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# Advance Unedited Version

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of Israel\*

#### I. General information

1. Please provide information on the steps taken by the State party to incorporate the rights enshrined in the Covenant in the domestic legal order and to ensure that provisions of the Covenant can be invoked by citizens before, and directly enforced by, the Courts, other tribunals or administrative authorities.
2. Please provide information on the efforts made to fulfil the obligations of the State party under the Covenant in the Occupied Palestinian Territory, including in and around East Jerusalem, in accordance with the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice. Please also provide information related to the enjoyment of economic, social and cultural rights as enshrined in the Covenant in the territories under its effective control and jurisdiction and information on the measures taken to provide people living therein with effective remedies in cases of violation of the Covenant rights.
3. Please provide information on the measures taken, if any, to assess the impact of its legislative, policy and institutional frameworks concerning the territories of its effective control, namely the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, on the enjoyment of the Covenant rights by the people living there. Please also clarify how these frameworks are compatible with the obligations of the State party under the Covenant.
4. Please provide information on the steps taken to establish a national human rights institution or to strengthen the existing human rights institutions, which has a clear mandate to deal with economic, social and cultural rights, in accordance with the Principles relating to the status national institutions for the promotion and protection of human rights (the Paris Principles).
5. Please provide information on the engagement of civil society, including non-governmental organizations, in the preparation of the fifth periodic report of the State party to the Committee.
6. Please provide information on legislative, administrative or other measures taken to ensure that businesses respect the economic, social and cultural rights of all persons and apply the principle of due diligence throughout their operations, including when operating abroad. Please also provide information on the measures taken to ensure that all parties, including business actors, to public contracts respect the Covenant rights and to mitigate risks of infringements of these rights by these parties. Please also indicate the extent to which judicial remedies in the State party are available for the victims of violations committed by Israeli businesses abroad and provide specific examples.

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\* Adopted by the pre-sessional working group at its sixty-fourth session (11-15 March 2019).

7. With regard to the threat represented by climate change to the enjoyment of economic, social and cultural rights across the world, please provide detailed information on the progress made in meeting the national targets for reducing emissions that the State party has set itself under the Paris Agreement on Climate Change, and on the contributions that it proposes to make to the Green Climate Fund.

## **II. Issues relating to the general provisions of the Covenant (arts. 1-5)**

### **Maximum available resources (art. 2 (1))**

8. Please provide information on the evolution, over the past 10 years, of:

(a) The proportion of people below the poverty line, and the levels of inequality, defined as the ratio between total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;

(b) The proportion of the public revenue that is generated through taxes;

(c) The rates of taxes levied on corporate profits and on personal income, the value added tax rate (exclusive of the value added tax on luxury items, tobacco, alcohol, sugary drinks or snacks and gasoline), and the percentage of total revenue that is generated from personal income taxes collected from the richest decile of the population;

(d) Public expenses as a percentage of gross domestic product and, within total public expenses, the proportion of the public budget that is allocated to social spending (education, social security, food, health, water and sanitation and housing);

(e) Inflation-adjusted absolute levels of social spending.

9. Please provide information on the measures taken to increase the level of official development assistance of the State party. Please also provide information on the measures taken to ensure that the policies and programmes of Israel's Agency for International Development Co-operation (MASHAV) are planned and implemented based on human rights principles enshrined in the Covenant.

10. Please provide information on the legislative and institutional framework to combat corruption and to enhance transparency, accountability and participation in the conduct of public affairs. Please also provide information on the cases filed with anti-corruption bodies, particularly those brought against high-level officials, including the number of cases filed, investigated and prosecuted and the sentences passed on those involved in corruption.

### **Non-discrimination (art. 2 (2))**

11. Please provide information on the measures taken or envisaged to explicitly guarantee the principle of equality and the prohibition of non-discrimination in the Basic Law: Human Dignity and Liberty and to review legislation with a view to remove the discriminatory provisions, particularly those against the non-Jewish population.

12. Please provide information on the assessments, if any, which the State party carried out on the impact of the Basic Law: Israel as the Nation-State of the Jewish People, adopted by Knesset on 19 July 2018, on the non-Jewish population and on their enjoyment of the Covenant rights, particularly the right to self-determination, right to non-discrimination and cultural rights. Please also clarify the concerns raised regarding the Law that it may exacerbate the existing ethnic segregation and lead to policies and budget allocation that may further disadvantage the non-Jewish population. Please further provide updated information on the case brought before the Supreme Court arguing the constitutionality of this law.

13. Please provide information on the equality bodies of the State party, in particular, their mandate and power, cases brought before them, including the main grounds of discrimination and main contexts in which discrimination occurred in the enjoyment of the

Covenant rights, and examples of recommendations or decisions made by these bodies to address chronic or structural discrimination.

### **The Bedouin people**

14. Please provide information on:

(a) The steps taken to fully respect the rights of the Arab-Bedouin people to their traditional and ancestral lands;

(b) The impacts of the measures taken to ensure that the Bedouin population continue their traditional semi-nomadic way of life and enjoy their traditional culture; and to recognize the Bedouin population as an indigenous people;

(c) The impacts of the measures taken to implement the Five-Year Plan for the empowerment and Socio-Economic Strengthening of the Bedouin Localities in the Negev for the Years 2017-2021 in line with the Committee's General Comments No. 4 on the right to adequate housing and No. 7 (1997) on forced evictions;

(d) The measures taken to ensure the meaningful participation of the Bedouin people and to seek their free prior and informed consent in planning and implementing all development policies and plans affecting them;

(e) The impacts of the measures taken to alleviate the disproportionately high incidence of poverty among the Bedouin population in the Negev and Naqab;

(f) The steps taken to further regularize the unrecognized villages and improve the living conditions therein;

(g) The measures taken to ensure that all Bedouin villages, recognized or unrecognized, have access to public transportation;

(h) The steps taken to improve data collection relating to the Bedouin population and provide statistical data relating to their enjoyment of the Covenant rights, disaggregated by sex, disability and locality. This includes their numbers, employment, unemployment and under-employment rates, coverage and take-up rates of social security benefits, and access to education, healthcare services, water, sanitation facilities, electricity, public transportation and other public services.

### **Refugees and asylum-seekers (art. 2 (2))**

15. Please provide information on:

(a) The measures taken to address the exorbitant number of outstanding asylum applications and the minimal number of refugee status granted and further to improve the asylum system, particularly in response to the report of the State Comptroller on 8 May 2018;

(b) The State party's view on the compatibility of the temporary non-return policy with the obligations of the State party under the Covenant, particularly in relation to the rights to work, to social security and to an adequate standard of living; and the recommendations made by the Mor Yosef Inter-Ministerial Committee in this regard and the implementation thereof;

(c) The steps taken to revise the Deposit Law with a view to removing the provisions that oblige the employers of Eritrean and Sudanese employees to deduct certain percentages (20 or 6 percent) of their net salary and deposit it into a special Departure Fund;

(d) The policy of relocation of Eritrean and Sudanese asylum-seekers to Uganda and Rwanda, including the protection of the Covenant rights of these persons provided in the bilateral agreements reportedly concluded with the two countries or any other measures in place to protect their Covenant rights during and after the relocation, and the number of persons relocated each year under this policy.

**Equal rights of men and women (art. 3)**

16. Please provide detailed information on the measures taken to improve women's representations in the decision-making positions in the public sector, particularly in the Parliament and regional councils, the government, including diplomatic missions, and in higher education, as well as in private corporations. Please also provide relevant statistical data.

**III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

**Right to work (art. 6)**

17. Please provide information on:

(a) The impact of the measures taken, as illustrated in Annex II of the State party report, to address the disproportionately low level of labour market participation and the high level of unemployment among non-Jewish Israelis, including Arab Israelis;

(b) The implementation of the employment quota for persons with disabilities in the public and private sectors and the measures taken in case of non-implementation, and the number of affirmative action orders issued and the enforcement thereof;

(c) The impact of measures taken to address the minimal level of labour market participation and employment of non-Jewish Israeli women and non-Jewish Israelis with disabilities;

(d) Updated data, disaggregated by gender and ethnicity, on labour force participation rate, employment rate and unemployment rate and under-employment rate, for the past five years.

**Right to just and favourable conditions of work (art. 7)**

18. Please provide information on the measures taken by the State party and their impact:

(a) To reduce the large gender pay gap, including the amendments made in 2014 to the Male and Female Workers (Equal Pay) Law 5756-1996 (State report, para. 72), and relevant data, disaggregated by sector, on the trend of gender pay gap in the last five years;

(b) To ensure that all workers, including Arab Israelis and migrant workers, are paid at least the minimum wage;

(c) To ensure that Palestinian workers residing in Israel with their families with temporary stay permits or B-1 visas enjoy the working conditions equal to those of permanent residents, including updated information on the case of *Tab'ouni et.al. v. The Minister of Interior et. al* before the High Court of Justice (H.C.J. 1889/18).

19. Please provide information on:

(a) The steps taken to review the Hours of Work and Rest Law 1951 and the Wage Protection Law 1958 with a view to guaranteeing adequate pay and favourable working conditions for foreign women workers providing care on a live-in basis; and the results thereof;

(b) The measures taken to ensure that the regulations and procedures in place regarding geographical employment mobility and change of employment do not negatively impact on the enjoyment by migrant workers of the rights guaranteed in articles 6-8 of the Covenant, and the impact thereof;

(c) The measures taken to protect foreign workers, particularly those in the fields where bilateral agreements have not been concluded, from abuse by employers or recruitment agencies, and the impact thereof;

(d) The mechanisms for migrant workers to complain about their working conditions and the effectiveness of these mechanisms.

**Trade union rights (art. 8)**

20. Please provide information on the step taken to allow Palestinians living in the Occupied Palestinian Territory and working in Israel to join the General Federation of Labourers in Israel, in accordance with article 8 of the Covenant (E/C.12/ISR/CO/3, para. 16). Please also clarify how the State party ensure that workers exercise their right to strike against the Government's decisions that affect, directly or indirectly, their employment and conditions of work, in light of the preliminary decision of the High Court of justice in July 2017 in the case relating to industrial action by workers of Israel Electric Corporation.

**Right to social security (art. 9)**

21. Please provide detailed information on the measures taken to ensure that the amounts of social security benefits, including old-age benefits, unemployment benefits and disability benefits, are sufficient to provide beneficiaries with an adequate standard of living and on the indexation of these benefits. Please also clarify social security benefits that cover (a) Palestinian workers residing in Israel with their families with temporary stay permits, (b) non-Israeli workers with temporary stay permits and (c) non-Israeli workers with permanent residency permits, respectively; and the measures taken to expand the coverage of social security benefits to improve social protection of these groups. Furthermore, please provide information on the efforts made by the State party to protect residency and social security rights of Palestinians residing in Jerusalem (E/C.12/ISR/CO/3, para. 17).

**Protection of the family and children (art. 10)**

22. Please provide information on:

(a) The progress made in repealing the tender years presumption provided in section 25 of the Capacity and Guardianship Law;

(b) The implementation of the 2012 amendment to the Rabbinical Courts Law (Implementation of Divorce Judgment) 5755-1955 as well as the Guideline issued by the State Attorney's Office in 2016;

(c) The situation of children who have been taken away from parental care to institutional or family-type arrangements, including their numbers and the reasons for them to be placed in such arrangements; and the monitoring mechanisms put in place to oversee these institutions and to deal with complaints thereon;

(d) The measures taken to address the concerns and recommendations made by the Committee in its previous concluding observations in relation to the child support awards (E/C.12/ISR/CO/3, para. 22), and the number of no exit orders issued annually during the reporting period;

(e) The progress made by the State party to facilitate family reunification for those Palestinians from the Occupied Palestinian Territory who are married to Israeli citizens or residents of East Jerusalem; and the current status of the Citizenship and Entry into Israel Law (Temporary Order).

**Right to an adequate standard of living (art. 11)**

23. Please provide information on the measures taken by the State party and their impact: to address the high incidence of poverty among the Palestine population in the Occupied Palestinian Territory (OPT) and to ensure timely and unfettered access by humanitarian organizations operating in the OPT to the Palestinian population, including in all areas affected by the Wall and its associated regime (E/C.12/ISR/CO/3, para. 24). Please also provide information on the measures taken to mitigate the negative impact of privatization of social services on the enjoyment of the Covenant rights, particularly by disadvantaged and marginalized individuals and groups.

24. Please provide information on the measures taken and their impact:

(a) To ensure access to sufficient, affordable and safe drinking water without discrimination across the State party and the Occupied Palestinian Territory;

(b) To regulate the exorbitant price for water provided by private providers in the unrecognized Bedouin villages and to address the huge disparities in access to water between Arab residents and Israeli settlers in Area C of the West Bank;

(c) To improve sanitation facilities and the waste management system in the Bedouin communities, including the implementation of the Government Resolution No. 546.

25. Please provide information on:

(a) The measures taken to stop demolitions of housing and structures as reprisals; and the number of such demolitions carried out during the reporting period and the remedies provided to affected persons;

(b) The clarification on how the State party reconciles its legislation, including the Basic Law: Israel as the Nation-State of the Jewish People (2018) the Land Regulation Law (2017) and the Israel (Military) Destruction Order 1797 of 18 June 2018 and Section 119 of the Emergency Defence Regulations of 1945, with its obligations under article 11 of the Covenant, with reference to the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions;

(c) The legal protection provided for those who are evicted from their home before, during and after the eviction; and the evictions carried out in Area C of the West Bank and East Jerusalem, including the number of eviction orders issued and carried as well as the number of affected persons or households during the reporting period, and the remedies provided to those affected by forced evictions;

(d) The steps taken to reform the housing policy and to ensure the legality of Palestinian constructions in Area C of the West Bank and East Jerusalem and relevant data, disaggregated by ethnicity, the number of applications for building permits and the number of permits granted in Area C of the West Bank and East Jerusalem, during the reporting period;

(e) The measures taken to prevent destructions of Palestinian housing and property in Area C of the West Bank and East Jerusalem, and the investigations carried out into such criminal acts, including the numbers of cases investigated and prosecuted, the penalties imposed on perpetrators and the remedies provided to victims during the reporting period;

(f) The impact of the measures taken to increase the provision of social housing and to regulate the private rental market.

26. Please provide information on the steps taken to ensure that the activities of the World Zionist Organization, the Jewish National Fund and the Jewish Agency are regulated and monitored by the State party to ensure that the Covenant rights are properly protected.

27. Please provide information on:

(a) The impact of the measures taken by the State party to improve food security for marginalized and disadvantaged persons and groups in the State party, including Palestinians living in the Occupied Palestinian Territory (OPT);

(b) The measures taken to stop chemical spraying over farmlands by the military forces in the OPT;

(c) The steps taken to ensure unimpeded access of Palestinians to their agricultural land, water sources and irrigation facilities in all their territories;

(d) The measures taken to recognize and respect the right of the Palestinian people to the marine resources, including the right to fish in the territorial sea of the Gaza Strip;

(e) The investigations into the cases of the killings and injuries of fishers in the buffer zone, prosecutions, and penalties imposed on perpetrators, and the remedies provided to the victims.

#### **Right to physical and mental health (art. 12)**

28. Please provide information on:

(a) The measures taken to increase the level of public funding allocated to the health sector, particularly in the public healthcare services;

(b) The measures taken to ensure accessible, affordable and quality healthcare services to all, particularly disadvantaged and marginalized individuals, in the context of privatization of healthcare services;

(c) The measures taken to address the huge geographical disparities in the enjoyment of the right to health, in terms of availability, accessibility and quality of healthcare services; and relevant data, at the primary and tertiary levels, disaggregated by region, on the number of medical professionals, of beds and of critical medical equipment as well as public funding spent, per 1,000 persons;

(d) The effectiveness of the measures taken to implement the ruling of the High Court of Justice in 2014 (H.C.J.1105/06, *workers Hotline v. The Minister of Social Service*) and the measures taken to address the non-compliance by employers with the obligation to arrange medical insurance for migrant workers employed in the care giving field;

(e) The measures taken to implement the recommendations made by the Committee on the Elimination of Racism, Discrimination and Exclusion of the Ministry of Health and any timeframe for the implementation;

(f) The steps taken to expand the scope of healthcare services provided to asylum-seekers and to ensure that all children have access to medical treatment regardless of their parents' legal status;

(g) The measures to address the reportedly increased rate of suicide in recent years in the State party;

(h) Framework legislation that regulates clinical trials on human beings.

29. Please provide information on the measures taken to enable the Palestinian Authority to exercise its functions and powers emanating from the 1995 Interim Agreement. Please particularly provide information on the steps taken to ensure that patients seeking healthcare services outside the Gaza Strip get timely medical treatments, including data on the number of applications for an exit permit and of permits rejected during the reporting period as well as the main reasons for the rejections.

#### **Right to education (arts. 13-14)**

30. Please provide information on:

(a) The measures taken to strengthen human rights education and to promote, among all people living in the State party, especially children, understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace;

(b) The provision of inclusive education to students with disabilities in the State party, including relevant statistical data;

(c) The impact of measures taken to address the high incidence of school dropout and low level of academic achievement among Arab and Bedouin students;

(d) The measures taken, and their impact, to ensure that all children, including Arab and Bedouin children, benefit from free early childhood education, and the enrolment rates of these groups of children;

(e) The measures taken to address the proliferation of unsupervised private kindergartens ("babysitters"), where conditions and services are reportedly substandard, the legislative or policy framework put in place to regulate them; and the social support provided to all parents who cannot afford private afterschool programmes for their children;

(f) The efforts made to address the acute shortage of school facilities, including primary schools, and substandard educational facilities in Area C of the West Bank and East Jerusalem and to stop demolition of school buildings and structures;

(g) The measures taken to prevent and prohibit harassment of teachers and students by Israeli settlers and military personnel in Area C of the West Bank and East Jerusalem;

(h) The steps taken to stop attacks on Palestinian schools in Gaza Strip, including those run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), by Israeli forces.

**Cultural rights (art. 15)**

31. Please provide information on the measures or steps taken by the State party:

(a) To ensure that Palestinians living in the Occupied Palestinian Territory (OPT) 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 non-discriminatory in their application, in accordance with international humanitarian law; and to protect holy sites in the OPT from against demolition and desecration, in accordance with the Protection of Holy Places Law 5727-1967 (E/C.12/ISR/CO/3, para.36);

(b) To promote cultural diversity and protect and preserve the cultural heritage sites of various peoples, cultures, civilizations and religions in the State party;

(c) To promote the linguistic diversity in the State party, the situation of the Arabic in education, and to promote other languages including Yiddish, Amharic and Ladino;

(d) To encourage and develop international contacts and cooperation in the scientific and cultural fields with other countries, including in the region, and with international organizations.

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