

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Sixty-ninth session  
31 July-18 August 2006

**QUESTIONS PUT BY THE RAPPORTEUR IN CONNECTION WITH THE  
CONSIDERATION OF THE 10<sup>th</sup> to 13<sup>th</sup> PERIODIC REPORTS OF ISRAEL  
(CERD/C/471/Add.2)**

Article 1

1. Please provide information on the extent to which the definition of racial discrimination as provided in article 1 of the Convention is reflected in domestic legislation, including in the basic laws, as well as in the Supreme Court's jurisprudence. In particular, does the State party prohibit direct as well as indirect discrimination? (Periodic report, para. 22).

Article 2

2. Please provide more detailed information on the status of the Convention in domestic law, and in particular on the extent to which it can be invoked directly before the Israeli courts and with what results. (Periodic report, para. 150 and 534)
3. Please explain further how the *Basic Law: Human Dignity and Freedom (1992)*, serves as a cornerstone for prohibiting racial discrimination. Please provide examples. (Periodic report, § 64 and 534)
4. Please provide information on the status, mandate and responsibility of the World Zionist Organisation, the Jewish Agency and the Jewish National Fund. Please also comment on whether these bodies are bound by non-discrimination clauses in the exercise of their functions.
5. Please provide information on any differences between Israeli citizenship compared with Jewish nationality with regard to the enjoyment of human rights. Please also comment on the information that the removal of the nationality clause from identity card has been replaced by a coded system of symbols. (Periodic report, para. 30)
6. Please indicate whether military service is a condition for benefiting from various public services, for example in the fields of housing and education. How does the State party reconcile this policy with the Convention, bearing in mind that most Arabs in Israel do not perform national service?

7. Please provide additional information on how the funds for the Multi Year Plan were spent or on which specific projects, as well as an assessment of the efficacy of the plan and its implementation. Does the State party consider this Plan as an affirmative action programme? Please describe the specificities of the Plan as compared with programmes devoted to the Jewish sector, and be more specific about the proportion in the national budget of the various financial allotments. (Periodic report, para. 68 and following)

### Article 3

8. Please comment on the legal implications and use of the term “the Arab sector” employed throughout the report (Periodic report, para. 32 for example). Please also provide information on the existence and maintenance of separate sectors for Jewish and Arab persons, in particular in the areas of housing and education, and on any measures taken to that end.

### Article 4

9. Please provide more detailed information on the number of complaints, investigations, indictments and prosecutions in relation to acts criminalized under articles 133 and 144 A-E of the Penal code, as well as on their outcomes. Please comment on the information according to which the Attorney General has adopted a restrained policy in relation to prosecutions against politicians, government officials and other public figures. Please provide further information on guidelines relating to the prosecution of racist offences and on measures taken to inform the police and prosecutors of what constitutes incitement to racism. (Periodic report, paras. 137-143)

### Article 5

10. Please comment on the information that a draft Criminal Law Procedure Bill, proposed in October 2005, provides for harsher criminal procedure for non-citizens and non-residents. Please comment on how the citizenship or residency criteria are relevant in relation to the rights of persons suspected of security offences.
11. According to information available to the Committee, there are significant disparities in conviction and imprisonment rates for criminal offences between Arab and Jewish citizens. Please comment and indicate what measures have been taken to correct such disparities.
12. Please comment on the information that a high number of complaints filed by Arab citizens against law enforcement officers are not properly and effectively investigated, and that the Ministry of Justice’s Police Investigations Unit (Mahash) lacks independence. Please also indicate whether the persons responsible for the

killings of 14 Israeli citizens in October 2000 have been prosecuted and sentenced. (Periodic report, para. 185)

13. Please provide information on the number of investigations of complaints of misconduct of the Israeli Defence Forces in the Occupied Palestinian Territories as well as the resulting number of indictments, prosecutions and convictions.
14. Please explain how the reported application in the Occupied Palestinian Territories of different sets of legislation and rules to Palestinians and Israelis who have committed offences complies with the principle of non discrimination. Please comment on the information that violence, intimidation and destruction of property of Palestinians by Israeli settlers in the Occupied Palestinian Territories are widespread and rarely investigated or prosecuted. Please provide information on measures taken to prevent such violence and to hold those responsible accountable.
15. What measures, if any, have been adopted by the State party in relation to the 2004 Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territories?
16. Please report on the compatibility with the principle of non discrimination of the application in the Occupied Palestinian Territories of different laws, policies and practices to Palestinians on the one hand, and to Israelis and Jewish settlers on the other hand, in relation to freedom of movement, land allocation, and access to housing, food, water and medical services.
17. Please comment on the decision by the Supreme Court of 14 May 2006 to uphold the Citizenship and Entry into Israel Law (Temporary Order), and indicate to what extent the Convention and CERD Decisions 2(63) and 2(65) were taken into account by the Court in this regard. (Periodic report, para. 286)
18. Do Jewish and Arab villages receive equal funding from the government? Please provide information on measures taken to ensure that outline plans for Arab towns and villages are drafted with the equal and full participation of Arab Israelis. Please indicate the proportion of Arab members participating in the National Planning Council, as well as in the regional, local, and district councils.
19. Following the 2000 *Ka'adan v. The Israel Lands Administration* decision, please indicate how the State party ensures that State land is allocated without discrimination based on ethnicity or religion. Has the Ka'adan decision been implemented? Please report on the criteria on the basis of which persons may be refused to settle in Jewish areas / villages, as well as on the mandate and composition of "Selection Committees". (Periodic report, para. 14 and 25)
20. Please explain further why the State party has decided to relocate inhabitants of the approximately 45 unrecognized Bedouin villages rather than to recognize these villages. What are the legal and/or planning criteria for a locality to be "recognized"

in a regional plan, and are these criteria applied equally throughout the country to all communities?

21. Please provide more detailed information on the effective enforcement of laws prohibiting the withholding of passports of migrant workers, prohibiting employment agencies from collecting fees from migrant workers, and allowing migrant workers to change employers without losing their work permit. Please also report on the extent to which the Ministry of Industry, Trade and Labor has used its authority to revoke permits of employers who have infringed upon the rights of migrant workers. (Periodic report, paras. 341-352)
22. Please provide more detailed information on measures adopted to reduce unemployment rates of Arab Israelis, including women. Has the State party assessed the extent to which the alleged discriminatory attitudes by employers against Arabs, scarcity of jobs near Arab communities, and lack of daycare centers in Arab villages are at the origin of high unemployment rates among Arabs?
23. Please explain the reasons why, as shown in table 7 of the periodic report, the gap between Jews and members of other religions in matter of life expectancy has widened between 1998 and 2002. Please provide additional information on measures taken to address the discrepancies between the infant mortality rates and life expectancy rates of Jewish, Arab, Bedouin and Druze populations (Periodic report, paras. 400 and 403, 407).
24. Please provide information about the resources allocated by the Ministry of Education to each Arab student as compared to each Jewish student. Please also comment on the information according to which the psychometric examination used to test aptitudes, abilities and personality, indirectly discriminates against Arabs in accessing higher education. Please provide information on the implementation of the recommendations of the Dovrat Committee adopted by the government on 16 January 2005 (Periodic report, para. 480).
25. Please comment on the information that several laws establish Jewish cultural institutions but that none create similar centers for Arab citizens.
26. Please provide more detailed information on the pending case before the High Court of Justice regarding the protection of holy sites. In particular, please indicate whether the Minister of Religious Affairs has set forth regulations in relation to holy sites of both the Jewish and non-Jewish population. Please also comment on the information that to date, approximately 120 places have been declared as holy sites, all of which are Jewish. (Periodic report, § 50 and 300)

#### Article 6

27. According to information before the Committee, the Civil Torts (Liability of the State) Law 2005, passed by the Knesset in July 2005, denies Palestinians living in the Occupied Palestinian Territories the right to compensation for any wrongs committed against them by Israeli security forces. Please report on the compatibility of such measure with the principle of non discrimination.

#### Article 7

28. Please indicate to what extent non-Jewish culture and history are taught in Jewish schools, and vice versa. What is the position of the State party in relation to the establishment of Arab-Jewish schools? (Periodic report, para. 485 and 546)

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