

The Institute for NGO Research's Submission to the UN Human Rights Council's Universal Periodic Review of Israel

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NGO Monitor's Submission to the 43rd Session of the United Nations Universal Periodic Review - Israel

A. Introduction

1. Israel is a vibrant parliamentary democracy facing many challenges, including the need to defend its citizens against terror attacks from Hamas-controlled Gaza, the West Bank, and Hezbollah-controlled Southern Lebanon, while simultaneously protecting the rights of the populations in these areas.
2. Unfortunately, frameworks established under the auspices of the Human Rights Council have a poor record carrying out reviews of human rights issues related to Israel in compliance with the standards of Resolution 5/1. In particular, the UPR process is to be “conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner.” It should also be “a cooperative mechanism based on objective and reliable information and on interactive dialogue.” Lastly it must, “promote the universality, interdependence, indivisibility and interrelatedness of all human rights.”
3. Yet, in past reviews of Israel, the UPR process has stood in sharp contradiction to these stated objectives. For instance, the reviews obscure or remove the context of terrorism; provide false or incomplete information and statistics; and disseminate gross distortions of the humanitarian, human rights, and international legal dimensions of the Arab-Israeli conflict. Moreover, this process often stresses the rights of Palestinians while disregarding Israeli human rights. These failures are frequently the product of States that, as part of their ongoing conflict with Israel and in many cases rejection of the legitimacy of its existence, seek to politicize the UPR process, rather than engage in a cooperative process. The reviews are also tainted by the influence of non-verified and non-credible claims advanced by NGOs that share the destructive agenda of States that seek to demonize and delegitimize the country rather than improve human rights on the ground.

We hope that this submission will serve as a corrective to some of these issues.

B. Rights to Self Determination

4. Article 1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) mandates that “[a]ll peoples have the right of self determination” and the right to “freely determine their political status.”ⁱ All too often, however, in UN frameworks (particularly the Human Rights Council) and in publications relating to Israel, including those part of the UPR

process, self-determination rights are presented as if they belong to the Palestinians alone; the equal rights of the Jewish people are ignored. Moreover, many of these statements seek to erase or deny the Jewish historical presence and connection to the region.

5. Unfortunately, since the founding of Israel in 1948, the discourse of international law and human rights and associated institutions have been used to widely attack the legitimacy of the Jewish State and to intimidate its Jewish citizens. In these contexts, the right of the Jewish people to self-determination, Zionism (the movement founded to realize this right), and the modern State of Israel are often characterized as threats to the post-World War II international legal order, on par with the contemporary world's worst evils – racism, colonialism, imperialism, and apartheid. The nation-state of the Jewish people and their right to self-determination are characterized as illegitimate and illegal, and Israel is portrayed as the primary violator of international norms, based on false claims, extreme double standards, and highly disproportionate focus. Actual racist practices of surrounding Arab states – such as slavery, extreme gender and religious discrimination, and segregation – are ignored, creating an entirely artificial framework to attack Israel.ⁱⁱ

6. These efforts represent the latest manifestation of antisemitism. As Former Swedish Deputy Prime Minister Per Ahlmark remarked, while “anti-Zionists accept the right of other peoples to national feelings and a defensible state... they reject the right of the Jewish people to have its national consciousness expressed in the state of Israel and to make that state secure.” According to Ahlmark, “anti-Semites of different centuries had always aimed at destroying the then center of Jewish existence...today, when the Jewish State has become a center of identity and a source of pride and protection for most Jews, Zionism is being slandered as a racist ideology.”ⁱⁱⁱ

7. Importantly, in his report published on September 20, 2019^{iv} and in his remarks to the General Assembly on October 17, 2019, the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, clearly explains this phenomenon:

“17. The Special Rapporteur also takes note of numerous reports of an increase in many countries of what is sometimes called “left-wing” antisemitism, in which individuals claiming to hold anti-racist and anti-imperialist views employ antisemitic narratives or tropes in the course of expressing anger at the policies or practices of the Government of Israel. In some cases, individuals expressing such views have engaged in Holocaust denial; in others, they have conflated Zionism, the self-determination movement of the Jewish people, with racism, claimed that Israel does not have a right to exist and accused those expressing concern about antisemitism of acting in bad faith. . . . He

further recalls that the Secretary-General has characterized “attempts to delegitimize the right of Israel to exist, including calls for its destruction” as a contemporary manifestation of antisemitism.”^v

C. Freedom of Opinion and Expression

8. By any objective standard, Israeli democracy is as robust and pluralistic as any in the world. There are few restrictions on protest or advocacy, even when that protest includes very fierce and unpopular criticism of the government and military. No other democracy can claim to have greater freedom of expression, despite more than seven decades of war and terrorism; threats of annihilation; and in parallel, the challenges of developing a cohesive society based on numerous divergent communities, many of which do not have traditions of pluralism and democracy.

9. The Israeli government should be commended for allowing NGOs to operate freely, even when many promote an agenda in which Israel is demonized, often using unsubstantiated or false claims.

10. In the past year, Israel has faced criticism for designating as terrorist organizations six Palestinian NGOs for their long-standing connections to the Popular Front for the Liberation of Palestine (PFLP). This criticism overlooks open-source research conducted by our organization, which documented more than 70 officials and employees at these NGOs with ties to the PFLP. Moreover, an independent investigation commissioned by the Dutch government identified, solely based on publicly accessible information, more than 34 such individuals at one NGO alone. Despite the self-servicing claims by the terror-linked NGOs of targeting civil society, thousands of NGOs, including hundreds of human rights groups freely operate in Israel.

D. Freedom of Religion

11. Israel upholds religious freedom for all of its citizens and protects the rights of all of its religious sites. According to Israel’s Declaration of Independence, “The State of Israel ... will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions.”

12. Israel’s Department of Non-Jewish Affairs has jurisdiction over religious matters concerning non-Jewish groups and the religious council for the Druze. The Department of Non-Jewish

Affairs convenes a council of all recognized religions, including Judaism, which serves as a discussion forum for recognized religious communities.

13. Israeli law criminalizes the damage or desecration of religious sites and actions that “harm the freedom of access” of worshippers to religious sites. Certain religious sites considered antiquities receive protection under the antiquities law. The Ministry of Tourism is responsible for the protection and upkeep of selected non-Jewish religious sites, while the Ministry of Religious Services maintains Jewish religious sites. The law also provides for up to five years’ imprisonment for actions “likely to violate the feelings of the members of the different religions” regarding their religious sites.^{vi}

14. Despite these freedoms, government involvement in religion extends to nearly every sphere of public life, including marriage, education, and restaurants, and is of concern. For decades Charedi, or ultra-Orthodox, authorities have dominated the nation’s religious affairs. The Chief Rabbinate of Israel acts as the supreme spiritual authority for Judaism in Israel, holding a monopoly over a variety of religious ceremonies in Israel including marriage, conversion, and kosher certification.

15. Within Israel, the government only recognizes Orthodox marriages authorized by the Chief Rabbinate. Those seeking a non-Orthodox marriage must be married outside of the country. So too, the Chief Rabbinate effectively controls conversion in Israel and only recognizes Orthodox conversions. If someone converts under the auspices of Reform or Conservative Judaism, these individuals cannot marry legally in Israel as they are not deemed Jewish by the Chief Rabbinate. Additionally, the national and local rabbinates are in charge of allocating supervisors to supervise restaurants as kosher, as well as appointing inspectors to oversee the supervisors, leading to potential corruption.

E. Right to Life

16. Article six of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” Yet, the context of Palestinian terrorism continues to be greatly minimized or even ignored by UN bodies, such as the UPR process.

17. In 2021, there were more than 4,300 terror attacks documented by the Israeli security services. During the conflict in April and May 2021, Palestinian terror groups fired thousands of rockets at Israeli population centers, including salvos of hundreds of rockets simultaneously at Tel Aviv. Rioting incited by Hamas led to attacks on Jews in “mixed cities” in Israel and on roadways in the Negev and Galilee. In Jerusalem, this incitement led to attacks on Orthodox Jews that were filmed and posted on TikTok. On the Jewish holiday of Shavuot (Feast of Weeks), Palestinian rioters attacked a Chabad house with dozens of worshippers who were inside conducting prayers, and bombed a home in the neighborhood of Abu Tor. A second bomb that failed to detonate was found in the yard of the house.

18. In March 2022, Israelis faced 190 terrorist attacks, killing eleven and injuring 27.^{vii} Within one week, on March 22, a terrorist drove his car into a cyclist, killing him. The attacker then stabbed three people to death outside a shopping center. Five days later, two terrorists killed two police officers in Hadera, after opening fire on them at a bus stop. ISIS reportedly said that it was behind the assault.^{viii} Two days later, five people were killed and ten were wounded in a shooting attack in Bnei Brak.

19. Under Article 5b of the ICERD, State parties undertake to “guarantee” the right of “security of person and protection...against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.” It is blatantly false for countries with their own severe issues of racism and NGOs to claim, as they do, that Israel’s policies to combat terrorism are motivated by racism, rather than efforts to protect its population from attacks perpetrated by Palestinian combatants.

20. In addition, there have been cases of attacks by Jewish settlers against Palestinians. Yet, the resources devoted to reporting and campaigning on “Israeli settler violence” are disproportionate to the harm caused in these incidents and do not accurately reflect the totality of violence against civilians in the West Bank. When a more complete presentation is made, a radically different picture of the situation emerges. For instance, in his January 19, 2022 briefing to the UN Security Council, UN Special Coordinator for the Middle East Peace Process Tor Wennesland revealed that, in the previous month, “Palestinians perpetrated some 89 attacks against Israeli settlers and other civilians, resulting in 15 Israeli civilians injured and damage to property in clashes, shootings, stabbing and ramming attacks, as well as incidents involving the throwing of stones and Molotov cocktails and other incidents. Five members of Israeli security forces were also injured.” Over the same period, “Settlers and other Israeli

civilians perpetrated 28 attacks against Palestinians, resulting in six injuries and damage to property.”

21. All acts of vigilantism and vandalism are illegal and reprehensible and should be punished to the full extent of the law. The Israeli government must take steps to prevent such activity. Contrary to claims, however, the Israeli government, police, and IDF take extensive steps to prevent and prosecute perpetrators of such attacks. Government officials repeatedly condemn these attacks. Israeli Foreign Minister Yair Lapid [labeled](#) such attacks “terrorism” and a “stain on Israel” for which there should be “[zero tolerance](#).”

22. In addition, while multiple NGOs produced materials on violence committed by Israeli civilians in the West Bank in 2021 there was a dearth of analysis of key drivers of Palestinian violence in the region, including incitement, Palestinian textbooks that dehumanize Jews, financial incentives for terrorist activity, and the recruitment and use of children by terror organizations.

F. Institutional and Human Rights Infrastructure

23. National human rights institutions (NHRIs), the national institutions with the responsibility to protect and promote human rights, have been established so far in over 100 states worldwide. While Israel has a number of national institutions working in the field of human rights, including the State Comptroller and Ombudsman, the Commission for Equal Rights of Persons with Disabilities, the Authority for the Advancement of the Status of Women, and the Equal Employment Opportunities Commissioner, it has not established an NHRI.

24. Although the recommendation to establish a national human rights institution in accordance with the Paris Principles was discussed in previous cycles of the UPR, the Government of Israel ‘noted’ the recommendation without any implementation. We believe that the government should establish an NHRI or operate under the auspices of the State Comptroller and Ombudsman.

G. Constitutional and Legislative Frameworks - Need for Electoral Reform

25. The urgent need for electoral reform of Israel's parliamentary system is widely recognized. In November 2022, Israel will hold its fifth election in the last three years. According to the Israel Democracy Institute (IDI) research center, Israel has held more national votes than any

other parliamentary democracy in the world since 1996, with 11 Knesset elections over the past 15 years.^{ix} While some view the current political reality as proof that Israel is a true liberal democracy, others see this failure to form a working government as evidence that Israel's political system is in need of major reforms.

26. Since the establishment of the country, Israel's electoral system has been criticized for favoring small parties over larger ones. Critics also feel that Israel grants a disproportionate amount of power to fringe ideological groups. This has led to a rapidly changing political landscape with parties being created and disbanded with great frequency, leading to a political scramble to form a coalition that continues for weeks after the election.

27. A major issue facing the State of Israel is regionalization. As the population rapidly increases, there is a growing need for more regional representation. The needs of Israelis residing in the North of the country are different from those on the Gaza border or in the Negev, on issues ranging from infrastructure, security, and transportation. While the representatives in Knesset are rightly focused on national and international issues, attention must also be paid to regional and individual needs.

H. Right to Education in East Jerusalem

28. Some schools in East Jerusalem use the Israeli-Arab curriculum, which in addition to focusing on education from an Arab perspective also allows for the teaching of Hebrew. Other schools in East Jerusalem use the PA or UNRWA curricula, which employ textbooks that are replete with incitement, antisemitism, and promotion of enduring conflict, and that bar the teaching of Hebrew.

29. In July 2022, Israel's education minister revoked the permanent operating licenses of six schools in East Jerusalem after it was discovered that textbooks at the schools included material deemed as incitement.^x In the "Citizenship and Social Studies" textbook for third grade, a story described students visiting their friend Nidal after his father was arrested. The story describes Nidal telling his friends how "we were surprised last night after the Zionist occupation soldiers invaded our apartment and arrested my father, which made me tired and worried." His mother tells him that Palestinian prisoners "fight for our Palestinian people and they oppose the Zionist occupation. They became prisoners in their prisons and we wish them freedom soon with God's help like we wish for the end of the occupation."

30. According to Deputy Mayor of Jerusalem Fleur Hassan Nahoum, “In east Jerusalem almost 90% of the children are learning from the same school books used in Gaza.” The government of Israel must do more to expand the reach of its curriculum as well as to demand changes in the UNRWA and PA curricula.

I. Data Collection

31. Independent evaluation of Israeli policies requires access to official state records. Unfortunately, Israel’s policies for collection and publication of data are inadequate. Israel’s governmental agencies do not make data known to the public and do not seem to be collecting data systematically in many areas. The Israeli government could improve, and where lacking, establish formal procedures for the collection of data, including on issues relating to discrimination. These data should be made publicly available. The implementation of these measures is not only important to track areas of inequalities that require remedy, and to facilitate the creation and implementation of those improvements.

ⁱ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

ⁱⁱ Gerald M. Steinberg and Anne Herzberg, “The Role of International Legal and Justice Discourse in Promoting the New Antisemitism,” in *Anti-Zionism and Antisemitism: The Dynamics of Delegitimization* edited by Alvin H. Rosenfeld, September 1, 2019: http://www.iupress.indiana.edu/product_info.php?products_id=809541

ⁱⁱⁱ Manfred Gerstenfeld, *The War of a Million Cuts: The Struggle against the Delegitimization of Israel and the Jews, and the Growth of New Anti-Semitism*, Jerusalem Center for Public Affairs, May 12, 2015: <https://www.amazon.com/War-Million-Cuts-Deligitimization-Anti-Semitism/dp/1618613413> (p31).

^{iv} “Report of the Special Rapporteur on freedom of religion or belief,” September 20, 2019: <https://undocs.org/A/74/358>

^v Ahmed Shaheed, “Antisemitism is toxic to democracy and must be addressed, says expert,” October 17, 2019: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25160&LangID=E>

^{vi} <https://www.state.gov/reports/2021-report-on-international-religious-freedom/israel-west-bank-and-gaza/>

^{vii} <https://www.shabak.gov.il/SiteCollectionDocuments/Monthly%20Summary%20EN/Monthly%20Summary/%D7%93%D7%95%D7%97%20%D7%97%D7%95%D7%93%D7%A9%D7%99%20%D7%90%D7%A0%D7%92%D7%9C%D7%99%D7%AA%20-%20%D7%9E%D7%A8%D7%A5%2022.pdf>

^{viii} <https://www.cnn.com/2022/03/28/middleeast/israel-isis-attack-intl>

^{ix} <https://en.idi.org.il/articles/39154>

^x <https://www.jpost.com/israel-news/article-713364>