

Universal Periodic Review (43rd session)

Contribution of UNESCO

Israel

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratification on 22 September 1961	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Accession on 6 October 1999			Right to take part in cultural life

While being a State Party to the Convention Against Discrimination in Education as well as to the Convention concerning the Protection of the World Cultural and Natural Heritage, Israel seized to be a Member State of UNESCO since 31 December 2018, therefore the information directly available to UNESCO is limited.

II. Promotion and protection of human rights on the ground

A. Education

1. Israel's constitutional framework is made up of Basic Laws¹ but none of them explicitly guarantees the right to education. The right to education is guaranteed for children and adolescent in the pupil rights law and education is compulsory and free for 12 years according to the compulsory education law. Pre-primary education is also

¹ <https://main.knesset.gov.il/EN/activity/Pages/BasicLaws.aspx>

free and compulsory for three years.²

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

2. As Israel has no formal written constitution, a series of basic laws³ (1958) govern the formation and role of state institutions as well as their relations and the civil rights of its citizens. The Supreme Court of Justice's jurisprudence is thus a key element in upholding the right to freedom of expression. There is no explicit commitment to guaranteeing freedom of the press in the basic laws. The Supreme Court, through its rulings, has filled this space by affirming that freedom of expression is a guaranteed right in the State of Israel⁴.
3. The Freedom of Information Law⁵ of 1998 (5758-1998) allows every Israeli citizen and resident to access records that are held by public authorities, such as government offices, local councils and government-owned firms, among others.
4. Defamation is classified as a criminal offense under the 1965 Defamation (Prohibition) Law.⁶ The Law defines defamation in Article 1 and establishes two legal avenues for dealing with defamation. In accordance with Criminal Law, Section 6 of the 1965 Defamation (Prohibition) Law provides for a sentence of up to one year imprisonment for those who publish defamation with intent to harm two or more persons. In accordance with Civil Law, Section 7 of the Act states that defamation is a civil offense that may be prosecuted under tort law, providing for compensation of up to 50,000 NIS without proof of damage.
5. Under Chapter eight of the Israeli Penal Law (5737-1977)⁷ "Offenses against the political and social order", Article 1A: "Racism", paragraphs 144B and 144D2, the publication of materials to incite racism, as well as any calls to commit an act of violence or terror is subject to five years imprisonment. Moreover, under the same Article, paragraph 144D3, the possession of a publication that incites violence or

² See <https://en.unesco.org/education/girls-women-rights/84>

³ https://www.constituteproject.org/constitution/Israel_2013?lang=en

⁴ <https://www.ohchr.org/sites/default/files/Documents/Issues/Expression/disinformation/1-States/Israel.pdf>

⁵ http://www.wipo.int/wipolex/en/text.jsp?file_id=346740

⁶ <https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawPrimary.aspx?l=lawlaws&st=lawlaws&lawitemid=2000089> (available only in Hebrew)

⁷ <https://www.oecd.org/investment/anti-bribery/anti-briberyconvention/43289694.pdf>

terror is punishable with one year of imprisonment. Under Article 5: “Offenses against a Foreign State, paragraph 166, any person who incites hostile acts against the Government of a friendly state is liable to three years imprisonment. Under Article 7: “Offenses against Religious Sentiment and Tradition”, paragraph 173, a person who publicly outrages the religious feelings or beliefs of another person is liable to one year imprisonment.

Implementation of the law:

6. Three regulatory bodies supervise audiovisual media. In July 2014, Israel’s parliament passed the Public Broadcasting Law (5774-2014)⁸, which establishes the Public Broadcasting Corporation⁹. The body replaces the Broadcasting Authority that was established under the Broadcasting Authority Law, 5725-1965.¹⁰ The Public Broadcasting Corporation’s Council is composed of 12 members, appointed by the Minister of Communications. The Second Authority for Television and Radio¹¹, established by the Second Television and Radio Authority Law 5750-1990¹², supervises commercial television and radio broadcasts through its Council, which is composed of 15 members, appointed by the government according to the proposal of the Minister of Communications, for a four-year term.
7. The Council for Cable and Satellite Broadcasting¹³, established under the Telecommunications and Broadcasting Law of 1982¹⁴, oversees the multi-channel public TV. The Council consists of 13 members. Each member’s term of office is 4 years with an option of re-elections. The Council consists of six State representatives, of which one member is recommended by the Minister of Justice, one member is recommended by the Minister of Finance, one member is recommended by the Minister of Education and Culture and three members are recommended by the Minister of Communications, including the President. In addition, the Council is also composed of seven public representatives of which two members are recommended by the Union of Local Authorities, two members representing consumers, two

⁸ http://www.wipo.int/wipolex/en/text.jsp?file_id=379986

⁹ <https://www.kan.org.il>

¹⁰ <https://wipolex.wipo.int/en/legislation/details/15169>

¹¹ <https://m.rashut2.org.il>

¹² https://main.knesset.gov.il/EN/about/history/Documents/kns12_channel2_eng.pdf

¹³ <https://www.gov.il/en/Departments/Units/moatsa#:~:text=The%20Cable%20and%20Satellite%20Broadcasting,Channel%20and%20the%20Knesset%20Channel.>

¹⁴ <https://wipolex.wipo.int/en/text/341443>

members representing educational and cultural unions, and one member representing the artists and creators in Israel.

Safety of journalists:

8. As of 5 August 2022, UNESCO has not reported any killing of journalists in Israel since 2006, when systematic reporting by the Organization began.¹⁵

III. Review and specific recommendations

A. Education

9. Most of the recommendations made during the last UPR cycle in relation to education referred to measures supporting equal access, including for minorities (118.48, 118.49, 118.127, 118.229). A program called “a class for every child” was launched in the academic year starting in 2018 to strengthen education in the North.¹⁶ Early 2022, the government also announced an administrative flexibility program with a pilot phase starting in January 2023, a flexible budget will be allocated to schools which will be given according to the socio-economic situation of the school and its size.¹⁷
10. There was also one recommendation regarding improving the access of the Bedouin citizens to education (118.32). At the end of 2017, the government has presented a five-year plan to strengthen the education system in the Bedouin society in the south.¹⁸ Recently, the government also approved a five year plan for the social and economic development of the Bedouin society, including education.¹⁹

Specific recommendations:

11. Israel should be encouraged to:

¹⁵ <https://en.unesco.org/themes/safety-journalists/observatory/country/302864>

¹⁶ <https://edu.gov.il/heb/programs/general-programs/Pages/course-for-each-child.aspx>

¹⁷ <https://edu.gov.il/heb/programs/general-programs/Pages/gefen.aspx>

¹⁸ <https://edu.gov.il/heb/programs/general-programs/Pages/make-it-stronger.aspx>

¹⁹ <https://www.gov.il/he/departments/news/molsa-news-bedouin-society-13062022>

- Take further steps towards improving equitable access to education and to adopt additional measures directed at fostering education opportunities for disadvantaged and marginalized groups.

B. Freedom of opinion and expression

12. Israel is recommended to fully decriminalize defamation and place it within a civil code that is in accordance with international standards.
13. Israel is recommended to strengthen the independence of broadcast licensing in line with international standards.

C. Freedom of scientific research and the right to benefit from scientific progress and its applications

14. Israel did not submit a National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Israel is encouraged to share data on national policy and practice and expand input on issues covered by the 2017 Recommendation in its national report to the UPR, particularly in relation to the right to share in scientific advancement and its benefits (article 27, Universal Declaration of Human Rights). This will allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Israel is urged to consider addressing issues of equality and non-discrimination in access to education, as well as to scientific benefits and their applications, and to include reference to the relevant dimensions of the right to share in scientific advancement and its benefits in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto. Finally, Israel is invited to expand the scope of application of freedom of expression to include scientists and scientific researchers.