

EuroMed Rights recommendations on Israel's Universal Periodic Review 2018

Considering the upcoming Universal Periodic Review (UPR) of Israel, due to be held on 23 January 2018 at the United Nations Human Rights Council, EuroMed Rights would like to bring our major human rights concerns and recommendations to the attention of European Union (EU) Member States, as documented by our Israeli, Palestinian and European member organisations.

1. Bring about an immediate end of the Gaza blockade

Despite the prospects offered by the intra-Palestinian reconciliation, Israel continues to impose an illegal closure and [collective punishment](#) on the Palestinians living in Gaza. This circumstance negatively affects their right to life, health, education, food, water and an adequate standard of living, with the UN warning that Gaza could be [uninhabitable](#) even before 2020. Patients who seek medical treatment outside of Gaza often face protracted delays in obtaining permits or are denied access to necessary medical care. During its [2013 UPR](#), Israel accepted several EU Member States recommendations to respect Palestinians' freedom of movement. Member States should call on Israel to:

- Unconditionally lift the Gaza closure and ensure the right to freedom of movement of people and goods between Gaza and the West Bank, including East Jerusalem;
- Address the various obstacles to the right to movement that undermine the access of Palestinian patients to treatment, especially in East Jerusalem.

2. Ensure accountability for human rights violations by the Israeli police and military forces

The Israeli-Palestinian conflict continues to be characterised by a culture of impunity that permeates through the Israeli police and military forces and facilitates the blatant disregard for human rights and international law. Out of [the 500 Palestinian complaints submitted](#) regarding 2014 Gaza War violations, there has been only one indictment for looting. The OHCHR recently found that Israel failed to implement 90 per cent of the UN's recommendations concerning accountability. Likewise, no criminal investigation has been opened into the more than 1,100 [complaints](#) of torture and ill treatment filed against ISA interrogations since 2001. During its 2013 UPR, Israel accepted several recommendations by EU Member States to investigate all human rights violations. Member States should urge Israel to:

- Conduct thorough, prompt and impartial investigations into documented human rights and international humanitarian law violations, including torture and ill-treatment;
- Support all international efforts to promote accountability for breaches of human rights and international humanitarian law in Israel/Palestine.

3. Stop human rights violations against Palestinian prisoners and detainees

Palestinian prisoners and detainees are systematically subjected to several human rights violations from torture and ill-treatment to administrative detention, due to the combination of a flawed legal framework, the lack of safeguards and a widespread impunity. Palestinians in Israeli prisons and detention facilities are often subject to torture and cruel, inhuman and degrading treatment as a matter of [interrogation policy](#), usually on ["necessity defense" grounds](#). Israel's policy of administrative detention and [detention under the 'Unlawful Combatants' law](#) is recurrently used to detain Palestinians without charge or trial for an unlimited time. Although Israel accepted to limit the use of administrative detention in its 2013 UPR, in October 2017 there were still around [463 Palestinians detained without charges or trial](#). Member States should call on Israel to:

- End the illegal use of administrative detention and repeal the Unlawful Combatants Law, ensuring that all persons deprived of liberty are either promptly released or subject to a fair trial;
- Implement the [recommendations](#) of the 2016 UN Committee Against Torture review of Israel, including incorporating torture in its penal code and removing the “necessity defense” exception.

4. Enshrine the principle of equality and non-discrimination in Israeli Basic Law

Israel lacks a written constitution or a Basic Law that guarantees the right to equality, while several laws and policies increasingly privilege the State's Jewish over its democratic character. These circumstances seriously undermine the human rights of Palestinian citizens. The Israeli Knesset is currently considering a [highly controversial](#) Jewish Nation-State Bill, which seeks to even further entrench Israel's Jewish character in a Basic Law. Various UN [human rights mechanisms](#) have in the past called for the [review of discriminatory laws](#), and CEDAW has recently expressed [concern](#) over the systemic discrimination against women from the Arab and Bedouin communities. Despite accepting several recommendations to ensure equality in 2013, Israel has continued to enact more laws that further discriminate against the rights of Palestinian citizens. Member States should urge Israel to:

- Enshrine the principle of equality into its Basic Laws and legislation to ensure non-discrimination in law or practice based on race or national belonging;
- Protect the Bedouin citizens of Israel from all forms of discrimination and ensure their rights to property, land and housing.

5. Stop the smear campaigns and persecution of human rights defenders and CSOs

In Israel, human rights organisations are targeted through anti-democratic legislation, aggressive [smear campaigns](#) and intensive efforts to block foreign government funding. These actions aim at discrediting and silencing all criticism of Israel's occupation policies and human rights violations. Besides the enactment of the 2016 ‘NGO transparency Law’, the Israeli [Prime Minister](#) and other senior [government officials](#) repeatedly adopt incendiary rhetoric and threaten with punitive measures against independent NGOs. The Knesset has also considered the establishment of a [parliamentary inquiry committee](#) into the funding of human rights organisations and legislating [an overarching ban on receiving donations from foreign governments](#). Women HRDs have to face gender structures that are [used to pressure them specifically](#), such as sexual harassment by Israeli soldiers and police during protests, arrests or investigations. Member States should urge Israel to:

- Ensure that HRDs can carry out their legitimate activities without interferences or fear of reprisals;
- Repeal all legislation that undermines the work of human rights organisations and cease all practices aimed at limiting their free space, including targeting their funding;
- Actively combat all threats, attacks and smear actions against CSOs by non-state actors, ensuring prompt and impartial investigation into reported attacks against HRDs and women HRDs.

6. Reverse the unlawful annexation and occupation policies in East Jerusalem

Since Israel annexed East Jerusalem in 1967, it established a policy aimed at reshaping the demographics of the city and drive out its Palestinian residents. This policy has included large settlement building and planning, demolitions of houses and infrastructures, residency revocations and forced displacement. Moreover, Palestinian residents are daily subjected to discriminatory laws and policies in the fields of access to education, health care, employment, residency and building rights. Roughly 75% of them live today under the poverty line. Member States should call on Israel to:

- Immediately cease all settlement construction and planning in East Jerusalem, as well as the house demolition, residency revocation and forced displacement of their Palestinian residents.