



**State of Israel
Ministry of Justice**

The Legal Counseling and Legislation Department (International Law)

UPR 2018 –MOJ Director General Opening Speech

Mr. President,

I come to present to you, through a professional, serious, thorough minded and matter-of-fact approach, the accomplishments of the State of Israel in the realm of Human Rights over the reviewed period.

Unfortunately, past experience showed us that not all representatives seating before me had displayed an equally professional, or serious, or thorough-minded, or matter of fact approach.

A large part of the audience gathered here will not listen to what I am saying, nor will take interest in holding a practical and constructive dialogue. Away to big share of those seating here, have only come with the only aim of automatically denouncing and condemning anything I say or claim, only because I do it on behalf of the State of Israel, and not because their own countries are necessarily given as an example to follow by all who uphold and advocate human rights.

As you know only too well, this Council has not exactly acquired its world-wide reputation for its balance and impartiality of all things. Not for its objective disposition towards my country. I hope maybe today, you will prove us wrong and show that you really care about Human Rights.

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I will now say a few things about myself.

My parents were born in a world devoid of Human Rights, persecuted since early childhood just for being Jewish. They sought refuge in a place which would respect their humanity, their individual rights and their national rights. They found it, at the young State of Israel.

It is precisely because I am so deeply connected to the story of my parents that I am fully aware of our responsibility as a Jewish and democratic State, to preserve the dignity and the rights of all my country's citizens and denizens. Of its majority and of its many diverse minorities

As the daughter of a former diplomat, I am always proud to represent my country. Through my upbringing and my current position, I am able to recount in detail all those many things my country is making in order to make me proud. I am here because I truly care about human rights. Do you care? This is what we are trying to learn today.

Of course, not everything is perfect. I am well placed to know how we spare no effort to improve certain areas and we will naturally talk about that too. I have never been one for evading hard questions or difficulties. But I am calling on all of those who believe they are representing your country where all is perfect. Let them be the first to rise and echo us.

I am proud to show you our delegation who include the heads of five leading bodies responsible for advancing human rights issues in Israel. Each will present the extensive activities of the authorities headed by them:

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Adv. Mariam Kabaha, National Commissioner at the Equal Employment Opportunities Commission, at the Ministry of Labor, Social Affairs and Social Services;

Ms. Eva Madjiboj, Director of the Authority for the Advancement of the Status of Women, at the Ministry of Social Equality;

From the Ministry of Justice:

Mr. Avremi Torem, National Commissioner at the Equal Rights of Persons with Disabilities Commission;

Adv. Dina Dominitz, National Anti-Trafficking Coordinator;

Adv. Aweka Kobi Zena, National Anti-Racism Coordinator.

The Ministry of Justice has a key role in Israel in protecting the rule of law and human rights. In this short address, I would like to elaborate on some of the functions played by the Ministry, which oversees some of the most relevant units in this regard;

The Public Defender's Office, which provides free legal representation in criminal proceedings, plays a crucial role in ensuring the representation of individuals who cannot afford to retain a lawyer in criminal legal proceedings. It also conducted an extensive pilot program in the Jerusalem District with impressive results: today, close to 50% of the suspects in this District are using their right to consult with a lawyer before an investigation compared to only 10% 5 years ago. Many public defenders are also official visitors, conducting regular visits to **prisons** as part of their mandate to supervise the conditions of incarceration.

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With regard to the issue of **prisoners' rights**, I would also like to draw the Council's attention to a remarkable decision which was rendered recently by the Israeli Supreme Court of Justice. In this case, the Court ruled in favor of several human rights NGOs, concerning the living conditions of prisoners in Israel. The Court required the State to provide, within 18 months, a minimum of 4.5 square meters of living space for each prisoner or detainee instead of a minimum of 3.16 square meters, as in most of prisons in Israel today.

Access to Justice is a fundamental value in the Israeli legal system and many efforts are made to enhance it. In 2014, Community Courts began to operate in Israel as part of a pilot program. These Community Courts handle criminal proceedings using a rehabilitative approach, aiming to reduce incarceration and prevent recidivism. Following a designated Government Resolution, 6 Community Court will be active by October 2018.

Furthermore, the Legal Aid Administration provides legal assistance to people who cannot afford legal representation in civil and administrative proceedings. While it is a governmental organ, it enjoys independence and has the ability to file suits against the Government on behalf of its clients, when necessary. Just over a year ago, we opened a branch of the Legal Aid Administration in **Rahat**, the largest Bedouin city in the Negev, in order to better serve the population in this area. This is an important step in making the courts more accessible to Bedouin residents of the Negev, especially women

Since July 2017, **a victim of sexual offence is now entitled to free legal aid by the Legal Aid Administration** without a financial eligibility test,

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once an indictment is filed. This Amendment is ground-breaking, as it recognizes the difficulties that victims of sexual abuse experience during the criminal process. In this regard, I should also point out that the Israeli *Crime Victims' Rights Law*¹ was amended in order to entitle a **victim of a sexual offence to choose the gender of her or his investigator.**

One of the most important roles of the Ministry of Justice is general oversight over the processing and handling of **complaints** or reports of torture, ill-treatment or disproportionate use of force of detainees. These cases are investigated **promptly and thoroughly**, in accordance with relevant international norms and standards.

Israel is deeply committed to standards of international law regarding the prevention and investigation of the disproportionate use of force and the ill treatment of detainees. An Issue also raised in the Advanced Questions of Belgium and France.

To name a few examples of existing mechanisms within the relevant state authorities, **the Inspector for Complaints against the Israel Security Agency Interrogators**, is an independent and professional body which is in charge of examining complaints against inspectors of the Israel Security Agency (the ISA).

In 2014, in order to ensure its independence and impartiality, **this body was transferred from the ISA to the Ministry of Justice.** This reform took was adopted, amongst other things, further to calls from several treaty bodies of the Human Rights Committees. Another measure, spearheaded by my Ministry, also following recommendations from

¹ Amendment no. 11 of 2014 to the *Crime Victims' Rights Law* 5761-2001

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human right treaty bodies, has been the installation of cameras in all **ISA interrogation** rooms. This issue has also been brought up in the Advanced Question of the United Kingdom, and I would like to explain, that these cameras are to broadcast interrogations, regularly and in "real-time", via closed-circuit to a control room accessible and available to a supervisor from the Ministry of Justice at any time without prior notice. In the event that the supervisor believes that illegal means have been used during the interrogation, he or she has an obligation to immediately report the matter to the Inspector for Complaints against ISA Interrogators. This mechanism began operating this very month and a similar procedure regarding **Police investigations** is to follow.

The Department for Investigation of Police Officers (DIPO) is specifically designated to investigate complaints of police misconduct, including offences of unlawful or excessive use of force. This Department may recommend the initiation of criminal or administrative proceedings against the suspected police officer, and in some cases, the Department itself handles the criminal proceedings.

Of course, the Israel Defense Forces (**IDF**) also has review mechanisms, which examine and investigate allegations of misconduct, ensuring compliance with the rule of law, including International Law and the Law of Armed Conflict. The three main components of these mechanisms are the Military Advocate General's Corps ("MAG Corps"), the Military Police Criminal Investigation Division ("MPCID") and the Military Courts. Furthermore Israel subjects the IDF's military justice system to the civilian supervision of the Attorney General, the State Comptroller and the Knesset. The Supreme Court also exercises judicial review over actions of the IDF.

It is my strongly held belief that in the promotion of human rights, no stone should be left unturned. As the Director General of the Ministry of Justice, I personally had the opportunity to lead several momentous tasks in recent years.

First and foremost, is the establishment in 2016 of the Inter-Ministerial Team Charged with Forming an **Action Plan to Deal with Racism** against Persons of Ethiopian Origin. This team was established following a notable Government Resolution, which for the first time, explicitly recognized the need to combat racist practices targeted against persons of Ethiopian origin. I headed this team and together with civil society representatives worked on gathering information, formulating procedures to deal with instances of racism or discrimination and the means to increase the inclusion of individuals of Ethiopian origin in the public sphere. Our team released an extensive report which included an array of recommendations, the most essential of which was the establishment of a new governmental unit within the Ministry of Justice for the coordination of the fight against racism. The National Anti-Racism Coordinator's Office was recently established, and is headed by my colleague here in the delegation, Adv. Aweka Kobi Zena.

In addition, I headed an **inter-ministerial committee charged with examining the possibility of criminalizing the use of prostitution.**

Currently, the *Penal Law* in Israel criminalizes acts that enable prostitution (such as procurement or maintaining a brothel) but, does not criminalize the acts of a “client”, so to speak, of prostitution services (except with respect to prostitution of minors). At the request of the Minister of Justice, Mrs. Ayelet Shaked, we conducted a careful and sensitive examination of the possibility of bringing about legislative

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change on this matter. We heard personal testimonies and expert opinions and studied models adopted in other countries with the aim of strengthening the protection we offer to women from exploitation and trafficking. The team's conclusions were submitted and include psycho-social treatment, education and enforcement tools.

In this regard, I would like to draw your attention to two important developments which were made in this field. First, in 2016, following a recommendation of the CRC Committee, the *Penal Law* was amended to increase the imprisonment term for the offense of obtaining the service of an act of prostitution from a minor, from three to five years. The amendment also enhanced the rights and protections afforded to the victims of the offense. Second, an integrated enforcement task force, combining criminal, administrative and civil-fiscal tools and agencies, is investing intensive efforts in restricting the use of brothels.

Finally, I was also privileged to be the head of an **inter-ministerial committee tasked with formulating a strategic plan to contend with the negative repercussions of polygamy**, which can still be found in certain parts of society, mainly within the Bedouin community. Earlier this year, the Government reaffirmed its commitment to tackling this phenomenon, recognized the immense harm that it causes to women and children, and to society at large, and laid the foundations for the first coordinated inter-ministerial plan of action. At the request of the Government, the committee, which includes representatives of NGOs and the Bedouin population, is examining ways to increase public awareness of the harm caused by polygamy and to increase the enforcement in this field. The committee is also considering ways in which populations prone to polygamous marriages may be empowered, decreasing the incentive

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and the context in which these marriages occur. For example, it is examining how employment opportunities may be made culturally and practically accessible and how educational frameworks may be enhanced and developed in order to reduce drop-out rates. The committee is also examining how welfare services may be properly channeled in order to care for the emotional and social needs of women and children who have been harmed by polygamous marriage. The team concluded its discussions, and is currently working on finalizing its recommendations which will relate to empowerment of women, development of solutions in the fields of health, enforcement, education and treatment of women in polygamous marriages, and solutions for their better integration in Israeli society.

The advancement and promotion of women's rights have been on the agenda of every Israeli Government since the foundation of the State of Israel. I am proud to say, this drive for protection and empowerment of women continues in full force today. For example, in 2017, a woman was appointed **for the first time** in Israeli history to serve as a *Qadi*, in a Muslim Religious Court. This is a historic development for Muslim women and for the religious courts in Israel in general. As far as the **Jewish religious** courts are concerned, a landmark decision given by the High Court of Justice in August ruled that the criterion used to appoint the Director of the Rabbinical Courts must be relevant and applicable to both women and men. I myself, served as Acting Director of the Rabbinical Courts. Recently, a woman was appointed to serve as Deputy Director of the Rabbinical Courts.

The right to freedom of expression has long been recognized as a supreme, constitutional norm in Israel. A remarkable advancement in the

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area of the **freedom of speech** is the cancelation of the *Press Ordinance* enacted in 1933. This Ordinance required a license for printing or publication of newspapers and provided the Minister of Interior with the authority to stop the publication of a newspaper. Therefore, its cancelation is of the utmost importance as today any person has the right to print, publish and distribute a newspaper in the State of Israel with out any limitations.

Of course, **every person and every organization in Israel enjoy the freedom of assembly**.

The right to work is safeguarded in the State of Israel. This is especially evident from several programs targeted towards assisting minority populations in the work force. I am personally committed to this issue, and I am very proud to note that my Ministry employs over 12% Arab employees and 2.5 % employees of Ethiopian decent. These figures are increasing gradually over the years and we are continuously promoting hiring of individuals from minority groups, through affirmative action, seminars and targeted recruiting events.

Finally, I would like to express my deep appreciation for the active and vibrant civil society in Israel, which played a part in almost all of the remarkable steps that I have mentioned so far. NGOs in Israel maintain a constructive discourse with Government authorities and are active in initiating legislation, raising awareness and assisting in the promotion of human rights.

Recently, the Attorney General penned a letter to members of the Government and to the CEO of the Association for Civil Rights in Israel, emphasizing the importance of professional discourse between state

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authorities and civil society including in a way of participation of public servants in relevant events and conventions. Such collaboration, as the Attorney General stated, contributes greatly to the promotion of the public interest. This also attends to the Advanced Question raised on this issue by the Czech Republic, Switzerland, Sweden, Spain and Belgium.

While we hold Civil Society in great esteem, we would also say a word of caution. We oftentimes see reports that are based on unreliable and distorted information that is disseminated by certain NGOs. We stress the need to verify information in order to provide objective, accurate criticism that will lead to a positive and productive outcome.

Since 2012, the Ministries of Justice and Foreign Affairs, together with the Minerva Center for Human Rights at the Hebrew University, have participated in a project centered on the reporting process to the UN Human Rights Committees. Regular meetings are held, attended by representatives of Government ministries, NGOs and academics, in which NGOs are encouraged to comment on drafts of the Government reports. NGOs are also encouraged to submit alternative reports to the committees. This refers the Advanced Question of Portugal.

As part of this cooperation, and in preparation for this UPR session, the Ministries of Justice and Foreign Affairs initiated a **"Round Tables" project**. This project entailed six discussion sessions, which offered a unique platform for open discourse between civil society, academics and government representatives on core human rights issues including LGBT Rights; issues effecting Israelis of Ethiopian descent; the local Bedouin population; women's rights; rights of persons with disabilities; and social and economic rights in the periphery.

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Honorable States and members of the Council, I would like to thank you very much for your attention. We hope that this session will provide us with the opportunity to conduct a candid and constructive dialogue with you.

Thank you.