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Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth periodic report of Israel*

1. The Committee considered the fourth periodic report of Israel (E/C.12/ISR/4) at its 14th and 15th meetings (see E/C.12/2019/SR.36 and 37), held on 2 and 3 October 2019, and adopted the present concluding observations at its 60th meeting, held on 18 October 2019.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by the State party, despite the delay in submission, and the supplementary information provided in the replies to the list of issues (E/C.12/ISR/Q/4/Add.1). The Committee appreciates the constructive dialogue held with the State party's inter-ministerial delegation.

3. While welcoming the establishment of a joint inter-ministerial team, which is tasked with the review and implementation of the concluding observations of human rights treaty bodies, the Committee regrets the lack of consultation with stakeholders, including civil society, during the process of preparation of the fourth periodic report.

B. Positive aspects

4. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2012.

5. It also welcomes the adoption of Amendment No. 200 to the National Insurance Law that provides a gradual increase in the general disability allowance by 2021, and the progress made by the State party in certain areas relating to the Covenant rights, which are indicated in subsequent paragraphs.

C. Principal subjects of concern and recommendations

Applicability of the Covenant

6. The Committee is concerned that, despite its previous recommendations (E/C.12/ISR/CO/3, para. 6), the State party has not taken any measure to incorporate the Covenant in the domestic legal order and that the provisions of the Covenant cannot be invoked before, and directly applied by, the courts, other tribunals or administrative authorities.

7. The Committee reiterates its previous recommendations that the State party incorporate the rights of the Covenant in its domestic legal order. It also recommends that the State party enhance judicial training on the nature and scope of the State

* Adopted by the Committee at its sixty-sixth session (30 September–18 October 2019).

party's obligation under the Covenant as well as on the justiciability of the Covenant. The Committee draws the attention of the State party to its general comment No.9 (1998) on the domestic application of the Covenant.

Application of the Covenant to the occupied territories

8. The Committee reiterates its deep concern about the State party's position that the Covenant is not applicable beyond its sovereign territory and that, given the circumstances in the occupied territories, the law of armed conflict and humanitarian law are considered to be exclusively applicable. The Committee also reiterates its regrets that the State party refuses to report in relation to the occupied territories.

9. The Committee reminds the State party that the applicability of its human rights obligations in the Occupied Palestinian Territory as well as the concurrent application of international human rights law and international humanitarian law in a situation of armed conflict or occupation have been affirmed by the International Court of Justice in its Advisory Opinion of 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (paras. 106, 112). This is also the view consistently adopted by various human rights treaty bodies, including this Committee, and expressed in the relevant resolutions of the General Assembly and reports of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the United Nations Secretary-General and the High Commissioner for Human Rights. The Committee urges the State party to comply with its obligations under the Covenant in line with the Advisory Opinion of the International Court of Justice. It also reiterates its previous recommendation that the State party include information on the situation of the Covenant rights enjoyed by the people in the Occupied Palestinian Territory in its fifth periodic report.

State party's policies relating to the Occupied Palestinian Territory

10. While noting the serious security situation of the State party, the Committee remains deeply concerned about the severe impact of the policies adopted by the State party relating to the Occupied Palestinian Territory, namely the closure policy and the related permit regime regarding the Gaza Strip and the occupation and settlement policy in the West Bank, including East Jerusalem, on the enjoyment of the Covenant rights by people living there, including the rights to work, to food, to water and sanitation, to health and education, and to cultural rights. It is also concerned about the expansion of Jewish settlements in the West Bank, including East Jerusalem, and the Occupied Syrian Golan, including through delegated powers granted to organisations such as the World Zionist Organization and the Jewish National Fund.

11. The Committee reminds the State party that it has positive and negative obligations with regard to the Occupied Palestinian Territory, depending on its level of control and the transfer of authority, that it should not raise any obstacle to the exercise of such rights in those fields where competence has been transferred to the Palestinian authorities, and that any measures taken by the State party should ensure that the legislative and policy measures relating to the occupied territories, taken by the State party as the occupying power do not result in any permanent alteration in the political or legal status of the territories or have irreparable consequences for the people living there. The Committee urges the State party to:

(a) Immediately lift the blockade and closures on the Gaza Strip and provide unrestricted access for the provision of urgent humanitarian assistance;

(b) Reduce restrictions on nominated items on the dual use list to minimum levels strictly required by security imperatives;

(c) Take immediate steps to facilitate the free movement of Palestinians within the Occupied Palestinian Territory, including East Jerusalem, and the Gaza Strip, and ensure that any measures restricting the free movement of civilians and goods from, into and within the Gaza Strip are in line with its obligations under the Covenant;

(d) Immediately halt and reverse all settlement policies and developments in the West Bank, including East Jerusalem, and the Occupied Syrian Golan, and rescind the delegated powers granted to organizations facilitating settlement such as the World Zionist Organization and the Jewish National Fund, and discontinue support to these organizations.

National human rights institutions

12. While noting several national human rights institutions existing in the State party, including the State Comptroller and Ombudsman, the Committee remains concerned that these institutions do not meet the criteria set out in the Principles relating to the Status of National Institutions (the Paris Principles) and that there is no lead agency to coordinate their activities.

13. The Committee recommends that the State party take concrete steps to establish an independent national human rights institution in line with the Paris Principles, including through strengthening the independence of the existing institution(s).

Free disposal of natural wealth and resources

14. The Committee is concerned at reports that the State party has given licences to Israeli and multinational companies for oil and gas extraction and renewable energy projects in the occupied Syrian Golan and the Occupied Palestinian Territory without consultation with the affected communities while prohibiting Syrians and Palestinians from accessing, controlling and developing their natural resources. It also regrets the lack of information on the measures put in place by the State party to ensure that these companies do not infringe human rights while operating in the occupied territories (arts. 1(2)).

15. The Committee recommends that the State party immediately cease to issue licences for exploiting natural resources in the occupied territories, and regulate the operations and activities of Israeli and multinational companies operating in the occupied territories in order to ensure their compliance with human rights standards. The Committee draws the attention of the State party to its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.

The Basic Law: Israel – The Nation State of the Jewish People

16. The Committee is deeply concerned about the possible discriminatory effect of the Basic Law: Israel – The Nation State of the Jewish People on non-Jewish people in the State party regarding the enjoyment of their Covenant rights. It is also concerned that this Basic Law, by recognizing the development of Jewish settlement as a national value, may further deteriorate the economic, social cultural rights situations in the occupied territories, which have already significantly been hampered by the settlement policy (arts. 1(1), 2(2) and 15).

17. The Committee urges the State party to review the Basic Law with a view to bringing it in line with the Covenant or repealing it and to step up its efforts to eliminate discrimination faced by non-Jews in enjoying the Covenant rights, particularly rights of self-determination, non-discrimination and cultural rights.

Non-discrimination

18. The Committee notes the absence of comprehensive anti-discrimination legislation in the State party and is concerned that the existing anti-discrimination legislation is not fully in line with article 2(1) of the Covenant, with limited prohibited grounds of discrimination and that the State party has not taken any step to review the existing legislation (art. 2(2)).

19. The Committee recommends that the State party revise the existing anti-discrimination legislation or adopt comprehensive anti-discrimination legislation with a view to ensuring that legislation prohibits all direct, indirect and multiple forms of discrimination on all grounds, including language, colour, social origin, property, sexual orientation, birth or other status, and providing for effective remedies for victims

of discrimination. The Committee draws the attention of the State party to its general comment No. 20 (2009).

The Bedouin people

20. While noting the adoption of the Socio-Economic Development Plan for Negev Bedouin: 2017-2021, through Government resolution No. 2397 of February 2017, the Committee is concerned about:

- (a) The large number of unresolved land claims;
- (b) The absence of meaningful participation of and consultation with the affected Bedouin communities in the process of formulating this policy;
- (c) Reports that Bedouin people in “unrecognised” villages in the Negev Desert are evicted from their homes and ancestral lands and forced to relocate to “recognised” Bedouin townships;
- (d) The substandard living conditions in both the unrecognized villages and recognized townships with very limited access to adequate housing, water and sanitation facilities, electricity, and public transportation (arts. 1(1) and 11).

21. The Committee recommends that the State party:

- (a) Step up its efforts to resolve the pending land ownership claims in a timely, transparent and effective manner;**
- (b) Consult with the affected Bedouin communities on the implementation of Government resolution No. 2397 and ensure that any policy affecting the Bedouin people is formulated and implemented through meaningful consultation with and participation of the affected Bedouin communities;**
- (c) Immediately stop evictions of Bedouin people living in unrecognized villages from their homes and ancestral lands and regularize their villages;**
- (d) Improve living conditions and infrastructure in all Bedouin residential localities in the Negev area.**

Refugees and asylum seekers

22. The Committee is concerned about the excessively large number of outstanding asylum applications and the negligible number of refugee status granted. It is also concerned that asylum seekers, including Eritrean and Sudanese asylum seekers under the State party’s temporary non-return policy who are *de facto* permanently living in the State party, are not legally allowed to work and have very limited access to social security benefits and healthcare services. It is further concerned about the Law for the Prevention of Infiltration, 1954 (“Deposit Law”) requiring employers to deposit 20 per cent out of the monthly salaries of the Eritrean and Sudanese asylum seekers into the Departure Fund, resulting in about 50 per cent of them earning less than minimum income with severe consequences for their ability to access and enjoy Covenant rights, particularly rights to health and education (arts. 2(2), 6 and 9).

23. The Committee recommends that the State party:

- (a) Improve the refugee status determination procedure with a view to facilitating the determination process and enhancing the fairness and effectiveness of the procedure;**
- (b) Allow asylum seekers to enter the labour market;**
- (c) Expand their social assistance benefits, including healthcare insurance, with special attention to the needs of marginalized and disadvantaged persons, including persons with disabilities, women, children and older persons;**
- (d) Repeal the Deposit Law or amend it with a view to making it consistent with the Covenant.**

Right to work

24. While appreciating the overall increase in the labour market participation and employment rates in the State party, the Committee is concerned that certain groups of population remain limited in enjoying their right to work and are concentrated in low-paying sectors. The Committee also regrets the lack of comprehensive and disaggregated data on the realization of the right to work (art.6).

25. The Committee recommends that the State party intensify its efforts to increase the labour market participation of persons with disabilities, Bedouins, Arab women and ultra-Orthodox Jewish men, including through providing vocational education and training tailored to their experience and level of job skills and fully implementing the quota for the employment of persons with disabilities. It also recommends that the State party provide comprehensive and disaggregated data on the realization of the right to work, including labour market participation, employment, unemployment and underemployment in its fifth periodic report.

Occupational safety and health

26. The Committee is concerned at the lack of progress made in reducing occupational injuries and fatalities and the significant decrease in the number of labour inspections carried out from 2006 to 2016 (art.7).

27. The Committee recommends that the State Party intensify its efforts to reduce occupational injuries and fatalities, including through sensitization of employers and workers to workplace safety and preventive measures, and strengthening labour inspections. It also recommends that the State party include information on occupational diseases in the fifth report.

Right to just and favourable conditions of work

28. While noting that 58 per cent of migrant workers, mostly women, are employed as caregivers on a live-in basis in Israel, the Committee is concerned that these workers are excluded from the applicability of the Hours of Work and Rest law of 1951 and that their working conditions are not effectively monitored by labour authorities. While noting that the State party has concluded bilateral agreements with some of the countries of origin of migrant workers to protect their rights, the Committee is concerned that those workers from the countries that do not have a bilateral agreement with the State party may be at risk of exploitation and abuse (art.7).

29. The Committee recommends that the State party take measures to:

(a) Ensure that live-in caregivers are adequately paid for overtime work and provided with a weekly rest for a period of not less than 25 hours, including by extending the application of the Hours of Work and Rest law of 1951 to these workers;

(b) Enable the labour inspectorate to effectively monitor the working conditions of live-in caregivers and put in place accessible complaint mechanisms for workers in this sector;

(c) Ensure that the provisions relating to the protection of the rights of migrant workers in bilateral agreements are in line with the Covenant and that there is full compliance with these provisions;

(d) Ensure that the rights of those workers from the countries that do not have a bilateral agreement with the State party are protected on an equal footing with those who are covered by bilateral agreements.

Sexual harassment in the workplace

30. The Committee is concerned about the frequent incidence of sexual harassment in the work place, despite the adoption of the Prevention of Sexual Harassment Law, 1998 and by the very small numbers of cases investigated, and leading to prosecution (arts.3 and 7).

31. The Committee recommends that the State take measures to strengthen the enforcement of the Prevention of Sexual Harassment Law; conduct gender-sensitization training for law enforcement officials; and ensure that reports of sexual harassment are duly investigated and prosecuted, that perpetrators are adequately punished; and that victims have access to appropriate redress, including compensation.

Trade union rights

32. The Committee is concerned at reports that workers in the Occupied Syrian Golan are less well informed or aware of their rights, including trade union rights, thereby making it less likely that they will claim their rights or seek effective remedies in case of violation of their rights (art.8).

33. The Committee recommends that the State party ensure that complaint mechanisms are put in place for workers in the Occupied Syrian Golan and take the measures necessary to raise awareness of workers of their rights under the Covenant and the complaint mechanisms available to them, including in cooperation with trade unions.

Right to social security

34. The Committee is concerned about the continuing disparity of five years in retirement age between men and women in the State party, which has led to a gender pension gap. It is also concerned at the insufficient level of old age pension to provide recipients with a decent living given the high incidence of poverty among older persons in the State party. The Committee regrets the lack of detailed information provided by the State party relating to the social security benefits (arts. 3, 9 and 11).

35. The Committee recommends that the State party take the necessary steps to equalize the retirement ages of men and women with a view to closing the gender pension gap; and increase the amount of the old age pension to a level that provides recipients with a decent standard of living. It also requests the State party to include, in its fifth periodic report, detailed information on the coverage and level of social security benefits and the indexation of these benefits as well as on the measures taken to extend the coverage of social security benefits to foreign workers with temporary stay visas and asylum seekers.

Protection of the family

36. The Committee is concerned that, despite its previous recommendation, the “tender years” presumption in the Law of Legal Capacity and Guardianship 5722-1962 still remains (arts. 3 and 10).

37. The Committee recommends that the State party amend the Law of Legal Capacity and Guardianship 5722-1962 with a view to abolishing the tender years presumption and ensuring that all decisions on child custody are made in accordance with the principle of the best interests of the child.

Personal status laws

38. While noting that religious courts have exclusive jurisdiction on issues relating to marriage and divorce whereas the civil family courts have parallel jurisdiction on custody and alimony, the Committee is concerned that different laws and regulations apply to the parties depending on their religions and denominations, which results in different rules and levels of protection in matters of personal status (arts. 3 and 10).

39. The Committee recommends that the State party assess the current system of religious law governing marriage and divorce with a view to harmonising this system with the provisions of the Covenant, particularly non-discrimination in the enjoyment of Covenant rights (art 2(2)) and the equal enjoyment by men and women of the economic, social and cultural rights in the Covenant (art 3).

Family reunification

40. The Committee is concerned that the Citizenship and Entry into Israel Law (Temporary Order) prohibits family reunification of Palestinians, who are from the West Bank or the Gaza Strip and who are married to Israeli or East Jerusalem residents, with their spouses and prevent them from enjoying the right to family life. It is also concerned that many families in the West Bank, including East Jerusalem, who have relatives in the Gaza Strip, remain separated for years due to the closure policy of the State party. Furthermore, it is concerned about the risk of losing the residence status of Palestinian women whose residency rights in East Jerusalem or in Israel are dependent on their husband's status in case of divorce, which may result in them staying in abusive relations (art. 10).

41. The Committee recommends that the State party review the Citizenship and Entry into Israel Law (Temporary Order) with a view to bringing the Law into line with its obligations under article 10 of the Covenant and facilitating family reunification of all citizens and permanent residents irrespective of their status or background.

Poverty

42. The Committee is concerned about the high and growing incidence of poverty in the State party, particularly amongst older persons, Bedouin families, Arab Israeli families and ultra-Orthodox families. It is also concerned about the high level of income inequality in the State party, which is the highest within the Organization of Economic Cooperation and Development (art.11).

43. The Committee recommends that the State party combat poverty, including through undertaking a comprehensive analysis of the underlying causes of poverty amongst particularly affected groups, and the adoption of concrete and targeted measures to address the incidence of poverty amongst these groups. It also recommends that the State party take the effective measures to reduce income inequality among the population, including through reforms of the tax system and the social security system.

Poverty and food insecurity in the Gaza Strip

44. The Committee is concerned at reports that one in every two person lives in poverty and about two thirds of households have been suffering from food insecurity in Gaza, which is largely attributable to the State party's closure/blockade on Gaza. The Committee, despite the explanation by the Delegation, remains concerned at the long-lasting hazardous impact of the aerial herbicide spraying carried out by private companies hired by the Ministry of Defence in its areas adjacent to the fence between Israel and Gaza on the crops productivity and soil in nearby areas in Gaza. The Committee is also concerned about restrictions imposed on the access of Palestinians to their agricultural land, water sources and irrigation facilities, and marine sources. It is also concerned about the confiscation of and damage to their fishing boats, which has deprived them of their means of subsistence (arts. 6, 11 and 12).

45. The Committee refers the State party to paras 11(a) and (b). It also recommends that the State party commission a scientific assessment regarding on the impact of herbicide spraying on the Palestinians in the affected areas, particularly relating to their livelihood, health, food security and environment and respond appropriately to the relevant findings; in the interim it is recommended that the State party cease the spraying on the basis of the precautionary principle. It further recommends that the State party ensure that farmers and fishers have free access to their land and irrigation facilities, and to marine sources and refrain from confiscating and damaging boats and fishing equipment and restricting the movement of Palestinian fishers and fishing communities.

Water and sanitation

46. The Committee is concerned that none of the unrecognized villages in the Negev region are connected to the national water network and that the majority of Bedouin villages, recognized or unrecognized, are not connected to a sewage disposal infrastructure. The Committee is also concerned about the impact of the State party's occupation and settlement policy, and the destruction of Palestinian water infrastructure by the State party, on

Palestinians in the Occupied Palestinian Territory in accessing water, which results in them living far below the extreme water scarcity level with serious health consequences (art.11).

47. **The Committee recommends that the State party take all measures necessary to:**

(a) **Ensure that all the Bedouin villages, recognized or unrecognized, are connected to the national water network and to a sewage disposal infrastructure;**

(b) **Cease the destruction of Palestinian water infrastructure and take all measures necessary to ensure that Palestinians have access to sufficient, safe and clean drinking water.**

Right to housing

48. The Committee is concerned about the decline in public expenditure in the housing sector as well as in the number of social housing units. It regrets the lack of detailed information on the situation of homelessness and of persons living in inadequate housing (art.11).

49. **The Committee recommends that the State party increase the budget allocation to the housing sector with a view to expanding social housing to disadvantaged and marginalized individuals and families, and include, in its fifth report, information on the situation of homelessness and of persons living in inadequate housing as well as provision of social housing, including relevant statistical data.**

Planning and zoning in the West Bank, including East Jerusalem

50. The Committee is concerned about the discriminatory effect of Planning and zoning laws and policies on Palestinians and Bedouin communities in the West Bank, compared to Israeli settlers, as illustrated by less than 1 per cent of the land in Area C and 13 per cent in East Jerusalem allocated for Palestinian constructions. The Committee is also concerned about the lengthy, complicated and expensive application system and the low rate of approval of building permits, which have led to high numbers of evictions and demolitions in the West Bank, including East Jerusalem (arts.2(2) and 11).

51. **The Committee recommends that the State party review planning laws and policies in the West Bank, including East Jerusalem, to ensure that they are compliant with its obligations under the Covenant and end zoning practices. The Committee also recommends that the State party reform the construction permit system in the West Bank, including East Jerusalem, with a view to preventing demolitions and forced evictions for a lack of a construction permit; and ensure that any demolition is carried out only as a last resort, and is strictly necessary as required by a legitimate state purpose in accordance with its obligations under the Covenant. The Committee draws the attention of the State party to its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.**

The practice of punitive demolitions

52. The Committee is concerned at reports of the continuing practice of punitive demolitions of the family homes of alleged perpetrators of attacks against Israeli civilians and security forces, including a report of the United Nations Office for the Coordination of Humanitarian Affairs indicating that a total of 53 residential structures were punitively demolished or sealed from 1 January 2015 to 31 May 2018, which resulted in the forced eviction of 323 persons (arts.2(2) and 11).

53. **The Committee urges the State party to immediately cease the practice of collective punitive demolition of houses and private property and ensure that victims of such practice are provided with full and effective reparations, including restitution of the affected properties.**

Right to health

54. The Committee is concerned that the level of funding allocated to the healthcare sector, as a share of GDP, has grown only by 0.4 per cent between 2000 and 2017, despite

the significant growth in population, which has led to a lack of medical personnel and critical medical equipment, long waiting times and a high incidence of hospital-acquired infections. It is also concerned about the disparities between urban and peripheral areas in terms of availability, accessibility and quality of healthcare services. The Committee is also concerned at the disproportionately poor health status of the Arab and the Bedouin populations in the State party, including the disproportionately higher rates of infant mortality compared with those of the general population (arts.2(1), (2) and 12).

55. The Committee recommends that the State party increase the budgetary allocation to the public healthcare sector and intensify its efforts to ensure equal access to quality healthcare services, regardless of place of residence, particularly those living in peripheral areas. It also recommends that the State party take concrete measures to address the disproportionately poor health status of the Arab and the Bedouin populations.

Access to healthcare services

56. While noting that the National Health Insurance Fund does not cover foreign workers and that their employers are obliged to provide them with medical insurance under the Foreign Workers Order (Employee Health Benefits Package), the Committee is concerned about the high incidence of non-compliance by employers, which has effectively deprived many foreign workers of their right to health. The Committee is also concerned that asylum seekers, including Eritrean and Sudanese nationals under the temporary non-return policy, who are not allowed to work in the State party, are not covered by health insurance and have no access to public healthcare services, except in medical emergencies. It is also concerned by the State Party's decision in 2018 to exclude children of undocumented migrant workers and asylum-seekers whose application for asylum has been refused from the Meuhedet Agreement. The Committee is further concerned that budgetary constraints, shortage of medical professionals and poor infrastructure restrict the availability of and accessibility to healthcare services provided to foreign workers, refugees and asylum seekers in state-funded clinics, particularly the Terem Clinic and the Gesher Clinic (arts. 10 and 12).

57. The Committee recommends that the State party:

(a) Take the measures necessary to ensure that migrant workers and asylum seekers have equal access to preventive, curative and palliative healthcare services, regardless of their legal status and documentation, including by extending the coverage of national health insurance to them;

(b) Ensure that all children, regardless of their legal status, have access to healthcare services at all times;

(c) Expand the healthcare services, including mental health care, provided by state-funded clinics to asylum seekers and enhance their accessibility, including through providing additional financial resources.

58. The Committee is concerned at the very limited availability of healthcare services and the deteriorating quality of health-care services in the Gaza Strip due to restrictions on dual use items, including essential medical equipment and supplies, and the escalation of hostilities, which have forced residents to seek medical treatment in the West Bank or in Israel. It is also concerned about the lengthy and complicated exit-permit system, which has impeded the ability of residents of the Gaza Strip to access medically recommended treatment (which is not available in Gaza) in the West Bank, including East Jerusalem, in Israel and abroad.. Furthermore, it is concerned about the significant increases in the refusal of permits and in delays in issuing them in recent years and their devastating consequences, including death of patients waiting for permits and a number of children undergoing critical medical procedures without their parents at their side (art. 10 and 12).

59. The Committee recommends that the State party:

(a) Facilitate the entry of essential medical equipment and supplies and the movement of medical professionals from and to Gaza;

(b) **Review the medical exit permit system with a view to facilitating timely access to all medically recommended health care services by residents of Gaza;**

(c) **Ensure that all children referred for medical treatment outside Gaza can be accompanied by at least one of their parents.**

Clinical trials on human beings

60. The Committee is concerned about the absence of framework legislation regulating clinical trials and some incidences of clinical trials on human beings carried out without undergoing appropriate regulatory processes (art. 12).

61. The Committee recommends that the State party adopt framework legislation to regulate clinical trials on human beings and protect the right to health of persons participating in such trials, and put in place effective oversight mechanisms. It also recommends that the State party ensure that thorough investigations are carried out in cases of unregulated medical trials, and appropriate remedies are provided to participants.

Right to education

62. While noting the measures envisaged by the State party to improve access of disadvantaged and marginalized children to education, the Committee remains concerned that the level of funding, as a share of GDP, allocated to the education sector, has been stagnant over the past ten years despite the continuous growth in population. It is also concerned about the disproportionately high dropout rates among Bedouin students and the large gaps in the educational achievements between Arab students and Jewish students. It is further concerned about the shortage of classrooms and kindergartens in Bedouin neighbourhoods and the proliferation of poor quality and unsupervised private kindergartens that are attended mostly by children of asylum seekers. The Committee is also concerned about the large portion of students with disabilities enrolled in special classes or special schools (arts 13 and 14).

63. The Committee recommends that the State party step up its efforts to:

(a) **Increase the public funding allocated to the education sector;**

(b) **Identify the root causes for the high dropouts of Bedouin students and take the effective measures to address them;**

(c) **Improve the quality of education provided to Arab students with a view to enhancing their academic achievement;**

(d) **Address the shortage of classrooms and kindergartens in Bedouin neighbourhoods;**

(e) **Increase the number of public kindergartens and regulate and closely monitor the quality and educational environment of private kindergartens;**

(f) **Expand the provision of inclusive education for students with disabilities to attend mainstream schools;**

Access to education

64. The Committee is concerned about the restricted access of students to education in the Occupied Palestinian Territory, in particular:

(a) The shortage of school facilities due to the frequent demolition of school buildings and confiscation of school premises or educational materials by Israeli authorities as well as difficulties in obtaining construction permits and securing construction materials most of which are banned under the dual use item regime;

(b) The precarious learning environment in which Palestinian students are being educated due to armed or non-armed searches of Palestinian schools by Israeli security forces;

(c) The frequent incidence of harassment or threats against students and teachers by security forces or Israeli settlers at checkpoints or along roads, which particularly impedes female students from going to school (arts. 10, 13 and 14).

65. The Committee recommends that the State party:

(a) Rescind demolition and stop-work orders against schools;

(b) Limit Israeli security forces from entering school facilities and carrying out searches to the extent strictly required by the exigencies to ensure a safe and protected learning environment for Palestinian students;

(c) Take effective measures to ensure the unhindered and safe access of students and teachers to schools without harassment or threats; and investigate, prosecute and punish acts of harassment and intimidation by Israeli settlers and security forces;

(d) Endorse the Safe Schools Declaration, and take concrete measures to deter the military use of schools, including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks.

Access to higher education

66. The Committee is concerned at the blanket ban imposed on students from the Gaza Strip to access education in the West Bank since 2014, which has limited access of Gazan students particularly to higher education. It is also concerned at the serious impact of the dual use list on students in the Gaza Strip to enjoy their right to education, particularly in the science and engineering field and the benefits of scientific progress and its applications due to the lack of essential education materials and equipment (arts. 13 and 15).

67. The Committee urges the State party to lift the blanket ban on students from the Gaza Strip to access education in the West Bank and to allow the entry of materials and equipment necessary for science and engineering education to Gaza.

Cultural rights

68. While noting that the State party is a pluralist country of people from diverse cultural backgrounds, the Committee is concerned at the lack of measures taken to promote cultural diversity of the State party. It is particularly concerned that, despite the explanation given by the Delegation, about the downgrading the status of the Arab language from an official language to a language with special status through the adoption of the Basic Law – Israel: the State Nation of the Jewish People. It is also concerned by the very low level of funding allocated to the High Institute for the Arabic Language, which amounts at NIS 1,450,000 in 2019, in light of the Arab population comprising 20 per cent of the State party's population (art. 15).

69. The Committee recommends that the State party take the measures to promote diverse cultures, including through raising awareness of various cultures of the Arab population, the Bedouin people, migrant workers and asylum seekers. It also recommends that the State party reinstate the Arab language as an official language and promote the use of the Arab language, including through strengthening the High Institute for the Arabic Language, inter alia by increasing financial resources allocated to it.

Protection of and access to historical and religious sites

70. The Committee is concerned that Palestinians living in the Gaza Strip are impeded to visit religious sites in the West Bank, including East Jerusalem, due to the closure policy of the State party and that Palestinians living in the West Bank are also restricted to visit religious sites in East Jerusalem. It also regrets the lack of detailed information on the measures taken by the State party to protect historical and religious sites of all religions in the Occupied Palestinian Territory (art. 15).

71. The Committee recommends that the State party ensure that Palestinians living in the Occupied Palestinian Territory exercise their right to take part in cultural and religious life without restrictions other than those that are strictly proportionate to security considerations and are not discriminatory in their application in accordance with Article 15(1)(a), as interpreted in the Committee's general comment No. 21 (2009) on the Right of everyone to take part in cultural life.

D. Other recommendations

72. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. The Committee draws the attention of the State party to its statement on The Pledge to Leave No One Behind: the International Covenant on Economic, Social and Cultural Rights and the 2030 Agenda for Sustainable Development (E/C.12/2019/1).

73. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

74. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and district levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

75. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 11 (c) and (d) (policies relating to the Occupied Palestinian Territory), 17 (the Basic Law: Israel – The Nation State of the Jewish People) and 23 (refugees and asylum seekers) above.

76. The Committee requests the State party to submit its fifth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2024. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).