



## » Israel

### EMHRN Factsheet: ENP Progress Report 2013

EMHRN summary of ENP Israel Progress Report and recommendations for the next report.

*Credit: Reuters*

The Report states that significant challenges remained in 2013, chief among them are the protection of minority rights and Israel's responsibilities in the Occupied Palestinian Territory (OPT). Although international humanitarian law (IHL) and human rights issues are better reflected in this year's report, a thorough and methodical review of Israel's obligations under IHL is still lacking. The EU calls on Israel to address key recommendations made in the 2012 report that it has failed to address, and makes recommendations in the following areas:

#### Freedom of Association and Assembly

Despite the deteriorating situation for NGOs in Israel, the report does not express concern over the NGO bill which would impose a tax of 45% on foreign donations to NGOs whose aims and purposes are contrary to the definition of Israel as a 'Jewish and democratic state'. With regard to the bill on governance that would increase, amongst other things, the Knesset electoral threshold from 2% to 4%, the report refers to the internal debate on whether this would unduly discriminate against minority parties.

*However, the document fails to mention other discriminatory laws including the Israeli military's denial of the right of assembly in the OPT.*

#### Gender

The document reports on progress made on women's rights, but points out that women continue to be underrepresented in key positions. The EU calls on Israel to:

- Strengthen cooperation with the EU and UN bodies, including on human rights issues, such as gender and disability.

*In its next Progress Report, the EU should call on Israël to:*

- *Address gender-based violations faced by Palestinian women in the OPT as a result of Israel's policies;*
- *Address discrimination faced by Palestinian Arab women of Israel, particularly the double discrimination they face, as both women and Palestinians.*



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## Israel's Responsibilities in the OPT

The Progress Report devotes a section to Israel's responsibilities in the OPT. This is the first time a report explicitly mentions Israel's obligations as an occupying power with regard to proportionate use of force, human rights and international law. The report calls on Israel to:

- Ensure respect for international law and human rights in the OPT, including through intensifying efforts to curb settler violence and minimizing the use of administrative detention without trial.

*However, this section is separated from the chapter addressing human rights issues. EMHRN has repeatedly called on the EU to incorporate the analysis of Israel's responsibilities in the OPT under Chapter 2 where issues relating to the joint objective "to work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law" are addressed, in accordance with the EU-Israel Action Plan. This section also fails to analyse the conformity of Israel's action in the OPT under IHL which is vital to accurately define the rights of protected civilians and the responsibilities of the occupying power.*

## Minorities' Rights

According to the report, additional efforts are needed to ensure the equality of all Israeli citizens, and particularly the Palestinian Arab minorities, including the Negev Bedouins. The report addresses the discriminatory policies facing these communities and calls on Israel to:

- Continue and intensify efforts to ensure equality of all Israeli citizens, including the Negev Bedouins and children born in Israel without resident status.

The report makes reference to the Praver-Begin Plan which, if implemented, would result in the destruction of 35 "unrecognized" Bedouin villages in the Naqab, and the forced displacement of their 70,000 residents who are Israeli citizens.

*However, it does not address the denial of the population's access to basic services, land ownership rights or the issue of house demolitions. EMHRN calls on the EU to address these issues in its next report.*

## Justice and accountability

This is the first Progress Report on Israel that addresses the transparency and accountability of Israel's security services. It maintains that in line with the recommendations of the Turkel Commission, progress on this issue should be a priority. The report also addresses the low level of reporting on and investigations of torture complaints, as well as the excessive use and length of administrative detention without trial of Palestinians. In this regard, the EU calls on Israel to:

- Ensure respect for international law and human rights in the OPT, and intensify efforts to curb settler violence and minimizing the use of administrative detention without trial.

*In its next Progress Report, the EU should:*

- *Address the lack of accountability of Israel's security services and the lack of investigations into violations of IHL and human rights under 'Israel's responsibilities in the OPT' section;*
- *Call on Israel to ensure accountability of its security services and to conduct investigations into alleged violations of IHL and human rights in line with international standards, and to prosecute those responsible and provide redress and compensation for victims.*



## Migration

The report maintains that Israel has yet to bring its legislative and policy framework in line with international law, making reference to the anti-infiltration law, detention of migrants without trial and conditions in the Holot detention facility. The report also addresses difficulties encountered by asylum seekers in renewing their visas as well as the so-called 'voluntary repatriation'.

In view of this, the EU calls on Israel to:

- Ensure respect for international law and human rights in the treatment of irregular migrants and asylum-seekers.

*The Progress Report uses the term "migrants," while the vast majority of them can be considered refugees or asylum seekers. In this regard, the EU should be clear in stating that repatriation can result in human right violations. Furthermore, the report makes no reference to restrictions on freedom of movement and the lack of NGO access to detention facilities. Therefore, EMHRN calls on the EU to remind Israel of its international obligations vis-à-vis refugees and asylum seekers, including the obligation to conduct substantive, fair and timely examinations of individual asylum requests.*

The **Euro-Mediterranean Human Rights Network** is a network of more than 80 human rights organisations, institutions and individuals based in 30 countries in the Euromed region. The Network is deeply attached to universal human rights principles and convinced of the value of cooperation and dialogue across and within borders.

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