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Israel: Return to Universal Periodic Review must be followed by action on recommendations

Israel's return to the Universal Periodic Review (UPR) and its decision to respect the integrity of the UPR as a universal mechanism are both welcome, Amnesty International said today when Israel's review outcome is due to be adopted by the Human Rights Council. Other member states and human rights NGOs have made recommendations and it is now time for Israel to respond positively to these and take substantive steps towards improved respect for human rights, including in the Occupied Palestinian Territories (OPT).

Israel underwent its Universal Periodic Review (UPR) on 29 October 2013 following delays of more than eight months. Most recommendations made in the UPR related to Israel's conduct in the OPT, but Israel's National Report for the UPR had failed to even address the situation of human rights there, despite the consensus (or virtual consensus) among the international community that Israel's obligations under international human rights law and the Fourth Geneva Convention apply to the OPT, including the Gaza Strip and East Jerusalem.¹ Amnesty International shares the concerns raised in many of the recommendations,² and in particular urges Israel to:

- Address the near-total lack of accountability for serious injuries and killings of Palestinians at the hands of Israeli forces,³ and, specifically, implement all the recommendations of the second report of the Turkel Commission,⁴ which would bring Israeli accountability mechanisms closer to international standards;
- Halt the construction of Israeli settlements,⁵ as a first step towards their removal, and cease to demolish Palestinian property in the OPT unless there is compelling military necessity for doing so;⁶
- Abandon the practice of administrative detention;⁷
- Lift the blockade on the Gaza Strip, which amounts to collective punishment of the civilian population there.⁸

Concerning recommendations applying to human rights challenges within Israel, Amnesty International welcomes the commitment made by Israel in the first cycle of the UPR to grant conscientious objectors the right to serve in a civilian body.⁹ Unfortunately, this has not been

¹ *Report of the Working Group on the Universal Periodic Review of Israel* (hereafter "UPR Working Group Report"), 19 December 2013 (A/HRC/25/15), para. 122 (Israel) and paras 136.47 (Ireland), 136.158 (Bolivia), 136.161 (Portugal), 136.197 (Republic of Korea), and *passim*

² Amnesty International, *Blind to violations, deaf to obligations: Israel's human rights record*, Updated Submission to the UN Universal Periodic Review, September 2013 (MDE 15/015/2013)

³ UPR Working Group Report, paras 136.66 (France), 136.209 (New Zealand), 136.210 (Denmark)

⁴ UPR Working Group Report, paras 19 (Israel) and 136.28 (United Kingdom)

⁵ UPR Working Group Report, paras 136.154 (Costa Rica), 136.170 (Qatar), 136.173 (Switzerland), 136.190 (Jordan)

⁶ UPR Working Group Report, paras 136.207 (United Arab Emirates), 136.229 (Mexico)

⁷ UPR Working Group Report, paras 136.120 (Chile), 136.124 (Denmark), 136.125 (France), 136.130 (Slovenia), 136.131 (Spain), 136.133 (Sweden)

⁸ UPR Working Group Report, paras 136.178 (Cuba), 136.214 (Switzerland), 136.216 (Bolivia), 136.217 (Malaysia)

⁹ Human Rights Council 10th Session Report, para. 461 (h)

implemented yet.¹⁰ Amnesty International urges Israel to amend its procedures to ensure that conscientious objectors are not imprisoned for their beliefs.

Israel has tentatively acknowledged¹¹ the need to ensure that the rights of Palestinian Bedouin citizens of Israel are respected in relation to their economic, social and cultural rights. Building on the recommendations on protecting Bedouin citizens against discrimination with regards to their housing rights,¹² Amnesty International calls on Israel to:

- Legally recognize excluded Palestinian Bedouin villages in the Negev/Naqab (so-called “unrecognized villages”), which house nearly half of the approximately 200,000 Negev/Naqab Bedouin, provide basic services to them including electricity, sanitation, water, emergency services and transport infrastructure, and halt all demolitions in these villages until planning provisions and laws comply with the international prohibition on discrimination;
- Conduct genuine consultations with communities facing evictions, including by providing full, accurate and timely information, engaging effectively with those affected, and considering alternative proposals by affected communities;
- Abandon the proposed “Law for Regularizing Bedouin Habitation in the Negev - 2013”, which, if implemented, would violate the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Form of Racial Discrimination, both of which have been ratified by Israel, and put some 30,000 people at risk of forced evictions.

In its National Report, Israel also mentioned its commitment to protecting the human rights of asylum-seekers and refugees from Africa,¹³ while stating that it undertakes to apply international law “in a difficult neighbourhood”.¹⁴ Amnesty International encourages Israel to implement recommendations made on this issue¹⁵ and, furthermore, to:

- Take steps to overhaul its asylum procedures to bring them in line with the 1951 Refugee Convention and other international standards, in particular by establishing fair, effective and transparent refugee status determination procedures;
- Release anyone detained under the Prevention of Infiltration Law and amend this law so that any restriction on the right to liberty of refugees, asylum-seekers and migrants are exceptional measures, prescribed by law, necessary in the specific circumstances of the individual concerned and proportionate to the legitimate aim pursued;
- Desist from pressuring asylum-seekers to “voluntarily” return to their country of origin where they may be at risk of imprisonment, torture and other ill-treatment, in violation of the principle of *non-refoulement*.

Amnesty International regrets that, in its presentation for the review and in its National Report, Israel continues to justify its failure to meet human rights obligations by pointing to the security challenges it faces.¹⁶ While acknowledging that states have a responsibility to protect the security of individuals within their jurisdiction, Amnesty International is concerned that Israel may use this as a pretext for ignoring many of recommendations, as it did during its engagement with the first cycle of the UPR.¹⁷

¹⁰ UPR Working Group Report, para. 136.79 (Slovenia); National Report, paras 96-98; *Report of the Working Group on the Universal Periodic Review of Israel*, 8 January 2009 (A/HRC/76), para. 100.22 (Slovenia)

¹¹ National Report, paras 106-113; UPR Working Group Report, para. 71 (Israel)

¹² UPR Working Group Report, paras 136.58 (Canada), 136.94 (Netherlands), 136.96 (France), 136.97 (Switzerland), 136.98 (Australia), 136.99 (Czech Republic), 136.100 (Belgium), 136.103 (USA)

¹³ National Report, paras 114-117

¹⁴ National Report, para. 115

¹⁵ UPR Working Group Report, paras 136.104 (Switzerland), 136.105 (USA), 136.106 (Rwanda)

¹⁶ UPR Working Group Report, para. 11 (Israel); and National Report, *passim*

¹⁷ *Report of the Working Group on the Universal Periodic Review of Israel*, 8 January 2009 (A/HRC/76)

Amnesty International welcomes preliminary efforts by Israel to engage with civil society over the UPR. We hope this will continue and include monitoring the implementation of the recommendations once the outcome is adopted.

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