



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Check against Delivery

**INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS**

State of Israel Examination

**Opening statement by Mr. Arthur Lenk
Director, Department of International Law, Ministry of Foreign Affairs**

Geneva, 16-17 November 2011

Mr. Chairman, members of the Committee, ladies and gentlemen,

I am honored to meet with you this afternoon as the head of our Israel delegation. Our large group here in Geneva represents a diverse range of government ministries and bodies including the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Industry, Trade and Labor, Ministry of Social Affairs and Social Services, Ministry of Education, our National Insurance Institute and the Israel Defense Forces. Our group represents the various bodies that prepared Israel's 3rd Periodic Report under the Covenant, which was submitted to you in January 2009 and most importantly, we jointly represent Israel's commitment to the issues within the Covenant.

Israel's delegation warmly welcomes this opportunity to discuss with you Israel's efforts to fulfill its obligations under the Covenant, some of our Government's achievements, hopes and even to share some dilemmas we face.

Israel highly values the work of this Committee and of other UN treaty monitoring bodies. It sees this monitoring process as an important element to promote and protect rights internationally, an opportunity to share Israel's views on these issues and an important catalyst for discussing the potential for change and further progress. The Government of Israel respects your advice on implementation of the Covenant and regularly gives serious consideration to its positions when considering the development of domestic policy on economic, social and cultural rights matters.

Israel has given careful consideration to the Committee's concluding observations and recommendations following our previous interaction in 2003. Some of the actions taken on those concerns are detailed in our 3rd Report. We continue to be cognizant of the recommendations of the Committee as Israel continues to develop policies and monitor our activity in regard to rights within the Covenant.

Israeli officials who deal with the matters related to the Covenant welcome and give serious consideration to the work of Israel's vibrant and active civil

society, including a range of non-governmental organizations, academia and of course, with individuals interested in rights issues. Various laws require consultation with civil society organizations, in order to strengthen Israel's awareness to issues of economic, social and cultural rights and enrich Israel's monitoring process. We hope to further strengthen this consultation process and even consider a structured interaction for our various international treaty commitments.

Following the submission of our 3rd Report, the Committee raised a number of issues that we would be happy to further discuss. Israel submitted a written response addressing these issues in September 2011. We would be pleased to further elaborate on these issues with you today and tomorrow.

Israel is fully committed to continue to strengthen and develop its economic, social and cultural policy. In fact, just two months ago, Israel's government fully adopted a significant report on these issues by a Commission chaired by Prof. Manuel Trajtenberg, the Chairman of the Planning and Budgeting Committee of Israel's Council for Higher Education. The work of the Committee was spurred by peaceful civil protests in Israel over this past summer. As stated by Prime Minister Netanyahu upon approval of the report: "The Trajtenberg report is good for Israel's citizens. It lowers the cost of living, cuts taxes, increases disposable income, greatly participates in the financing of preschool education, and makes housing more available." I will detail more about this report later in my statement.

Of course, there remains room for additional progress. Israel continues to set challenging targets for progressive realization in areas that remain unresolved, and implements a series of measures including legislation, judicial decisions and government policies and programs to promote the ideals and goals enumerated in the in Israel's basic laws and in the Covenant. Israel's Government believes that its social policy ensures that Covenant rights are being delivered to its citizens.

Mr. Chairman,

For the entirety of the 64 years of its independence, Israel has continually aspired to live in peace with its neighbors. Israel's Declaration of Independence enunciates this desire clearly, stating that Israel extends: "our hand to all neighboring states and their peoples in an offer of peace and good neighborliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East". Israel has successfully reached peace agreements with Egypt and Jordan. Israel's current government has called for a resumption of peace talks with our Palestinian neighbors, and hopes that such talks will lead to a negotiated resolution, allowing for two states, Israel and Palestine, to live side by side in peace and security.

As it was at the time of Israel's birth in the wake of the horrors of World War II and the Holocaust, the situation today in the Middle East remains very complex and volatile. Recent events and change, sometimes called the "Arab Spring" have given rise to cautious optimism and hope. We in Israel believe that the exciting potential for improvement in human rights and economic opportunity for many of our neighbors is a source of great potential and Israel will look to assist wherever possible. At the same time, there remains much uncertainty and upheaval and the threats of extremism and violence remain. Literally in the midst of all of this change, the Israeli-Palestinian issue remains a constant.

The Israeli-Palestinian issue is certainly relevant to Israel's implementation of the Covenant. Over the years and even in the last few weeks, we have witnessed devastating attacks expressly directed towards Israeli citizens, from Gaza, the West Bank and even from across the Egyptian border in Sinai. Terrorists in Gaza continue to launch rockets aiming towards civilian centers in the south of Israel. Mr. Moshe Ami from the city of Ashkelon, 21 kilometers from Gaza, was killed in one such attack near his home two weeks ago. In mid

October, a 17 year old boy from Jerusalem was seriously wounded when he was stabbed by a youth from a nearby Arab village. These threats, unfortunately, continue on a daily basis for Israelis.

The most basic obligation of the State of Israel – and of every country – is to protect the life of each of its citizens, to protect the right to life which underlies the Covenant. Israel has had to direct many of its resources to fulfill this obligation, for all its citizens, with obvious security, financial and social implications. Israel addresses these challenges while complying with its varied international obligations, and promoting the welfare and development of its people. Therefore, despite the real dangers that exist, Israel, like other democratic and responsible members of the international community, imposes significant restraints on its own actions, to conform with principles of international human rights law.

Israel's legislative, judicial and executive organs have shown a genuine concern for achieving the appropriate balance between these sometimes conflicting obligations and ensuring the protection of human rights generally, and economic, social and cultural rights in particular.

Finally, in regard to Palestinian issues, data, statistics and information relating to the rights of Palestinians in the West Bank and Gaza under the Covenant, are not available to Israel but rather monitored and administered by the Palestinians who control and independently legislate in these areas. Additionally, Israel has traditionally held views about the applicability of Israel's obligations within the Covenant to those areas. That said, our delegation will endeavor to substantively respond to questions you may have.

Mr. Chairman,

Israel is a diverse, creative and successful democratic society. It has listed more patents in the United States than any other developed country. Six Israelis have won Nobel Prizes in the past decade, most recently, Daniel

Shechtman from the Technion in 2011 and Ada Yonath from the Weizmann Institute in 2009, both for Chemistry. Two Israeli academics shared a Nobel for Chemistry in 2004 and two others for Economics in 2005 and 2002. World recognized inventions such as the flash drive, instant messaging, drip irrigation and treatment for awful diseases such as multiple sclerosis were all developed in Israel and improve lives throughout the world. As was written in the book *Start-up Nation: The Story of Israel's Economic Miracle*, "while Israel has much to learn from the world, the world has much to learn from Israel."

Since its establishment in 1948, Israel has consistently adopted comprehensive welfare-based policies, and has enacted countless measures aimed at the protection of economic, social and cultural rights. Laws regarding compulsory medical insurance, free universal education, caring for disabled individuals and seniors and a broad network of social services have continually formed a central part of Israeli legislation. A fundamental welfare network has always remained in place, aimed at promoting these rights and protecting the more vulnerable segments of our society.

Fundamental human rights protections are afforded to every individual in Israel, enshrined via a series of Basic Laws, bearing a quasi-constitutional status and relating to all aspects of life. In the absence of a formal, written constitution, these Basic Laws provide the fundamental principles that impact all aspects of life in Israel.

Clearly, also, there remains much still to be achieved and gaps remain to be addressed. There is a regular public discussion on those needs, including an active role by civil society. NGOs in Israel often lead discussion, initiate legislation, raise awareness and play a key role in the promotion of human rights. Israel truly is an open and dynamic society, with an extremely robust media and with courts that are both empowered and willing to intervene and impact public debate and policy.

Mr. Chairman,

I would now like to briefly highlight some of Israel's recent activities in connection with the implementation of the Covenant by all three branches of government, emphasizing developments in some key topics of interest to this Committee.

Four new pieces of legislation on issues relating to Covenant issues should be noted.

- ❖ In July 2011, Israel's parliament, the Knesset, enacted the *National Council for Nutrition Security Law*. As the title suggests, it establishes a public Council which will include government professionals and experts from academia and civil society. It will be chaired by an expert from outside the civil service. The Council will actively promote food and nutrition security in Israel, act to narrow gaps and propose and advocate for pragmatic solutions.
- ❖ An amendment to the *Students' Rights Law* was passed by the Knesset, in August 2011, requiring universities and colleges to accommodate students who are pregnant or on maternity leave, undergoing fertility treatments and those who become adoptive parents, guardians or foster parents.
- ❖ The Knesset enacted an amendment to the *Equal Employment Opportunities Law*, in July 2010. The law already prohibited discrimination of a job applicant or an employee on grounds of gender, religion, race, sexual orientation or being pregnant. The amendment further limits requesting this information by a prospective employer and shifts evidentiary burdens to an employer.
- ❖ Finally, as previously reported by Israel, the Knesset enacted in 2008 the *Encouragement of the Advancement and Integration of Women in the Work Force and the Adjustment of Workplaces to Women's Needs Law*. This law offers financial incentives to employers in the private sector to integrate and promote women and to businesses that modify workplace and work conditions to the needs of women and parents.

Israel's Courts have also made a number of recent rulings that might be of interest to you. With your permission, I will briefly mention three:

- ❖ In June 2011, Israel's Supreme Court rendered a landmark decision affirming that access to water is a basic human right. This right was found to be part of the constitutional right to dignity within the *Basic Law: Human Dignity and Liberty*. The Court ruled that while the State does not have a general obligation to build water infrastructure in places that are not formally designated as residential areas, it is required to provide access to water in such places, based on humanitarian circumstances, on a case-by-case basis.
- ❖ In April 2011, Israel's Supreme Court, acting as the High Court of Justice, issued a decision on what had been known as the "Pregnant Foreign Worker Procedure". Foreign workers who were at least six months pregnant while living in Israel, had been required to leave the country within three months after giving birth, with a possibility to extend for an additional three months, only in humanitarian circumstances. The High Court of Justice found this procedure to be unconstitutional, on the grounds that it violates women's rights under the *Basic Law: Human Dignity and Liberty*.

In both of these cases, Israel's Supreme Court quoted explicitly from the Covenant and other international human rights treaties to interpret and understand the meaning to the right to human dignity within Israel's Basic Law. The Court cited Article 11 of the Covenant and this Committee's General Comment #15. These two cases are concrete examples of Israel integrating its interaction with its international obligations and work with this Committee into its domestic legal framework.

- ❖ In a third case, the High Court of Justice ruled, in February 2011, that the Ministry of Education was required to take concrete measures to promote the right to education for children in the eastern neighborhoods

of Jerusalem and address the lack of classrooms there. The Court found the right to education to be a clear component of the constitutional right to human dignity, guaranteeing that every child in Israel be afforded the same basic educational opportunities. The Court ordered the Ministry to establish adequate infrastructure to enable the local education system to absorb all eligible children residing in the eastern neighborhoods of Jerusalem. The Ministry of Education was given five years to achieve this goal, and instructed to pay for alternative educational arrangements in the meantime.

Israel's executive branch also took important steps in recent months to further the ideals within the Covenant. I will highlight three measures:

- ❖ The Government's adoption, in October 2011, of the recommendations of the Trajtenberg Report, was likely the most significant economic and social development in Israel in recent years, at an estimated cost of 30 billion NIS (US\$8.3 billion). Peaceful demonstrators, representing a cross-section of the population, had called for greater social justice in Israel. Following extensive public hearings throughout Israel, the Trajtenberg Committee recommended a series of measures to lower the cost of living, easing the financial burden of poorer and middle-class families, and increasing the supply of affordable housing. Some measures have already begun to be implemented, while others are in the process of legislation and development.

- ❖ Israel's government also recently adopted, in September 2011, a landmark plan for the *Regularization of Bedouin Housing and for the Economic Development of the Bedouin Population in the Negev*. Approval of this plan represents a significant milestone in a lengthy and comprehensive process that began in 2007 with the formation of an Advisory Committee on the Policy Regarding Bedouin Towns ("the Goldberg Committee"), which is discussed at length in both our 3rd

Report to this Committee and in the response to the Committee's questions.

The Government has approved the allocation of 1.2 Billion NIS (US\$322 million) to advance local growth, with a special emphasis on employment of women and young people and on supporting infrastructures. It will focus on the housing regulation and settlement of land claims, comprehensive land planning and promote the development of industrial zones. It will also establish key employment centers and vocational training.

The Government of Israel is acutely cognizant of the challenges faced by Israel's minority communities. While remaining aware that much is still to be achieved, it believes that the intensive work of the Goldberg Committee and government approval of a program based on its recommendations is emblematic of significant accomplishments that have been achieved over the last few years. The ambitious goal is to bring about a better integration of Israel's Bedouin citizens into society. Through cooperation with community and civil society organizations, it will promote the development of local and regional infrastructures and significantly reduce economic and social gaps between the Bedouin population in the Negev and Israeli society as a whole.

The construction plan, which will double the size of the Bedouin city of Rahat, adding ten thousand housing units by the year 2020, has begun work. Israel is proud that the plan was just awarded the 2011 International Society of City and Regional Planners' (ISOCARP) international award for strategic planning. This prestigious award was announced last month in Wujan, China.

- ❖ Finally, a standing, inter-ministerial human rights monitoring committee, to coordinate action in the field of human rights was recently established. The committee, chaired by a Deputy Attorney

General, regularly examines, promotes and makes recommendations regarding the wide gamut of human rights issues and promotes relevant legislative amendments and administrative measures. Naturally, the observations of this esteemed Committee are of great interest to this inter-ministerial body. Those observations are carefully reviewed and considered.

Beyond these three examples, Israel's Government has approved, over the course of 2010 and 2011, several other significant projects, related to Covenant matters, investing over a half billion US dollars. In March 2010, a *Five Year Plan for the Economic Development of Minority Localities*, including Arab, Bedouin, Druze and Circassian local authorities, was approved, budgeting 780 Million NIS (US\$210 million). In 2011, two additional multi-year plans (2011-2015) were approved, at a cost of more than one billion NIS (US\$290 million) for the socio-economic development of Druze, Circassian and Bedouin communities in the north, promoting education, housing, employment, tourism, infrastructure and transportation.

Mr. Chairman,

We have much to share with you today, far more than I have described. We look forward to elaborating on some of these and other topics covered in documentation that Israel submitted to the Committee. I am confident that this interaction and dialogue will help Israel continue to improve its fulfillment of its obligations under the Covenant and to give you a better understanding of Israel's ambitious efforts and goals. We expect a lively and constructive dialogue that will serve the interests of our citizens and the promotion of economic, social and cultural rights in Israel.

Thank you.