

**Follow-up table to the mission of the Special Rapporteur on freedom of religion or belief to Israel and the Occupied Palestinian Territory  
(20-27 January 2008)**

<b>Recommendations of the Special Rapporteur's mission report (A/HRC/10/8/Add.2)</b>	<b>Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)</b>	<b>Follow-up information from the Government of Israel</b>
<p><b>A/HRC/10/8/Add.2</b> 76. The Special Rapporteur recommends that all parties - especially in the framework of a possible peace agreement - bind themselves legally to protect the rights of religious minorities. Particular attention should be paid to include comprehensive guarantees for equality and non-discrimination on grounds of religion or belief as well as for the <b>preservation and peaceful access to all religious sites</b>. Existing rights in respect of these religious sites should not be denied or impaired and freedom of worship should be safeguarded in conformity with existing rights. Any commitments, especially those which may affect human rights and fundamental freedoms, must be implemented and monitored in an effective and independent manner.</p>	<p><b>A/HRC/WG.6/3/ISR/2</b> <b>Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, September 2008</b> 33. In 2008, the High Commissioner for Human Rights, in her report to the Human Rights Council, stated that the measures adopted by Israel to restrict freedom of movement of both people and goods in the Occupied Palestinian Territory severely impeded the population's access to religious sites, notably in Jerusalem, cultural exchanges and events. 34. Following her visit in 2008, the Special Rapporteur on freedom of religion or belief stated that restrictions to access to holy places were disproportionate as well as discriminatory and arbitrary in their implementation. While highlighting the role played by the Supreme Court in safeguarding freedom of religion or belief, she noted that strands within the Christian, Jewish and Muslim faiths had experienced different forms of discrimination. She recommended that all parties to a possible peace agreement bind themselves legally to protect the rights of religious minorities. [...] 36. In 2007, CERD recommended ensuring that laws and programmes be equally devoted to the promotion of cultural institutions and the protection of holy sites of both Jewish and other religious communities.</p> <p><b>A/HRC/10/76</b> <b>Report of the Working Group on the Universal Periodic Review, Israel, January 2009</b> 100. In the course of the discussion, the following recommendations were made to Israel to: [...] 21. Lift unnecessary restrictions on the granting of visas, in particular multiple entry visas, to members of the Christian clergy in the exercise of their religious duties (Italy); 25. Guarantee equitable protection to all places of worship in the country, including all Muslim and Christian sacred places (Italy); refrain from preventing or hindering the restoration of Islamic holy shrines</p>	

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	<p>by the Waqf (Jordan); stop all illegal measures aimed at annexing East Jerusalem and at erasing its Arabic, Christian and Islamic characteristics, and respect religious freedom and the access to places of worship (Palestine, Pakistan); [...] 48. Ensure the enjoyment by the Palestinians of all their cultural and religious rights, as contained in the Universal Declaration for Human Rights, and allow them to have access to all places of worship, in accordance with the Fourth Geneva Convention, without any restriction, and in order to preserve the cultural heritage, take all measures to protect these places and preserve their dignity (Morocco); [...] 49. Ensure access to religious sites, especially in the Holy City of Jerusalem, and abolish all restrictions imposed on the right to freedom of movement and the right to manifest one's religion; ensure the preservation of the cultural and religious heritage in the Occupied Palestinian Territories, particularly in Jerusalem, and refrain from any actions that aim at changing the character and/or status of these sites (Jordan);</p> <p><b>A/HRC/13/40/Add.1</b>  <b>Communication sent on 3 April 2009 jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions</b>  (a) Allegations transmitted to the Government  157. The Special Rapporteurs brought to the attention of the Government information they had received regarding Mohammed al-Tanani, Sa'id Salah Battah, Ahmed Isma'il al-Buhdri, Ahmed Tubail, Omar 'Abdul Hafez al-Seelawi, Hani Mohammed al-Seelawi, Abdul Rahman al-Masamha, Ra'ed 'Abdul Rahman al-Masmha, Rajeh Ziada, Mohammed Mousa al-Seelawi, Bahaa' al-Ashqar and Hassan Hijju who have reportedly been killed during air strikes against the Ibrahim al-Maqadna mosque in Jabalya town in the northern Gaza strip.  158. On 3 January 2009, at approximately 5.20 p.m., while dozens of Palestinian civilians were doing their evening prayer, the Israeli army fired a missile at the entrance to the Ibrahim al-Maqadna mosque near Kamal Adwan Hospital in Jabalya town in the northern Gaza strip. Reportedly, the Israeli army suspected that the mosque was housing militants.</p>	

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	<p>159. As a result, twelve Palestinian civilians, including four children and a man as well as his son, were killed and thirty others were wounded. Later, three of the wounded died of their wounds, so the number of deaths mounted to fifteen. The twelve victims who were killed instantly were Mohammed al-Tanani (aged 18), Sa'id Salah Battah (aged 22), Ahmed Isma'il al-Buhdri (aged 23), A. T. (aged 16), Omar 'Abdul Hafez al-Seelawi (aged 35), H. M. al-S. (aged 10), Abdul Rahman al-Masamha (aged 47), Ra'ed 'Abdul Rahman al-Masmha (aged 21), Rajeh Ziada (aged 18), M. M. al-S. (aged 10), Bahaa' al-Ashqar (aged 20) and H. H. (aged 14).</p> <p>160. In addition to the above incident, many other mosques were allegedly completely or partially damaged in the governorates of Rafah, Gaza, Khan Younis, Dier El Balah during the recent conflict in the Gaza strip.</p> <p>161. The Special Rapporteurs referred to the Government's treaty obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and also the relevant rules applicable to all armed conflicts under international humanitarian law and human rights law. Both the treaty obligations of the Government and applicable customary rules of international humanitarian law governing the conduct of hostilities include prohibitions on attacks against the civilian population and civilian objects, and require respect for the principles of proportionality and precautions in attack. Civilians are all persons who are not members of the armed forces of a party to the conflict and are protected against attack unless and for such time as they take a direct part in hostilities. Civilian objects, including places of worship, are also immune from attack, unless their nature, location or use, make an effective contribution to military action and whose destruction offers a definite military advantage. In addition, during military operations, special care must be taken to avoid damage to buildings dedicated to religion.</p> <p>162. The Special Rapporteurs emphasized in their communication that, in the event of a lawful attack on a military objective, the principle of proportionality prohibits such attacks</p>	

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	<p>when it can be expected to cause incidental loss of civilian life or injury to the civilians which would be excessive in relation to the concrete and direct military advantage expected.</p> <p>Compliance with this rule should be assessed for each attack taken individually and not for an overall military operation. The Special Rapporteurs noted that this approach was also reflected in the Judgment of the Israeli Supreme Court of 14 December 2006 (The Public Committee against Torture in Israel et al. v. The Government of Israel et al.; HCJ 769/02), which observed that “when the damage to innocent civilians is not proportionate to the benefit of the attacking army, the attack is disproportionate and forbidden.”</p> <p>163. The Special Rapporteurs indicated that the obligations to take all necessary precautions to spare the civilian population and to limit to the maximum extent any incidental civilian loss of life include taking all appropriate measures to ensure: that the target of the attack is indeed a military objective; that the chosen means and methods of warfare will avoid civilian loss of life or limit incidental civilian loss of life; and, that a careful assessment of the conformity of the attack to the principle of proportionality is made. The timing of an attack should also be taken into account when assessing the conformity of the attack with the principles of distinction and proportionality.</p> <p>164. The Special Rapporteurs asked the Government if a complaint had been lodged on behalf of the victims mentioned above and requested details and where available, the results, of any investigation or inquiries carried out in relation to this case. Furthermore, the Special Rapporteur asked the Government to explain how the principle of precaution was respected in the case of the targeting of the Ibrahim al-Maqadna mosque, on 3 January 2009, in particular the launching of the attack during evening prayers and the assessment of conformity of the attack with the principles of distinction and proportionality.</p> <p>(b) No response received from the Government</p> <p>(c) Observations by the Special Rapporteur</p> <p>165. The Special Rapporteur regrets that she has so far not received a reply from the Government of Israel concerning the above mentioned allegations. She would like to recall that the General Assembly, in its resolution 63/181, urges States “to step</p>	

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	<p>up their efforts to protect and promote freedom of thought, conscience, religion or belief, and to this end, [...] to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected.”</p> <p>166. Furthermore, the Special Rapporteur would like to refer to her report submitted to the 61st session of the Commission on Human Rights (see E.CN.4/2005/61, paras. 49-50), in which it was pointed out that members of religious or belief communities, whenever they find themselves in places of worship, are in a situation of special vulnerability given the nature of their activity. More generally, as mentioned, inter alia, in paragraph 4 of the Human Rights Committee's general comment no. 22, places of worship are an essential element of the manifestation of the right to freedom of religion or belief to the extent that the great majority of religious or belief communities need the existence of a place of worship where their members can manifest their faith. Moreover, attacks or other forms of restriction on places of worship or other religious sites and shrines in many cases violate the right not only of a single individual, but the rights of a group of individuals forming the community that is attached to the place in question.</p>	
<p><b>A/HRC/10/8/Add.2</b> 77. With regard to the protection and preservation of religious sites, the Special Rapporteur recommends that the Government of Israel issue as soon as possible <b>nonselective regulations and designate holy sites on a non-discriminatory basis</b>. The unique spiritual and religious dimension of the holy sites and their importance for believers in the whole world need to be appropriately taken into account. Furthermore, Israeli authorities should avoid delays in issuing visas for clergy or seminarians and should not impose limitations which might unduly hinder their ability to carry out religious activities in an effective manner.</p>	<p><b>CCPR/C/ISR/Q/3</b> <b>List of issues to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), November 2009</b></p> <p>21. In light of article 18, please comment on the recent decision of the Supreme Court that denies legal protection, under the Protection of Holy Sites Law (1967), to holy Muslim sites located in Israel. What measures does the State party envisage to take to ensure equal protection for all holy sites and to ensure peaceful access to Muslim holy sites?</p>	<p><b>CCPR/C/ISR/Q/3/Add.1</b> <b>Replies of the Government of Israel to the List of Issues (CCPR/C/ISR/Q/3/) to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), July 2010</b></p> <p>Reply [to question 21]: Several statutes aim to protect holy sites against physical harm by requiring consent and guidance from the relevant Ministries as a precondition to performing certain actions in or around a holy place, such as excavating (Mines Ordinance, Section 8(1)(a)), draining (Drainage and Protection Against Flooding Law 5718-1958, Section 22(a)), the addition of water and sewage systems (Water Law 5719-1959, Sections 70-71; Local Authorities (Sewage) Law 5722-1962, Section 14), declaring the site a national garden (National Parks and Nature Reserves Law 5723-1963, Sections 4-5), vacating and</p>

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		<p>demolishing houses (Building and Evacuation of Rehabilitation Areas Law 5725-1965, Section 51), and so on. Furthermore, most of the holy places are also considered as antiquities sites, and are thus protected by similar provisions in the Antiquities Law 5738-1978.</p> <p>The Planning and Building Law 5725-1965 stipulates that every plan promoted by the planning institutions must be published and an opportunity for submitting objections together with the right to a hearing must be provided. This includes the opportunity to contend against real estate initiatives concerning religious structures and sites. The planning institutions are obliged to hear the parties who claim that they might be harmed by the implementation of a specific plan. According to Section 100 to the Law, a contention can be also submitted by a public or professional body which was authorized by the Minister of Interior, and since January 2004, the Arab Center for Alternative Planning has been authorized as aforesaid.</p> <p>The Protection of Holy Places Law 5727-1967 does not include any distinction between Jewish holy places and holy places of other religions. Moreover, the Planning and Construction Law also does not distinguish between structures which are used for the needs of the Jewish religion and structures which are used by other religions. Thus, there is no advantage to structures of the Jewish religion in planning initiated by the planning institutions. Note that in cases of a plan which is to be carried out in an area where over 10% of the population is Arab, the plan must be published and approved in Arabic as well.</p> <p>Planning is implemented while considering the allocation of land for public needs, including religious institutions. The allocation is made according to the quotas established in the "Planning Guidebook for Allocating Land for Public Needs" which was adopted in Government Resolution no. 2873 of January 28, 2001, and which determines land allocation quotas, including for religious institutions of the non-Jewish population.</p> <p>On November 21, 2004, 'Adalah' (The Legal Center for Arab Minority Rights in Israel) petitioned the Supreme Court</p>

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		<p>requesting that the Court issue an order compelling the Minister of Religious Affairs to issue regulations for the protection of Muslim holy sites in Israel according to the Law.</p> <p>Following this petition, a committee was established to investigate the condition of Arab holy sites and consolidate a program for their management. This committee had in fact been established in 2000 following a Government Resolution. Based on the work of these committees a program was prepared for the appropriate management, in terms of budget and planning, of the relevant holy sites and a special budget was allocated for the restoration of Arab holy sites, the list of which is being consolidated.</p> <p>On August 16, 2007, the Supreme Court issued an interim order ordering the State to explicate whether the promulgation of regulations to proclaim specific holy sites was necessary for the implementation of the Law and whether other alternative measures existed for that purpose.</p> <p>The State's response, submitted on March 5, 2008, clarified that the promulgation of specific regulations is not necessary in order to execute and implement the provisions of the Law. For this reason, the State refrained from expanding the list of Jewish holy sites stipulated in the regulations, and did not consider it necessary to compile a list of Islamic holy sites through specific regulations. The Law does not define specific holy sites to be protected but rather provides protection to holy sites of all religions, as intended by the legislator.</p> <p>Furthermore, in Cr.A. 3338/99 Damian Pakovitch v. The State of Israel, the Supreme Court held that a declaration, in the form of regulations or any other form, defining a site as a holy site is not a prerequisite for the implementation of the provisions of the Law.</p> <p>The State addressed the main concern in the petition – the maintenance of inactive Muslim religious sites. The State found that the appropriate solution for the concern raised is the maintenance of the said sites and the allocation of a designated budget for that purpose. The State informed the Court that in order to improve the management of the said sites, the responsibility for their maintenance was assigned to</p>

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	<p data-bbox="712 1295 1288 1415"><b>CCPR/C/ISR/Q/3</b>  <b>List of issues to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), November 2009</b></p>	<p data-bbox="1426 215 2103 861">the Israel Land Administration, which manages most of the lands on which the said sites are situated. In addition, a special budget in the amount of 2 million NIS (U.S.\$ 512,820) was allocated to the Israel Land Administration for this purpose. In order to determine the priority of the sites to be tended to, it was decided that a list of sites to be tended to each year should be compiled by government representatives. Accordingly, a list was compiled for the year 2007 and fully executed. Towards the beginning of 2008, the State approached the petitioners requesting their assistance in compiling a new list, yet the petitioners refused to cooperate. Therefore, the new list, consisting of twelve sites which were to be tended to during 2008, was compiled based on the list annexed to the petition. The State concluded by requesting the Court to dismiss the petition, due to the fact that new regulations are not required and the concern raised by the petition is being addressed. Thus, the Supreme Court decided to dismiss the petition, subject to the State's commitment to establish procedures for the management of Muslim holy places (H.C.J 10532/04 Adalah et. Al. v. The Prime Minister et. Al., 9.3.09).</p> <p data-bbox="1426 861 2103 1264">In practice, access to holy places and freedom of worship for members of all faiths is very strictly guarded, with a few exceptions relating to the maintenance of public order or morals. Within the Christian community, there are no holy sites at which freedom of access and worship is restricted by the State. It may be noted that the physical control over some parts of the Church of the Holy Sepulchre, the nearby Deir Sultan chapel, the Tomb of St. Mary and the Church of the Ascension have been the subject of centuries-old internal disputes between different Christian denominations, and give rise to a certain limitation on freedom of access to members of rival denominations; the State, however, has adopted a consistent policy of non-intervention in these disputes. [...]</p> <p data-bbox="1426 1295 2103 1415"><b>Reply [to question 22]:</b>  Please see Israel's response to Question 21 above.  In H.C.J. 7128/96 The Temple Mount Faithful Movement v. The Government of Israel et. Al. (12.3.97): the Court held the</p>



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	<p>22. Please provide information on measures taken by the State party with regard to a recent increase in activities by certain religious groups in connection with the holy sites in the Old City of Jerusalem, with a view to protecting these sites belonging to different religions and faiths in order to guarantee the right to freedom of religion and belief.</p> <p><b>A/65/207</b>  <b>Interim report of the Special Rapporteur on freedom of religion or belief, July 2010</b></p> <p>33. In addition, in specific contexts the preservation and protection of religious sites and access of believers to places of worship may pose major challenges. For example, while legal provisions exist in one State to safeguard and preserve sacred places from desecration, the Government has only issued implementing regulations for holy sites of the State religion. The Special Rapporteur, however, emphasized that there is an urgent need to preserve and protect also the minorities' religious sites, many of which have been made inaccessible or neglected for decades. She recommended that all parties bind themselves legally to protect the rights of religious minorities, paying particular attention to include comprehensive guarantees for equality and non-discrimination on grounds of religion or belief, as well as for the preservation of and peaceful access to all religious sites. [See the Special Rapporteur's report on her mission to Israel and the Occupied Palestinian Territory (A/HRC/10/8/Add.2, paras. 25-39 and 76-77).]</p> <p><b>A/HRC/16/53/Add.1</b>  <b>Allegation letter dated 11 March 2010</b></p> <p>(a) Allegations transmitted to the Government</p> <p>206. The Special Procedures mandate holders brought to the attention of the Government information regarding religious tensions and violent clashes related to religious sites and places of worship in Bethlehem, Hebron and Jerusalem.</p> <p>207. According to the information received, the Prime Minister of Israel, H.E. Mr. Benjamin Netanyahu, announced on 21 February 2010 a plan to rehabilitate and strengthen the national heritage infrastructures of the State of Israel and in this context</p>	<p>following:</p> <p>The Government has decided, following the Six Day War, that the Muslims are permitted to continue and perform prayers in mosques that are located on the Temple Mount as they did in previous years, whereas the Jews, even though their right to the Temple Mount exists and stands historically, are not permitted to currently actualize their right to perform public prayers on the Temple Mount.</p> <p>Access to the Mount exists; yet up to the present day, access is still limited. Jews and other visitors that are not Muslim are permitted to access the Mount and to enter the area that is reserved most days of the year, only during morning and noon hours, when prayers are not being performed in the mosques. The Israeli policy regarding the Temple Mount and other places holy to Islam has not changed in recent years. The Israeli Police does not allow individuals who are not Muslim (Jewish or Christian individuals) to hold any kind of ritual ceremonies on the Temple Mount. Should there be an indication that a group intends to hold such a ceremony, law enforcement authorities prevent such individuals from approaching the Mount, not to mention ascending the Mount and holding the religious ceremony. The enforcement authorities intend to retain and implement this policy in the future. Israel is aware of its responsibility to guarantee religious freedom to members of all religions in Jerusalem, and will continue to act responsibly and tolerantly in maintaining the human-religious-national-urban mosaic which exists in the city.</p> <p>This policy is supported by judicial and legal authorities in Israel. The Israeli Supreme Court, sitting as the High Court of Justice, accepted the State's position, and recently rejected a petition to hold a Jewish religious ceremony on the Temple Mount, and thereby retained the status quo that exists on the Mount.</p> <p>Israel respects the right to freedom of religion and faith of all people in the holy sites in the Old City of Jerusalem. In A.H.H.C.J. 4128/00 (06.04.03), the High Court of Justice ruled that the religious group "Women of the Western Wall" has the right to pray according to their customs near the</p>

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	<p>confirmed his intention to include Rachel's Tomb (on the outskirts of Bethlehem city) and the Cave of the Patriarchs/Ibrahimi Mosque (in Hebron city) in the list of national heritage sites. During the following days and in relation to this decision, violent clashes occurred between dozens of Palestinian youths and Israeli forces at various locations in Hebron and in other cities.</p> <p>208. On 22 February 2010, the United Nations Special Coordinator for the Middle East Peace Process, Mr. Robert H. Serry, indicated in a statement that the two holy sites in Bethlehem and Hebron were located in occupied Palestinian territory and were of historical and religious significance not only to Judaism but also to Islam and to Christianity. Mr. Serry urged Israel not to take any steps on the ground which could undermine trust or prejudice peace negotiations. On 25 February 2010, the Director-General of UNESCO, Ms. Irina Bokova, also expressed her concern at the announcement by the Israeli Prime Minister to include the two sites in Bethlehem and Hebron in the Israeli list of National Heritage sites and at the resulting escalation of tension in the area.</p> <p>209. In a statement of 25 February 2010, the Israeli Prime Minister emphasized that the Government of Israel would not harm freedom of worship for Muslims, just as the Government of Israel would preserve freedom of worship for Jews.</p> <p>210. On 28 February 2010, Israeli police forces entered the al-Haram al-Sharif/Temple Mount compound in Jerusalem and dispersed a crowd of Palestinian youths who had reportedly thrown stones at visitors. On the same day, the Israeli police forces banned Muslim men under the age of 50 years from the site, however, women and non-Muslims could continue visiting the al-Haram al-Sharif/Temple Mount compound. On 5 March 2010, Israeli police and Palestinian youths reportedly clashed again at the al-Haram al-Sharif/Temple Mount compound, resulting in several injuries on both sides.</p> <p>211. Furthermore, with the authorization and support by Israeli State authorities, the ongoing construction of a museum on a portion of the Ma'man Allah (Mamilla) cemetery in Jerusalem reportedly involves the excavation or exposure of hundreds of graves of this cemetery which has been a Muslim burial ground</p>	<p>Western Wall in the Old City of Jerusalem. Since their customs do not accord with the customs recognized in the Regulations for Protection of Holy Places 5741-1981 and may offend the congregation of worshippers of the place, the Court ordered the State to make appropriate arrangements to enable the group to pray at "Robinsons Arch," an area of the Western Wall separate from the main prayer area. Following the ruling, the State constructed a prayer plaza near Robinsons Arch which serves the "Women of the Western Wall" as well as additional Jewish denominations.</p>

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	<p>for more than 1000 years. Concerns have been expressed that the decision to remove and reinter Muslim remains was apparently taken without consulting the relevant Muslim religious authorities or the family members of those interred in Ma'man Allah (Mamilla) cemetery.</p> <p>212. The Special Rapporteurs asked the Government of Israel to provide information about the current status of the inclusion of Rachel's Tomb and the Cave of the Patriarchs/Ibrahimi Mosque in the list of Israeli national heritage sites, including about any consultations the Government had with interested parties and religious communities in this regard. The Special Rapporteurs also requested to be provided with a list of the places which have been designated by the Government of Israel as holy sites so far and with a copy of the text of regulations implementing the 1967 Protection of Holy Sites Law. Furthermore, the Special Rapporteurs asked what measures the Government of Israel has already implemented or envisages implementing in order to ensure that excavations and construction works on Ma'man Allah (Mamilla) cemetery in Jerusalem respect and protect cultural heritage and cultural property as well as freedom of religion or belief.</p> <p>(b) No response received from the Government</p> <p>(c) Observations by the Special Rapporteur</p> <p>213. The Special Rapporteur regrets that he has so far not received a reply from the Government of Israel concerning the above mentioned allegations. He would like to appeal to the Government of Israel to ensure the right to freedom of religion or belief in accordance with articles 18 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights. This right includes freedom to manifest one's religion or belief in teaching, practice, worship and observance, either alone or in community with others and in public or private. In addition, he would like to refer to international humanitarian law, which also protects the freedom to practice one's religion through religious observances, services and rites. With regard to territories of the parties to the conflict and to occupied territories, article 27 of the Fourth Geneva Convention provides that the protected persons are entitled, in all circumstances, to respect for "their religious</p>	

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	<p>convictions, and practices and their manners and customs". They must be able to practice their religion freely, without any restrictions other than those necessary for the maintenance of public law and morals.</p> <p>214. The General Assembly, in its resolution 55/254, calls upon all States to exert their utmost efforts to ensure that religious sites are fully respected and protected in conformity with international standards and in accordance with their national legislation. In the same resolution, the General Assembly encourages all States, relevant intergovernmental and non-governmental organizations and the media to promote, inter alia, through education, a culture of tolerance and respect for the diversity of religions and for religious sites, which represent an important aspect of the collective heritage of humankind.</p> <p>215. He would also like to refer to the observations concerning places of worship and related recommendations in his predecessor's report, who visited Israel and the occupied Palestinian territory in January 2008 (see A/HRC/10/8/Add.2, paras. 25-39 and 76). One of the recommendations to the Government of Israel, with regard to the protection and preservation of religious sites, was to issue as soon as possible non-selective regulations and designate holy sites on a non-discriminatory basis (see A/HRC/10/8/Add.2, para. 77). It was emphasized that the unique spiritual and religious dimension of the holy sites and their importance for believers in the whole world needed to be appropriately taken into account.</p> <p><b>CCPR/C/ISR/CO/3</b>  <b>Concluding observations of the Human Rights Committee, September 2010</b></p> <p>20. While noting the State party's argument regarding security concerns, the Committee is nevertheless concerned at frequent disproportionate restrictions on access to places of worship for non-Jews. It further notes with concern that the regulations containing a list of holy sites only include Jewish holy places (arts. 12, 18 and 26).</p> <p style="padding-left: 40px;">The State party should increase its efforts to protect the rights of religious minorities and ensure equal and non-discriminatory access to places of worship.</p>	

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	Furthermore, the State party should pursue its plan also to include holy sites of religious minorities in its list.	
<p><b>A/HRC/10/8/Add.2</b> 78. The relevant authorities in Israel and the Occupied Palestinian Territory should consider discontinuing the <b>indication of the religious affiliation</b> on those official identity cards where this is still the case. In the meantime, the authorities should provide the possibility to indicate “other religion” or “no religion” on identity cards as well as the possibility not to divulge the religious beliefs of the cardholder at all in the application process.</p>	<p><b>A/63/161</b> <b>Interim report of the Special Rapporteur on freedom of religion or belief, July 2008</b> 32. Several States require that religious affiliation be specified on identity cards, passports and/or the application forms for either. In some cases there is a choice between only two [A/HRC/8/18, para. 31 (on the Occupied Palestinian Territory, including East Jerusalem): “The West Bank and Gaza identity cards indicate whether the cardholder is Muslim or Christian, with no possible alternatives. The identity cards of those who are not believers, for example, indicate that they have the same religion as their parents; in contrast, cards of Jerusalem residents and Israeli citizens do not contain information about religion.”] or three officially recognized religions, without the option to refrain from indicating one’s religion or to declare that one is an atheist or non-theist.</p>	
<p><b>A/HRC/10/8/Add.2</b> 79. Staff members of the police and military forces should be provided with <b>adequate training</b> in order to raise their awareness of multiple forms of discrimination based on grounds such as religion, race or ethnic origin and to enhance sensitivity about their duty to promote and respect international human rights standards, including freedom of religion or belief.</p>	<p><b>CCPR/C/ISR/Q/3</b> <b>List of issues to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), November 2009</b> 5. Please provide detailed information on training programmes provided to civil servants, members of the police and military forces to raise their awareness of forms of discrimination based on the grounds of religion or ethnic origin, and about their duty to promote and respect the rights protected by the Covenant, in particular freedom of religion.</p>	<p><b>CCPR/C/ISR/Q/3/Add.1</b> <b>Replies of the Government of Israel to the List of Issues (CCPR/C/ISR/Q/3/) to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), July 2010</b></p> <p>Reply [to question 5]: <b>The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice</b> The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice has conducted many seminars, courses, and vocational training, intended to raise the awareness of attorneys and legal advisors with respect to human rights issues and in particular regarding the elimination of discrimination based on any grounds, including religion or ethnic origin, which seminars were attended by hundreds of attorneys and legal advisers. The following are several examples of training seminars which were focused upon issues of human rights and the elimination of discrimination: religion and state (December 2000, April</p>

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		<p>2003), the impact of international law on criminal law (February 2005), the individual in international law (February 2007), terrorism and human rights (May 2007) enforcement of international law (February 2009), human rights in international law (September 2009), freedom of speech versus incitement (December 2009) and various lectures regarding Jerusalem and the holy sites etc.</p> <p><b>The Institute of Advanced Judicial Studies</b>  The Institute holds lectures, seminars and courses for judges of all instances on different human rights related issues, including the various forms of discrimination. In 2005 for example, the Institute held a course entitled, "Equality and Discrimination," chaired by Professor Daphna Barak-Erez. The course is scheduled to be conducted again in December 2010. In May 2009, the Institute held a four-day seminar entitled: "Israeli-Arabs – Culture and Customs." In addition, various forms of discrimination and the need to eliminate it have also been discussed in seminars presented by the Institute regarding other issues such as trafficking in persons etc.</p> <p>In 2009-2010, two seminars for judges were held in Israel by the European TAIEX (Technical Assistance Information Exchange Instrument). In March 2009, 50 judges participated in a seminar on "General Principals of European Union Law, Procedures before the European Court of Justice and the Role of National Courts in the Enforcement of Community Law." The seminar included lectures on European Community Law and the European Convention on Human Rights, the protection of fundamental freedoms and additional human rights issues.</p> <p>The second seminar, on "Substantive EU Law," was held in February 2010, with the participation of 27 judges. Inter alia, the seminar included lectures on EU asylum and migration law, human rights in the EU, the status and rights of labour migrants under Israeli labour law, freedom of movement, and individual and collective minorities' rights under Israeli and EU law.</p> <p><b>Israeli Police</b>  As mentioned in Israel's Periodic Report, the Israeli Police</p>

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		<p>attaches great importance to educating those serving in its ranks regarding the need to defend and promote the rights protected by the Covenant and to raise their awareness of all forms of discrimination and the elimination thereof. The Police regularly hold educational activities for police officers in order to raise awareness of the social complicity and religious and cultural diversity in Israel and its effects on police work. The activities afford the Police knowledge and understanding of, inter alia, the characteristics of minority populations in Israel, including Arabs, and provide tools for the provision of professional, sensitive Police work among these populations. The concept of "equal and suitable service in a multi-cultural society" was established as the annual education target for 2007.</p> <p><b>Israel Defence Force (IDF)</b></p> <p>IDF Soldiers of all ranks and levels in the IDF receive training and guidance on issues related to the Law of Armed Conflict. The training is provided mainly by the IDF School of Military Law. In two of the various training programs a significant emphasis is given to International Human Rights Law and particularly to the elimination of all forms of discrimination and the right to freedom of religion:</p> <p>Training concerning IDF activities within Israel's territory: this training focuses, inter alia, on the principles of constitutional and administrative law in Israel and the IDF's obligation to adhere to the basic norms of Israeli law emanating from the Basic Law: Human Dignity and Liberty and Basic Law: Israel Defence Force, Israeli administrative law, and other laws and army regulations that concern the IDF's authority and the rights of the individuals that IDF soldiers encounter during routine and emergency operations.</p> <p>Training for company commanders and soldiers of the Checkpoints Unit within the Military Police Corps, in charge of security checks conducted at the West Bank checkpoints: This training address, inter alia, the issue of freedom of religion and religious rights, as part of the duty to respect human dignity, protect human life, body and liberty of all persons. The training also includes discussions and simulations.</p>

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<p><b>A/HRC/10/8/Add.2</b> 80. The Special Rapporteur recommends that the freedom of religion or belief receive more emphasis in the training of personnel of detention facilities and that the <b>Standard Minimum Rules for the Treatment of Prisoners</b>, especially rules 41 and 42, be applied to every prisoner, regardless of his or her religion or belief.</p>		<p><b>CCPR/C/ISR/Q/3/Add.1</b> <b>Replies of the Government of Israel to the List of Issues (CCPR/C/ISR/Q/3/) to be taken up in connection with the consideration of the third periodic report of Israel (CCPR/C/ISR/3), July 2010</b></p> <p>Reply [to question 17]: [...] Inmates are allowed to uphold their religious duties under the security limitations of the prison, including celebrating holidays, holding group prayers and sermons. A security related inmate may also receive visits from authorized clergy, upon approval of the IPS Commissioner.</p>
<p><b>A/HRC/10/8/Add.2</b> 81. Concerning the allocation of <b>public funding for religious bodies</b>, the Special Rapporteur recommends that regulations and criteria for funding be published and applied to all religious groups on an equal and equitable basis.</p>		
<p><b>A/HRC/10/8/Add.2</b> 82. Since the application of religious law to determine <b>matters of personal status</b> and the absence of provision for civil marriage effectively denies a large number of persons the right to marry in Israel, the Government of Israel should consider introducing legal provisions which allow for civil marriages in Israel. Similar concerns with regard to matters of personal status apply to the Occupied Palestinian Territory.</p>	<p><b>A/HRC/10/29</b> <b>Report of the Human Rights Council on its tenth session, November 2009</b> 481. The Women's International Zionist Organization [...] urged Israel to provide for civil marriage and divorce. It said more than 300,000 Israeli citizens with no religious affiliation could not marry in Israel. The introduction of civil marriage would provide them with one of the most basic civil rights. It would also introduce an egalitarian divorce law, replacing the existing discriminatory religious laws that currently held exclusive jurisdiction over marriage and divorce in Israel.</p>	
<p><b>A/HRC/10/8/Add.2</b> 83. Concerning the Government of Israel's <b>reservations</b> on the appointment of female judges of religious courts and concerning religious laws on personal status matters, the Special Rapporteur would like to reiterate the recommendation by the Committee on the Elimination of Discrimination Against Women, which urged the State of Israel to consider withdrawing its reservations to articles 7 (b) and 16 because these were contrary</p>	<p><b>A/HRC/10/76</b> <b>Report of the Working Group on the Universal Periodic Review, Israel, January 2009</b> 100. In the course of the discussion, the following recommendations were made to Israel to: [...] 8. Increase efforts to implement the recommendations of treaty bodies and to use the ongoing negotiations on a new constitution to include general non-discrimination provisions for all Israeli citizens (Austria); follow-up the recommendations made by the Committee on the Elimination of Racial Discrimination, the</p>	



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<p>to the object and purpose of the Convention on the Elimination of Discrimination Against Women.</p>	<p>Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the special procedures that visited in September 2006, in the areas of equality and non-discrimination, paying particular attention to women and ethnic, national and religious minorities, the elimination of any distinction, exclusion or preferential treatment among groups of population in all the territories under State jurisdiction, particularly in the areas of access to justice, employment, education, health services, property rights, housing rights, family reunification, freedom of expression, belief and religion (Mexico);</p> <p><b>A/HRC/10/29</b>  <b>Report of the Human Rights Council on its tenth session, November 2009</b>  481. The Women's International Zionist Organization, while noting the steps taken to promote human and women's rights, stated that barriers remained to the full realization of human and civil rights. It noted the establishment of the Commission on Equal Employment Opportunities and the Commission of Equal Rights for Persons with Disabilities, and that the commissions ensured active participation of non-governmental organizations. It called upon Israel to continue in this positive direction and to remove or narrow down its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, particularly on equality in public representation and on gender equality in family life. It noted as unjustified the reservation to article 16 and urged Israel to provide for civil marriage and divorce. [...]</p>	
<p><b>A/HRC/10/8/Add.2</b>  84. Both in the State of Israel and in the Occupied Palestinian Territory, any <b>advocacy of religious hatred</b> that constitutes incitement to discrimination, hostility or violence should be effectively investigated, prosecuted and punished. Similarly, any related <b>violent acts</b> should be investigated in a prompt, transparent and independent manner, the perpetrators should be prosecuted and sentenced, and avenues for redress</p>	<p><b>A/HRC/WG.6/3/ISR/2</b>  <b>Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, September 2008</b>  21. In 2007, CERD expressed concern about the adoption of a restrained policy in relation to prosecution against public figures for hate speech against the Arab minority. In 2003, the HR Committee called on the State to investigate public pronouncements by Israeli personalities in relation to Arabs, which may constitute advocacy of racial and religious hatred.</p>	

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<p>and protection should be offered to the victims.</p>	<p>CERD was concerned about information according to which complaints filed by Arab Israeli citizens against law enforcement officers were not properly investigated. It also recommended increasing efforts to protect Palestinians against violence perpetrated by Jewish settlers, to ensure that such incidents are investigated, and that avenues for redress are offered to victims.</p> <p><b>CAT/C/ISR/CO/4</b>  <b>Concluding observations of the Committee against Torture: Israel, June 2009</b>  <b>Settler violence</b></p> <p>32. The Committee notes with interest the State party's acknowledgement that "Israel has full jurisdiction" over cases of settler violence in the West Bank against Palestinians. It appreciates the statistics provided regarding the criminal enforcement of such matters as disorderly conduct, land disputes, and the overall increase in law enforcement involving Israelis, including investigations and indictments as well as administrative measures limiting movement of Israeli settlers who may endanger the lives and security of Palestinians. While appreciating that a special inter-ministerial committee has been created to address these cases, and to coordinate among the IDF, the Police, the State Attorney's Office, and the ISA, the Committee expresses concern about such violence, especially its rising number.</p> <p style="padding-left: 40px;">Any allegation of ill-treatment by Israeli settlers, like others under the State party's jurisdiction, should be promptly and impartially investigated, those responsible be prosecuted and, if found guilty, appropriately punished.</p> <p>[...]</p> <p><b>Allegations of torture and ill-treatment by Palestinian forces</b></p> <p>34. According to reports before the Committee, both Hamas security forces in Gaza and Fatah authorities in the West Bank have carried out arbitrary arrests, abductions and unlawful detentions of political opponents, denied them access to a lawyer and subjected detainees to acts of torture and ill-treatment. Reportedly, those detained have been denied, inter</p>	

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	<p>alia, basic due process rights and the right to prompt and effective investigations. Additionally, an increase in such incidents, including deliberate maiming, as well as extrajudicial killings, was reported to have been conducted by Hamas forces in Gaza, allegedly against Fatah security services officials or persons suspected of collaboration with Israeli forces, during and after Operation Cast Lead.</p> <p>The Palestinian authorities in the West Bank should take immediate measures to investigate, prosecute and appropriately punish persons under their jurisdiction responsible for these abuses; additionally, Hamas authorities in the Gaza Strip should take immediate steps to end its campaign of abductions, deliberate and unlawful killings, torture, and unlawful detentions, and to punish those responsible. The creation of an independent, impartial and non-partisan commission of experts to investigate these abuses should receive attention as a matter of priority.</p>	
<p><b>A/HRC/10/8/Add.2</b></p> <p>85. In terms of <b>prevention activities</b>, the Special Rapporteur encourages the Government of Israel and the Palestinian Authority to promote the principles, objectives and recommendations of the Madrid Final Document. One possible example could be support for, and funding of, voluntary school exchange programmes between pupils and teachers from Israel and the Occupied Palestinian Territory. In addition, concrete initiatives of inter-religious and intra-religious dialogue, especially at the grass-roots level, should be fostered and encouraged in order to bridge the divides along religious lines.</p>	<p><b>CRC/C/OPAC/ISR/CO/1</b></p> <p><b>Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Concluding observations: Israel, March 2010</b></p> <p>22. The Committee is concerned that the curricula of programmes that combine military service with Talmudic studies (<i>hesder yeshivas</i>), such as programmes that explicitly encourage students to volunteer for recruitment and seek active combat duty, are contrary to the aims of education and human rights values enshrined in article 29 of the Convention.</p> <p>23. The Committee recommends that any military education should take into account human rights values and article 29 of the Convention, and that the educational content of such programmes should be periodically monitored by the Ministry of Education. Furthermore, the Committee recommends that the State party ensure that all students, including those undertaking military and religious studies, have access to an independent complaints mechanism.</p>	

17 February 2011