

ANNEX: SECOND CYCLE UPR OF ISRAEL
COMPARISON OF ICJ RECOMMENDATIONS WITH FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS

Concerning Israel's obligations under IHL and IHR <ul style="list-style-type: none"> • First cycle UPR Working Group report, UN Doc A/HRC/10/76 (2009): no corresponding recommendations. • First cycle UPR responses/commitments of the Government of Israel are included in the report of the HRC on its tenth session, UN Doc A/HRC/10/29 (2009), chapter VI: see paras 461 (f) and (g). The Government of Israel did not accept any of the corresponding first cycle recommendations: see para 460. • Second cycle ICJ submission (July 2012): see paras 18(i) – (iii). 		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
i) Investigate in a prompt, thorough, impartial and independent manner all allegations of serious breaches of international humanitarian law and gross human rights violations committed during Operation Cast Lead.	No corresponding recommendation.	<p>No on point corresponding voluntary commitment.</p> <p>Generally addressed in: Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> ➤ (f) Ensuring prompt and impartial investigations of allegations of ill-treatment, in accordance with its obligations under the Convention against Torture
ii) Ensure that those responsible for such violations are held accountable through fair trials and, if convicted, ensure that their sentences are commensurate with the gravity of the crimes committed.	No corresponding recommendation.	<p>No on point corresponding voluntary commitment.</p> <p>Generally addressed in: Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> ➤ (g) Ensuring all cases are reviewed by a court in accordance with fair procedures
iii) Provide an effective remedy and full reparation, including compensation and rehabilitation, to all victims and, to this end, remove all obstacles that bar access to justice, including the imposition of prohibitively restrictive court fees.	No corresponding recommendation.	No corresponding voluntary commitment.

Concerning settlements and the wall of separation

- First cycle UPR Working Group report, UN Doc A/HRC/10/76 (2009): see Summary of Proceedings at paras 23, 26, 34, 35, 39, 54, 57, 67, 75, 76, 78 and 80 (Egypt, Morocco, Switzerland, Palestine, Pakistan, United Kingdom, Jordan, Cuba, Ireland, Maldives, Indonesia, South Africa and Brazil), and responses/commitments by the Government of Israel at para 69.
- First cycle UPR responses/commitments of the Government of Israel are included in the report of the HRC on its tenth session, UN Doc A/HRC/10/29 (2009), chapter VI. The Government of Israel did not accept any of the corresponding first cycle recommendations: see para 460.
- Second cycle ICJ submission (July 2012): see paras 18 (iv) – (vii).

<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
iv) End the illegal settlement policy in the oPt, including in East Jerusalem, by halting all settlement growth and expansion, dismantling existing settlements and ensuring that no new installation of settlers takes place.	<p>100(35). (Brazil) ... refrain from expansion of settlements.</p> <p>100(39) and 23. (Egypt) End all settlement activities in the Occupied Palestinian Territories, in particular in and around occupied Jerusalem.</p> <p>100(39) and 57. (Cuba) Stop the policy of colonization through illegal settlement.</p> <p>100(39) and 34. (Switzerland) Cease immediately the expansion of settlements and the operations of destruction, inter alia, in East Jerusalem of houses belonging to Palestinian families</p> <p>100(39) and 54. (Jordan) Stop all settlement activities</p> <p>100(39) and 35. (Palestine, Pakistan) End all construction in the Occupied Palestinian Territories and the destruction of natural and agricultural resources of the Palestinian people.</p> <p>100(41) and 26. (Morocco) ... 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.</p> <p>Related: 39. (United Kingdom) ...settlement building is illegal, corrodes trust and should stop.</p> <p>67. (Ireland) ... noted that, under international law,</p>	<p>No on point corresponding voluntary commitment.</p> <p>Generally addressed in: Doc 10/76: 69. The Israeli delegation said that, with respect to the issue of settlements in the West Bank, it had been agreed by Israel and the Palestinians to deal with this in the final status negotiations, which are currently taking place at the highest levels; it was agreed that the two sides should keep the content of the negotiations confidential. It said Israel adopted numerous unilateral policy decisions to ensure that all options for a permanent status agreement remain open, including a Government policy not to commence any new settlements in the West Bank and to ensure that no private land is expropriated for the purpose of construction...The delegation added that Israel is aware that a final status agreement with the Palestinians will require painful territorial concessions, and it has shown its willingness to engage in such painful processes in the disengagement from the Gaza Strip, in which,... it...dismantled four settlements in the West Bank.</p>

	it is illegal to build settlements in the Occupied Palestinian Territories, including East Jerusalem. It sought information on action taken and planned to freeze construction of settlements and to dismantle existing settlements or outposts.	
v) Take effective measures to prevent “price-tagging” and other crimes against Palestinians and Palestinian property, including by investigating and holding accountable those who are responsible for such crimes.	No corresponding recommendation. Related: 54. (Jordan) ...It regretted that Israel does not fulfil its obligations to respect the right to freedom of religion, and that it is implementing a systematic policy aimed at emptying Jerusalem of its Arab residents by discriminating against them in municipal services and the use of a set of Israeli laws designed to enable Israel to take possession of property of Arab residents in East Jerusalem in the event of their travel and/or temporary residence outside Jerusalem...	No corresponding voluntary commitment.
vi) Ensure that confiscated privately owned lands are returned to their owners and provide for adequate reparation.	100(51) and 23. (Egypt, Jordan) 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.	No corresponding voluntary commitment.
vii) Immediately cease construction of the separation wall, dismantle segments already built on Palestinian territory, and provide reparation to individuals whose property has been damaged by its construction	100(35), 23, 35, 54, and 75. (Egypt, Maldives, Jordan, Palestine, Pakistan) Acknowledge / recognize, accept and fully implement the advisory opinion of the International Court of Justice on the wall 100(35). (Maldives) That Israel immediately cease work on the construction of the wall being built in the Occupied Palestinian Territories, and begin dismantling it 100(35) and 57. (Cuba) End construction of, and dismantle the already built, illegal separation wall 100(35) and 80. (Brazil) Dismantle the wall in the Occupied Palestinian Territories ... 100(35) and 78. (South Africa) Dismantle the separation wall.	No corresponding voluntary commitment.

	<p>Related: 76. (Indonesia) ...asked whether a plan or timetable was being considered to dismantle the wall, adding that it was important that the many resolutions and the ruling of the International Court of Justice on the matter be implemented rather than systematically flouted or disregarded.</p>	
<p>Concerning administrative and arbitrary detention of prisoners and their treatment</p> <ul style="list-style-type: none"> • First cycle UPR Working Group report, UN Doc A/HRC/10/76 (2009): see Summary of Proceedings at paras 39, 43, 61, 64, 65, and 67 (United Kingdom, Yemen, Chile, Finland, Denmark and Ireland), and responses/commitments by the Government of Israel at paras 92 and 94. • First cycle UPR responses/commitments of the Government of Israel are included in the report of the HRC on its tenth session, UN Doc A/HRC/10/29 (2009), chapter VI: see para 461 (g). The Government of Israel did not accept any of the corresponding first cycle recommendations: see para 460. • Second cycle ICJ submission (July 2012): see paras 18 (viii) – (xiii). 		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
viii) End the abusive use of administrative detention and ensure that any administrative detention is a time-limited exceptional measure that cannot be used, in any circumstances, as an alternative to criminal proceedings	100(17) and 65. (Denmark) Ensure that administrative detention is carried out in accordance with international human rights standards.	No corresponding voluntary commitment.
ix) Ensure that the internment of those subject to administrative detention is regularly reviewed by independent and impartial courts or administrative boards	<p>100(17) and 67. (Ireland) 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.</p> <p>Related: 39. (United Kingdom) Recommended that Israel take immediate action to ensure that 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 visitation, are upheld.</p>	No corresponding voluntary commitment.
x) Guarantee the rights of detainees to have contact and to correspond with, and to be visited by, members of their families	<p>100(13). (Yemen) Put an end to all forms of torture and other cruel, inhuman or degrading treatment or punishment, give families the right to visit detainees in places of detention wherever they are.</p> <p>Related:</p>	No corresponding voluntary commitment.

	39. (United Kingdom) Recommended that Israel take immediate action to ensure that 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 visitation, are upheld.	
xi) Guarantee the rights of detainees to legal counsel of their choosing, to be informed of the basis for their detention and to have access to evidence on which the detention is based	100(16) and 61. (Chile) All detainees be given the reasons for their detention respecting their fundamental rights during detention. 100(16). (Canada) 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.	No on point corresponding voluntary commitment. Generally addressed in: Doc 10/76: 92. ... Israel indicated it wanted to correct a few misconceptions in a number of statements. One representative suggested that persons under administrative detention were not entitled to access to a lawyer; in fact, individuals under administrative detention are entitled to counsel and the legal representation of their choice.
xii) Guarantee the right of Palestinian detainees to be incarcerated within the oPt	No corresponding recommendation. Related to: 64. (Finland) Expressed concern about the number of Palestinians detained in Israel and that the majority of Palestinians detained in the Occupied Palestinian Territories are held in facilities located in Israeli territory, in breach of the Fourth Geneva Convention stipulating that detainees must be held within the occupied territories.	No corresponding voluntary commitment.
xiii) Ensure detainees on hunger strike are granted access to independent medical care and are not subject to coercive or punitive treatment	No corresponding recommendation. Related to: 43. (Yemen) 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. 100(43). (Syrian Arab Republic) 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.	No on point corresponding voluntary commitment. Generally addressed in: Doc 10/76: 94. On conditions of detention within Israel, over the past two years, responsibility for all military prisons has been transferred to the Israel prison service and it outlined provisions for health care, special detention for prisoners with physical and mental problems and for prisoners with chronic illnesses, and access to a variety of established complaint mechanisms. Additionally, official visitors appointed by the Minister for Public Security and comprising public sector lawyers are allowed to inspect prisons at any time. Israeli prisons and the prison service are routinely subject to inspections by the State Comptroller.

Concerning international instruments and mechanisms		
<ul style="list-style-type: none"> First cycle UPR Working Group report, UN Doc A/HRC/10/76 (2009): see Summary of Proceedings at paras 24, 34, 54, 66, 74, 77, 80 and 84 (France, Switzerland, Jordan, Latvia, Mexico, Argentina, Brazil and Romania) First cycle UPR responses/commitments of the Government of Israel are included in the report of the HRC on its tenth session, UN Doc A/HRC/10/29 (2009), chapter VI: see paras 461 (a), (c) (k), 462 and 464. The Government of Israel did not accept any of the corresponding first cycle recommendations: see para 460. Second cycle ICJ submission (July 2012): see paras 18 (xiv) – (xix). 		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding recommendations in the first cycle</i>	<i>Corresponding first cycle voluntary commitments</i>
<p>xiv) Become a party to the: OP to ICESCR, First and Second OPs to ICCPR, OP to CEDAW, OPCAT, Third OP to CRC, CMW, CRPD and its OP, and CED</p>	<p>100(1). (Ireland) 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.</p> <p>100(2) and 77. (Argentina) Evaluate the possibility of ratifying the second optional protocol to the International Covenant on Civil and Political Rights to abolish the death penalty.</p> <p>100(2), 24 and 77. (Argentina, France) Consider the possibility of signing and ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and accept the competence of its Committee</p> <p>100(2). (Denmark, Mexico, Brazil) Ratify the Optional Protocol to the Convention against Torture.</p> <p>100(2), 74 and 84 (Mexico, Romania) Ratify the Convention on the Rights of Persons with Disabilities and (Mexico) the optional protocol thereto.</p> <p>100(9). (Azerbaijan) Redouble efforts to increase women's representation in society and to join the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.</p>	<p>Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> (a) The ratification of the Convention on the Rights of Persons with Disabilities <p>Generally addressed in: Doc 10/29: 462. While Israel also appreciated the spirit of the recommendation to protect the children and families of migrants, it did not consider that accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was required to achieve that goal, as under Israeli legislation, the rights of children and family members of migrants were already protected.</p> <p>Doc 10/29: 464. With regard to the recommendation to evaluate the possibility of ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, Israel reiterated what was indicated in its national report, that while it is not in a position to ratify the Protocol, Israel had applied a de facto moratorium on executions, and the only exception that had ever been implemented since the establishment of Israel was in the case of the Nazi war criminal Adolph Eichmann in 1962, who was convicted by the Supreme Court of committing genocide under the 1950 punishment of Nazi and Nazi Collaborators Law. The death penalty had not been applied since. This policy complies with the State's obligations as a State party under United Nations human rights treaties and its sponsorship of United Nations resolutions in support of a moratorium on the imposition of the death penalty.</p>

		<p>Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> ➤ (k) Following the universal periodic review process, several measures were currently being taken towards further promoting children's rights through several preliminary means. A draft bill on the establishment of a new youth court had been prepared and was currently under review, and additional issues, such as necessary adaptations to probation officers' reports, were being evaluated.
xv) Provide without delay its initial periodic report to the Committee on the Rights of the Child under the OP to the CRC on the sale of children, child prostitution and child pornography, and provide the additional information requested by the Human Rights Committee	No corresponding recommendation.	No corresponding voluntary commitment.
xvi) Accept at the earliest opportunity the requests to undertake official missions in Israel and the oPt by the Special Rapporteurs on torture, racism, violence against women and on extrajudicial, summary or arbitrary executions; and extend to them all reasonable cooperation and assistance to facilitate timely and effective country missions	No corresponding recommendation. Related to: 34. (Switzerland) It encouraged Israel to respond favourably to requests for special procedures visits.	<p>Generally addressed in: Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> ➤ (c) Considering strengthening dialogue with the Council and its special procedures, and cooperation with all relevant United Nations special procedures and mechanisms
xvii) Issue a standing invitation to the Special Procedures	<p>62. (Qatar) ...recommended... that a standing invitation be addressed to all special procedures.</p> <p>100(7), 54, 66, and 80. (Latvia, Jordan, Brazil) Consider strengthening dialogue and cooperation by issuing a standing invitation to all special procedures of the Council.</p> <p>Related: 100(41). (Morocco) 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...</p> <p>100(40). (Azerbaijan) Improve and strengthen cooperation with all relevant United Nations special</p>	<p>Generally addressed in: Doc 10/29: 461. Israel had also taken upon itself to promote the following items from the Council's recommendations:</p> <ul style="list-style-type: none"> ➤ (c) Considering strengthening dialogue with the Council and its special procedures, and cooperation with all relevant United Nations special procedures and mechanisms

	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.	
xviii) Present to the Council, as soon as possible after adoption of the outcome document for the UPR of Israel, a national plan of action for the implementation of accepted recommendations and voluntary pledges and commitments	No corresponding recommendation.	No corresponding voluntary commitment.
xix) Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.	Related: 100(53). (Malaysia) 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	No corresponding voluntary commitment.