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**Committee on the Elimination of Racial Discrimination
100th session**

25 November-13 December 2019

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention****List of themes in relation to the combined seventeenth to
nineteenth periodic reports of Israel****Note by the Country Rapporteur**

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Update on disaggregated data on the ethnic composition of the population, including migrants, refugees, asylum seekers and stateless persons. Updated data and information on the enjoyment of economic, social and cultural rights by ethnic and ethno-religious minority groups (CERD/C/ISR/17-19, Annex No. I; CERD/C/ISR/CO/14-16, para. 12).

**The Convention in domestic law and the institutional and policy framework for its
implementation (arts. 1-4 and 6)**

3. Applicability of the Convention to all the territories under the State party's jurisdiction or effective control, including the West Bank, including East Jerusalem, the Gaza Strip and the Occupied Syrian Golan (CERD/C/ISR/CO/14-16, para. 10).

4. Lack of a comprehensive definition of racial discrimination in line with article 1 of the Convention. Lack of a general provision for equality and the prohibition of racial discrimination in the Basic Law: Human Dignity and Liberty (1992). Impact of the new Basic Law: Israel – The Nation-State of the Jewish People (2018) on the enjoyment by non-Jewish Israeli citizens and Palestinians living in the Occupied Palestinian Territory of the rights set forth in the Convention on an equal basis with their Jewish counterparts (CERD/C/ISR/17-19, paras. 23-25; CERD/C/ISR/CO/14-16, para. 13).

5. Steps to amend discriminatory laws, which disproportionately affect non-Jewish communities, to ensure their compliance with the Convention (CERD/C/ISR/17-19, paras. 23-25; CERD/C/ISR/CO/14-16, para. 15).

6. Measures to establish an independent national human rights institution, in accordance with the Paris Principles, with a specific mechanism for monitoring and evaluating progress



in the implementation of the Convention in an independent and transparent manner (CERD/C/ISR/CO/14-16, para. 17).

7. Measures to eradicate all forms of segregation between Jewish and non-Jewish communities (CERD/C/ISR/17-19, para. 54; CERD/C/ISR/CO/14-16, para. 11).

8. Measures to amend criminal legislation on incitement to racism, racist organizations and participation in and support for such organizations to ensure full compliance with article 4 of the Convention. Efforts to counter the tide of racist hate speech in public discourse, in particular by public officials and political and religious leaders, and to combat the proliferation of racist hate crimes that particularly target non-Jewish minorities, especially Palestinian citizens of Israel, Palestinians residing in the Occupied Palestinian Territory and migrants and asylum-seekers of African origin (CERD/C/ISR/17-19, paras. 55-65 and Annex No. I; CERD/C/ISR/CO/14-16, paras. 14 and 23).

9. Updated information and data, disaggregated by the ethnic or national origin of the alleged victims, on complaints for acts of racial discrimination, including by law enforcement officers, hate speech and hate crimes handled by the national courts, the State Comptroller or other relevant Israeli institutions, the number of investigations, prosecutions and convictions of perpetrators and the reparations provided to victims (CERD/C/ISR/17-19, para. 75 and Annex No. I; CERD/C/ISR/CO/14-16, para. 23).

Situation of ethnic and ethno-religious groups (arts. 1, 5 and 7)

10. Further measures to ensure equal enjoyment of economic and social rights for non-Jewish minorities, in particular the right to access and use State land, the right to housing, the right to perform military service, the right to education, the right to work and the right to public and political participation and representation (CERD/C/ISR/17-19, paras. 110-125, 167-168, 174-186, 191-199, 210-226, 239-276, 288-296 and Annex No. 2; CERD/C/ISR/CO/14-16, paras. 16 and 19).

11. Steps to repeal the Citizenship and Entry into Israel Law (Temporary provision) and to facilitate family reunification between an Israeli citizen and a person residing in the West Bank, including East Jerusalem, or the Gaza Strip (CERD/C/ISR/17-19, paras. 181-190; CERD/C/ISR/CO/14-16, para. 18).

12. Equal enjoyment of the rights of minorities within the Jewish population, in particular Ethiopian and Mizrahi Jews, especially with regard to their right to education, employment and political participation and representation. Measures to address intersecting forms of discrimination faced by women from Jewish minorities in relation to the implementation of religious laws (CERD/C/ISR/17-19, paras. 12, 40, 51-53, 90-101, 119-122, 171-173, 187-189, 229-232, 236-237, 284-285, 297-298, and Annex No. 2; CERD/C/ISR/CO/14-16, para. 21).

13. Right of the indigenous Bedouin communities to own, develop, control and use their communal lands, territories and resources. Enjoyment of their rights to housing, health care, education, employment, basic services and freedom of movement, without discrimination, in all the territories under the State party's jurisdiction or effective control (CERD/C/ISR/17-19, paras. 44, 50, 128-131, 169-170, 200-209, 227-229, 277-283, 342 and Annex No. 2; CERD/C/ISR/CO/14-16, para. 20; CCPR/C/ISR/CO/4, para. 9).

Situation of non-citizens (arts. 1, 2, 5 and 6)

14. Access by all asylum-seekers, including Eritrean and Sudanese nationals, to formal refugee status determination procedures, independent, qualified and free-of-charge legal assistance throughout the procedure, and basic services. Effective guarantees against refoulement and post-return monitoring mechanisms. Steps to abolish the system of automatic detention of asylum seekers (CERD/C/ISR/17-19, paras. 14, 102-109, 233-234, 286).

Situation in the Occupied Palestinian Territories (arts. 2, 3, 5 and 6):

15. Policies and practices in the Occupied Palestinian Territory which amount to de facto segregation and impact on the rights of Palestinians under the Convention

(CERD/C/ISR/CO/14-16, para. 24; CCPR/C/ISR/CO/4, para. 17). The existence of two separate legal and judicial systems in the Occupied Palestinian Territory, for Palestinians on the one hand and for Jewish settlers on the other hand.

16. Impact of the discriminatory planning and zoning policies in the West Bank, including East Jerusalem, on the rights of Palestinian and Bedouin communities. Measures to guarantee Palestinian and Bedouin rights to property, access to land, housing and natural resources, especially water resources (CERD/C/ISR/17-19, paras. 36-37; CERD/C/ISR/CO/14-16, para. 25).

17. Impact of the long-standing blockade of the Gaza strip imposed by the State party on Palestinians' freedom of movement and access to basic and life-saving services, as well as on civilian reconstruction efforts (CERD/C/ISR/CO/14-16, para. 26). Excessive use of force, including lethal force, by the State party's security and defence forces during law enforcement operations against Palestinian civilians in the West Bank, including East Jerusalem, and in the access-restricted areas of the Gaza Strip, particularly in the context of demonstrations, and measures to ensure accountability for such acts (CERD annual report, A/73/18, pp. 11-12).

18. Violence perpetrated by the State party's settlers against non-Jews, including Palestinians of Muslim and Christian denominations and their property in the West Bank, including East Jerusalem, and measures to ensure accountability for and protection from such acts by the State party's authorities. The impact of settlers' violence on the right of women and girls to access basic services, such as the right to education (CERD/C/ISR/CO/14-16, para. 28).
