

# ISRAEL

SIXTH COMMITTEE

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CHECK AGAINST DELIVERY

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Statement by  
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The Rule of Law at the National and International Levels

Agenda Item 84

4 October 2017

United Nations, New York

Thank you Mr. Chairman,

Israel welcomes the opportunity to engage in a meaningful and professional exchange of views regarding the rule of law, a topic to which Israel ascribes great importance on both the national and international level.

The maintenance of and respect for the rule of law is key to the promotion of stability and human rights, and to ensure sustainable development. This is why Israel believes that a fruitful conversation on the topic is conducive to the strengthening these important values.

Mr. Chairman,

On the **national level**, the rule of law is the essence of any democracy. Good governance, checks and balances, and a robust, independent and impartial judiciary are indispensable for the proper maintenance of the rule of law.

From the outset, Israel was and remains, a country that is comprised of many different cultural, religious and ethnic groups. This diversity makes it all the more important that democratic principles are guaranteed and upheld. The principle of equality before the law, alongside other democratic values, is enshrined in our Declaration of Independence, and in our Basic Law: Human Dignity and Liberty. These laws and principles form the cornerstone of our governmental system, and ensure that minority rights are respected, allowing each cultural, ethnic and religious group coexist and thrive.

Israel's commitment to human rights is unwavering, as is reflected by our membership in all major human rights treaties and our extensive domestic legislation relating to that subject. That said, promoting and defending human rights does not end with legislation. Israel is in an ongoing process to improve and reviewing our human rights legislation and its implementation. This year, Israel is undergoing its Universal Periodic Review, and is preparing to present a report before the UPR working group. As part of the process and the internal review, Israel held "Mid-UPR round tables" which brought together government officials, NGOs, academics and civil society to hone in on specific human rights issues, such as LGBT rights, racism and discrimination, women's rights, rights of people with disabilities, rights of the minority groups, and social and economic rights. The discussions provided an important opportunity to exchange views and information on these and other subjects and for policymakers to gain a deeper understanding of the challenges that different groups face in Israeli society, and to brainstorm as to ways to move forward.

Israel's strong and consistent commitment to democracy and human rights receives greater meaning when one remembers that Israel has had to defend, and continues to defend itself against existential threats since its very inception. Israel's commitment to the rule of law and to

the security of all its citizens has created difficult dilemmas and situations. The careful consideration of security issues is evident from the volume of security matters that were brought before the Supreme Court. As former Israeli Chief Justice, Aharon Barak said "...even when the cannons speak, the military commander must uphold the law. The power of society to stand up against its enemies is based on its recognition that it is fighting for values that deserve protection. The rule of law is one of these values."

The Israeli justice system is also tasked with ensuring that during and after military operations the rule of law is upheld. In this vein, Israel has, in recent years, undergone a major process to review and to continue to improve its investigation mechanisms. In 2010, Israel set up an independent public Commission of Inquiry, which included highly reputed foreign observers, headed by retired Supreme Court Justice Jacob Turkel, which carefully reviewed Israel's mechanisms for investigating complaints of alleged violations of the Law of Armed Conflict. The Commission concluded that Israel's mechanisms generally comply with its obligations under international law and that Israel's system ranks favorably with those of other democratic countries. Notwithstanding the endorsement of the Commission, Israel continually seeks to improve the effectiveness and efficiency of its investigations systems. In this context, the Turkel commission made various recommendations for how Israel may further improve its investigation system. A governmental team prepared a detailed report on the practical implementation of these recommendations, which was also embraced by the Israeli Government on July 2017.

Mr. Chairman,

Israel's Basic Law: The Judiciary guarantees judicial autonomy to Israel's courts, including its Supreme Court. This assurance has enabled our judiciary to become internationally renowned for its oftentimes brave and groundbreaking judgments on various issues relating to the rule of law.

Our Supreme Court continually conducts careful, but rigorous, scrutiny and review of parliamentary legislation, executive policy and administrative action. The recent review by Israel's Supreme Court of Israel's illegal immigration legislation and policies is just one example of the ongoing judicial oversight over the legislative processes in the Israeli system, which is especially important when it comes to questions that raise both national policy and security concerns as well as basic human rights issues.

The strength of a justice system can also be measured by the diversity of those it employs. This past September, Israel appointed Justice Esther Hayut as President of the Israeli High Court of Justice, the third woman to hold this position. The justice system Justice Hayut presides over is also diverse - half of the sitting judges in the system are female. This extends to government as well: two thirds of the employees in the Ministry of Justice are women, and 60% of senior

positions in the ministry are held by women. We believe that the diversity of the system that makes, interprets and applies laws is key to ensuring that the unique needs of various groups are kept in mind during these processes. In this vein, Israel has seen significantly more judges, prosecutors and legal advisers who come from Israel's various minority groups.

Israel also appreciates the importance of *access* to justice. We grant broad standing rights before our Supreme Court that allow citizens and non-citizens alike, including civil society organizations to petition the High Court directly, as a court of first instance, when questions of civil, human rights and due process arise.

Real access to justice requires providing support and guidance to those who are involved in both civil and criminal proceedings, and cannot afford to finance proper representation that will allow them to fully make their case. Israel is proud to provide substantial support to both litigants and defendants. Israel's civil Legal Aid legislation is 45 years old, and amended often in the process of constant review and improvement. Israel's Public Defenders office is over 20 years old and provides representation in over 30,000 cases annually. In recent years, the Israeli PDO also undertook important projects under the auspices of the UNODC in both Liberia and Vietnam to build and promote public defender offices, and consequently support and expand the rule of law, on a global level.

Mr. Chairman,

On the **international level**, maintaining the rule of law requires an effective multilateral system, founded on international law. In this regard, we support the continuous work of the International Law Commission and the UN Committee on International Trade Law in the development of international law.

We take note of the Secretary-General's recent report concerning the rule of law, which provides a useful basis for our current discussion and to the importance of multilateral treaties in this respect. Each year Israel signs and accedes to dozens of bilateral and multilateral agreements and conventions on issues ranging from space to transportation and from science to environment. Multilateral treaties are a valuable tool in the promotion of the Rule of Law and in international relations in general. Such treaties contribute to stability, transparency and legal certainty in the international sphere. A year ago Israel joined many of the world's nations and ratified the Paris Agreement, and has already submitted its ambitious national plan to reduce emissions. As I have noted, Israel is a member of all the major Human Rights Conventions, and will be reporting on the Convention for the eradication of all forms of Discrimination Against Women at the end of this month.

With respect to the contribution of international tribunals to the rule of law on the international level, we join other delegations in emphasizing the importance of the principle of complementarity and stress that it is the primary responsibility of States to investigate and prosecute violations of international law.

In this vein, we would wish to stress that the *real* contribution of international tribunals is not their existence *per se*, but the *quality* of their legal decisions, their *capability* to strengthen the rule of law in the arenas that they operate, and their *ability* to show that they are able to reject attempts to politicize issues and to preserve their reputation as independent and professional bodies, unfazed by politics or the media.

Mr. Chairman,

Israel supports the ongoing UN activities and initiatives for capacity-building and technical assistance as detailed in the Secretary-General's report. Israel has been intensively engaged in providing technical assistance in many regions around the world, and aspires to be involved and share our experience and expertise in even more legal capacity projects throughout the world, in particular where such efforts are needed most. Israel cooperates closely with African and East European countries in capacity-building efforts, and has organized seminars and training sessions for judges, prosecutors and investigators, in the fields of public defense, counterterrorism, incitement, and countering the funding of terrorism. We believe that these activities contribute to further develop the rule of law.

In closing, I would like to reiterate Israel's commitment to the rule of law on the national and international levels. This is an important topic and we look forward to continue the discussions on this matter in the Sixth Committee

Thank you, Mr. Chairman.