



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Eightieth session

13 February–9 March 2012

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the fourteenth to sixteenth periodic reports of Israel (CERD/C/ISR/14-16)\*

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the fourteenth to sixteenth periodic reports of Israel. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. **The Convention in domestic law and the legislative and policy measures for its implementation (arts. 1–5 and 7):**
  - (a) Applicability of the Convention to all territories under the State party's effective control (CERD/C/ISR/CO/13, para. 32);
  - (b) Plans to insert a general provision for equality and prohibition of racial discrimination in the Basic Law (*ibid.*, para. 16);
  - (c) Efforts to establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (CERD/C/ISR/14-16, para. 19 and CERD/C/ISR/CO/13, para. 31).
  
2. **Equality and challenges encountered by certain groups, including non-citizens, Arab minorities and Jewish minorities, in the exercise of civil, political, economic, social and cultural rights (arts. 2–5 and 7):**
  - (a) Data on the ethnic composition of the population in the State party (CERD/C/ISR/CO/13, para. 15);

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\* Late submission.

(b) Measures taken to mitigate segregation between the Jewish population and minority populations (Palestinians citizens of Israel and Bedouins, mainly) (CERD/C/ISR/CO/13, paras. 22-23 and CERD/C/ISR/14-16, paras. 51-64 and 66-74);

(c) The notion of a Jewish State and its relationship with the right to nationality and entry into Israel (CERD/C/ISR/CO/13, paras. 17 and 20 and CERD/C/ISR/14-16, paras. 383-394 and 407), and equality in the right to return to one's own country and possess property (CERD/C/ISR/CO/13, para. 18 and CERD/C/ISR/14-16, paras. 402-418);

(d) Recent data on equal access to and use of State land, the right to housing (CERD/C/ISR/14-16, paras. 521-531 and 546), the right to perform military service (*ibid.*, paras. 88-90 and 546-549, and CERD/C/ISR/CO/13, para. 21), equal access to education for all, including for Jewish and Arab minorities (CERD/C/ISR/CO/13, para. 24, CERD/C/ISR/14-16, paras. 145-146, 656-744, 671), access to political representation, including financing political campaigns (CERD/C/ISR/14-16, paras. 314-324), access to work (*ibid.*, paras. 328-366, 461-491, 407 in fine and CERD/C/ISR/CO/13, para. 24). The principle of non-discrimination in the right to marry, including for Israeli-Palestinian couples (CERD/C/ISR/14-16, para. 395);

(e) Right of the Bedouins to own, develop, control and use their communal lands, territories and resources (CERD/C/ISR/CO/13, para. 25, CERD/C/ISR/14-16, paras. 550-578, 615-628) and their access to basic services (CERD/C/ISR/14-16, paras. 369-374, 633-645, 745-754);

(f) Right of migrant workers (including Palestinian workers) to equal access to human rights in the light of paragraph 4 of general recommendation No. 30 (2004) on discrimination against non-citizens (CERD/C/ISR/CO/13, para. 26, CERD/C/ISR/14-16, paras. 230-295), asylum process for asylum-seekers and refugees (CERD/C/ISR/14-16, paras. 306, 308, 451-457) as well as the specific situation of irregular immigrants (including minors) (CERD/C/ISR/14-16, para. 299).

**3. Availability of remedies in cases of racial discrimination (arts. 4 and 6):**

(a) Recent data on investigations and proceedings (data after 2008) related to hate speech and incitement to racial hatred (section 144 of the Penal Code); and their outcomes, including the sentence handed down and remedy for the victims (CERD/C/ISR/14-16, paras. 166-170 and 173-175 and CERD/C/ISR/CO/13, para. 29);

(b) Recent data on complaints filed against law enforcement officials for racially discriminatory acts and their outcomes, including the sentence handed down and remedy for victims (CERD/C/ISR/14-16, paras. 196-211, 45-49 and 215-228 and CERD/C/ISR/CO/13, para. 30);

**4. Situation of Palestinian communities (arts. 2, 3, 5 and 6) under the State party's effective control:**

(a) Freedom of movement in the Occupied Palestinian Territory, including East Jerusalem and the possibility to visit relatives detained on the territory of the State party (CERD/C/ISR/CO/13, paras. 33 and 34);

(b) Right to adequate housing/property and access to land (planning and zoning) (CERD/C/ISR/14-16, paras. 532-544); basic services and resources, including water resources, and action taken against public and private actors impeding such access (CERD/C/ISR/CO/13, para. 35);

(c) Right to security of persons: recent data on the occurrence of violence by Jewish settlers (CERD/C/ISR/CO/13, para. 37) and racially motivated acts by

security/military officers in the Occupied Palestinian Territory, criminal investigations carried out, their outcome and effective remedy for victims;

(d) Equality before the law between Palestinian communities and Jewish settlers in the Occupied Palestinian Territory, including East Jerusalem.

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