

Israel

Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 17 November 2011

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/israel>

We invite the reader to consult that webpage as all recommendations, as the full reports and the unedited comments can be found at that very internet address.

25 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. No NHRI does exist.

11 NGOs responded to our enquiry, and sometimes through coalitions; among them, 2 NGOs chose to respond anonymously. The State under Review did not respond to our enquiry.

IRI: 111 recommendations are not implemented, 2 recommendations are partially implemented, and 0 recommendations are fully implemented. No answer was received for 44 out of 164 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	International instruments, Death penalty,	page 8	not impl.
2	International instruments, Enforced disappearances,	no response	no response
3	Human rights defenders	page 8	not impl.
4	Treaty bodies	page 9	not impl.
5	International instruments	page 11	not impl.
6	International humanitarian law	page 9	not impl.
7	Special procedures	page 9	not impl.
8	Women's rights, International instruments, International instruments, Freedom of religion and belief, ESC rights -	no response	no response
9	general, Detention conditions, CP rights - general, International instruments, Freedom of movement, CP rights -	page 12	not impl.
10	general,	page 13	not impl.

rec. n°	Issue	page	IRI
11	Right to land	page 14	not impl.
12	Torture and other CID treatment, International instruments,	page 17	not impl.
13	Justice, International instruments,	page 9	not impl.
14	General	page 17	not impl.
15	Special procedures	page 18	-
16	General	page 10	not impl.
17	Right to health, Right to education, Labour, International instruments, International humanitarian law,	page 19	not impl. partially impl.
18	Right to water, Right to health, Minorities,	page 19	impl.
19	Torture and other CID treatment, International instruments,	no response	no response
20	Detention conditions	page 20	not impl.
21	Minorities	page 22	not impl.
22	Women's rights	no response	no response
23	Detention conditions	no response	no response
24	Other	page 10	not impl.
25	Other	page 22	not impl.
26	Freedom of movement	page 22	not impl.
27	Public security	no response	no response
28	Freedom of movement	page 22	not impl.
29	Right to land	page 23	not impl.
30	International instruments, International humanitarian law,	page 10	not impl.
31	Right to land	page 23	not impl.
32	Torture and other CID treatment, International instruments,	page 17	not impl.
33	Treaty bodies, Torture and other CID treatment,	page 17	not impl.
34	Human rights defenders	no response	no response
35	Detention conditions	page 26	not impl.
36	Special procedures, Freedom of movement,	page 27	-
37	International instruments, Freedom of movement,	page 27	not impl.
38	Right to land	page 28	not impl.
39	Right to land	page 28	not impl.
40	Right to land	page 28	not impl.
41	Right to land	page 29	not impl.
42	Justice	page 29	not impl.
43	Asylum-seekers - refugees	page 30	not impl.
44	Other	page 30	not impl.
45	Minorities	page 30	not impl.
46	NHRI	no response	no response
47	Freedom of movement	page 29	not impl.
48	International instruments	page 10	not impl.
49	Treaty bodies, Torture and other CID treatment, Detention conditions,	no response	no response
50	International instruments, Enforced disappearances,	no response	no response

rec. n°	Issue	page	IRI
51	Right to land	no response	no response
52	Women's rights	no response	no response
53	Freedom of movement	page 31	not impl.
54	International instruments, International humanitarian law,	page 31	not impl. partially
55	Detention conditions	page 32	impl.
56	International instruments, ESC rights - general, CP rights - general,	page 33	not impl.
57	Rights of the Child, International instruments,	page 33	not impl.
58	Freedom of religion and belief, Freedom of movement,	no response	no response
59	Rights of the Child, Freedom of movement,	page 34	not impl.
60	Freedom of movement	page 35	not impl.
61	Freedom of religion and belief	page 36	not impl.
62	International instruments, Freedom of movement,	page 37	not impl.
63	Right to land	page 37	not impl.
64	NHRI	no response	no response
65	Justice, International instruments,	no response	no response
66	Freedom of religion and belief	page 36	not impl.
67	Freedom of movement	page 22	not impl.
68	Other	no response	no response
69	Right to housing	page 38	not impl.
70	Freedom of religion and belief	page 39	not impl.
71	Freedom of religion and belief	page 36	not impl.
72	Torture and other CID treatment	no response	no response
73	Right to land, Freedom of movement,	page 39	not impl.
74	Right to land	page 40	not impl.
75	Special procedures	page 40	-
76	International humanitarian law	page 31	not impl.
77	Right to land	page 40	not impl.
78	Other	page 40	-
79	Other	page 40	-
80	General	page 41	not impl.
81	Other	page 41	not impl.
82	Special procedures	page 18	-
83	International instruments, International humanitarian law, Right to housing, Right to health, Right to food, Right to education,	page 31	not impl.
84	Freedom of movement,	page 41	not impl.
85	Treaty bodies	page 10	not impl.
86	Other	no response	no response
87	International instruments, Freedom of movement,	page 41	not impl.
88	Right to land	page 41	not impl.
89	Other	page 17	not impl.
90	Freedom of movement	page 22	not impl.
91	Other	no response	no response

rec.

n° Issue

page

IRI

92	International instruments, International humanitarian law,	no response	no response
93	International instruments, Disabilities,	no response	no response
94	Torture and other CID treatment, International instruments,	page 17	not impl.
95	Treaty bodies, Special procedures,	page 41	not impl.
96	Counter-terrorism, Special procedures,	no response	no response
97	International instruments, International humanitarian law,	page 10	not impl.
98	Freedom of movement	page 13	not impl.
99	Freedom of religion and belief	page 36	not impl.
100	Special procedures, Right to land,	page 42	not impl.
101	International instruments, Freedom of religion and belief,	page 42	not impl.
102	International instruments, International humanitarian law,	page 42	not impl.
103	Freedom of movement	page 43	not impl.
104	Human rights defenders	page 29	not impl.
105	Freedom of opinion and expression	page 10	not impl.
106	International instruments, Asylum-seekers - refugees,	page 43	not impl.
107	International instruments, Freedom of movement,	page 37	not impl.
108	Right to land	page 44	not impl.
109	Torture and other CID treatment	page 23	not impl.
110	Right to land	no response	no response
111	Other	page 17	not impl.
112	Special procedures	page 18	-
113	Right to health, Right to education, Freedom of movement,	page 35	not impl.
114	Treaty bodies	no response	no response
115	Special procedures, Human rights defenders,	page 10	not impl.
116	Justice	page 29	not impl.
117	Other	no response	no response
118	Freedom of religion and belief	page 44	not impl.
119	International instruments, Asylum-seekers - refugees,	page 43	not impl.
120	International instruments, Freedom of movement,	page 44	not impl.
121	Right to land, Environment,	no response	no response
122	Torture and other CID treatment	page 23	not impl.
123	Right to land	no response	no response
124	Other	page 17	not impl.
125	Special procedures	page 17	not impl.
126	Freedom of movement	page 35	not impl.
127	Treaty bodies	no response	no response
	Torture and other CID treatment, International instruments,		
128	Extrajudicial executions,	no response	no response
129	Justice	page 29	not impl.
130	Other	page 10	not impl.
131	Freedom of religion and belief	page 44	not impl.
132	NHRI	no response	no response
133	Freedom of movement	page 13	not impl.

rec. n°	Issue	page	IRI
134	Other	page 18	not impl.
135	Right to land, Justice,	page 45	not impl.
136	International instruments, Disabilities,	no response	no response
137	Right to land	page 10	not impl.
138	Justice	no response	no response
139	Rights of the Child, Justice,	page 45	not impl.
140	Rights of the Child, International instruments,	no response	no response
141	Death penalty	page 45	not impl.
142	Freedom of movement	page 27	not impl.
143	International instruments, International humanitarian law,	page 18	not impl.
144	Right to land	no response	no response
145	Extrajudicial executions	no response	no response
146	Counter-terrorism	no response	no response
147	Right to land, Right to housing,	page 46	not impl.
148	Freedom of movement	page 47	not impl.
149	Women's rights, Torture and other CID treatment, International instruments, ESC rights - general,	page 29	no response
150	Freedom of movement	page 47	not impl.
151	Treaty bodies, Justice, International instruments,	page 48	not impl.
152	Right to health, Justice, Detention conditions,	page 11	not impl.
153	Treaty bodies, Torture and other CID treatment,	page 36	no response
154	General	no response	not impl.
155	Freedom of religion and belief	no response	not impl.
156	General	no response	no response
157	Minorities	no response	no response
158	UPR process, Civil society,	no response	no response
159	ESC rights - general	no response	no response
160	Justice, Detention conditions,	page 21	not impl.
161	Right to land	no response	no response
162	Justice, Detention conditions,	page 48	not impl.
163	Freedom of movement	page 13	not impl.
164	Torture and other CID treatment, Detention conditions,	no response	no response

3. Feedbacks on recommendations

Recommendation n°1: *Evaluate the possibility of ratifying the second optional protocol to the International Covenant on Civil and Political Rights to abolish the death penalty.* (Recommended by Argentina)

IRI: not implemented

Addameer Prisoner Support and Human Rights Association (Addameer) response:

As of 1 August 2011, Israel had not ratified the second optional protocol to the ICCPR. The death penalty therefore continues to exist both in Israeli civilian law, applicable to Israeli citizens, Palestinian residents of East Jerusalem and Palestinians from Gaza, and in Israeli military law, applicable to Palestinians from the West Bank. The death penalty has only been carried out once under civilian law, [...] However, Addameer is concerned that as long as provisions allowing the use of the death penalty remain in place in military orders, military prosecutors will continue to seek the death penalty for Palestinians from the West Bank.

Anonymous response:

As the occupying power, Israel has obligations under international humanitarian law and human rights law; Israel's policies in the occupied Palestinian Territories (oPt), however, remain the main cause of arbitrary displacement in violation of human rights and humanitarian law. It tends neither to recognise the phenomenon nor provide solutions to it. [...].

NGO Monitor response:

The death penalty has not been applied in Israel since the 1962 case of State of Israel v. Adolf Eichmann. Although it has been suggested by NGOs [...] that the death penalty is applicable to "Israeli citizens, Palestinian residents of East Jerusalem and Palestinians from Gaza," this is not the case. Israel exercises no jurisdiction over Palestinians in Gaza. [...]

Recommendation n°3: *Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment.* (Recommended by Austria)

IRI: not implemented

Addameer response:

Since Israel underwent the UPR in December 2008, human rights organizations have noted an escalated campaign of arbitrary restrictions placed by Israeli authorities on Palestinian human rights defenders and civil activists. Between June and August 2009, Addameer carried out research in 16 villages affected by the path of the Annexation Wall Israel is constructing illegally in six different West Bank districts. The aim of the research was to document cases of arrest and detention of Palestinian, international and Israeli human rights defenders and demonstrators protesting the construction of the Wall. In these villages, Addameer documented at least 292 confirmed cases of Palestinian human rights defenders who were detained and arrested between 2003 and August 2009, including many children as young as twelve. Since then, the number has continued to increase. As of 1 June 2011, there

had been at least 186 documented cases of arrests of human rights defenders in 2011 alone. [...] Israel has adopted a policy of arrest, detention, intimidation, threats and, at times, collective punishment against communities who take part in weekly demonstrations and other non-violent actions against the Wall and settlements. Leading Palestinian human rights activists, prominent figures, such as mayors and teachers, and members of the Popular Committees, who are instrumental in coordinating weekly protests and advocacy efforts including legal cases, are often personally targeted and arrested in an attempt to sideline them from organizing the protests, or to discredit them and their efforts. Local cameramen and photographers, as well as members of the press, are also targeted. Some of the protestors and human rights defenders are prosecuted in the Israeli Military Courts under Military order 101, [...]. Youth and children as young as 12 are often the first ones to be arrested in mass arrest campaigns, either during demonstrations, immediately after them or during night raids. Evidence suggests that the purpose of their arrest and detention is threefold.

First, targeting the youngest and most vulnerable is intended to exert pressure on their family and the entire community to put an end to all advocacy efforts and social mobilization.

Second, Israeli Security Agency officers often arrest children for recruitment purposes. Addameer has collected testimonies suggesting that children from Wall-affected communities are routinely asked to become informants and provide information on both prominent figures involved in advocacy efforts and other children participating in demonstrations.

Lastly, arrest is also used as a strategy to deter children from participating in demonstrations and from throwing stones at the Wall or other targets. [...].

Recommendation n°4: *Increase efforts to implement the recommendations of treaty bodies and to use the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens.* (Recommended by Austria)

IRI: not implemented

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Recommendation n°6: *Honour its obligations under international humanitarian law with regard to the situation in the Occupied Palestinian Territories.* (Recommended by Azerbaijan)

IRI: not implemented

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Recommendation n°7: *Improve and strengthen cooperation with all relevant United Nations special procedures and mechanisms to, inter alia, improve the enjoyment of human rights by populations in the Occupied Palestinian Territories and to reverse the dire humanitarian situation there.* (Recommended by Azerbaijan)

IRI: not implemented

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Recommendation n°13: *Ratify-consider ratifying the Rome Statute of the International Criminal Court.* (Recommended by Brazil)

IRI: not implemented

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Recommendation n°16: *Continue its efforts to overcome constraints and difficulties in order to implement all human rights and fundamental freedoms for everyone.* (Recommended by Burkina Faso)

IRI: not implemented

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Recommendation n°24: *Guarantee the enjoyment of human rights and humanitarian law for those living in the occupied territories.* (Recommended by Chile)

IRI: not implemented

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Recommendation n°30: *Meet provisions of international humanitarian law, particularly the Fourth Geneva Convention.* (Recommended by Cuba)

IRI: not implemented

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Recommendation n°48: *Ensure best protection of human rights and follow-up to the implementation of international instruments.* (Recommended by France)

IRI: not implemented

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Recommendation n°85: *Include in its next review report measures taken to comply with the recommendations of treaty bodies, especially with regard to the situation of human rights in the Occupied Palestinian Territories.* (Recommended by Malaysia)

IRI: not implemented

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Recommendation n°97: *Respect and ensure respect of international humanitarian law, particularly the 1949 Geneva Conventions and the Optional Protocol I thereto, including in the Occupied Palestine Territories.* (Recommended by Mexico)

IRI: not implemented

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Recommendation n°105: *Bring the existing criminal provisions that could be seen as inconsistent with the Israeli Basic Law on Human Dignity and Liberty and basic human rights law provisions guaranteeing freedom of speech into conformity with modern human rights law standards.* (Recommended by Norway)

IRI: not implemented

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Recommendation n°115: *Endorse the recommendations of the Special Rapporteur on the situation of human rights defenders.* (Recommended by Pakistan)

IRI: not implemented

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Recommendation n°130: *Respect the right of the Palestinians to self-determination and the establishment of their independent State with Jerusalem as its capital as stipulated in various international treaties.* (Recommended by Palestine)

IRI: not implemented

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Recommendation n°137: *Respect the inalienable rights of Palestinians and end all occupation of occupied Arab territories.* (Recommended by Saudi Arabia)

IRI: not implemented

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Recommendation n°154: *Set a clear timetable to commit itself to the principles of human rights and humanitarian laws in all occupied Arab territories.* (Recommended by Syria)

IRI: not implemented

Anonymous response:

As the occupying power, Israel has obligations under international humanitarian law and human rights law; Israel's policies in the occupied Palestinian Territories (oPt), however, remain the main cause of arbitrary displacement in violation of human rights and humanitarian law. It tends neither to recognise the phenomenon nor provide solutions to it. In a few cases, compensation has been paid to those affected by the construction of the Wall, but applicants face formidable procedures and requirements to obtain it. The Israeli Supreme Court has, on occasion, addressed the causes of displacement by ordering the re-routing of the Wall, but in the vast majority of cases Israeli civil and military courts have upheld the government's decisions.

In late 2008 and early 2009, Israel launched a major three-week offensive in the Gaza Strip against Palestinian militants. A UN fact-finding mission, the Goldstone Report, subsequently established that Israel had violated humanitarian and human rights law and that its actions may have amounted to war crimes and crimes against humanity. Palestinian militant groups were also identified as having committed possible war crimes. Following international pressure, Israel partially loosened the blockade of the Gaza Strip in 2010. Egypt formally opened the Rafah border crossing despite Israeli objections in May 2011; however, some restrictions remain.

In 2005, the Israeli government declared it would no longer carry out punitive demolitions, which are illegal under human rights and international humanitarian law. The practice, however, has continued. In the Gaza Strip, such demolitions accounted for nearly ten per cent of all demolitions during the 2008-2009 offensives. Israeli policies continued to cause displacement in 2011 despite international condemnation. More than 1,180 Palestinians were displaced as a result of house demolitions across the West Bank and East Jerusalem from January 2010 to June 2011, while tens of thousands of internally displaced people (IDPs) in the Gaza Strip were still living in inadequate shelters, as the Israeli blockade in force since 2007 continued.

[...]

Recommendation n°5: *Accelerate the process of bringing its national legislation into compliance with the provisions of the main international instruments to which it is a party.* (Recommended by Azerbaijan)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

Civic Coalition response:

The construction of the wall on occupied Palestinian territory has been continuing since 2001 in one of the clearest examples of the unlawful character of the Israeli occupation and in direct violation of several fundamental Palestinian human rights,

recently reported the Special Rapporteur on the oPt. As noted by the Special Rapporteur on the oPt in an earlier report, the Wall is "an exercise in social engineering, designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city." [...] Final closure leads to further fragmentation of Palestinian social, cultural and economic life in Jerusalem. [...]

Recommendation n°9: Grant Palestinians economic, social and cultural rights as well as civil and political rights. Allow Palestinians to reach places of worship, and protect religious freedom in accordance with article 27 of the Fourth Geneva Convention, as the occupying power, and bear its responsibility in this respect and allow the international community organizations, particularly ICRC, to ascertain the health conditions of Arab detainees in Israeli prisons. (Recommended by Bahrain)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

Civic Coalition response:

Repression of cultural and social life in the oPt has not attracted as much attention as other rights issues. Severe restrictions on Palestinian cultural activity in Jerusalem are imposed by the Israeli occupying authorities with the effect of preventing expression of Palestinian cultural, social and political identity. The HRC is already aware of the forcible closure of the opening ceremony at the al-Hakawati Theatre of the Jerusalem - Capital of Arab Culture initiative during March 2008 which was carried out on the orders of the Israeli Minister of Internal Security, Avi Dichter, on grounds of alleged Palestinian Authority involvement.

There have been numerous such closures since the start of 2008. [...] The Turkish ambassador Organ Ozer, who was attending the ceremony was ejected, the Palestinian organizers were removed for interrogation. Samed is an independent association, registered with the Palestinian Interior Ministry, which works on social issues. [...] The Civic Coalition documented 11 instances in which Palestinian institutions were closed and cultural and political representatives were detained between 1 January and 31 May 2008.

[...]

In mid-February 2008, the Israeli authorities extended an administrative order closing 80 Palestinian civil society organizations in Jerusalem, the eighth such extension to have been issued. The order was issued on grounds of public safety,' a somewhat bizarre pretext given the nature of the affected organizations, including the Jerusalem Arab Chambers of Commerce and the Mapping and GIS Department of the Arab Studies Society, which are members of the Civic Coalition, which has also been officially closed. The Israeli authorities are doubtless aware that these organizations continue to function in a limited capacity: providing services to small businesses, advising on housing and planning procedures, and in the case of the Civic Coalition providing free legal advice and advocacy. They are no doubt also aware that being unable to function officially creates a climate of fear and a reluctance to do anything

that might draw attention' and result in complete closure of the organizations and detention and interrogation of staff.

Since the beginning of 2009, Israeli authorities have banned, and physically prevented, numerous peaceful, cultural, and educational activities marking the declaration of Jerusalem as the "Capital of Arab Culture 2009." In addition, the Palestinian National Theater, which hosts folkloric dancing festivals, art exhibitions for Palestinian artists, and a Palestinian festival for literature, was subjected to several closures during 2009. The Nidal Center for Community Development, affiliated with the Palestinian Health Work Committees, was closed in July 2009. For nearly ten years, the Centre offered educational and recreational services to children - including tutoring sessions led by local university students - and training programs for women. Other institutions subjected to closures include the Cultural Forum Society, the Agricultural and Industrial Chamber of Commerce, the Higher Tourist Culture Center, and the Small Project Center, established by the European Union. The activities carried out by these institutions were publicized in the media, and all relate to the social, cultural, and economic development of the Palestinian community.

By these means, Palestinian civil society and political activity in East Jerusalem has been largely incapacitated by the permanent threat of closure. Just as the policy of limiting the size of the Palestinian population requires the placing of obstacles in the way of Palestinian construction and home demolition, so repression of Palestinian social, political and cultural identity in Jerusalem necessarily involves closure of institutions and systematic infringements of Palestinian's social and cultural rights.

Recommendation n°10: *Limit the cases in which restrictions to free movement are applied to situations that require guaranteeing its security, in accordance with international law, In particular with the International Covenant on Civil and Political Rights, non-discriminative and proportionate to the desired aim.* (Recommended by Belgium)

IRI: not implemented

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Recommendation n°98: *Respect freedom of movement in all territories under State jurisdiction in conformity with international standards.* (Recommended by Mexico)

IRI: not implemented

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Recommendation n°133: *Expediently open crossing points and checkpoints.* (Recommended by Qatar)

IRI: not implemented

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Recommendation n°163: *Open crossing points.* (Recommended by Yemen)

IRI: not implemented

Anonymous response:

Restrictions on freedom of movement remain widespread in the West Bank although the situation eased somewhat in 2009 and 2010. There were an estimated average of 520 permanent checkpoints, road obstacles and other restrictions during 2010,

plus an estimated monthly average of 420 mobile checkpoints. Israel says the checkpoints are intended to protect its citizens from militant attacks, but as well as severely restricting the movement of ordinary Palestinians, many are subjected to humiliation and abuse at them. The checkpoints have also contributed to displacement.

Construction of the Wall has also involved the confiscation of land and has severely limited access to livelihoods and services for those living alongside it. When completed, the Wall will isolate over nine per cent of the West Bank, mainly areas where Israeli settlements have been built. It was over 60 per cent complete in July 2010. In 2003, Israel declared the area of land between the 1949 Armistice Green Line' and the Wall a closed military zone to Palestinians, and the West Bank Seam Zone permit regime was introduced. The permit regime, recently upheld by the Israeli High Court of Justice, is a policy which obligates Palestinians to obtain special and provisional permits from the Israeli army to enter the Seam Zone and access their own homes and lands. Only those that can prove permanent residency in the Seam Zone can live there. Conversely, the regime allows Israelis and foreigners to access the land freely by specifically exempting them. Moreover, whilst Israel has increased the area of land subject to the regime by 30 per cent since the initial declaration, since 2007 there has been an 87 per cent decrease in the number of permits issued. As of 2010, an estimated 7,000 Palestinians outside East Jerusalem were living in a seam zone.

Israeli settlements, military infrastructure, designated closed areas and networks of Israeli-only roads and access points mean Palestinians' access to around 38 per cent of the West Bank, including East Jerusalem, is either impossible or tightly controlled. By the end of 2009, more than 490,000 settlers were living in 149 settlements in the West Bank, including East Jerusalem. There were also more than 100 outposts which were not sanctioned but unofficially supported by Israel. The presence of these settlements and Israel's two-tier system in the West Bank which has been promoting life in them while stifling the growth of Palestinian communities, have caused forced displacement. In 2009, the UN Office for the Coordination of Humanitarian Affairs (OCHA) identified 22 communities with a combined population of nearly 76,000 people as highly vulnerable to settler violence.

[...]

Recommendation n°11: *Dismantle the wall in the Occupied Palestinian Territories and refrain from expansion of settlements.* (Recommended by Brazil)

IRI: not implemented

Anonymous response:

See response to recommendation n°10.

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According to a 2009 report by the Representative of the UN Secretary-General on the human rights of IDPs, incursions and military clearing operations, evictions, land appropriations, house demolitions, settlements and related infrastructure, the Wall, violence by settlers and the revocation of residency rights in East Jerusalem have all

caused forced displacement. Restrictions on freedom of movement that make life untenable for many residents in Palestinian enclaves have also been responsible.

The 2008-2009 offensives in the Gaza Strip caused the highest rate of internal displacement since 1967. At the height of the conflict, nearly 120,000 Palestinians were displaced, and many more trapped in unsafe areas. Nearly 7,900 houses were demolished or seriously damaged, and nearly 59,000 suffered minor damage, caused by IDF as a result of the offensive and subsequent interventions. Israeli incursions since the offensive have resulted in the damage of over 600 homes, affecting more than 3,000 people. Many of those affected are still displaced because of the Israeli blockade, which has denied Palestinians access to construction materials. At least 20,000 people are still displaced due to the destruction of or damage to their housing. By mid-2011 most of the minor damage to housing had been repaired, but only less than 200 of the demolished houses and over 1,000 of those seriously damaged had been rebuilt.

In early 2011, the flow of construction material into the Gaza Strip was still only 11 per cent of the rate before the blockade. In January 2011, the UN estimated that total housing needs in the Gaza Strip had reached over 91,000 units, of which approximately 80,000 were needed to meet natural growth rates and replace derelict and unsanitary housing, and close to 11,000 to house those displaced in successive Israeli interventions. In June 2011, Israel approved the delivery of construction material for UN projects to build 1,500 homes and 18 new schools. People living in or near the buffer zone or other restricted access areas in the Gaza Strip continue to be at risk of displacement. In some areas, the buffer zone encroaches up to 1.5 kilometres into Palestinian territory, affecting an estimated 30 per cent of the cultivable land available. Israeli attacks and demolitions have either temporarily or permanently displaced 70 per cent of households living in or near the buffer zone since 2000. In 2010, 24 civilians in the buffer zone were killed and scores injured.

Rather than facilitating access to land for Palestinians, especially within Area C of the West Bank and East Jerusalem, Israeli authorities reduced access to land through a package of measures and regulations which have the effect of forcing Palestinian communities from their land. As the Palestinian population increases within the oPt, conversely, their access to land is shrinking.

Israel's denial of access to land occurs through a variety of measures including declarations of 'state land' and 'closed military zones'; requisition/land seizure orders; use of the Absentees' Property Law; the Seam Zone permit regime ; expansion of settlements; and expropriation of property. The package of measures should be viewed in their cumulative impact on communities. At least 60 per cent of the entire West Bank and 70 per cent of Area C were not designated for the use of the Palestinian population. Instead, this land is allocated for the 121 Israeli settlements, military zones, nature reserves, 'state land' and the 'buffer zone' around the Wall. Of the remaining 30 per cent, only 1 per cent is available, in practical terms, for Palestinian development. Between 1967 and 2011, the percentage of land in the oPt declared as 'state land' by Israel has more than doubled from 700,000 dunums (70,000 hectares) to over 1.4 million dunums (140,000 ha).

Demolitions of civilian property, including homes, schools and water cisterns, has increased over the last two years, having a devastating impact on individual families and whole communities, and has been a major trigger for Palestinians' displacement in the oPt. From June 2009 to December 2010, at least 940 'stop work' and demolition orders were issued by the Israeli Civil Administration against Palestinian structures in Area C. There was an almost 300 per cent increase in the issuance of stop work and demolition orders during the last seven months of 2009 (171 orders) and the first seven months of 2010 (501 orders). In addition, there are an estimated 8,000 pending demolition orders in East Jerusalem, potentially putting at risk of displacement approximately 48,000 Palestinians. OCHA recorded 439 actual demolitions in 2010, including 82 in East Jerusalem, affecting 14,753 people. This is the highest number of demolitions OCHA have recorded in Area C since they started monitoring in 2005, and an 88 per cent increase in the number they recorded in Area C for 2009. In 2011, 201 residential and community structures have already been demolished in East Jerusalem and Area C, impacting an estimated 886 people. A marked increase in demolitions of community infrastructure, such as water sources, has had a particularly severe impact on villages, whose viability as a community rapidly diminishes without access to such basic services. The demolition of four water wells in Jenin Governorate in October 2010 affected 11,583 people alone, as the wells were used by the separate villages of Deir Abu Da'if, Beit Qad, Wad Ad Dabi', Jalbun and Faqu'a.

[...]

Civic Coalition response:

See response to recommendation n^o5.

BADIL response:

[...] During the first decade of the Oslo Peace Process, the number of settlements literally doubled. The Declaration of Principles, otherwise silent on settlements and their illegality in international law, has allowed Israel to quietly and violently encroach on Palestinian lands without scrutiny. Whereas 250,000 settlers illegally lived in the West Bank in 1993, today there exist 650,000 settlers whose presence significantly undermines the viability of an independent Palestinian state. In its 2004 Advisory Opinion, the International Court of Justice declared affirmed the applicability of the Fourth Geneva Conventions to the Occupied Palestinian Territory and declared the settlements illegal for violating Article 49, which prohibits the transfer of one's civilian population into occupied territory. Since its Universal Review, Israel has continued its settlement expansion enterprise in contravention of law, human rights norms, and even pleas from the United States to halt said expansion.

- On 15 August 2011, Israel approved the building of 277 new homes in Ariel, already the largest settlement in the West Bank lying over the largest water aquifer in the West Bank, now taking the total to more than 2,700 new settler homes approved in the first two weeks of August.

- In November 2010, Israel announced plans to build 1,300 new settler homes in East Jerusalem prompting rebuke from the US Secretary of State.
- From 2009 to 2011, a total of thirty homes have been demolished in East Jerusalem, leaving 244 people homeless, 120 of whom are minors.

Recommendation n°12: *Ratify the Optional Protocol to the Convention against Torture.* (Recommended by Brazil)

IRI: not implemented

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Recommendation n°32: *Ratify the Optional Protocol to the Convention against Torture.* (Recommended by Denmark)

IRI: not implemented

+

Recommendation n°33: *Recognize the competence of the Committee against Torture to examine complaints against Israel.* (Recommended by Denmark)

IRI: not implemented

+

Recommendation n°94: *Ratify the Optional Protocol to the Convention against Torture.* (Recommended by Mexico)

IRI: not implemented

Addameer response:

As of 1 August 2011, Israel had not ratified the Optional Protocol to the Convention against Torture.

Recommendation n°14: *Reach the human rights goals set by the Council in its resolution 9-12.* (Recommended by Brazil)

IRI: not implemented

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Recommendation n°89: *Fully and immediately implement all Council resolutions in relation to the situation of human rights in the occupied territories.* (Recommended by Maldives)

IRI: not implemented

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Recommendation n°111: *Fully and immediately implement all Council resolutions.* (Recommended by Pakistan)

IRI: not implemented

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Recommendation n°124: *Fully and immediately implement all Council resolutions.* (Recommended by Palestine)

IRI: not implemented

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Recommendation n°125: *Implement the recommendations of the Council and recommendations of the special procedures, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 and the Special Committee on Israeli Practices in the Occupied Palestinian Territories.* (Recommended by Palestine)

IRI: not implemented

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Recommendation n°134: *Fully and immediately implement all Council resolutions and respect the human rights and fundamental freedoms of the Palestinian people, in particular their right to self-determination.* (Recommended by Qatar)

IRI: not implemented

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Recommendation n°143: *Take urgent and immediate steps to end its occupation of all Palestinian and Arab territories occupied since 1967, implement all Human Rights Council, General Assembly and Security Council resolutions on the Occupied Palestinian Territories and other Arab territories, introduce measures to respect the right of the Palestinian people to self-determination and their right to return, accept its obligations under international human rights and humanitarian law, cease action that would alter the demographic situation of Palestine, and grant access to safe drinking water to Syrian citizens living in the occupied Syrian Golan.* (Recommended by South Africa)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

NGO Monitor response:

Since the U.N. Human Rights Council's founding in 2006, there have been about 70 resolutions condemning specific countries; 40 of these resolutions have been directed against Israel. In the General Assembly, approximately 20 anti-Israel resolutions are adopted each year, as opposed to only a handful against other countries. Due to discriminatory and politicized practices within the U.N., Israel has been systematically excluded from the regional groups and remains one of the few countries without status in a consultative group on human rights issues. Currently, Israel has been allowed to participate in the Western European and Others Group in New York only, though their membership is temporary and subject to renewal. Israel is still excluded from the regional grouping system at the UN's offices in Geneva, Nairobi, Rome, and Vienna. The General Assembly also hosts various Palestinian Units, including the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Division on Palestinian Rights, and the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. [...]

Recommendation n°15: *Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council.* (Recommended by Brazil)

IRI: -

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Recommendation n°82: *Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council.* (Recommended by Latvia)

IRI: -

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Recommendation n°112: *Implement the recommendations of the Council and special procedures, particularly the Special Rapporteur on the situation of human rights in*

the Palestinian territories occupied since 1967 and the Special Committee on Israeli Practices in the Occupied Palestinian Territories. (Recommended by Pakistan)

IRI: -

NGO Monitor response:

See response to recommendation n°14.

Recommendation n°17: Comply with obligations under international human rights and humanitarian law, and ensure the rights to health, education, work and protection of family rights in the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights. (Recommended by Canada)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

Civic Coalition response:

Inadequate numbers of classrooms, the substandard condition of existing facilities and several access restrictions have a severe impact on the educational sector in East Jerusalem. Many students fail to complete the secondary cycle and the drop-out rate is much higher than in West Jerusalem. Palestinian students face serious difficulties in reaching educational services, reporting longer journeys and delays in getting to educational facilities. The same holds true for students from Jerusalem who wish to attend a school on the other side of the separation barrier.

The East Jerusalem school system continues to have a shortage of approximately 1000 classrooms; only 39 new classrooms have been built recently. Planning restrictions hinder the construction of new school facilities and some schools are threatened by demolition and sealing orders. Due to this shortage, children often study in overcrowded, makeshift classrooms in facilities that are not built for educational purposes and that lack libraries or even playgrounds. The Israeli NGO ACRI estimates that 50 percent of East Jerusalem classrooms were unsuitable or substandard in 2009. East Jerusalem students are also disadvantaged with regard to financing of education. According to the Jerusalem municipality, students attending primary schools in East Jerusalem receive only one fourth of the budget that students in other parts of the city receive. Only some 20 percent of the general municipal education budget is spent in East Jerusalem.

Recommendation n°18: Ensure access of Bedouin populations to basic public services, such as sanitation, electricity and water. (Recommended by Canada)

IRI: partially implemented

Anonymous response:

See response to recommendation n°4.

BADIL response:

The indigenous Bedouin population has been subject to multiple instances of population transfer. Their displacement is discriminatory in both its intent and impact. Israel seeks to develop their lands for the exclusive benefit of its Jewish citizens. To accomplish this purpose, the State has limited basic services and socio-economic provisions to the Bedouin populations in the intent that they will be compelled to

relocate to urban townships. Since the Council's recommendations in December 2008, and particularly between August 1, 2010 and August 15, 2011, the conditions have deteriorated. Consider:

- Housing demolitions have steadily increased between August 1, 2010 and August 15, 2011.
- The village of Al-Araqib has been destroyed 24 times between July 25th 2010 and July 25th 2011.
- The Israeli Land Authority has sued the residents of Al-Araqib sued for demolition and eviction costs in the amount of \$500,000 (July 2011).
- No efforts have been made to preserve Bedouin Agricultural livelihoods.
- Israeli authorities have sprayed Bedouin agricultural lands with herbicides and ploughed over them in order to compel their forcible transfer (October 2010).
- The State continues to outsource its discriminatory planning and development policies to organizations like the Jewish National Fund in order to evade scrutiny and accountability.
- Socio-economic indicators in health, water, and education are all still poor or worse.

NGO Monitor response:

The Israeli governments has been attempting for a number of years to find a comprehensive satisfactory settlement for the issue of the unrecognized Bedouin villages in the Negev. The complicated relationship between the state of Israel and the Bedouin population, coupled with the complex, and at times unclear, land registration and land tenure legacy of the Ottoman Empire and the British mandate have compounded the issue. The Bedouin population in the Negev lives a semi-nomadic life inside Israel's borders, making it difficult to deliver services and collect revenue and information from these tribes. Many NGOs involved in this issue, including ACRI, the Negev Coexistence Forum, Bimkom, and Adalah, have promoted a consistently partisan position opposing Israeli government policy. This includes an unequivocal demand to recognize the Bedouins maximalist demands and claims of ownership of lands, without taking into account other needs of the state, such as environmental concerns, master plans and building and zoning laws and ignoring issues that abound in the Bedouin society, including polygamy and the smuggling of drugs and persons. These government has initiated fact-finding missions that have worked to find compromise solutions to fulfill the needs of the general public while meeting as many demands as possible of the Bedouin population. NGOs commenting on this issue ignore these critical facts. The government implementation team (Praver committee) for the Goldberg committee recommendations submitted its own recommendations in May 2011. The main goal of these committees was, to formulate a comprehensive systematic policy that combines dealing with the land issues and planning and solving the settlement issue. A final plan was approved on September 11, 2011.

Recommendation n°20: *Ensure that prisoners are informed of charges and evidence against them, have prompt access to counsel of their choice, be charged with a recognizable criminal offence and be given a fair trial.* (Recommended by Canada)

IRI: not implemented

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Recommendation n°160: *Take immediate action to ensure all cases are reviewed by a court in accordance with fair procedures and that the rights of detainees, particularly the right to a fair trial and family visitations, are upheld.* (Recommended by United Kingdom)

IRI: not implemented

Addameer response:

Since Israel underwent the UPR in December 2008, no legislative or practical measures have been taken by the Israeli military authorities to ensure that trials of Palestinians in military courts conform to minimum fair trial standards enshrined in international law. Palestinians from the West Bank who are arrested by the Israeli military and charged with security violations (as defined by Israel) and other crimes are prosecuted by two Israeli military courts located in Ofer and Salem in the oPt. Not all Palestinians who are arrested are prosecuted in the military courts; some are released while others are administratively detained without trial. Of those who are charged, approximately 90 percent are convicted (Official Report of the Work of the Military Courts in the West Bank, 2007, Hebrew), and of these convictions, the vast majority is the result of plea bargains (Of the 7,563 cases concluded in the military courts in 2007, full evidentiary trials (in which witnesses were questioned, evidence was examined and closing statements were delivered) were conducted in only 93 - or 1.22 percent - of them). As an Occupying Power, Israel has the right under international humanitarian law to establish military courts in the oPt, but applicable international human rights and humanitarian law restrict the jurisdiction of such courts to violations of criminal security legislation. The jurisdiction of Israeli military courts, however, is far broader and includes offenses unrelated to such legislation. Moreover, it is questionable whether the use of military courts to try civilians can ever satisfy the requirements under international human rights law that trials take place before independent and impartial tribunals. International law also guarantees certain fundamental fair trial rights, but these are regularly flouted by Israeli military courts: The right to prompt notice of criminal charges: Israeli military orders contain no requirement that the charge be given to the accused without delay, and in a language he or she understands in as required by international law. In practice, information on charges against the accused are often not disclosed by the prosecution until the day of the first hearing, which typically determines whether the accused will remain in detention until the end of the proceedings.

The right to prepare an effective defense: During interrogation, a detainee can be held for up to 90 days without access to a lawyer. Lawyers acting as defense counsel before the military courts highlight many further obstacles preventing an effective defense, including difficulties in meeting with their clients in detention facilities inside Israel; the lack of proper facilities to hold confidential meetings; court documents written in Hebrew; and the provision of incomplete prosecution material. The right to trial without undue delay: Palestinians can be held in custody for eight days before being brought before a judge. Furthermore, a Palestinian can be held without charge for interrogation purposes, by order of a military judge, for an initial period of up to 90 days, which can be extended for another period of up to 90 days. They can therefore be held for a total of 188 days before being charged. The right to interpretation and translation: Israeli jurisprudence provides that a prisoner must be interrogated in his native language and that his statement also be written in that language, but in

practice the detainee's confession or statement is frequently written in Hebrew, requiring the detainee to sign a statement he/she cannot understand. Moreover, all proceedings in the military courts are conducted in Hebrew with insufficient or inadequate translation. The right to presumption of innocence: Israeli military orders do not include an explicit provision regarding the presumption of innocence. The exceedingly low rate of acquittals in the military courts, the practice of denying bail to the vast majority of pre-trial detainees, and the uncorrected prosecutorial reversal of the burden of proof against the accused all serve to indicate a strong presumption of guilt built into the military court system.

Recommendation n°21: *Strengthen efforts to ensure equality in the application of the law, counter discrimination against persons belonging to all minorities, promote their active participation in public life, and provide public services and infrastructure fairly.* (Recommended by Canada)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

BADIL response:

See response to recommendation n°18.

Recommendation n°25: *Take positive and constructive measures in order to effectively reduce the deprivation under which the Palestinian people are living.* (Recommended by China)

IRI: not implemented

Anonymous response:

See response to recommendation n°11.

Recommendation n°26: *End construction of, and dismantle the already built, illegal separation wall.* (Recommended by Cuba)

IRI: not implemented

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Recommendation n°90: *Recommended that Israel immediately cease work on the construction of the wall being built in the Occupied Palestinian Territories, and begins dismantling it.* (Recommended by Malaysia)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and n°11.

Civil Coalition response:

See response to recommendation n°5.

Recommendation n°28: *End the blockade in the Gaza Strip and guarantee full access of the Palestinian population to all basic services.* (Recommended by Cuba)

IRI: not implemented *

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Recommendation n°67: *Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of*

movement and the right to manifest one's religion. ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and-or status of these sites. (Recommended by Jordan)

*IRI: not implemented **

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Recommendation n°109: End collective punishment in the Occupied Palestinian Territories, in particular in the Gaza Strip. (Recommended by Pakistan)

*IRI: not implemented **

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Recommendation n°122: End collective punishment in the Occupied Palestinian Territories, in particular in the Gaza Strip (Recommended by Palestine)

*IRI: not implemented **

NGO Monitor response:

The Report of the Secretary-General's Panel of Inquiry on the 31 May 2010 Flotilla Incident (the "Palmer Report") concluded that Israel's naval blockade of Gaza is legal and stated: "The naval blockade as a measure of the use of force was adopted for the purpose of defending its territory and population..."

*** UPR Info: these recommendations are noted as "not implemented"; however, the NGO considers the non implementation as a positive step.**

Recommendation n°29: End the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan. (Recommended by Cuba)

IRI: not implemented

Al- Marsad response:

Israel's Occupation of the Syrian Golan continues. In fact, the Israeli Occupying Forces are currently fortifying their position along the UN Monitored Ceasefire Line by planting new mines and constructing a large separation barrier. Their position in the Golan shows no signs of changing.

Recommendation n°31: Stop the policy of colonization through illegal settlement. (Recommended by Denmark)

IRI: not implemented

Al- Marsad response:

Israel's policy of colonization through the establishment and expansion of settlements in the Occupied Syrian Golan continues unabated. The Knesset recently announced plans to build 40 new housing units in Neve Ativ, a settlement close to Majdal Shams and other Syrian villages in the northern Golan. The Israeli government also maintains a long-term policy to encourage settlement in the region by offering tax breaks and preferred access to water and government loans. Meanwhile the government maintains major restrictions on house building and general expansion in local Syrian villages.

Anonymous response:

See response to recommendation n°11.

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Israel's freeze in place on land registration procedures in the West Bank, introduced in 1968 through an Israeli military order, has prevented the finalisation of land registration procedures that were in process at the time of the occupation. As a result, nearly 70 per cent of land in the West Bank remains unregistered in the Land Registry, leaving the traditional owners/residents of the land vulnerable to confiscation or expropriation of their land and thus at risk of forced displacement; a situation which has been fully utilised by Israeli authorities. [...]

Security of tenure also requires that processes for ensuring legal tenure be affordable and accessible. This is not the case for members of Palestinian communities wishing to challenge the declaration of their land as state land. The costs involved with the procedure are prohibitive, including fees for lawyers, architects and surveyors, and a great many owner/occupants are consequently unable to protect their property interests. For those with sufficient funds to challenge the declaration, the prospects of success are remote on account of the onerous procedural and legal requirements imposed by the Israeli Civil Administration and Israeli Military Committees.

The extensive and controversial use of the Absentees' Property Law to land and property mainly owned by Palestinians within Israel as well as within occupied East Jerusalem, is a further infringement of the right to secure tenure and of the ability to use land owned (for building, developing, etc.). [...] it is used as a method to deprive Palestinians of use of, access to and ownership of their housing, land and property in areas under Israeli occupation. Its essence is to transfer the property left behind by Palestinians after they fled or were deported during the 1948 War to the exclusive control of the state of Israel. Although the Law is theoretically applicable to a wide sector of Israel's citizens and residents, it has been applied almost exclusively to Arab citizens and residents of Israel and Palestinians living in the occupied territory. Under the auspices of this Law, properties have been expropriated from the hands of Palestinians who, under international law, are protected residents in an occupied territory, and in an area (East Jerusalem) on which the application of the sovereignty of Israel (including use of its domestic law) is contrary to the provisions of international law and the position of the international community. In its most absurd application the illegal annexation of East Jerusalem to Israel has meant that East Jerusalem properties of West Bank-resident Palestinians, who do not have the requisite Israeli identity documentation to reside in Jerusalem, became absentee property, since the property became located in 'Israel' while the owner was located in 'any part of Palestine outside the area of Israel'.

[...]

Civic Coalition response:

On 14 September 2004, the Israeli-Jerusalem municipality disclosed the Jerusalem Master plan 2000 to serve as a mandatory map for land use in Jerusalem, including East Jerusalem until the year 2020. Since then Israel has continued to implement discriminatory urban planning policy in order to change the demographic composition of the whole of Jerusalem in favor of a Jewish majority. As part of this, Israel has continued to implement measures designed to change occupied East Jerusalem's

legal status, demographic composition and geographic character in violation of numerous United Nations Security Council Resolutions and the prohibition in Article 2(4) of the UN Charter prohibiting the acquisition of territory by the threat or use of force. [...]

In particular, the Civic Coalition draws the HRC's attention to the Local Outline Plan Jerusalem 2000 (2004, 2006) (the Master plan) which is currently being approved by the (Israeli) Regional Planning Committee in Jerusalem. The plan outlines measures to enact demographic engineering in order to create a 70% to 30% ratio of Jews to Palestinians within Jerusalem (treating West and occupied East Jerusalem as a single unit). Measures outlined include an increase in the number of settlement housing units in occupied East Jerusalem and the promotion of 'spatial segregation' between Jewish and Palestinian communities.

[...] As outlined in the BADIL-led submission to the UPR, Israeli laws provide legal mechanisms to enforce the preferential treatment of Jews in the fields of land and housing within Israel, and since 1967 this regime of racial discrimination has been extended to the oPt including East Jerusalem. Unofficial (the plan is yet to be officially approved) Implementation of key aspects of the Master plan's recommended policy of 'spatial segregation' (Master plan at p33) will facilitate further racial discrimination against Palestinians in planning and other sectors, contrary to the recommendations of CERD; and entrench the segregated system which the Special Rapporteur on the oPt has compared to apartheid.

In its treatment of occupied East Jerusalem, the Master plan has implemented measures that will result in violations of the Fourth Geneva Convention, including the transfer of Israeli civilian population into occupied territory through construction of illegal settlement housing units and demolition of Palestinian homes (as discussed in paragraph 7 of this submission). In the introduction to the Master plan document, the Director General of the Municipality explicitly links the Master plan to the Jerusalem Light Rail project, which as Al-Haq note in their submission to the UPR is designed to support the settlements. Expansion of settlements and supporting infrastructure in East Jerusalem is ongoing regardless of formal ratification of the Master plan.

Further, on 24 October 2010, the Israeli Knesset's Ministerial Committee on Legislative Affairs unanimously approved a draft law to officially judaize Jerusalem as a Jewish "national priority" area of the first order, including Palestinian neighbourhoods in occupied eastern Jerusalem based on amendments to the Regional Urban District Plan MM1m under 'Plan Number 30'. According to Plan 30, Jerusalem will be promoted as the "united Jewish capital" for the Jewish majority as "the heart of the Jewish people" and the cultural and spiritual centre for Jews in Israel and the world-over.

The Plan grants financial and national priority status to the development of Jerusalem in housing, employment, education, welfare, culture, industry, tourism, public infrastructure and immigration absorption in an effort to encourage young Jews to settle in Jerusalem as part of the implementation of the government's demographic

policy to preserve a 70% Jewish majority by offering affordable housing and tax benefits.

[...] Together with the Separation Wall, it is envisaged that this will intensify Palestinian experiences of family separation and geographic isolation from other Palestinian communities.

[...]

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The Civic Coalition is concerned that since March 2008, the Israeli authorities started to bring 1,300 properties in the Old City, East Jerusalem, into the Israeli land registry. The properties were seized by Israel in 1967, and include 585 apartments, 146 shops and a more than 60 public institutions. Currently there are approximately 3100 settlers living in the Old City with more than 600 outside the Jewish Quarter. This is the first time that the properties will have been officially registered within the Israeli land registry, and is part of a creeping 'normalization' of Israeli jurisdiction over East Jerusalem.

The Civic Coalition is concerned by the Israeli government's use of section 212/5 of the Israeli Building and Planning Law (1965) to demolish homes 'in the public interest,' as a tool to promote the 'Judaization' of Jerusalem, a phenomenon noted by the Special Rapporteur on the oPt. Demolition of Palestinian homes is usually carried out under section 205 of the planning law, which allows for demolition on the basis of unlicensed construction. Section 212/5 is usually employed where the person responsible for construction cannot be found, for example if they have died.

[...] As of March 2008, seven of the 88 homes in Silwan have already been demolished. Over 1000 residents are threatened with displacement.

[...]

BADIL response:

See response to recommendation n°11.

Recommendation n°35: *Ensure that administrative detention is carried out in accordance with international human rights standards.* (Recommended by Denmark)

IRI: not implemented

Addameer response:

As of 31 May 2011 (latest available statistics from the Israeli Prison Service), there were approximately 229 Palestinians held in administrative detention. As of 4 August 2011, this number included 3 women and 18 PLC members. Since Israel underwent the UPR in December 2008, the Israeli military authorities have continued to use administrative detention in a way that does not meet international standards set by international humanitarian, human rights and customary law. International law permits administrative detention under specific, narrowly defined circumstances. In accordance with the International Covenant on Civil and Political Rights (ICCPR) there must be a public emergency that threatens the life of the nation and the Fourth Geneva Convention holds that administrative detention may only be used for

"imperative reasons of security". Furthermore, administrative detention can only be ordered on an individual case-by-case basis, without discrimination of any kind. Administrative detention should not be used as a substitute for criminal prosecution where there is insufficient evidence to obtain a conviction. In practice, however, administrative detention continues to be ordered by Israeli military commanders for vague "security reasons" based on secret evidence, which neither the detainee nor his/her lawyer has access to, in violation of international human rights and humanitarian law (Article 71 of the Fourth Geneva Convention and Articles 9 and 14 of the International Covenant on Civil and Political Rights). In many of the legal cases pursued by Addameer, administrative detainees spent years in prison after being sentenced for committing violations, in accordance with military orders. When the period ended, however, rather than be released they were placed under administrative detention under the pretext that they still posed a threat to security. Palestinian detainees have spent up to eight years in prison without charge or trial under administrative detention orders.

Recommendation n°36: *In the light of the concerns expressed by the Special Committee to Investigate Israeli Practices in the Occupied Territories, the Special Rapporteur on human rights and counter-terrorism and the High Commissioner for Human Rights regarding the continued deterioration of human rights and the humanitarian situation in the Occupied Palestinian Territory emanating from, among others, the construction of the security wall, address the violations immediately, including through the cessation of the occupation.* (Recommended by DPR Korea)

IRI: -

NGO Monitor response:

See response to recommendation n°14.

Recommendation n°37: *Acknowledge-recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall.* (Recommended by Egypt)

IRI: not implemented

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Recommendation n°142: *Dismantle the separation wall.* (Recommended by South Africa)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and 11.

Civic Coalition response:

See response to recommendation n°5.

BADIL response:

Israel began constructing its Annexation Wall began construction in 2002. [...] The majority of the Wall's route runs within the occupied Palestinian West Bank and circumscribes Israeli settlements, otherwise deemed illegal by Article 49 of the Fourth Geneva Convention. The unlawful annexation, and resultant forced displacement and population transfer of Palestinians, their movement restriction, impeded access to employment, education, and humanitarian impact such as restricted access to

agricultural fields and water, influenced the 2004 International Court of Justice Advisory Opinion declaring the parts of the Wall inside the Palestinian Occupied West Bank on the eastern side of the Green Line to be unlawful. Still, since this ruling and the UPR 2008 report, Israel has refused to comply with the opinion and the Human Rights Council recommendations to reroute the Wall to be only on the Green Line. Instead, Israel has continued the Wall's construction, resulting in expanding annexation and devastating humanitarian impact upon West Bank Palestinians.

- 61.8% of the construction is now complete.
- 85% of the planned route is still to be built off of the Green Line into Palestinian territory.
- When complete according to current plans, the Wall will take 58% of the West Bank.
- There are still few health and educational opportunities in the seam zone, the zone trapped between the Wall and the Green Line, endangering the health and lives of the Palestinians living there.
- If the Wall is completed as planned, 25,000 West Bank Palestinians will be trapped in the seam zone, in addition to the 270,000 trapped in East Jerusalem and cut off from the West Bank.
- The current construction plans for the Wall annex more of Jerusalem, including outside Jerusalem's municipal boundaries to include settlements like Ma'ale Adumim.
- The ongoing permit system separates Palestinian families further by forcing them to not only go through already long standing checkpoints, but now to seek access through the Wall's numerous gates, many of which are never open, or open seasonally.

Recommendation n°38: *Annul its illegitimate decision to annex the occupied Syrian Golan and end all settlement activities therein.* (Recommended by Egypt)

IRI: not implemented

Al- Marsad response:

See response to recommendation n°31.

Recommendation n°39: *End all settlement activities in the Occupied Palestinian Territories, in particular in and around occupied Jerusalem* (Recommended by Egypt)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and n°11.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°40: *End the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan.* (Recommended by Egypt)

IRI: not implemented

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°41: *Immediately cease its military operations in the Occupied Palestinian Territories and lift the closure and seizure it imposes on the Gaza Strip.* (Recommended by Egypt)

*IRI: not implemented **

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Recommendation n°47: *Reopen points of passage to and from the Gaza Strip.* (Recommended by France)

*IRI: not implemented **

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Recommendation n°104: *Issue a directive to the military with a view to expanding the category of humanitarian exceptions to permit human rights defenders to enter and leave Gaza for their work.* (Recommended by the Norway)

*IRI: not implemented **

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Recommendation n°150: *Lift blockades in the Gaza Strip and remove restrictions of movement currently placed in the Occupied Palestine Territories that gravely harm the human rights of Palestinians.* (Recommended by Switzerland)

*IRI: not implemented **

Anonymous response:

See response to recommendation n°10.

NGO Monitor response:

See response to recommendation n°28.

*** UPR Info: these recommendations are noted as “not implemented”; however, an NGO considers the non implementation as a positive step.**

Recommendation n°42: *Immediately release all Palestinian, Syrian and other Arab prisoners and detainees.* (Recommended by Egypt)

IRI: not implemented

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Recommendation n°116: *Ensure the release of all prisoners and administrative detainees.* (Recommended by Pakistan)

IRI: not implemented

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Recommendation n°129: *Ensure the release of all prisoners and administrative detainees.* (Recommended by Palestine)

IRI: not implemented

Addameer response:

As of 31 May 2011 (latest available statistics from the Israeli Prison Service), approximately 5,554 Palestinian political prisoners (defined by Israel as security prisoners, these numbers do not include Palestinian criminal prisoners; the total of Palestinian prisoners in Israeli prisons and detention centers (counting both security and criminal prisoners) is 7,260) remained in Israeli prisons and detention centers. Since 2008, only one prisoner release deal has taken place, with 19 Palestinian women being released on 2 October 2009 in exchange for proof of life of Israeli soldier Gilad Shalit. One of these women, Linan Abu Ghulmeh, has since been rearrested and placed in administrative detention without charge or trial.

Recommendation n°43: *Respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred and to retrieve their properties.* (Recommended by Egypt)

IRI: not implemented

Anonymous response:

See response to recommendations n°11 and n°31.

Recommendation n°44: *Respect the right of the Palestinians to self-determination and the establishment of their independent State with Jerusalem as its capital.* (Recommended by Egypt)

IRI: not implemented

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°45: *Address the problem of discrimination against minorities and implement the recommendations made by the Or Commission in 2003 in this regard.* (Recommended by Finland)

IRI: not implemented

Civic Coalition response:

Following the Israeli occupation of East Jerusalem in 1967, Palestinian residents of the city have been given the civil status of "permanent residents" of Israel. Palestinians from East Jerusalem have blue Israeli ID cards that give them the right to live in Jerusalem, but not to vote in Israeli national elections or to have an Israeli passport. Unlike citizenship, residency status expires after seven years, for people residing abroad. Therefore, Jerusalemites who move abroad risk permanently losing their status as Jerusalem residents and the rights that go with it. A new law enacted in July 2007 by the Israeli Knesset explicitly denies rights on the basis of national origin. According to the Israeli "centre of life" policy, Palestinian blue ID holders found living or working outside East Jerusalem, for example in Ramallah, would lose their ID (and so their Jerusalem residency rights). Between 1967 and 2010, some 14 000 Palestinian residents of Jerusalem have had their status revoked.

Permanent residency is not automatically passed on to children, which leads to difficulties in the registration of children with the Jerusalem Centre for Socio-Economic Rights estimating that there are as many as 10 000 unregistered children in East Jerusalem. This makes it very difficult to access basic education, health and other social services. Around 5 500 children in school age are not registered and therefore do not attend school.

Permanent residency is neither automatically transferred through marriage, which means that spouses must apply for family unification in order to be able to reside in the city. Applications for family reunification and ID cards and identification for children and spouses involve a long, expensive bureaucratic process. Stricter implementation of existing Israeli policy has also seen foreign spouses of Palestinians and foreign nationals wishing to visit or work in the Occupied Territories denied entry at Israeli controlled border crossings with Israel and the Occupied Territories. Furthermore and in defiance of the general principle of reciprocity, some

of the foreigners denied entries are holders of EU passports whereas Israeli citizens face no restriction while circulating in the EU.

In 2003, Israel introduced the Nationality and Entry into Israel Law which disproportionately impacts residents of East Jerusalem, under which they are forbidden from family unification not only with their spouses, but also with their children. In June 2010, The Israeli authorities invoked "breach of loyalty to the state of Israel" in order to withdraw the residency rights for 3 members of the Palestinian Legislative Council (PLC) as well as for a former Palestinian Minister of Jerusalem Affairs. Three of the men sought refuge in the International Red Cross building in Sheikh Jarrah, where they have been staying ever since. The Israeli Magistrate Court decided in December 2010 to forcibly deport one of the men from the city of Jerusalem to the West Bank. Cancellation of residency and forced transfer on grounds of a 'breach of trust' is an extreme and sweeping measure which does not fulfil the test of proportionality.

Recommendation n°3: *Suspend the Citizenship and Entry into Israel Law Temporary Order of 31 May 2003.* (Recommended by Holy See)

IRI: not implemented

Anonymous response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendation n°45.

NGO Monitor response:

The Citizenship and Entry into Israel Law, enacted in 2003 was adopted in response to terror attacks carried out by Palestinians "who were granted legal status in Israel based on their marriage to an Israeli citizen, and took advantage of their Israeli ID to pass checkpoints and carry into Israel either suicide bombers or explosives." According to Israel's Ministry of Foreign Affairs, twenty-three terrorist attacks between 2000 and 2005 were facilitated by individuals who were granted legal status in Israel based on marriages to Israeli citizens. However, [some] NGOs - often strip this crucial context from their analyses, misbranding Israel as "racist" [...]. Moreover, the CEI Law is temporary and, should security situation improve, it will be revoked.

Recommendation n°4: *Abide by its international obligations, including those under the Fourth Geneva Convention.* (Recommended by Ireland)

IRI: not implemented

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Recommendation n°6: *Apply international human rights and humanitarian law in the Occupied Palestinian Territories and the occupied Syrian Golan.* (Recommended by Kuwait)

IRI: not implemented

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Recommendation n°8: *Fully implement its obligations under international law, including international humanitarian law, in particular the Fourth Geneva Convention*

of 1949 relating to treatment of non-combatants in the hands of the occupying power. (Recommended by Malaysia)

IRI: not implemented

Al- Marsad response:

Israel continues to disregard its obligations as an occupying power under the Fourth Geneva Convention, regularly violates international humanitarian law in the Syrian Golan. This was starkly apparent when, during Nakba and Naksa Day Protests, the Israeli Occupying Forces deployed snipers and soldiers armed with live ammunition to disperse unarmed civilian protesters who were more than 150 meters away from the ceasefire line. At least 23 civilians were killed and more than 300 wounded on June 5th alone. These actions constituted grave breaches of the Fourth Geneva Convention, which prohibits the willful killing of civilians and obligates military forces to choose the means of attack that likely to cause the least number of civilian casualties while achieving the same object.

Israel also continues to exploit the natural resources of the Occupied Syrian Golan for the benefit of the Israeli economy. Despite the scarcity of water in Israel proper and its crucial importance to the agricultural economy of the Golan, Eden Springs bottles vast amounts of water from a local spring for sale in markets around the world. Settlers are given preferred access to water at better prices than the local Syrian Population whose crops often suffer lower yields because the authorities refuse to give them more than a restrictive quota. Initially the authorities tried to prohibit local farmers from collecting rainwater for agricultural use, but eventually allowed them to do so, although the amount they collect is measured and taxed at regular rates of consumption.

Refugees from the 1967 war still cannot return to their lands and families remained separated on either side of the UN Monitored Ceasefire line. Many residents of the Syrian Golan encounter serious difficulties traveling abroad as their Israeli issued travel documents list their nationality as 'undefined'. Local residents who threw stones during the Naksa day shootings have been subjected to harsh punishments disproportionate to their individual culpability in order to set an example for others. Some have been exiled from their family village for months while one local resident who plead guilty to stone throwing has been sentenced to 8 months imprisonment.

Anonymous response:

See response to recommendation n°4.

Recommendation n°55: Actively seek to address these concerns and review the use of administrative detention, which denies people their rights to liberty, due process and fair trial. (Recommended by Ireland)

IRI: partially implemented

Addameer response:

See response to recommendation n°35.

NGO Monitor response:

Israel has a well-respected and robust rule of law with protections for due process. In fact, Israel has one of the most accessible court systems in the world with no

justiciability or standing requirements. NGO campaigns have sought to discredit and delegitimize the Israeli legal system in an effort to access international tribunals and prosecute Israeli security forces and political officials.

Recommendation n°56: Take all necessary measures to ensure that it fulfils all of its obligations under international human rights instruments, particularly the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights with regard to the situation in Gaza. (Recommended by Ireland)

IRI: not implemented

Anonymous response:

See response to recommendation n°4.

NGO Monitor response:

Gaza is under the control and jurisdiction of the Hamas terrorist organization. As Gaza is not under Israel's jurisdiction, it has no obligations to extend the ICCPR or the ICESCR to that territory. Although Israel has no legal obligations with regard to Gaza, it continuously sends humanitarian aid to the region. For example, 4,975 trucks containing 118,651 tons of supplies entered the Gaza Strip in June 2011 [...].

Recommendation n°57: Apply the definition of a child as a person under 18 also in the Palestinian territories, in line with article 1 of the Convention on the Rights of the Child. (Recommended by Italy)

IRI: not implemented

Addameer response:

Approximately 700 Palestinian children (under the age of 18) from the West Bank are prosecuted every year through Israeli military courts after being arrested, interrogated and detained by the Israeli army [...]. As of 31 May 2011 (latest available statistics from the Israeli Prison Service), there were approximately 211 Palestinian children, including 39 children under the age of 16, detained in three Israeli prisons: Ofer, Megiddo, and Rimonim. Since Israel underwent the UPR in December 2008, the definition of a child applied by Israel to the occupied Palestinian territory has not changed and continues to differ from the definition of a child under Israeli civilian law. Military Orders 132 and 378, which were in force in December 2008, have since been replaced, along with 18 other military orders, by a single military order: Order Regarding Security Provisions [Consolidated Version] No. 1651, which entered into force in May 2010. Military Order 1651 continues to classify Palestinians under the age of 16 as follows: A Palestinian "child" is a person under 12 years of age; a person of the age of 12 and older yet under the age of 14 is defined as "juvenile" while a "young adult" is an individual of 14 years of age and older yet under the age of 16 (Military Order No. 1651. Chapter A. General Provisions). Between the ages of 16 and 18, Palestinian children continue to be treated as adults with regard to arrest, detention, sentencing and imprisonment.

Anonymous2 response:

Under international humanitarian law, the Gaza Strip and the West Bank, including East Jerusalem, are classified as occupied territories and Israel is considered the Occupying Power. Under the law of military occupation it is the primary duty-bearer

of the basic rights of all Palestinians, including children living within this territory. Israel is also responsible for the application of human rights law in the oPt. This holds true for two main reasons: it is widely recognized that human rights law does not cease to apply in times of military occupation. More importantly, however, is that the application of human rights treaties also extends to places under the signatory's effective control. In this regard, as a party to the CRC, the State of Israel is also responsible for the application of this convention in the oPt." So far Israel has done no efforts to implement the CRC in the Palestinian Territories. When it comes to CRC reporting, Israel systematically fails to report on the rights of the children in the oPt. The CRC commented both in 2002 and 2010 that Israel perpetuates the conflict by undertaking acts of violence such as "bombing of civilians, extrajudicial killings, house demolitions and mobility restrictions". In 2010 the committee asked Israel if there was a specific penal provision for the crime of recruitment or use of hostilities of children under the age of 18 in the oPt. Israel replied that the CRC and its optional protocols did not apply to the oPt. According to Israeli Military Order 1651, applicable in the West Bank, children are defined as people under the age of 16. However today (5/10/2011) a statement of DCI-Palestine said that the Military Order might change the age from 16 to 18.

Recommendation n°59: *Progressively remove restrictions that prevent Palestinian children from having access to basic services, including schools and health care.* (Recommended by Italy)

IRI: not implemented

Civic Coalition response:

See response to recommendations n°9 and n°45.

Anonymous2 response:

Children face numerous challenges to access education and health services. In Gaza a chronic shortage of class rooms due to the siege has made students study in two shifts, in classrooms or metal containers. UNRWA turned away 40 000 eligible children in 2010/11 due to an acute classroom shortage. The siege combined with Israeli bureaucracy continues to affect investment in/building of new infrastructure. Educational facilities, including UNRWA summer camps, in Gaza have also been the target of attacks meaning children have lost days of school. Schools which have suffered damage due to attacks cannot be repaired or rebuilt meaning children have to go to school in inadequate facility. Children face difficulties getting from and to schools due to long distances between communities and lack of affordable transportation, road closures and harassment at checkpoints and settler and military violence. Children in Gaza may also be unable to reach school due to attacks or the threat of attacks by the Israeli military. Because it's almost impossible to build new infrastructure in area C, 18 per cent of the schools are unsafe. The current situation, especially in Gaza, has a severe psychosocial effect on students, who report to suffer from feelings of anxiety, sadness and hopelessness.

Gaza's health system has also been crushed by the siege. Poverty, food insecurity and a lack of access to clean drinking water and sanitation services keep compromising the health of children. Access restrictions are widespread and prevent humanitarian aid from reaching the most vulnerable communities.

Children suffer from anaemia, chronic malnutrition, stunting and underweight. Hospitals lack drugs and equipment, and electricity cuts and fuel shortages mean that hospitals cannot function to their full capacity or provide many procedures. In addition, medical professionals cannot leave Gaza to obtain advanced training.

This means that children may be forced to seek treatment outside the Gaza Strip, usually at hospitals in Israel, East Jerusalem or the West Bank. However, the procedure for obtaining a permit is long and complex and may result in a denial, because the case is not life threatening or the accompanying relative is deemed a security risk. Children have also been denied because accompanying relatives have refused to collaborate with Israeli security services in exchange for a permit. Several children have died because their permit has been denied or has taken too long to be approved. Especially children in the Access Restricted Areas (buffer zone around the border of Gaza) have died because ambulances have not been able to reach them in time. Ambulances must obtain prior coordination from the Israeli military before they can enter and provide assistance.

The restricted accesses to services in Access Restricted Areas, together with a sharp increase of house demolitions, are the two main triggers of forced displacement in the oPt. Communities in Access Restricted Areas suffer from higher rates of poverty, unemployment or income loss, poor housing conditions, lack of access to basic services and necessities, and greater levels of physical insecurity and depression, which all serve to heighten displacement pressures in these areas. During the first 8 months of 2011, "755 of those [Palestinians] were displaced due to home demolitions, while the remaining 127 were forced from their homes due to settler violence" This is a dramatic increase from 2010 which saw 606 Palestinians displaced from their homes. According to the UN Office for the Coordination of Humanitarian Affairs, there has been a particular increase in children displaced due to home demolitions. In May 2011's Monthly Humanitarian Monitor, it was reported that four times as many Palestinian children were displaced during the first 5 months in 2011, then the same time in 2010, bringing the number to 228 children versus 58.

Recommendation n°60: *Ensure more freedom of movement for the Palestinians in the West Bank and particularly Gaza in order to assure adequate standards of living of the Palestinian people and improve their access to health, education and work.* (Recommended by Italy)

IRI: not implemented

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Recommendation n°113: *Lift all military checkpoints and end all restrictions on the rights of Palestinians to movement and their rights to health and education.* (Recommended by Pakistan)

IRI: not implemented

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Recommendation n°126: *Lift all military checkpoints and end all restrictions on the rights of Palestinians to movement and their rights to health and education.* (Recommended by Palestine)

IRI: not implemented

Anonymous response:

See response to recommendation n°10.

Civic Coalition response:

See response to recommendation n°17.

Recommendation n°61: *Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places.* (Recommended by Italy)

IRI: not implemented

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Recommendation n°66: *Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion. ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and-or status of these sites.* (Recommended by Jordan)

IRI: not implemented

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Recommendation n°71: *Refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf.* (Recommended by Jordan)

IRI: not implemented

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Recommendation n°99: *Implement all international resolutions confirming the need to preserve the character and characteristics of Jerusalem, not to change its legal status and to preserve its Islamic and Christian spiritual monuments and symbols.* (Recommended by Morocco)

IRI: not implemented

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Recommendation n°155: *Respect religious and cultural rights of the Palestinian people in the Occupied Palestinian Territories, including Jerusalem, in accordance with Council resolution 6-19.* (Recommended by Syria)

IRI: not implemented

Civic Coalition response:

The [Human Rights Council (HRC)] is already aware that access to Al Aqsa Mosque is severely restricted by the ongoing closure of Jerusalem to residents of the West Bank and Gaza, and by other restrictions including a regular ban on Palestinian men under the age of 50 and Palestinian women under the age of 45 from entering the Mosque, especially on Fridays. CERD stresses that the "Al-Aqsa Mosque is an important cultural and religious site for people living in the Occupied Palestinian Territories" and urges Israel "to ensure that the excavations in no way endanger the mosque and impede access to it". The UN General Assembly has affirmed the need for respect for holy places in Jerusalem. The HRC is already aware of the Israeli authorities' failure to take positive action to ensure the preservation of archaeological and historical sites and objects in East Jerusalem and areas of the West Bank under Israeli administrative jurisdiction. CERD has raised its concerns about "excavations beneath and around Al-Aqsa Mosque and the possible irreparable damage these may cause to the Mosque. (Articles 5 (d) (vii) and (e) (vi), and 7 of the Convention)".

The Coalition draws the HRC's attention to the fact that excavation works are still continuing and that the works are part of a wider pattern of active damage to Palestinian, Arab and Islamic cultural heritage. In one example among many, Israeli occupation forces destroyed a wall adjacent to "Suleiman's Fountain" outside Hebron gate in the Old City on 3 October 2007. The Coalition highlights the fact that restrictions on access to the Mosque are continuing, and further, that the Israeli authorities continue to interfere with the internal affairs of Al Aqsa and carry out provocative actions. On 9 December 2007, Israeli police surrounded hundreds of volunteers who came from Jerusalem and areas in Israel to assist with tiling works for the Al-Aqsa Mosque courtyard, and there was further disruption on 4 March 2008. On 28 April 2008, the Israeli occupation authorities issued an order banning Nasser Abdul Hakeem Abu Qwader (37), head of Al-Aqsa Mosque's Morning Watch unit (which guard the compound) from coming within 150m of the area. On 12 December 2007, Israeli police prevented the celebration of an Iftar meal marking the first 9 days of the month of The Al-Hijjah (the twelfth month in the Islamic calendar) from taking place in Al-Aqsa Mosque, by refusing to allow fasting Palestinians from Israel to enter. Apparently arbitrary interventions by the Israeli administration targeted at summer camps for Palestinian children as noted in paragraph 15 of this submission constitute further provocative intrusion into the affairs of the Mosque.

Recommendation n°62: *Acknowledge-recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall.* (Recommended by Jordan)

IRI: not implemented

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Recommendation n°107: *Acknowledge-recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall.* (Recommended by Pakistan)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and n°11.

NGO Monitor response:

The ICJ advisory opinion was the result of a one-sided political process conducted at the behest of the Arab League and the Organization for the Islamic Conference. The opinion is not legally binding and does not constitute "international law" and was widely criticized by prominent legal scholars.

Recommendation n°63: *End the occupation of all Palestinian and Arab territories occupied, including Jerusalem and withdraw from all the territories since 5 June 1967.* (Recommended by Jordan)

IRI: not implemented

Al-Marsad response:

See response to recommendation n°29.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°9: *Refrain from evicting Arab residents from their homes in Jerusalem.* (Recommended by Jordan)

IRI: not implemented

Anonymous response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendation n°31.

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Since 1967, Israel has continued to demolish and evict Palestinians from their homes in East Jerusalem. The Special Rapporteur on the oPt has noted the illegality of the demolition of Palestinian homes in East Jerusalem under international law, while CERD has called for a halt to demolitions of Arab properties.

According to official statistics, between 2000 and 2008 alone, the Israeli authorities demolished more than 670 Palestinian-owned structures in East Jerusalem due to lack of permit. Of these, approximately 90 structures were demolished in 2008, displacing some 400 Palestinians. Specifically, the Civic Coalitions draws the [Human Rights Council (HRC)]'s attention to the fact that between 1 January and 30 June 2008, 44 Palestinian homes were demolished in Jerusalem and its environs, displacing 269 people including 156 children. This represents an increase of around 110% in the second half of 2007, during which 20 homes were demolished.

In addition, as was reported by the Special Rapporteur, in its latest Report on the situation of human rights in the oPt, in 2009 more Palestinians (approximately 4,577) were stripped of their residency rights than in any year between 1967 and 2007. In 2009, OCHA has recorded the demolition of 19 Palestinian-owned structures in East Jerusalem, including 11 inhabited residential structures, due to lack of permit. As a result, some 109 Palestinians, including 60 children, were displaced.

In 2010, East Jerusalem was targeted by Israel in a campaign to forcibly remove Palestinians from the city and supplant them with Jewish settlers. The areas targeted have been Sheikh Jarrah, Silwan, Ras Al Amoud, Beit Hanina and the Old City. In the last months of 2010 in particular, following Israel's failure to renew the freeze on settlement building, the number of Palestinian home demolitions and forced evictions in East Jerusalem escalated in line with its broad geo-political, demographic objectives for Jerusalem.

[...]

As the HRC is aware, home demolitions are usually carried out because of unlicensed construction, arising from discrimination against Palestinians in the planning system. Amir Cheshin, advisor on Arab Affairs to the former Israeli Mayor of Jerusalem, Teddy Kollek, notes that since 1967: "Israel's leaders adopted two basic principles in their rule of east Jerusalem. The first was to rapidly increase the Jewish population in east Jerusalem. The second was to hinder growth of the Arab population and to force Arab residents to make their homes elsewhere." As evidenced by the Master plan this policy continues, and demolition of Palestinian

homes continues unabated and is accelerated by the Master plan. For example, in the Atarot/Kalandia planning area, the proposed total 'real capacity' for building housing units for Palestinians is 259: 33 less than the number of housing units that currently exist; an outcome which would require demolition of at least 33 Palestinian homes; in the Old City the figure is 512 housing units (Master plan, p.199) and the document states bluntly that: "The Old City's population density will be decreased by governmental intervention" (p.148). While acknowledging that the Master plan has still not received final approval, the Civic Coalition is concerned about the fate of 15,000 Palestinian housing units which the Master plan states are 'unlicensed', particularly in light of the Master plan's recommendation for 'enforcement of planning laws'.

Recommendation n°70: *Refrain from interfering in the affairs of religious institutions, especially with respect to the rights of ownership and property.* (Recommended by Jordan)

IRI: not implemented

Anonymous response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendation n°61.

Recommendation n°73: *Respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damages incurred and to retrieve their properties in accordance with relevant United Nations resolutions and international law.* (Recommended by Jordan)

IRI: not implemented

Anonymous response:

See response to recommendations n°1, n°11 and n°31 .

BADIL response:

Upon the creation of Israel in 1948, approximately 700,000 Palestinians were forcibly expelled from their homes. Further waves of Palestinians were expelled and made refugees after the 1967 war. Many more Palestinians were made refugees again after the 1991 Gulf War. Many fled to, and still reside in refugee camps, in neighboring states such as Lebanon, Syria, Jordan, and Iraq. Despite the clear internationally recognized right of return for refugees as enshrined in UN General Assembly Resolution 194, Israel has refused the right of these refugees to return to their homes in either what is now Israel, or the Occupied Palestinian Territory. Not only are these refugees facing exile extending more than six decades, but due to the lack of a durable solution coupled with the prolonged nature of their forcible exile, they are also de facto stateless persons. Israel still refuses to grant these refugees their right of return, or to even grant them protection.

- As of December 2010, there were nearly 5 million registered Palestinian refugees with UNRWA, in Jordan, the West Bank, Gaza, Lebanon and Syria. Although the total number of Palestinian refugees, including those not

registered with UNRWA, is approximately 6.6 million representing 67% of the entire Palestinian population.

- Stateless Palestinian refugees living in Iraq were left completely vulnerable after the 2003 invasion. To this day, there are still 400 Palestinians living in al-Tanf camp between Syrian and Iraq ("no man's land") under extremely harsh conditions such as extreme temperatures, sandstorms, floods and difficult access to medical services, and 1,550 in al-Waleed camp in Iraq 3 km from the Syrian border.
- Palestinian refugees living in Syria since 1948 also faced heightened vulnerability during the recent 2011 violent government repression. When the government began shelling in August of this year, thousands of Palestinians were forced to flee the el Ramel camp in Latakia, more than 5,000 of the 10,000 refugees, with nowhere to go but the local stadium.
- Palestinian refugees in East Jerusalem have the precarious status of "permanent residents" and not citizens. As permanent residents, Palestinian children are not granted this status through their parents automatically and still as of 2010 must apply by their 12th birthday, with the Ministry of Interior bypassing a recent law allowing children to apply up to age 14.

Recommendation n°74: *Stop all settlement activities.* (Recommended by Jordan)

IRI: not implemented

Al- Marsad response:

See response to recommendation n°31.

Anonymous response:

See response to recommendation n°10.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°75: *Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council.* (Recommended by Jordan)

IRI: -

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Recommendation n°78: *Fully and immediately implement all Council resolutions.* (Recommended by Kuwait)

IRI: -

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Recommendation n°79: *Implement the recommendations of the Council.* (Recommended by Kuwait)

IRI: -

NGO Monitor response:

See response to recommendation n°14.

Recommendation n°77: *End the occupation of the Occupied Palestinian Territories and other Arab territories occupied since 1967, including Jerusalem and the Syrian Golan.* (Recommended by Kuwait)

*IRI: not implemented*Anonymous response:

See response to recommendation n°1.

Civic Coalition response:

See response to recommendation n°31.

NGO Monitoring response:

See response to recommendation n°14.

Recommendation n°80: *End Israeli violations in the Occupied Syrian Golan.*
(Recommended by Kuwait)

*IRI: not implemented*Al- Marsad response:

See response to recommendation n°54.

Recommendation n°81: *End Israeli violations in the Occupied Syrian Golan.*
(Recommended by Kuwait)

IRI: not implemented

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Recommendation n°88: *End the occupation of all Palestinian and Arab territories occupied, including Jerusalem.* (Recommended by Maldives)

*IRI: not implemented*Civic Coalition response:

See response to recommendation n°31.

Recommendation n°84: *Fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement.* (Recommended by Malaysia)

*IRI: not implemented*Anonymous response:

See response to recommendation n°10.

Civic Coalition response:

See response to recommendations n°5, n°9 and n°15.

Recommendation n°87: *Fully restore the rights and dignity of the Palestinian people, including their rights to life, to live in dignity, adequate food, housing, health, education as well as their freedom of movement.* (Recommended by Malaysia)

*IRI: not implemented*Anonymous response:

See response to recommendations n°10 and n°11.

NGO Monitoring response:

See response to recommendation n°14.

Recommendation n°95: *Follow-up the recommendations made by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and*

Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006, in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups of population in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification, freedom of expression, belief and religion. (Recommended by Mexico)

IRI: not implemented

Anonymous response:

See response to recommendations n°1 and n°10.

Civic Coalition response:

See response to recommendations n°9, n°17, n°31 and n°45.

Recommendation n°100: Implement all resolutions adopted by the Council, in particular resolution 7-18, in which the Council requested Israel to cooperate with the Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967 and to immediately withdraw all legislative and administrative measures aiming at making the occupied East Jerusalem Jewish, including measures that allow archaeological digging around the Aqsa Mosque, the building of a synagogue, the establishment and expansion of settlements and the shutting down of Palestinian institutions. (Recommended by Morocco)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and n°31.

Civic Coalition response:

See response to recommendation n°31.

NGO Monitor response:

See response to recommendation n°14.

Recommendation n°101: Ensure the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration for Human Rights, and allow them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restriction, and in order to preserve the cultural heritage, take all measures to protect these places and preserve their dignity. (Recommended by Morocco)

IRI: not implemented

Anonymous response:

See response to recommendations n°1 and n°10.

Civic Coalition response:

See response to recommendations n°9 and n°61.

Recommendation n°102: Respect all United Nations resolutions and its obligations under international human rights law and international humanitarian law, with a view

to guaranteeing fundamental rights and freedoms to all Palestinians in the Occupied Palestinian Territories, including East Jerusalem, by combating all forms of discrimination and ensure the enjoyment of the rights of the Palestinian people, inter alia, to housing, education, health, freedom of expression and freedom of movement. (Recommended by Morocco)

IRI: not implemented

Anonymous response:

See response to recommendations n°31 and n°10.

Civic Coalition response:

See response to recommendations n°9, n°17 and n°45.

Recommendation n°103: Guarantee access and freedom of movement to the inhabitants of Gaza and the West Bank notwithstanding the necessary security measures. (Recommended by the Netherlands)

IRI: not implemented

Anonymous response:

See response to recommendation n°10.

BADIL response:

Since the Human Rights Council issued its recommendations in December 2008, and particularly between August 1, 2010 and August 15, 2011, Israel has not implemented any significant changes or behavior to comply with the Council's recommendations concerning the Gaza blockade:

- Israel has not lifted the blockade of Gaza, and thus has not eased any of the humanitarian conditions on the ground for the millions of civilians living in Gaza.
- Gaza overall still suffers tremendously from the blockade in its denial of basic needs, goods, food, medicines, infrastructure materials, and access to education.
- There has been no change or easing of the suffering of the Gaza civilians, despite Israeli claims to the contrary.
- Furthermore, Israel has refused to cooperate with international efforts for an impartial, international, independent investigation into the murder of nine civilians on board one of the humanitarian flotillas attempting to bring humanitarian aid to Gaza one year ago.

NGO Monitor response:

See response to recommendation n°28.

Recommendation n°106: Acknowledge the right of refugees to return to their homes, according to the Fourth Geneva Convention. (Recommended by Pakistan)

IRI: not implemented

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Recommendation n°119: Acknowledge the right of refugees to return to their homes, according to the Fourth Geneva Convention. (Recommended by Palestine)

IRI: not implemented

Al-Marsad response:

See response to recommendation n°54.

Anonymous response:

See response to recommendation n°31.

Recommendation n°108: *End all construction in the Occupied Palestinian Territories and the destruction of natural and agricultural resources of the Palestinian people.* (Recommended by Pakistan)

IRI: not implemented

Anonymous response:

See response to recommendation n°11.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°118: *Stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship.* (Recommended by Pakistan)

IRI: not implemented

Anonymous response:

See response to recommendations n°10 and n°31.

Civic Coalition response:

See response to recommendations n°31 and n°61.

Recommendation n°120: *Acknowledge-recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall.* (Recommended by Palestine)

IRI: not implemented

Anonymous response:

See response to recommendations n°1 and n°31.

Civic Coalition response:

See response to recommendation n°99.

NGO Monitor response:

See response to recommendation n°62.

Recommendation n°131: *Stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship.* (Recommended by Palestine)

IRI: not implemented

Anonymous response:

See response to recommendation n°10.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°135: *Release all Palestinian and Syrian detainees and put an end to all the practices that seek to modify the demographic composition and architecture of Jerusalem and the Syrian Golan.* (Recommended by Qatar)

IRI: not implemented

Al-Marsad response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendation n°31.

Recommendation n°139: *Establish a separate juvenile justice system to try accused Palestinian children.* (Recommended by Slovenia)

IRI: not implemented

Anonymous2 response:

There are two ways of trying Palestinian children that fall under Israeli jurisdiction. When they are detained in the West Bank, they are tried in military courts. On October 1, 2009, Amendment No. 109 of the Security Provisions Order went into effect, establishing a military juvenile court, as part of the military courts where Palestinian residents of the West Bank are prosecuted. However, the military courts function as the judicial arm of the occupying power, and they are not comprehensive neither do they provide all regular legal guarantees, as they are being operated from a security perspective. Detention does not serve as a last resort for the shortest time possible, but is used in most cases. Palestinian children are subjected to the same arrest, interrogation, trial and imprisonment procedures as adults. In almost all cases, children detained in the West Bank are transferred to prisons and detention centres within Israel, which leads to huge difficulties for families to visit their family member, as they need permits to enter the State of Israel. It has to be emphasized that the transfer of detainees outside the occupied area breaches international law, foremost the Fourth Geneva Convention. When they are detained in East-Jerusalem, they fall under the Israeli Youth Law. According to a report by the Association on Civil Rights in Israel (ACRI) on the violations of the Youth Law in East-Jerusalem, 1,200 Palestinian minors were investigated on the suspicion of throwing stones in 2010 alone. According to the Youth Law, "A minor suspected of committing a criminal offence will be summoned for questioning and will be interrogated with the knowledge of his parent (...)". In almost all cases researched by ACRI as well as those by Save the Children indicate that the children were either taken from their homes in the middle of the night or arrested on their way to school. Both ACRI and B'Tselem point out that, even in the case of children under age 14, in most cases the parents were not allowed to be present during their child's interrogation.

Recommendation n°141: *Move towards the formal and final legal abolition of the death penalty.* (Recommended by Philippines)

IRI: not implemented

Addameer response:

See response to recommendation n°1.

Recommendation n°147: *Cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families.* (Recommended by Switzerland)

IRI: not implemented

Anonymous response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendations n°31 and n°69.

BADIL response:

The city of Jerusalem has been shaped by Israel's policy of population transfer since 1948, both in terms of priority area for Jewish settlement, and in terms of forced transfer of the Palestinian population. Several interlocking components together comprise a matrix of control that leads to the Judaization of Jerusalem on the one hand and the ethnic cleansing of its indigenous Palestinian population, on the other. Israel unilaterally annexed East Jerusalem in 1980 in contravention of humanitarian law. Although the international community of nations has not recognized Israel's acquisition, as indicated by their individual and collective refusal to move their embassies from Tel Aviv to Jerusalem, Israel has worked to transform East Jerusalem's demographic balance. Its transformation policies have involved a matrix of legal codes limiting Palestinian residency rights, outright revocation of Palestinian residency permits, the demolition of Palestinian homes, the construction and expansion of illegal settlements, and the transfer of Israeli settlers into East Jerusalem. Since its UPR, Israel has only accelerated its policies aimed at the ethnic cleansing of Jerusalem.

- On 30 May 2011, Prime Minister Netanyahu held a meeting near the Tower of David in occupied East Jerusalem where he approved Israel's plan to solidify Jerusalem as a tourist city as well as a center for scientific, development and industrial research.
- The Israeli government on 29 June 2011 destroyed hundreds of the Muslim Mamilla Cemetery headstones despite fierce opposition in order to build the "Museum of Tolerance" whose plans were approved on 12 July, further claiming more Palestinian land, this time a seventh century sacred cemetery.
- The East Jerusalem Palestinian neighborhood of Sheikh Jarrah, which includes the long contested Shepherd's Hotel dating back to pre-1948, has also become the target of the rapid Israeli settlement expansion project. After a long battle, Israel demolished the historic Shepherd's Hotel structure on 9 January 2011 in order to make room for an Israeli settlement.
- Palestinian refugees in East Jerusalem also still constantly have their permanent residency revoked, and are at the mercy of the Ministry of Interior's complete discretion. Since 2008, a total of 908 East Jerusalem Palestinians have had their residency revoked.
- Palestinian Jerusalemites living in the Palestinian neighborhoods of Sheikh Jarrah and Silwan have faced increasing home evictions by Israeli settlers with no recourse or help from the Israeli government or the courts. Currently the Israeli government has plans to evict more Palestinians from Sheikh

Jarrah in particular to make way for Jewish families and other Israeli development plans.

Recommendation n°148: *Do not renew the Citizenship and Entry into Israel Law after its expiration in July 2009 and re-examine its scope with a view to respecting the obligation of non-discrimination.* (Recommended by Switzerland)

IRI: not implemented

Anonymous response:

See response to recommendation n°31.

Civic Coalition response:

See response to recommendation n°45.

BADIL response:

The Citizenship and Entry into Israel Law, also known as the Ban on Family Reunification, works to limit the number of Palestinians within Israel Proper. The law prohibits Palestinian citizens of Israel from extending their citizenship, by traditional legal means, to spouses from the Occupied Palestinian Territory. The law disproportionately impacts Israel's Palestinian citizens who are more likely to marry Palestinians from the OPT. Passed in 2002, Israel argued that the Law was necessitated by military exigency however it has failed to demonstrate that exigency nor to justify its continued application.

- Adalah, along with other rights organizations petitioned the Israeli High Court to challenge the Law in 2007. Oral arguments have been before the Supreme Court in 2009 and again in 2010. A decision has not been made and the law remains effective.
- In its review of Israel in 2010, the Human Rights Committee, also found the Law to be discriminatory and urged Israel to revoke its ban on family reunification. Israel has paid no heed to the Committee's recommendations.
- On July 26 2010, Firas al-Mighari began a hunger strike to protest Israel's refusal to recognize his newborn daughter's residency rights to East Jerusalem. Firas was born and raised in Silwan, an East Jerusalem suburb.

NGO Monitor response:

See response to recommendation n°53.

Recommendation n°151: *Fully respect its human rights obligations, not only in its own territory, but also in places under its control, such as the Occupied Palestine Territories, as recalled by treaty bodies and the International Court of Justice.* (Recommended by Switzerland)

IRI: not implemented

Anonymous response:

See response to recommendation n°1.

Anonymous2 response:

Compared to 2010, the number of child injuries due to the conflict, as well as the number of children displaced has increased. As of May 2011, an average of 57 children per month had been injured, in comparison with an average of 30 injured

each month in 2010. Between December 2008 and January 2009, 350 Palestinian children were killed alone, during Operation Cast Lead in Gaza. Furthermore, settler violence is a daily part of life for Palestinian children living in the West Bank and East Jerusalem. According to Defense for Children International's report on settler violence published in 2010, "the Israeli authorities have consistently failed to prevent settler attacks against Palestinians and to take adequate law enforcement measures against settlers who commit these crimes." In many cases, the Israeli authorities fail to act, and in some cases they have been known to participate in the violence alongside the settlers. In East Jerusalem in particular, settler violence and house demolitions by Israeli authorities have resulted in the displacement of hundreds of children and over a thousand more at risk of displacement. As the occupying power, the Israeli authorities are obligated by international humanitarian law to protect civilians. Additionally, children should be given special protection and the ability to access quality services without fear of harassment or violence.

NGO Monitor response:

See response to recommendation n°62.

Recommendation n°152: *Commit itself to releasing all Arab prisoners and detainees in Israeli prisons imprisoned for years without trial. Enable ICRC to provide for needs and health care in conformity with Council resolution 7-30, as the state of health is deteriorating on an ongoing basis.* (Recommended by Syria)

IRI: not implemented

Anonymous response:

See response to recommendation n°42.

NGO Monitor response:

See response to recommendation n°14.

Recommendation n°162: *Free all Palestinians, Syrian and Arab detainees, including women, children and journalists, and allow international organizations, including ICRC, to visit these detainees and examine their situation in all Israeli prisons to ensure that detention conditions conform to minimum standards.* (Recommended by Yemen)

IRI: not implemented

Addameer response:

See response to recommendation n°42.

Anonymous2 response:

There have been no noticeable improvements in the treatment of child detainees. For the past ten years, an average of 700 children has been detained on a yearly basis. They are being prosecuted under the Israeli Military Court system, which does not treat Palestinian children in line with international standards. Torture and ill-treatment are widespread and systematic. Moreover, Israel continuously violates its own Youth Law which it unilaterally declared applicable to East-Jerusalem, by detaining children as young as 8 years old, arresting them in the middle of the night, interrogating them without their parents present or without any formal way of recording interrogations.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

B. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

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