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משרד המשפטים  
State of Israel  
Ministry of Justice

Deputy Attorney General (International Law) המשנה ליועצת המשפטית לממשלה (משפט בין-לאומי)

**Human Rights Committee**

**4th Universal Periodic Review Cycle - The State of Israel**

Opening statement delivered by Dr. Gilad Noam – Deputy Attorney General for  
International Law

**President of the Council, honorable States and members of the Council,**

As this is my first time in this distinguished forum, please allow me to introduce myself. My name is Dr. Gilad Noam. I serve as Deputy Attorney General for International Law at the Ministry of Justice. It is an honor to speak before the Council today. As mentioned by the Ambassador, we cannot ignore the ongoing discriminatory treatment to which Israel is subjected by the Council. However, I look forward to presenting some of the work conducted by the State of Israel in the field of human rights, and to engaging in a constructive and meaningful dialogue with you all.

**Mr. President,**

The State of Israel has the highest respect for the promotion and protection of human rights and their realization.

As you may already know, at the constitutional level, human rights are enshrined particularly in two Basic Laws – Basic Law: Human Dignity and Liberty and Basic Law: Freedom of Occupation, both from 1992.

The constitutionality of each ordinary legislation is subject to the rules outlined in the Basic Laws.

In addition to the Basic Laws, many laws protect human rights in different spheres.

On the administrative level, the Attorney General, supported by government legal counsel, ensure that governmental activities comply with the law, respect human rights and adequately balance between public needs and legal considerations.

Taken as a whole, the laws, institutions and mechanisms in place for constitutional and administrative review, provide a comprehensive framework for the protection of human rights.

**Mr. President,**

As you are well aware, Israel is currently in the midst of a legislative process consisting of several legislative amendments promoted by the Government, concerning several aspects of its legal system.

This process is stirring a broad and vibrant public debate. It is important to note however, that as things currently stand, most of the proposed legislative amendments are only in their initial stages.

At the same time, it should be emphasized that Israel has a strong and stable legal system. Throughout its existence, Israel has faced significant crises, including existential threats. At all times in its young history, our legal system has been able to navigate the various crises while maintaining Israel's democratic values and commitment to protecting human rights.

The public debate on this matter is currently being held between various political parties under the auspices of the President himself, in order to reach a consensus and decide which arrangements are most suitable for the State of Israel. The public debate on this important issue is a testament to the strength and resilience of Israeli society, of the State of Israel and of its professional legal system.

**In this regard it is also important to mention the role of the Attorney General. The Attorney General** has two central roles: **one** - she is in charge of providing legal advice to Israel's Government and its agencies on any legal matter. This includes providing professional guidance and general oversight to the military justice system. **Two** - she also oversees the State prosecution.

The Attorney General is a professional civil servant, and she enjoys complete independence. Her legal interpretation of the law binds all government agencies. The Attorney General has seven deputies advising her in various legal fields, including criminal, civil, administrative and constitutional law.

As stated earlier, as Deputy Attorney General for international law, I am entrusted, together with my team, with providing legal advice on various areas of international law. To the extent that questions regarding international law arise and require the attention of the Attorney General, these would go through our department. Our team consists of attorneys that specialize in different fields of international law, including a division dedicated to international human rights law.

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**Mr. President,**

The extremely limited scope of my statement does not permit me to cover all of the improvements and steps taken pertaining to the implementation of human rights in Israel, many of which are described in the extensive report currently before you, and will be addressed by my colleagues later in this session.

However, I hope to address some key topics in which significant improvements have occurred, and to highlight the particular attention Israel has given to human rights issues since our last appearance here.

Since the 3<sup>rd</sup> UPR cycle, all branches of government have made a concerted effort to protect and promote human rights for all populations in Israel, of all ethnic and religious backgrounds.

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Allow me to briefly address some of the developments in the international, legislative, judicial and administrative fields regarding human rights.

**In the international arena,**

I am proud to note that in 2021, Israel joined the Council of Europe Convention on Action against Trafficking in Human Beings – making Israel the first country outside of Europe which is not a member of the Council of Europe, to do so. Israel's accession to this convention solidifies its strong commitment to fighting this abhorrent phenomenon, and we note that the convention provides important tools to that end.

In addition, in 2018, Israel ratified the 2014 Protocol to the International Labor Organization Forced Labor Convention of 1930. This ratification is a part of Israel's continuous commitment to the international efforts to combat and eradicate all forms of modern slavery. The Protocol entered into force for Israel in October 2019.

**With respect to the legislative arena,**

The Israeli parliament, the Knesset, has legislated many new laws anchoring and promoting human rights:

In June 2022, the Knesset passed the ***Social Services for Persons with Disabilities Law***, 5782-2022, which makes explicit reference to the principles of the Convention on the Rights of Persons with Disabilities. The Law was drafted by the Ministries of Labor and Social Affairs and Justice including the Commission on the Rights of Persons with Disabilities – headed by Commissioner Dan Rashel who is with us here today, together with other relevant Ministries, and in consultation with academia, organizations advocating on behalf of persons with disabilities and other relevant NGOs. This important law will enter into force in January 2024, and it includes a specific budget for its implementation.

In July 2020, the Knesset passed a law establishing the ***Prohibition of Consumption of Prostitution Services Law (Temporary Provision)***, 5779-2018, for a period of five (5) years. The Law prohibits the consumption of sexual services and was legislated as part of Israel's ongoing efforts to reduce prostitution and provide assistance and rehabilitation to persons involved in prostitution.

Another important legislative measure was adopted in January 2019, when the Knesset approved **Amendment No. 137 to the Penal Law 5737-1977**. This amendment defines a motive of racism or hostility towards the public as an aggravating circumstance in a murder offence.

### **Concerning the judicial realm,**

Led by the High Court of Justice, the Courts in Israel have continued to play a crucial role in the promotion of human rights throughout Israeli society.

The right to freedom of expression has long been recognized as a constitutional norm of critical importance in Israel. The freedom of political opinion and of expression of a political nature has been rigorously defended by Israeli courts as essential to the existence of democracy. The Supreme Court has repeatedly held that freedom of political expression is entitled to the highest degree of protection.

The right to peaceful assembly as recognized in international law, is also protected by Israeli law through the right to demonstrate. Moreover, it is a fundamental human right, derivative of the right to freedom of expression as a primary instrument for the expression of ideas and social issues.

In this regard, the High Court of Justice clarified that the Police has no authority to prohibit demonstrations categorically, even if they are held in a certain proximity to private residences of public figures; rather, the police must apply

acceptable principles of balancing between conflicting considerations.<sup>1</sup> The Court also reiterated that the right to demonstrate could only be restricted if there is a near certainty that a demonstration will cause serious harm to public order or safety, and only to the extent necessary to prevent such harm.<sup>2</sup> In accordance with the Court's rulings, in January 2022 the Attorney General published an updated Directive providing guidelines for the application of Police authority regarding demonstrations.

The Supreme Court's role in protecting human rights in Israel is pertinent in various contexts. For example, in 2020, the High Court of Justice struck down a requirement for people who entered Israel illegally through the Egyptian border to deposit 20% of their salary as an incentive to leave Israel, on the grounds that this requirement was unconstitutional.

**With regard to measures taken by the executive branch,**

***Israel is actively Engaged and regularly cooperating with the United Nations human rights mechanisms.***

Despite the ongoing discriminatory treatment to which Israel is subjected in multiple international human rights fora, it remains committed to engaging with international human rights mechanisms as part of its unwavering support for the promotion and protection of human rights, both domestically and globally.

Currently Israel is preparing for its dialogue and presentations before the Committee on the Rights of Persons with Disabilities - in August 2023, and before the Committee on the Rights of the Child- in January 2024.

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<sup>1</sup> H.C.J 1983/17 Naftali v. the Attorney General (27.4.2017) and H.C.J 2364/17 Sedeka v. Central District Commander of the Police (18.6.2017)

<sup>2</sup> H.C.J 6536/17 Movement for Quality of Government in Israel v. The Israeli Police (08.10.2017).

***Concerning cooperation with Civil Society,***

The Israeli Government has an ongoing partnership with the academia and civil society organizations. In this framework, round table discussions are conducted several times a year on a variety of topics of public importance, in which representatives from government, academia and a wide range of non-governmental organizations participate. This forum also coordinates meetings in the context of the drafting of periodic reports to all Human Rights Committees.

Before the submission of Israel's 4<sup>th</sup> UPR report, roundtable sessions at the Minerva Center for Human Rights at the Hebrew University of Jerusalem's Faculty of Law took place, addressing the following issues: safe use of the internet by children; the rights to dignity, identity and privacy of LGBTQI children; sexual and gender-based violence against women and girls; violence against women and girls in the Arab community; the response of law enforcement authorities to violence against women and girls.

This unique platform enables direct and informal discussions on current human rights issues.

***With respect to the Arab population***

In order to further strengthen the Arab population in Israel, while mindful of the recommendations of the relevant Human Rights Treaty Bodies, in recent years, the Israeli Government approved several noteworthy Government Resolutions.

For example, in October 2021, the Israeli Government approved Resolution No. 459, entitled "Program for dealing with the phenomenon of crime and violence among the Arab population for the years 2022-2026".

This Resolution established a five-year plan, which aims first and foremost, at improving personal security and safety, in particular of Arab-Israeli citizens, and increasing the trust of the Arab population in law enforcement authorities.

In order to ensure efficient and successful implementation of the program, approximately 2.4 Billion NIS (762 Million dollars) have been allocated for its implementation.

***In regard to Gender Equality,***

Due to widespread prioritization and a rise in awareness in general, Israel has continuously seen essential progress with regards to women representation in high-ranking decision-making positions.

In February 2022, the Government of Israel appointed the first female Attorney General, Advocate Gali Barhav-Miara.

In September 2021, the IDF appointed its first female Military Advocate General, Major General Yifat Tomer-Yerushalmi.

Moreover, in February 2021, the Judicial Appointments Committee approved the appointment of four new judges to the Supreme Court, two of whom are women, and they join four female judges already in the Supreme Court, including the President of the Supreme Court, Chief Justice Ester Hayut.

***Concerning protections for members LGBTQI+ Community***

Israel steadfastly protects the rights of its citizens to live freely regardless of their sexual orientation and gender identity, actively promotes the rights of LGBTQI+ persons, and protects them from violence and discrimination.

In 2019, the first openly LGBTQI+ minister in Israel was appointed, followed by three openly gay ministers in the 35th Government (2020-21), and one in the 36th Government. Since January 2023, the Knesset has its first openly LGBTQI+ Speaker.

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Honorable States and members of the Council, the State of Israel takes many efforts to promote and protect human rights and to implement its obligations in this field.

I would like to thank you all 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.**