



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the fourth periodic report of Israel*

1. The Committee considered the fourth periodic report of Israel (E/C.12/ISR/4) at its 36th and 37th meetings (see E/C.12/2019/SR.36 and 37), held on 2 and 3 October 2019, and adopted the present concluding observations at its 60th meeting, held on 18 October 2019.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by the State party, despite the delay in submission, and the supplementary information provided in the replies to the list of issues (E/C.12/ISR/Q/4/Add.1). The Committee appreciates the constructive dialogue held with the State party's interministerial delegation.

3. While welcoming the establishment of a joint interministerial team tasked with reviewing and implementing the concluding observations of the human rights treaty bodies, the Committee regrets the lack of consultation with stakeholders, including civil society, during the process of preparing the fourth periodic report.

B. Positive aspects

4. The Committee welcomes the State party's ratification in 2012 of the Convention on the Rights of Persons with Disabilities.

5. It also welcomes the adoption of Amendment No. 200 to the National Insurance Law, which provides a gradual increase in the general disability allowance by 2021, and the progress made by the State party in those areas relating to the rights enshrined in the International Covenant on Economic, Social and Cultural Rights indicated below.

C. Principal subjects of concern and recommendations

Applicability of the Covenant

6. The Committee is concerned that, despite its previous recommendations (E/C.12/ISR/CO/3, para. 6), the State party has still not taken any measure to incorporate the Covenant in the domestic legal order and that the provisions of the Covenant cannot be invoked before, or directly applied by, the courts, other tribunals or administrative authorities.

* Adopted by the Committee at its sixty-sixth session (30 September–18 October 2019).



7. **The Committee reiterates its previous recommendations that the State party incorporate the rights of the Covenant in its domestic legal order. It also recommends that the State party enhance judicial training on the nature and scope of the State party's obligation under the Covenant and on the justiciability of the Covenant. The Committee draws the attention of the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.**

Application of the Covenant to the occupied territories

8. The Committee reiterates its deep concern about the State party's position that the Covenant is not applicable beyond its sovereign territory and that, given the circumstances in the occupied territories, the law of armed conflict and humanitarian law exclusively are considered to be applicable. The Committee also reiterates its regret that the State party refuses to report on the situation in the occupied territories.

9. **The Committee reminds the State party that the applicability of its human rights obligations in the Occupied Palestinian Territory, as well as the concurrent application of international human rights law and international humanitarian law in a situation of armed conflict or occupation, have been affirmed by the International Court of Justice in its advisory opinion rendered on 9 July 2004 on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. This is also the view consistently adopted by various human rights treaty bodies, including the Committee, and expressed in the relevant resolutions of the General Assembly and in the reports of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, the Secretary-General and the United Nations High Commissioner for Human Rights. The Committee urges the State party to comply with its obligations under the Covenant in line with the advisory opinion of the International Court of Justice. It also reiterates its previous recommendation that the State party include, in its fifth periodic report, information on the situation regarding the Covenant rights enjoyed by people in the Occupied Palestinian Territory.**

State party's policies relating to the Occupied Palestinian Territory

10. While noting the serious security situation affecting the State party, the Committee remains deeply concerned about the severe impact of the policies adopted by the State party relating to the Occupied Palestinian Territory, namely the closure policy and the related permit regime regarding the Gaza Strip and the occupation and settlement policy in the West Bank, including East Jerusalem, on the enjoyment of Covenant rights by people living there, including the rights to work, food, water and sanitation, health and education, and to their cultural rights. It is also concerned about the expansion of Jewish settlements in the West Bank, including East Jerusalem, and the occupied Syrian Golan, including through delegated powers granted to organizations such as the World Zionist Organization and the Jewish National Fund.

11. **The Committee reminds the State party that it has positive and negative obligations with regard to the Occupied Palestinian Territory, depending on its level of control and the transfer of authority, that it should not raise any obstacle to the exercise of such rights in those fields where competence has been transferred to the Palestinian authorities and that any measures taken by the State party should ensure that the legislative and policy measures relating to the occupied territories taken by the State party as the occupying Power do not result in any permanent alteration in the political or legal status of the territories or have irreparable consequences for the people living there. The Committee urges the State party:**

(a) **To immediately lift the blockade on and the closures affecting the Gaza Strip and provide unrestricted access for the provision of urgent humanitarian assistance;**

(b) **To reduce the restrictions on items on the dual-use list to minimum levels, as strictly required by security imperatives;**

(c) **To take immediate steps to facilitate the free movement of Palestinians within the Occupied Palestinian Territory, including East Jerusalem and the Gaza Strip, and ensure that any measures restricting the free movement of civilians and goods from, into and within the Gaza Strip are in line with its obligations under the Covenant;**

(d) **To immediately halt and reverse all settlement policies and developments in the West Bank, including East Jerusalem, and the occupied Syrian Golan, and rescind the delegated powers granted to organizations facilitating settlement such as the World Zionist Organization and the Jewish National Fund, and discontinue supporting these organizations.**

National human rights institutions

12. While noting that several national human rights institutions exist in the State party, including the Office of the State Comptroller and Ombudsman, the Committee remains concerned that they do not meet the criteria set out in the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that there is no lead agency to coordinate their activities.

13. **The Committee recommends that the State party take concrete steps to establish an independent national human rights institution in line with the Paris Principles, including by strengthening the independence of existing institutions.**

Free disposal of natural wealth and resources

14. The Committee is concerned about reports that the State party has given licences to Israeli and multinational companies for oil and gas extraction and renewable energy projects in the occupied Syrian Golan and the Occupied Palestinian Territory without consulting the affected communities while prohibiting Syrians and Palestinians from accessing, controlling and developing their natural resources. It also regrets the lack of information on the measures put in place by the State party to ensure that the companies do not infringe human rights while operating in the occupied territories (art. 1 (2)).

15. **The Committee recommends that the State party immediately cease to issue licences for the exploitation of natural resources in the occupied territories and that it regulate the operations and activities of Israeli and multinational companies operating in the occupied territories in order to ensure their compliance with human rights standards. The Committee draws the attention of the State party to its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

Basic Law: Israel – the Nation State of the Jewish People

16. The Committee is deeply concerned about the possible discriminatory effect of the Basic Law: Israel – the Nation State of the Jewish People on non-Jewish people in the State party with respect to their enjoyment of Covenant rights. It is also concerned that this Basic Law, by viewing the development of Jewish settlements as a national value, may further deteriorate the situation regarding economic, social and cultural rights in the occupied territories, which have already significantly been hampered by the settlement policy (arts. 1 (1), 2 (2) and 15).

17. **The Committee urges the State party to review the Basic Law with a view to bringing it into line with the Covenant or to repealing it and to step up its efforts to eliminate discrimination faced by non-Jews in their enjoyment of Covenant rights, particularly the rights of self-determination and non-discrimination and to cultural rights.**

Non-discrimination

18. The Committee notes the absence of comprehensive anti-discrimination legislation in the State party and is concerned that the existing anti-discrimination legislation is not fully in line with article 2 (1) of the Covenant, given the limited prohibited grounds of

discrimination, and that the State party has not taken any step to review existing legislation (art. 2 (2)).

19. The Committee recommends that the State party review existing anti-discrimination legislation or adopt comprehensive anti-discrimination legislation with a view to ensuring that such legislation prohibits all direct, indirect and multiple forms of discrimination, on all grounds, including language, colour, social origin, property, sexual orientation, birth or other status, and provides for effective remedies for victims of discrimination. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Bedouin people

20. While noting the adoption in 2017 of the Socioeconomic Development Plan for Negev Bedouin 2017–2021 (Government resolution No. 2397), the Committee is concerned about:

- (a) The large number of unresolved land claims;
- (b) The absence of meaningful participation of and consultation with the affected Bedouin communities in the formulation of the plan;
- (c) Reports that Bedouin people in unrecognized villages in the Negev Desert have been evicted from their homes and ancestral lands and forced to relocate to recognized Bedouin townships;
- (d) The substandard living conditions in both the unrecognized villages and the recognized townships, which are characterized by very limited access to adequate housing, water and sanitation facilities, electricity and public transportation (arts. 1 (1) and 11).

21. The Committee recommends that the State party:

- (a) **Step up its efforts to resolve the pending land ownership claims in a timely, transparent and effective manner;**
- (b) **Consult with the affected Bedouin communities on the implementation of Government resolution No. 2397 and ensure that any policy affecting the Bedouin people is formulated and implemented following a meaningful consultation with and with the participation of the affected Bedouin communities;**
- (c) **Immediately stop the eviction of Bedouin people living in unrecognized villages from their homes and ancestral lands and recognize their villages;**
- (d) **Improve living conditions and infrastructure in all Bedouin residential localities in the Negev area.**

Refugees and asylum seekers

22. The Committee is concerned about the excessively large number of outstanding asylum applications and the negligible number of people granted refugee status. It is also concerned that asylum seekers, including Eritrean and Sudanese asylum seekers who fall under the State party's temporary non-return policy and who are de facto permanently living in the State party, are not legally allowed to work and have very limited access to social security benefits and health-care services. It is further concerned about the fact that the Law for the Prevention of Infiltration (1954) requires employers to deposit 20 per cent of the monthly salaries of Eritrean and Sudanese asylum seekers into a departure fund, resulting in about 50 per cent of them earning less than the minimum wage, with severe consequences to their ability to access and enjoy Covenant rights, particularly the rights to health and to education (arts. 2 (2), 6 and 9).

23. The Committee recommends that the State party:

- (a) **Improve the refugee status determination procedure with a view to facilitating the processing of applications and enhancing the fairness and effectiveness of the procedure;**

- (b) **Allow asylum seekers to enter the labour market;**
- (c) **Expand the social assistance benefits granted to asylum seekers, including health insurance, paying special attention to the needs of marginalized and disadvantaged persons, including persons with disabilities, women, children and older persons;**
- (d) **Repeal the Law for the Prevention of Infiltration or amend it with a view to making it consistent with the Covenant.**

Right to work

24. While appreciating the overall increase in labour market participation and employment in the State party, the Committee is concerned that certain groups continue to be limited in the enjoyment of their right to work and are concentrated in low-paying sectors. The Committee regrets the lack of comprehensive and disaggregated data on the realization of the right to work (art. 6).

25. **The Committee recommends that the State party intensify its efforts to increase the labour market participation of persons with disabilities, Bedouins, Arab women and ultra-Orthodox Jewish men, including by providing vocational education and training tailored to their experience and level of job skills and by fully implementing the quota for the employment of persons with disabilities. It also recommends that the State party provide comprehensive and disaggregated data on the realization of the right to work, including on labour force participation, employment, unemployment and underemployment, in its fifth periodic report.**

Occupational safety and health

26. The Committee is concerned about the lack of progress made in reducing occupational injuries and fatalities and the significant decrease in the number of labour inspections carried out from 2006 to 2016 (art. 7).

27. **The Committee recommends that the State party intensify its efforts to reduce occupational injuries and fatalities, including by raising the awareness of employers and workers about workplace safety and measures that could be taken to prevent injuries and fatalities and by strengthening labour inspections. It also recommends that the State party include information on accidents and diseases in the fifth periodic report.**

Right to just and favourable conditions of work

28. While noting that in Israel 58 per cent of migrant workers, most of them women, are employed as caregivers on a live-in basis, the Committee is concerned that these workers are excluded from the applicability of the Hours of Work and Rest Law of 1951 and that their working conditions are not effectively monitored by the labour authorities. While noting that the State party has concluded bilateral agreements with some of the countries of origin of migrant workers to protect their rights, the Committee is concerned that workers from countries that do not have a bilateral agreement with the State party may be at risk of exploitation and abuse (art. 7).

29. **The Committee recommends that the State party take measures:**

- (a) **To ensure that live-in caregivers are adequately paid for overtime work and provided with a weekly rest period of not less than 25 hours, including by extending the application of the Hours of Work and Rest Law to include these workers;**
- (b) **To enable the labour inspectorate to effectively monitor the working conditions of live-in caregivers and put in place accessible complaints mechanisms for workers in this sector;**
- (c) **To ensure that the provisions relating to the protection of the rights of migrant workers in bilateral agreements are in line with the Covenant and that there is full compliance with these provisions;**

(d) **To ensure that the rights of workers from countries that do not have a bilateral agreement with the State party are protected on an equal footing with those of workers covered by bilateral agreements.**

Sexual harassment in the workplace

30. The Committee is concerned about the frequent incidence of sexual harassment in the workplace, despite the adoption of the Prevention of Sexual Harassment Law of 1998, and about the very small number of cases investigated and leading to prosecution (arts. 3 and 7).

31. **The Committee recommends that the State take measures to strengthen the enforcement of the Prevention of Sexual Harassment Law, that it conduct training to raise the awareness of law enforcement officials about gender-related issues and that it ensure that reports of sexual harassment are duly investigated and prosecuted, that perpetrators are adequately punished and that victims have access to appropriate redress, including compensation.**

Trade union rights

32. The Committee is concerned about reports that workers in the occupied Syrian Golan are less well informed or aware of their rights, including trade union rights, thereby making it less likely that they will claim their rights or seek effective remedies in cases of violation of their rights (art. 8).

33. **The Committee recommends that the State party ensure that complaints mechanisms are put in place for workers in the occupied Syrian Golan and that it take the measures necessary, including in cooperation with trade unions, to raise workers' awareness of their rights under the Covenant and the complaints mechanisms available to them.**

Right to social security

34. The Committee is concerned about the continuing disparity of five years in the retirement age of men and women in the State party, which has led to a gender gap in pensions. It is also concerned that the old-age pension is insufficient for providing recipients with a decent living given the high incidence of poverty among older persons in the State party. The Committee regrets the lack of detailed information provided by the State party relating to social security benefits (arts. 3, 9 and 11).

35. **The Committee recommends that the State party take the steps necessary to equalize the retirement ages of men and women with a view to closing the gender gap in pensions and that it increase the old-age pension to a level that provides recipients with a decent standard of living. It also requests the State party to include, in its fifth periodic report, detailed information on the coverage and level of social security benefits, on the indexation of those benefits and on the measures taken to extend the coverage of social security benefits to foreign workers with temporary stay visas and asylum seekers.**

Protection of the family

36. The Committee is concerned that, despite its previous recommendation, the "tender years" presumption in the Legal Capacity and Guardianship Law still remains (arts. 3 and 10).

37. **The Committee recommends that the State party amend the Legal Capacity and Guardianship Law with a view to abolishing the "tender years" presumption and ensuring that all decisions on child custody are made in accordance with the principle of the best interests of the child.**

Personal status laws

38. While noting that religious courts have exclusive jurisdiction on issues relating to marriage and divorce, whereas the civil family courts have parallel jurisdiction on custody

and alimony, the Committee is concerned that different laws and regulations apply to the parties in a dispute depending on their religion and denomination, which results in different rules and levels of protection in matters of personal status (arts. 3 and 10).

39. The Committee recommends that the State party assess the current system of religious law governing marriage and divorce with a view to harmonizing it with the provisions of the Covenant, particularly the provisions on non-discrimination in the enjoyment of Covenant rights (art. 2 (2)) and on the equal enjoyment by men and women of the economic, social and cultural rights in the Covenant (art. 3).

Family reunification

40. The Committee is concerned about the fact that the Citizenship and Entry into Israel Law (Temporary Order) prohibits Palestinians from the West Bank or the Gaza Strip and who are married to Israeli or East Jerusalem residents to exercise family reunification with their spouses and that this prevents them from enjoying their right to family life. It is also concerned that many families in the West Bank, including East Jerusalem, who have relatives in the Gaza Strip remain separated for years due to the closure policy of the State party. Furthermore, it is concerned about the risk that Palestinian women whose right to reside in East Jerusalem or in Israel is dependent on their husband's status may, in case of divorce, lose that right, which may in turn result in them staying in abusive relationships (art. 10).

41. The Committee recommends that the State party review the Citizenship and Entry into Israel Law (Temporary Order) with a view to bringing it into line with its obligations under article 10 of the Covenant and to facilitating the exercise of family reunification for all citizens and permanent residents irrespective of their status or background.

Poverty

42. The Committee is concerned about the high and growing incidence of poverty in the State party, particularly among older persons, Bedouin families, Arab Israeli families and ultra-Orthodox families. It is also concerned about the high level of income inequality in the State party, which is the highest of States members of the Organization of Economic Cooperation and Development (art. 11).

43. The Committee recommends that the State party combat poverty, including by undertaking a comprehensive analysis of the underlying causes of poverty among particularly affected groups and by adopting concrete and targeted measures to address the incidence of poverty among these groups. It also recommends that the State party take effective measures to reduce income inequality among the population, including by reforming the tax system and the social security system.

Poverty and food insecurity in the Gaza Strip

44. The Committee is concerned about reports that half the population of Gaza lives in poverty and that about two thirds of households in Gaza have been suffering from food insecurity, which is largely attributable to the State party's closure policy. Moreover, and notwithstanding the explanation provided by the delegation, the Committee remains concerned about the long-lasting and hazardous impact of the aerial herbicide sprayed by private companies hired by the Ministry of Defence in areas adjacent to the fence between Israel and Gaza. It is particularly concerned about the impact of such activities on the productivity of the crops and on the soil in nearby areas in Gaza. The Committee is also concerned about restrictions imposed on the access of Palestinians to their agricultural land, water sources, irrigation facilities and marine resources. It is further concerned about the confiscation of and damage to fishing boats, which has deprived Palestinians of their means of subsistence (arts. 6, 11 and 12).

45. The Committee refers the State party to paragraph 11 (a) and (b) of the present concluding observations. It recommends that the State party commission a scientific assessment of the impact on Palestinians of herbicide spraying, in particular on their livelihoods, health, food security and environment, and that it respond appropriately

to the relevant findings. In the interim, the State party should, on the basis of the precautionary principle, cease such spraying. The Committee also recommends that the State party ensure that farmers and fishermen have free access to their land, to their irrigation facilities and to their marine resources and that it refrain from confiscating and damaging boats and fishing equipment and restricting the movement of Palestinian fishermen and fishing communities.

Water and sanitation

46. The Committee is concerned that none of the unrecognized villages in the Negev are connected to the national water network and that the majority of Bedouin villages, recognized or unrecognized, are not connected to a sewage disposal infrastructure. The Committee is also concerned about the impact of the State party's occupation and settlement policy and of its destruction of Palestinian water infrastructure on Palestinians in the Occupied Palestinian Territory in accessing water, which results in them living far below the extreme water scarcity level, which in turn engenders serious health consequences (art. 11).

47. The Committee recommends that the State party take all measures necessary:

(a) To ensure that all the Bedouin villages, recognized or unrecognized, are connected to the national water network and to a sewage disposal infrastructure;

(b) To cease the destruction of Palestinian water infrastructure and ensure that Palestinians have access to sufficient quantities of safe and clean drinking water.

Right to housing

48. The Committee is concerned about the decline in public expenditure in the housing sector and in the number of social housing units. It regrets the lack of detailed information on the situation of homelessness and of persons living in inadequate housing (art. 11).

49. The Committee recommends that the State party increase the budget allocated to the housing sector with a view to expanding social housing to disadvantaged and marginalized individuals and families and that it include, in its fifth periodic report, information on the situation of homelessness and of persons living in inadequate housing and on the provision of social housing, including relevant statistical data.

Planning and zoning in the West Bank, including East Jerusalem

50. The Committee is concerned about the discriminatory effect of planning and zoning laws and policies on Palestinians and Bedouin communities in the West Bank, as illustrated by the fact that less than 1 per cent of the land in Area C and 13 per cent of the land in East Jerusalem is allocated for the construction of infrastructure for Palestinians. The Committee is also concerned that the process of applying for building permits is long, complicated and expensive and that few such applications are approved, which has led to high numbers of evictions and demolitions in the West Bank, including East Jerusalem (arts. 2 (2) and 11).

51. The Committee recommends that the State party review planning laws and policies in the West Bank, including East Jerusalem, to ensure that they are compliant with its obligations under the Covenant and that it end zoning practices. The Committee also recommends that the State party reform the construction permit system in the West Bank, including East Jerusalem, with a view to preventing demolitions and forced evictions because of a lack of a construction permit and that it ensure that demolitions are carried out only as a last resort, when strictly necessary and as required for a legitimate State purpose, in accordance with its obligations under the Covenant. The Committee draws the attention of the State party to its general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.

Practice of demolishing homes as a form of punishment

52. The Committee is concerned about reports that the family homes of alleged perpetrators of attacks against Israeli civilians and security forces are being demolished as a

form of punishment. The Committee notes a report of the United Nations Office for the Coordination of Humanitarian Affairs indicating that a total of 53 residential structures were demolished as a form of punishment or sealed from 1 January 2015 to 31 May 2018, which resulted in the forced eviction of 323 persons (arts. 2 (2) and 11).

53. The Committee urges the State party to immediately cease the practice of collectively demolishing houses and private property as a form of punishment and to ensure that victims of such practice are provided with full and effective reparations, including restitution of the affected properties.

Right to health

54. The Committee is concerned that the level of funding allocated to the health-care sector, as a share of the gross domestic product, grew by only 0.4 per cent between 2000 and 2017, despite a significant growth in the population, which has led to a lack of medical personnel and critical medical equipment, long waiting times and a high incidence of hospital-acquired infections. It is also concerned about the disparities between urban and peripheral areas in terms of availability, accessibility and quality of health-care services. The Committee is also concerned about the disproportionately poor health status of the Arab and Bedouin populations in the State party, including the disproportionately higher rates of infant mortality compared with those of the general population (arts. 2 (1)–(2) and 12).

55. The Committee recommends that the State party increase the budget allocated to the public health-care sector and intensify its efforts to ensure equal access to quality health-care services, regardless of place of residence, particularly for those living in peripheral areas. It also recommends that the State party take concrete measures to address the disproportionately poor health status of the Arab and Bedouin populations.

Access to health-care services

56. While noting that the National Health Insurance Fund does not cover foreign workers and that employers are obliged to provide foreign workers with medical insurance under the Foreign Workers Order (Employee Health Benefits Package), the Committee is concerned about the high incidence of non-compliance by employers, which has effectively deprived many foreign workers of their right to health. The Committee is also concerned that asylum seekers, including Eritrean and Sudanese nationals who are in the State party under the temporary non-return policy, are not allowed to work in the State party, are not covered by health insurance and have no access to public health-care services, except in medical emergencies. It is also concerned that, by the decision taken by the State party in 2018, children of undocumented migrant workers and asylum seekers whose application for asylum has been refused are excluded from a health insurance programme provided through an agreement with Meuhedet. The Committee is further concerned that budgetary constraints, a shortage of medical professionals and poor infrastructure restrict the availability of and accessibility to health-care services to foreign workers, refugees and asylum seekers in State-funded clinics, particularly the Terem Clinic and the Gesher Clinic (arts. 10 and 12).

57. The Committee recommends that the State party:

(a) **Take the measures necessary to ensure that migrant workers and asylum seekers have equal access to preventive, curative and palliative health-care services, regardless of their legal status and documentation, including by extending the coverage of national health insurance to them;**

(b) **Ensure that all children, regardless of their legal status, have access to health-care services at all times;**

(c) **Expand the provision of health-care services, including for mental health care, by State-funded clinics to asylum seekers and enhance the accessibility of such services, including by providing additional financial resources.**

58. The Committee is concerned about the very limited availability of health-care services and the deteriorating quality of such services in the Gaza Strip due to restrictions on dual-use items, including essential medical equipment and supplies, and the escalation of hostilities, which have forced residents to seek medical treatment in the West Bank or in Israel. It is also concerned about the lengthy and complicated exit-permit system, which has impeded the ability of residents of the Gaza Strip to access medically recommended treatment that is not available in Gaza in the West Bank, including East Jerusalem, in Israel and abroad. Furthermore, it is concerned that in recent years there has been a significant increase in the number of requests for permits that have been refused or delayed, with devastating consequences, including the death of patients waiting for permits and the carrying out of critical medical procedures on children without their parents at their side (art. 10 and 12).

59. **The Committee recommends that the State party:**

(a) **Facilitate the entry of essential medical equipment and supplies and the movement of medical professionals from and to Gaza;**

(b) **Review the medical exit-permit system with a view to making it easier for residents of Gaza to access, in a timely manner, all medically recommended health-care services;**

(c) **Ensure that all children referred for medical treatment outside Gaza can be accompanied by at least one parent.**

Clinical trials on human beings

60. The Committee is concerned about the absence of framework legislation regulating clinical trials and that clinical trials have been carried out on human beings in the absence of appropriate regulatory processes (art. 12).

61. **The Committee recommends that the State party adopt framework legislation regulating clinical trials on human beings, protect the right to health of persons participating in such trials and put in place effective oversight mechanisms. It also recommends that the State party ensure that thorough investigations are carried out in cases of unregulated medical trials and that appropriate remedies are provided to participants.**

Right to education

62. While noting the measures envisaged by the State party to improve access by disadvantaged and marginalized children to education, the Committee remains concerned that the level of funding allocated to the education sector, as a share of the gross domestic product, has stagnated during the past 10 years despite the continuous growth of the population. It is also concerned about the disproportionately high dropout rates among Bedouin students and the large gaps in the educational achievements between Arab students and Jewish students. It is further concerned about the shortage of classrooms and kindergartens in Bedouin neighbourhoods and the proliferation of poor-quality and unsupervised private kindergartens that are attended mostly by children of asylum seekers. The Committee is also concerned about the large portion of students with disabilities enrolled in special classes or special schools (arts. 13–14).

63. **The Committee recommends that the State party step up its efforts:**

(a) **To increase the public funding allocated to the education sector;**

(b) **To identify why so many Bedouin students drop out of school and take effective measures to address the situation;**

(c) **To improve the quality of education provided to Arab students with a view to enhancing their academic achievement;**

(d) **To address the shortage of classrooms and kindergartens in Bedouin neighbourhoods;**

(e) **To increase the number of public kindergartens and regulate and closely monitor the quality and educational environment of private kindergartens;**

(f) **To expand inclusive education opportunities for students with disabilities to attend mainstream schools.**

Access to education

64. The Committee is concerned about the restricted access of students to education in the Occupied Palestinian Territory, in particular:

(a) The shortage of school facilities due to the frequent demolition of school buildings and the confiscation of school premises or educational materials by Israeli authorities, as well as difficulties in obtaining construction permits and securing construction materials, most of which are banned under the dual-use item regime;

(b) The precarious learning environment in which Palestinian students are being educated due to the armed or non-armed searches of Palestinian schools carried out by Israeli security forces;

(c) The frequent incidence of harassment of or threats against students and teachers by security forces or Israeli settlers at checkpoints or along roads, which particularly impedes female students from going to school (arts. 10, 13 and 14).

65. **The Committee recommends that the State party:**

(a) **Rescind demolition and stop-work orders against schools;**

(b) **Place limits on Israeli security forces entering school facilities and carrying out searches to the extent strictly required, paying particular attention to the need to ensure a safe and protected learning environment for Palestinian students;**

(c) **Take effective measures to ensure the unhindered and safe access of students and teachers to schools without harassment or threats, investigate and punish acts of harassment and intimidation by Israeli settlers and security forces, and prosecute those responsible;**

(d) **Endorse the Safe Schools Declaration and take concrete measures to deter the military use of schools, including by integrating the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policies and operational frameworks.**

Access to higher education

66. The Committee is concerned about the blanket ban on education in the West Bank imposed since 2014 on students from the Gaza Strip, which has limited their access to higher education in particular. It is also concerned at the serious impact of the dual-use list on the ability of students in the Gaza Strip to enjoy their right to education, particularly in the fields of science and engineering, and the benefits of scientific progress and its applications due to the lack of essential education materials and equipment (arts. 13 and 15).

67. **The Committee urges the State party to lift the above-mentioned blanket ban and to allow the entry into Gaza of the materials and equipment necessary for educating students in the fields of science and engineering.**

Cultural rights

68. While noting that the State party is a pluralist country composed of people from diverse cultural backgrounds, the Committee is concerned about the lack of measures taken to promote cultural diversity. Moreover, notwithstanding the explanation given by the delegation, it is concerned about the fact that the status of Arabic has been downgraded from an official language to a language with special status through the adoption of the Basic Law: Israel – the State Nation of the Jewish People. It is also concerned by the very low level of funding allocated to the Academy of the Arabic Language, which amounted to 1,450,000 new shekels for 2019, especially given that the Arab population makes up 20 per cent of the State party's population (art. 15).

69. The Committee recommends that the State party take the measures necessary to promote diverse cultures, including by raising awareness of the various cultures of the Arab population, the Bedouin people, migrant workers and asylum seekers. It also recommends that the State party reinstate Arabic as an official language and promote its use, including by strengthening the Academy of the Arabic Language, inter alia by allocating more financial resources to it.

Protection of and access to historical and religious sites

70. The Committee is concerned that Palestinians living in the Gaza Strip are impeded from visiting religious sites in the West Bank, including East Jerusalem, due to the closure policy of the State party and that Palestinians living in the West Bank too are restricted from visiting religious sites in East Jerusalem. The Committee regrets the lack of detailed information on the measures taken by the State party to protect historical and religious sites of all religions in the Occupied Palestinian Territory (art. 15).

71. The Committee recommends that the State party ensure that Palestinians living in the Occupied Palestinian Territory exercise their right to take part in cultural and religious life without restrictions other than those that are strictly proportionate to security considerations and are not discriminatory in their application in accordance with article 15 (1) (a) of the Covenant, as interpreted in the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

D. Other recommendations

72. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind (E/C.12/2019/1).

73. The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (see HRI/MC/2008/3).

74. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the national and district levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

75. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 11 (c) and (d) (State party's policies relating to the Occupied Palestinian Territory), 17 (Basic Law: Israel – the Nation State of the Jewish People) and 23 (refugees and asylum seekers) above.

76. The Committee requests the State party to submit its fifth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2024. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties (see HRI/GEN/2/Rev.6, chap. I).
