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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirtieth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 May 2003, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Israel (continued) (E/1990/6/Add.32; E/C.12/Q/ISR/2, E/C.12/CA/ISR/2; written replies to the list of issues, prepared by the Government of Israel (document without a symbol, in English only); E/CN.4/2003/5/Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Israel resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation of Israel to continue with its replies to the questions raised at the previous meeting in connection with articles 1 to 5 of the Covenant.
3. Mr. ATLAN (Israel), referring to the law and practice relating to foreign workers in his country, said that there had been much recent legislation, particularly since 2002, on which he would circulate a detailed written report to the Committee. In the past decade, several key amendments to the existing labour laws - which applied to all employees regardless of nationality or legal status - had prohibited the unlawful or unfair employment of migrant workers, introduced new regulations to meet their needs and ensure their social and economic rights, and for the first time allowed foreign workers recruited from abroad to change employers during their authorized stay.
4. The Penal Code had also been amended recently to make the withholding of passports an offence, and a bill prohibiting trafficking in persons had been drafted. Furthermore, a 2001 amendment to the Entry into Israel Act had established a special tribunal to review detentions of foreign workers under removal orders, which could, of course, be contested in court and, in any case, required judicial review. The Israeli courts had served as guardians of migrant workers' rights and Supreme Court decisions had resulted in changes in government policies. In 2000, the Government had established the well-funded Immigration Administration, which was already acting vigorously to oversee all aspects of the entry of foreign nationals into Israel, including migrant workers. Information sheets regarding all the new rules and recent amendments were regularly circulated in the 15 languages most commonly used by foreign workers to district offices, employment agencies and the workers themselves. It should be noted that Israel had more migrant workers than any other country belonging to the Organization for Economic Cooperation and Development, and had to deal with all the difficulties that entailed.
5. Ms. SCHONMANN (Israel) explained that Israel, like the United Kingdom and some other countries, had a mixture of civil and common law, with the consequent dual jurisprudence. International treaties were therefore not automatically incorporated into its legislation, and domestic law prevailed in the event of conflict. However, a doctrine of presumption of compatibility had been developed by the Supreme Court, whereby the Knesset would not act to violate any of the State's international obligations. Economic, social and cultural rights were covered by Israeli legislation and by the constitutional Basic Laws. Victims of violations had

full access to the courts, including the Supreme Court, to claim those rights, and the Covenant and the other five human rights treaties to which Israel was a party had directly inspired Supreme Court rulings.

6. Ms. MANDEL (Israel) referred to two cases relating to the basic right to education where the courts, specifically invoking the Covenant, had overturned the Government's denial of the claims.

7. Mr. LEVY (Israel) said that he would circulate a document giving full statistics on the various ministries' implementation of their individual budgets under the multi-year plan for the development of Arab-sector communities (2000) discussed in the report (E/1990/6/Add.32, paras. 32 et seq.).

8. Ms. SCHONMANN (Israel), referring to question 5 of the list of issues, said that the Law of Return was the Government's means of ensuring the right of the Jewish people to form a Jewish State, which had been the inherent premise throughout the political and humanitarian history of its establishment. The Law in no way excluded non-Jews. Indeed, it was no different from similar immigration laws enacted by other countries with a significant diaspora, like Germany, Poland, Greece, Finland, the Czech Republic and, more recently, Hungary. It was therefore an obviously acceptable international norm. Israel, like the other countries he had mentioned, had the right to define its citizenship criteria, and to grant special immigration and citizenship rights and privileges to members of its own diaspora.

9. Mr. LEVY (Israel), referring to ambiguity caused by the use of the terms "Israeli nationality" and "Jewish citizenship", explained that under Israeli law there was no such definition as Jewish citizenship or Arab citizenship. Citizenship was unique and, once granted, conferred the full array of political, civil and other rights, as attested to by the many Arab members of the Knesset.

10. A legal distinction was made between religions in only two cases: first, the Law of Return granted a special status to Jews applying for citizenship, although non-Jews could also apply, under the Nationality Law (report, para. 26); secondly, the laws relating to personal status and family matters - based on the British legal system that had applied under the Mandate - placed family matters under the jurisdiction of religious courts. Whereas Jews had long had the choice of taking such matters to either religious or civil courts, Muslims had only recently been accorded that right - a change that had come about largely because of pressure from NGOs seeking to promote women's rights - but very few of them had as yet used the civil court option.

11. Reading out the reply to question 7 of the list of issues (written replies, pages 14 and 15), he noted that all the disability legislation in question had been passed within the last three years; consequently, much needed to be done in order to apply it in practice and to allocate the necessary funds.

12. The CHAIRPERSON asked whether, in drafting its periodic report, the Government had held the necessary consultation with NGOs and other members of civil society. Also, regarding citizenship rights, she wondered if a Muslim couple who were Israeli citizens could, without any special formalities, buy a house freely in any neighbourhood of a town in the same way as Jews.

13. Mr. SADI said that the delegation had not stated whether there was a court decision declaring the Covenant applicable in the occupied Palestinian territories. He recalled the Committee's position that it was within its jurisdiction to monitor the human rights situation in the territories.

14. He considered the Ka'adan case (report, paragraphs 29-31, and written replies, pages 8 and 13) to represent a landmark decision, and, indeed, it had subsequently been emulated. He would like to know if Arabs now had, by law and in practice, the right to acquire property in Israeli urban areas. Like similar laws in other countries, the Law of Return entrenched an inherently discriminatory practice by according preference to a particular ethnic group. He failed to see how the requirement that domestic law would prevail over international treaties in the event of conflict could be reconciled with the Covenant obligation that international law should prevail.

15. Mr. PILLAY observed that, notwithstanding the Ka'adan case, a recent report by the United States Department of State affirmed that Arabs in Israel were not receiving the same quality of education, housing or employment. He would like to know what the Government's policy was regarding the administrative orders for the demolition of houses without due process and without compensation to owners, and if it considered them compatible with the minimum right to shelter.

16. Mr. TEXIER said that no answer had been received regarding the economic consequences of the Israeli occupation, with more stringent controls being imposed daily. Israel was bound by its obligations under the Covenant to ensure all economic, social and cultural rights and to ensure them for all its citizens, even those in special situations. Also, since Israel was in a state of war, the relevant Geneva Conventions were applicable. He too considered the Law of Return to be inherently discriminatory.

17. Mr. MARTYNOV pointed out that the Office of the State Comptroller of Israel had stated in its report for 2002 that minority children were two to three times less likely to have access to social services than Jewish children, and that the lack of treatment early in life had resulted in more serious medical, social and psychological problems. How could the delegation justify its claim that people with special needs received equal treatment?

18. Mr. CEAUSU said it was his understanding that the ruling of the Supreme Court in the Ka'adan case had not been enforced. Were such judgements applicable *erga omnes*? Were any criminal penalties applicable to individuals or State bodies that refused to comply with such rulings?

The meeting was suspended at 3.50 p.m. and resumed at 3.55 p.m.

19. Mr. LEVY (Israel) said that his Government was mindful of the need to consult NGOs during the preparation of its reports, and had done so for the initial report. Because of lack of time, it had been possible to hold only very limited consultations with NGOs during the preparation of the second periodic report, but the Government was committed to doing a better job in that regard in the future. Muslim couples living in Israel were able to buy homes and property. There were over a million Israeli Arabs, and they did not live in ghettos. In most cases, both Arabs and Jews chose to live in separate communities, often because of their very

different lifestyles, even when they lived more or less in the same place. But there were mixed communities, both large and small. In Haifa, a mixed city, 35 per cent of medical school graduates were Arabs. In small communities, reception committees decided whether a person or family could move into the community solely on the basis of their suitability for community life; such committees were not permitted to distinguish between applicants on the basis on nationality or ethnicity.

20. There had been no court ruling regarding the applicability of the Covenant in the territories. Administrative orders for the demolition of houses in Israel were issued in cases involving squatters and when buildings were illegal. Such orders were subject to legal procedures, meaning that appeals could be lodged and stays applied to suspend their effect. The Government took the findings of the State Comptroller seriously, and the delegation was confident that remedial action would be taken on the basis of those findings to improve the situation of disabled people.

21. Ms. SCHONMANN (Israel) said that prior to the ratification of any international instruments, legal advisers in the Ministry of Foreign Affairs, the Ministry of Justice and other relevant ministries met and examined the compatibility of international obligations and national legislation. Only when domestic law had been brought into line could ratification take place. For example, her Government was currently amending domestic law to allow ratification of the ILO Convention concerning the Elimination of the Worst Forms of Child Labour (No. 182).

22. Israel had not included information on the implementation of the Covenant in the West Bank and Gaza for several reasons. The Covenant related to fields for which powers and responsibilities had been transferred from Israel to the Palestinian Authority in 1994, and her Government was therefore not in a position to gather the corresponding information. During the period in which the report had been drawn up (1998 to 2000), the Palestinian Authority had been responsible for nearly all governmental aspects of Palestinian life, including administration, law enforcement, tax collection, education, welfare, health, internal security and public order, as well as the judicial, legislative and executive spheres. Its jurisdiction over the vast majority of the Palestinian population of the West Bank and Gaza was recognized by the Israeli-Palestinian Interim Agreement of 1995, which was still in force.

23. The Committee's position that the Covenant was legally applicable in the territories and that Israel was responsible for providing it with information was not well founded and should be reconsidered. While recognizing the convergence in some respects between the law of armed conflict and human rights law, the Government considered that the two systems, which were codified in separate instruments, remained distinct. The law of armed conflict applied in situations where generally-recognized human rights norms could not be applied owing to the fact that the normal government-citizen relationship did not prevail. Any attempt simultaneously to apply the two regimes could only be detrimental to both. In addition, the sui generis character of the territories must not be ignored. Under customary international law, a treaty was binding on a party in respect of its territory. As the Covenant was a specific, territorially-bound treaty, it did not apply to areas outside the national territory. Indeed, various States parties had voluntarily made declarations reserving the right to extend the applicability of the Covenant to any territory for whose international relations they were responsible, such as non-self-governing or trusteeship territories, but Israel had made no such declaration in respect of the territories administered by the Palestinian Authority.

24. Israel had not exercised effective control over the territories in question in the period prior to October 2000. If it had, it would have prevented a campaign of incitement to violence, and would have avoided an escalation that had involved the indoctrination of children, the release of terrorists and other hostile acts that had resulted in hundreds of Israeli deaths and thousands of injuries.

25. The CHAIRPERSON called for the speaker to avoid political discussions. The Committee stood firmly behind its concluding observations on the initial report (E/C.12/1/Add.27), which stated that the Covenant applied to all territories and populations under the State party's effective control. The Government was clearly not of that opinion. There was no need to continue the discussion on that point.

26. Mr. LEVY (Israel) said he wished to point out that the delegation was prepared to outline in detail the Government's position in respect of the applicability of the Covenant in the territories, but the decision had been taken to suspend that discussion and to stop the delegation's explanations in mid-course. The delegation was prepared, under the guidance of the Chairperson, not to address certain questions relating to the applicability of the Covenant in the territories.

27. Ms. MANDEL (Israel) said the Supreme Court had held that it was forbidden to refuse admission to a community on grounds of nationality; that ruling was indeed being enforced. In the Ka'adan case, the complainant had gone back to the court claiming that the State had not complied with a Supreme Court judgment, but his appeal had been rejected, as the Court had found that the State was entitled to require that he, like any applicant, should apply to a reception committee. Subsequently, his application to the reception committee had been accepted, notwithstanding a minor problem involving his wife. In the interim, a court of appeal headed by a judge had been set up to deal with the cases of people who had been rejected by reception committees. As the community in question had since become larger and no longer required applicants to go before a reception committee, it was hoped that the case would soon be resolved.

28. Mr. MALINVERNI, referring to issues relating to specific provisions of the Covenant, noted that in the periodic report the Government had indicated its willingness to cooperate with the Committee in providing relevant information on the situation in the occupied Palestinian Territories. He asked for further information about the effects of closures on the Palestinian population. Closures had isolated Palestinian towns and villages and had reportedly rendered it impossible for up to 100,000 Palestinian workers to travel to their places of work, thus leaving their families without income. Unemployment had reportedly risen from 26 per cent in 2001 to over 50 per cent in 2003 in the occupied territories. What was the Government's response to that situation? Palestinian workers employed in Israel were unable to join Israeli trade unions and were not allowed to form their own unions; the trade unions that existed in the occupied territories were unable to carry out activities in Israel. What was the reason for the restriction of their freedom of association?

29. Mr. KOLOSOV asked what authorities were responsible for ensuring the rights of the Jewish population in the West Bank and Gaza. Noting that unemployment was consistently higher among Arabs than Jews, he pointed to the need to carry out an analysis of the reasons underlying such differences in order to address the inequality.

30. With regard to article 7, he said the State party had informed the Committee that all persons resident in Israel were equal: that was the theory, on the basis of legal and administrative acts, but he wondered what the situation was in practice. On the whole, from the information available, it would appear that the Israeli population and migrant workers were not in fact equal. For example, 80 per cent of migrant workers' children had no psycho-medical support. With regard to article 9, he asked how the State party guaranteed migrant workers' right to social security, including social insurance. In general, he would like to know who was responsible for monitoring migrant workers' living and working conditions and how such monitoring was carried out.

31. Mr. ATANGANA said the wage gap between men and women appeared significant, and women did not seem to have such easy access to promotion and career development as men. He wondered what the State party was doing about that problem. Schooling was compulsory up to the age of 15 or 16, and he would like to know whether children aged under 12 reportedly working in major sectors of the economy, such as agriculture, in fact attended school.

32. It seemed that labour inspectors were unable to carry out workplace inspections owing to the inadequacy of the budget resources they were allocated. With regard to article 10, he said the State party seemed to be taking firm action against domestic violence, but there, too, he understood that the resource allocations were insufficient.

33. Mr. TEXIER noted that, according to the Government's written replies, unemployment in general was on the increase. He asked what concrete measures were being taken in terms of training in order to combat unemployment. The increase in unemployment had been particularly marked among the Arab population, and he wondered what steps were being taken to reduce the gap between the overall unemployment rate and the unemployment rate among specific groups. He associated himself with the points made by Mr. Malinverni concerning unemployment in the occupied territories.

34. He also associated himself with Mr. Atangana's remarks on article 7, and asked whether the minimum wage ensured a decent living. Were there any cases of workers being paid less than the minimum wage?

35. The Arab minority seemed to suffer from a significant wage disparity, which appeared in part to result from the fact that Arabs had virtually no access to certain occupations. According to one report, there were practically no Arabs employed in the civil service, State enterprises or academic institutions, with the exception of Ben-Gurion University of the Negev and Haifa University. According to the Central Bureau of Statistics, the gap between Jews and Arabs in that regard had narrowed between 1985 and 1991 from 38.1 per cent to 29 per cent, but had since appeared to have widened again. He would appreciate some information on the situation.

36. Mr. KERDOUN associated himself with the comments of Mr. Texier and Mr. Atangana in relation to article 7. The gender wage gap appeared to be in the order of 30 per cent, despite the fact that the 1996 Male and Female Workers (Equal Pay) Act was supposed to apply to employers.

37. The amendments made to labour legislation between 1991 and 2000 showed that progress was being made, but he noted that, while Israeli workers were entitled under the law to refuse to do dangerous work, the same did not apply to foreign workers, who risked losing their jobs if they refused such work. No doubt there were remedies available, but he suspected that foreign workers were afraid to make use of them in case they lost their jobs. What guarantees were provided to foreign workers doing dangerous work?

38. Some foreign workers were illegal because they were classed as non-resident. Many Palestinians crossed the border every day to work in Israel, and he would appreciate clarification of how they became illegal. No doubt employers would like to have an unprotected workforce at their disposal, but how was that possible if the authorities did not turn a blind eye?

39. Mr. MARTYNOV noted that Israel had not ratified ILO Conventions No. 2 (Unemployment), No. 174 (Prevention of Major Industrial Accidents) and No. 182 (Worst Forms of Child Labour); he would like to know why not and whether the Government had any plans to ratify them.

40. He wondered whether the cuts in social expenditure that had been planned in 1999 had in fact been implemented and, if so, how they had affected Israeli citizens' enjoyment of economic, social and cultural rights.

41. Referring to table 23 in the report, he noted that, although poverty overall had stabilized, there had been a substantial increase in poverty among children; moreover, according to some sources, the level of poverty among Arab children was twice that among Jewish children. The piecemeal measures described in the report did not amount to a national plan to combat poverty and he wondered whether the State party envisaged drawing one up.

42. The report mentioned a figure of 2,000 homeless people, which was not high, but he would appreciate a breakdown of that figure to show the percentages of children and of members of the various ethnic groups. He also wondered whether there was a government programme to provide food, shelter and rehabilitation for the homeless.

43. In relation to article 11, he welcomed the fact that the Government had started connecting certain houses in the Bedouin "unrecognized villages" to the electricity grid. According to the report, however, that applied only to the 10,000 houses built before 1987. He wondered what percentage of the total that figure accounted for. He also wondered whether the Bedouin themselves participated in consideration of their land claims or in decisions taken in that regard.

44. Ms. BRAS GOMES, referring to paragraph 218 of the report, said five years between the date of application for family reunification and the final decision was a very long time, and the proportion of permanent residence permits granted appeared disproportionately small. Some of the criteria applied, such as the "sincere spouse" requirement, appeared somewhat subjective. Moreover, in May 2002, the Government had decided to freeze all applications for family reunification in respect of any spouse of an Israeli citizen who was Palestinian, a resident of the territory administered by the Palestinian Authority or Palestinian by origin. Given the importance of families living together anywhere in the world, she wondered what measures the Government was taking to shorten the process and what legal complaint mechanism was available to those who disagreed with their assessment.

45. Mr. SADI said Israel appeared to have a serious rape problem, with 10,000 cases per year. He wondered what the punishment was for rape. What was the age of consent? He would also like some information on the extent of the problem of trafficking in women, particularly women from Eastern Europe, for the purposes of prostitution, and on steps taken to deal with it. He would also appreciate updated information on any national strategy to combat family violence against women and children.
46. He noted that the rules on mixed - i.e. Jewish/non-Jewish - marriages and on divorce had been relaxed. He would welcome some up-to-date information on procedures in each case. A recent Supreme Court case had upheld the adoption of a lesbian mother's child by her lesbian partner. Did that mean same-sex marriage was legal in Israel? With regard to family reunification, he wondered who determined the "sincerity" of the spouse in question.
47. Mr. TIRADO MEJIA, referring to paragraph 341 of the report, asked what criterion was used to determine whether buildings were illegal. What administrative procedures were applied in issuing demolition orders? He wondered whether certain ethnic groups were more affected than others and what appeals mechanisms were available.
48. Mr. MALINVERNI said he understood that, in divorce proceedings, a woman could not obtain a final judgement without her husband's consent, but the converse did not apply. He would welcome more information on that subject.
49. Mr. PILLAY said that, from the information available, it appeared that poverty affected a range of types of family, not only large families but also single-parent families and Arab families, and also many children. That applied in Israel, but he wondered what the situation was in the occupied territories. If the State party prepared a national plan of action to combat poverty, would the plan include references to social and economic rights or to the Committee's statement on poverty?
50. He understood that restraining orders could be issued to block administrative demolition orders. He wondered, however, how such orders could be enforced when demolitions were frequently carried out in the dead of night. He also noted that the planning laws invoked in such cases were sometimes applied retroactively, which meant they affected long-term residents, and that there appeared to be a systematic policy of dislodging Bedouin communities from the Negev.
51. The State party was currently building a wall that would effectively confiscate 10 per cent of the territory of the West Bank, with implications for Palestinians' enjoyment of economic and social rights. He would like to know more about the legal status of the wall and the legal regime that would apply to the affected territory.
52. Ms. BARAHONA RIERA, referring to article 10, said the demolition of buildings was carried out for administrative reasons in Israel and for security reasons in the occupied territories, but it appeared the only judicial remedy available was an appeal to the Supreme Court, and then only after the home had already been demolished, since such orders were implemented immediately and without notice. The Supreme Court had broad discretion in such cases. The

complete disproportion between the implementation of an administrative measure, whether for town planning purposes or security considerations, and its effect on Palestinian families' quality of life amounted, in her view, to a clear violation of human rights. Did the Government have any plans to put a stop to such violations of families' rights and compensate them for the damage suffered?

The meeting was suspended at 5 p.m. and resumed at 5.15 p.m.

53. The CHAIRPERSON invited the delegation of Israel to reply to the Committee members' questions.

54. Mr. LEVY (Israel) said he regretted that Committee members appeared to have already made up their minds on the applicability of the Covenant to the occupied territories without giving a full hearing to the legal considerations that underpinned Israel's position. Nevertheless, in keeping with the constructive spirit displayed by the Committee, his delegation would respond to the questions asked, on the understanding that the oral replies given would be without prejudice to Israel's principled position and would in no way imply a recognition of the applicability of the stipulations of the Committee to the territories.

55. A number of questions had carried an implication that the Palestinians' situation could be blamed on the current occupation. That did not reflect the historical facts: the difficulties between Arabs and Israelis dated back, not to 1967, but to 1948 and the establishment of the State of Israel.

56. With regard to freedom of movement, he said that, until the current wave of violence had broken out, there had been no need whatsoever to restrict Palestinians' movements or entry into Israel. Defensive measures had been applied from 2000 onwards in response to the need to protect Israeli citizens from the violence waged by conscious decision of the Palestinian Authority. The aims of that violence, as had been clearly stated by the observer for Palestine to the Commission on Human Rights at its fifty-ninth session, were to eliminate the Zionist movement. Israel had the right to defend its citizens and one way to do that was to limit access to Israel proper.

57. It should not be forgotten that it was in Israel's economic interests to have Palestinians working in Israel, so that, whenever possible, measures were taken to lift restrictions on their movement. However, simply lifting restrictions and increasing the number of work permits could not solve all the problems relating to the movement of Palestinian workers. For example, there were currently 30,000 work permits available for Palestinians, but not all of those permits had been taken up: some workers were deterred from working in Israel by threats from their fellow Palestinians and by attacks on them on their way to work. He stressed that the situation with regard to freedom of movement would change as soon as the Palestinians made a conscious decision to end the violence and resume the dialogue with the Israeli Government.

58. With regard to access to health care in the territories, he said that, following suggestions by various international partners, his Government had taken steps to improve coordination on health matters. As a result, there had been a marked decrease in the number of complaints on health-related issues, including ambulance movements. It should be remembered that the only reason for imposing restrictions on ambulance movements in the past had been the occasional

abuse - of which he could provide documentary evidence - of ambulances by terrorist groups to transport would-be suicide bombers' suicide belts into Israel. A new, well-signposted and well-advertised 24-hour health emergency room had been set up in the West Bank and those sectors of the population responsible for vital, life-sustaining services, such as medical or ambulance teams or garbage-removal services, were given special permits allowing them to move around during closures. In addition, the Permanent Mission of Israel to the United Nations Office at Geneva was in constant contact with the humanitarian agencies in Geneva to facilitate relief operations in the territories.

59. He did not believe that the Committee was the appropriate forum to discuss the question of granting Israeli citizenship to Jews from other countries but not necessarily to Palestinians. That was a political issue which had already been the subject of negotiations between his Government and the Palestinians and would be raised if and when the permanent-status negotiations were resumed. The appropriate forum within the United Nations for discussing such issues was the Commission on Human Rights, where in fact they had been debated at great length during the Commission's recent session.

60. In reply to the politically-charged question of what Israel was doing to alleviate the Palestinians' plight, he said that there would be movement on all such political issues when the long-awaited reform of the Palestinian Authority was implemented. The reform would introduce transparency into the financial affairs of the Authority and establish a single security force to put a stop to the circulation of illegal arms and to prevent armed groups from taking action against Israeli and Palestinian citizens. Committee members who had raised questions about employment and poverty programmes for the Palestinians might care to consider what had been achieved in those areas with the US\$ 3.4 billion received by the Palestinian Authority in aid from donor countries between 1994 and 2000. All those political issues, as well as many of the practical issues raised by Committee members, would undoubtedly be discussed at the forthcoming meeting between the Israeli and Palestinian prime ministers.

61. Mr. ATLAN (Israel) said that government outreach teams went to border crossing-points to help Palestinian workers who had formerly worked in Israel to file any work-related complaints over such matters as national insurance. Where necessary, the workers were granted special permits to allow them to attend hearings before the Israeli courts or administrative bodies. With regard to workers' right to organize, he stressed that the State fully respected that right and did not interfere in the internal regulations of unions. It was therefore up to the individual union to decide whether to admit Palestinians as members. Some unions might indeed be afraid to take that step, but he knew for a fact that one of the main unions employed at least two lawyers solely to present claims to the labour courts on behalf of Palestinian workers. There had been a suggestion that it was in the Government's and employers' interests to turn a blind eye to the illegal status of some Palestinian workers; on the contrary, a Palestinian who tried to work in Israel without a work permit was seen as a security risk, particularly as there were more permits than applications for permits.

62. Ms. SCHONMANN (Israel), replying to a question on Israeli settlers' right to work in the territories, said that, as had already been explained, Israel was not responsible for the implementation of human rights treaties outside its sovereign territory. The Israeli settlers enjoyed economic, social and cultural rights under special municipal arrangements that applied to them by virtue of a decision by the Israeli military commander in the area. The arrangements,

which were similar to those applicable in Israel, covered matters in such areas as work, education and inheritance rights; in the case of Palestinians in the territories, those areas came under Palestinian jurisdiction.

63. Mr. LEVY (Israel), replying to questions about the security fence, said that the fence was certainly not wide enough to occupy 10 per cent of the West Bank, as had been suggested, and stressed that its sole purpose was to provide security for Israeli citizens, not to mark a future border. The Israeli Supreme Court had already determined that, in the context of self-defence, Israel was entitled to adopt a variety of measures in order to deter potential terrorists from entering Israel. The fence was one of those measures, and the decision to build it had been taken only after all other options had proved unsuccessful, after the Palestinian Authority had failed to fulfil its obligations to arrest terrorists and confiscate illegal weapons, and after Israeli casualties from suicide bombings had become unbearable. Although the location of the fence had been determined primarily by security concerns, humanitarian concerns had also been taken into account as far as possible; every effort had been made to locate it to the west of Palestinian villages, to avoid land used for agriculture and to minimize disruption to daily life. Where owners were unavoidably separated from their property, special gates were being built to allow them access to their fields. Other measures included replanting trees and providing compensation to owners for the use of their land. The land used for the fence had not been confiscated but requisitioned in accordance with the Hague Regulations, and legal procedures were already in place to allow any owner to file an objection to the use of his land. In fact, several cases had already been taken to the Israeli Supreme Court.

64. In reply to questions on unemployment among Arabs and minorities, he said that the recently established Ministry of Trade, Industry and Labour had been instructed to establish 10 industrial areas to combat unemployment in minority areas. Plans were already at an advanced stage and would soon be implemented.

65. Mr. ATLAN (Israel) added that unemployment was aggravated by both economic crises and the flow of migrant workers. The Government had therefore in recent months been following a so-called “closed sky” policy of issuing no new permits to migrant workers and was investing heavily in measures to reduce unemployment among migrant workers already in the country. On the question of discrimination against Arabs and Bedouins in the employment market, he said there had been very few instances of complaints to the labour courts about such discrimination under Israel’s equal-opportunities law, but the fact was that some private employers were afraid to employ individuals from those groups and the State could not force them to do so. An additional problem was that Arabs were in general becoming better qualified than before but were still not getting jobs.

66. In reply to a number of questions on employment issues, he said that Israel was on the point of ratifying the ILO Convention concerning the Elimination of the Worst Forms of Child Labour (No. 182). The age of enrolment in the army had held up ratification, but the Government had decided to change the law in order to meet the requirements of the Convention. As far as equal pay for men and women was concerned, Israel’s legislation was up to date, but only one case had been taken before the courts under the legislation. Women’s groups themselves believed that the main reason why the law was not invoked more often related to people’s general lack of awareness of the issue, but it was difficult to know what more the Government could do if the individuals concerned did not take advantage of the legal means

available to them. Child labour was virtually unheard of in Israel; if any cases did arise they would be dealt with by labour inspectors, who could fine the employer or press criminal charges and refer the case to the social services.

67. Ms. ZAILER (Israel) added that education was compulsory for children between the ages of 3 and 15 and any unauthorized absence from school had to be reported by the headmaster to the local authorities, who sent a truancy officer to deal with the case immediately. In fact, legal action could be taken against parents who did not fulfil their obligation to send their children to school. The children of migrant workers had exactly the same rights with regard to compulsory education as other children, irrespective of the legal status of their parents. It was thus practically impossible for any child to work in Israel. As an example of equal access to education, she cited the case of the Bialik school in Tel Aviv, where 95 per cent of pupils were children of migrant workers; the school had won a national prize for its outstanding pedagogical and social climate and for the way in which it had integrated children from so many different backgrounds.

68. Mr. LEVY (Israel) said that there was no retroactive legislation in Israel in the area of house demolition, or in any other area for that matter. There was no question of demolishing homes under cover of night without giving the owner a chance to appeal against the demolition order. A demolition order had to be displayed in front of the dwelling concerned and the owner had 24 hours, in the case of dwellings built without a permit, or 72 hours, in the case of dwellings for which a building permit had been issued but had expired, to appeal against the decision.

69. Mr. ATLAN (Israel) said that criticisms of ineffective enforcement of the minimum wage should be seen in perspective. In the first place, a shortage of labour inspectors was not peculiar to Israel, but was a fairly common phenomenon in many other countries too; secondly his Government had taken practical steps to facilitate the inspectors' work. For example, it had incorporated in the law a presumption that any employer who did not provide employees with a wage slip was in breach of minimum-wage legislation, unless the employer could prove otherwise. The Government was also making more money available to increase the number of inspectors, and his own department at the Ministry of Labour and Social Affairs had hired 11 new lawyers in the past year simply to deal with migrant workers and minimum-wage issues. In addition, as migrant workers were more likely to be in jobs that paid the minimum wage and where health and safety were more likely to be an issue, labour inspectors had a policy of focusing on the workplaces where such workers were employed.

The meeting rose at 6 p.m.