel.

Let me conclude by emphasizing the hope that as long as the UPR mechanism is conducted on the basis of universality, impartiality and professionalism, it may prove to be an effective tool for enhancing human rights.