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REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

CONTENTS

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I. ORGANIZATIONAL AND RELATED MATTERS

- A. States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination
- B. Sessions and agenda

...

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

...

B. Consideration of reports

...

Israel [364 - 388]

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I. ORGANIZATIONAL AND RELATED MATTERS

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 23 August 1991, the closing date of the fortieth session of the committee on the Elimination of Racial Discrimination, there were 129 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the fortieth session, 14 of the 129 States parties to the Convention had made the declaration envisaged in article 14, paragraph, of the convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the convention and of those that have made the declaration under article 14 are contained in annex I to the present report.

B. Sessions and agenda

3. The committee on the Elimination of Racial Discrimination held two regular sessions in 1991. The thirty-ninth (889th-913th meetings) and fortieth (914th-937th meetings) sessions were held at the United Nations Office at Geneva from 4 to 22 March and from 5 to 23 August 1991, respectively.
4. The agendas of the two sessions as adopted by the committee are reproduced in annex II.

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Israel

364. The fifth and sixth periodic reports of Israel, submitted in one document (CERD/C/192/Add.2), were considered by the Committee at its 929th to 932nd, 935th and 936th meetings, held on 15, 16, 20 and 22 August 1991 (see CERD/C/SR.929-932, 935 and 936).

365. The reports were introduced by the representative of the State party, who said that pluralism was one of the strengths of Israeli society, as was demonstrated in the events surrounding the Gulf War. Arab Israelis, who comprise 16 per cent of the population, did not respond to Iraqi calls for Israel's destruction. The recent arrival of an additional 14,500 Ethiopian Jews and the influx of 90,000 Jews from the Soviet Union in the first six months of 1991 were further evidence of the absence of xenophobia or racism in Israel.

366. A wide range of affirmative action measures had been undertaken by the government to reduce the social and economic differences between Jews and non-Jews in the State of Israel. Over the last two years, \$US 75 million had been allocated specifically for programme benefiting Israeli Arabs. Another programme foresaw the investment of \$US 100 million over five years to improve educational facilities for the Arab population. Significant progress for the non-Jewish population of Israel had been made in the area of health care, as indicated by the fact that 85 to 90 per cent of all pregnant Israeli-Arab women were giving birth in clinics operating in 107 Arab towns and villages.

367. The representative of Israel pointed out that there were six members of the Israeli parliament who were Arabs and that their questions raised in parliament were more likely to be answered than those of their Jewish colleagues. Of 14 staff working in the Prime Minister's Office dealing with Arab affairs, 4 were members of the Arab community. David Ben-Gurion, the former Prime Minister of Israel, had declared that "in the long run, nations will be judged by the way in which they treat their minorities". Using this criterion, the record of Israel was a favourable one.

368. Members of the Committee thanked the delegation of Israel for the supplementary information furnished in its oral introduction and welcomed the occasion to renew its dialogue with Israel. The self-congratulatory tone of parts of the report was, however, unsatisfactory. The Committee underlined that, in accordance with article 3 of the convention, Israel's report needed to encompass the entire population under the jurisdiction of the Government of Israel. The report under consideration, which described the situation only within the State of Israel itself, was, in that respect, incomplete. Members also wished to have specific information on the economic, social and educational conditions prevailing in the occupied territories, as well as to know whether the Geneva convention relative to the Protection of Civilian Persons in Times of War was in force in the occupied territories.

369. With reference to article 2, members of the Committee drew attention to paragraph 22 of the report, in which it was stated that government-sponsored educational benefits are linked to completion of military service. Members inquired as to the equity of such an arrangement, since Israeli Arabs, for reasons of security, were disadvantaged in this respect. Further information was also requested concerning the requirements for immigration and for access to immigration benefits, especially for non-Jews. In this connection, concern was expressed over Israeli policy that, on the one hand, accorded citizenship automatically to Jewish immigrants arriving in Israel and, on the other hand, barred the return to their former homes of Arabs displaced by war.

370. In regard to article 3, Members of the Committee expressed concern that Israel maintained relations with South Africa. Further information was requested on cooperation, particularly on military matters, between the two countries.

371. Concerning article 4, members observed that it was unclear how the law, referred to in paragraph 11 of the report, criminalizing incitement to racism was applied in practice and wished to know how many complaints had been made under that statute. Further information was also requested on the change in the Basic Law, referred to in paragraph 44 of the report, designed to block a person espousing racist ideas from running for elective office. Members also wished to know if Israeli legislation permitted political parties that were ethnically or racially based.

372. In regard to article 5, members of the Committee wished to have further information on multiracial, multi-ethnic or multi-linguistic schools, in particular their number, location and how they operated. More detailed demographic information was requested concerning the ethnic composition of Israeli society and that of the occupied territories, including the Golan Heights and East Jerusalem. Precise comparative figures were requested to substantiate the claim in paragraph 21 of the report that the education system in the Arab sector in Israel had expanded dramatically. Further information was also requested on the percentage of Jewish and non-Jewish students and teachers in the educational system, including the university level, and on the average life expectancy for persons living in the occupied territories as compared to that of the population of Israel.

373. Members of the committee inquired about the employment situation for Arabs working in Israel, and particularly if the number of work permits issued by the Israeli authorities had dropped in the wake of the Gulf War. Further information was requested concerning workers from the occupied territories, including their average wage level compared to Israelis and their right to join a union.

374. The representative of the reporting State had informed the Committee that there were six Arab members of parliament. Members of the Committee wished to know if that number was proportionate to the Arab population and how, in general, the members of parliament of the various ethnic groups compared with their percentage of the total population.

375. With reference to article 5 (d) (i) of the convention, members of the Committee requested additional information on the application of the right to freedom of movement and residence in Israel and in the areas under its control.

376. Concerning article 6, member of the Committee wished to know how Israel ensured legal recourse for victims of discrimination. Information was also requested on what legal guarantees were in force in the occupied territories concerning the administration of justice. Concern was expressed, in this regard, over the Israeli practice of demolishing houses in the occupied territories. Members of the Committee also wished to know the extent to which Arab lands were seized for the purpose of constructing settlements in the occupied territories for immigrants arriving in Israel.

377. With reference to article 7, members of the committee wished to be informed as to what measures were being undertaken to promote contacts and exchanges between Israeli Jews and Israeli Arabs and if the number of contacts between the two communities was, in fact, decreasing.

378. Responding to the questions and comments by members of the Committee, the representative of the State party clarified that the report applied to all persons in Israel, including those working in Israel. In the areas under military administration, where Israeli law did not apply, the military administration complied strictly with the rules of international humanitarian law, as applicable to armed conflicts. Israel accepted the fourth Geneva Convention, but claimed the right to do so de facto, not de jure.

379. Concerning education, the Ministry of Education had a special department, headed by an Arab, on education for Arabs. There were no multiracial elementary or high schools in Israel, a fact that resulted from the right of students to attend schools of their own choice. The number of Arab students had risen from 11,000 in 1948 to more than 250,000 at present. There were now about 10,000 Arab teachers in the education system, some 100 of whom taught Jewish students. Class sizes in the Arab schools average about 31 students per teacher as compared to 27 students per teacher in the Jewish sector.

380. In regard to the employment situation for Israeli Arabs, the representative noted that, until recently, the unemployment rate among Arabs had been higher than among Jews. Presently, the rate remained between 8 and 9 per cent, whereas the rate for Jews was about 11 per cent.

381. On the subject of parliamentary representation, the representative said that if Arabs were represented in parliament in numbers proportionate to the number of Arab voters, there would be 10 or 11 Arab members of parliament instead of the present 6. Israeli citizens vote for parties, however, rather than individuals, and parties are free to choose whom to include on their lists. There was no specific provision for proportional political representation for Arabs.

382. Private racial organizations were permitted if they were not racist, since the propagation of racism was illegal in Israel. The representative was not aware of any organization based on national or racial membership, except for those established on a purely religious basis. All organizations were multiracial.

383. Regarding Israel's relations with South Africa, the representative stated that Israel had often made its abhorrence of apartheid quite clear and that it had joined in international action against apartheid. The contacts it maintained with South Africa had been for the sake of keeping up cultural ties with organizations combating racial discrimination.

384. On matters concerning immigration policy, prospective nationals had to demonstrate a knowledge of Hebrew and decide to reside permanently in Israel, having given up a foreign nationality. Additionally, all Jews had the right to enter the country, even if they constituted a potential burden because of disablement or unfitness for work. This was due to the historical situation of Jews, many of whom had been persecuted or not permitted to become nationals of other countries.

385. The representative explained that no statistics were provided in the report on the racial composition of the population because none existed. The Government of Israel viewed categorization by racial description as potentially offensive. Statistics based on the country of birth did, however, exist.

Concluding observations

386. The Committee recorded that the Government of Israel had undertaken to continue a dialogue with the Committee. It took note of the declaration made by the representative of the reporting State that Israel had ratified the convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (although at the time of writing no instrument of ratification had been deposited with the Secretary-General of the United Nations). The Committee regretted that the report did not follow the guidelines on the form and content of reports of States parties and that the demographic data provided was insufficient.

387. The Committee reiterated that the government of Israel had implemented in the occupied territories neither the Geneva Convention Relative to the Protection of Civilian Persons in Time of War nor the International Convention on the Elimination of All Forms of Racial Discrimination. The committee expressed great concern about the situation in the occupied territories.

388. The Committee urged the Government of Israel to answer, in its seventh periodic report, all the questions asked and concerns raised during the consideration of its sixth and earlier reports.

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*The present document is a mimeographed version of the report of the Committee on the elimination of Racial Discrimination. The final report will be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 18 (A/46/18).