

1. Who is "human" in the concept of modern human rights?

I'm assuming this question refers to the positive law in Israel. For most purposes, a human is any individual present in the jurisdiction (there is an open question about the status of Palestinians in the Occupied Territories and whether they enjoy Israeli constitutional protections in addition to the protections of international law. Corporations are also considered human for some purposes (e.g. the right to property), though not necessarily for others (the right to dignity).

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

Constitutional rights trump non-constitutional rights. When a right that is non-constitutional is identified, it is often balanced against countervailing interests, if there is no superseding law.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

Domestic law is superior to international law, unless it is a treaty that has been incorporated into domestic law. Most of the human rights documents are included, in substance, in Israel's basic laws and various statutes.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

Yes. Israel has very lax standing and justiciability requirements.

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

Israel's basic laws don't explicitly protect social and economic rights, freedom of speech, freedom of association, and freedom of religion. They are all derived from the constitutional right to dignity, which means partial protection.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

There is de facto discrimination against Israeli Arabs despite a constitutional guarantee of equality. The new Basic Law Nation State emphasizes the Jewish element of the state, to the detriment of minorities. In many respects women also suffer discrimination due to the non-separation of state and religion, and in the workplace. Socio-economic disparities also prevent full equality.

7. Are there any social realities contradicting international human rights concept based on individualism?

Unclear.

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

The main mechanism is judicial review, by a petition to the Supreme Court. Efficaciousness depends on the particular circumstances.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

The two largest groups are Jews and Arabs, some of whom identify as Palestinian Israelis. Israel is a Jewish state, meaning that the collective rights are constitutionally protected. Arabs enjoy civil and political rights, but very limited group rights.

10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

There is no legal or accepted definition of minority. On the whole the system does not hinge on the status of minority to be accorded individual rights. Minority status is taken into account in cases dealing with equality. It is doubtful that only constitutional protection (or broader protection) will solve all the tensions between Jews and Arabs in Israel, or the tensions between seculars and religious Jews.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

I'm not an expert in international law so prefer not to answer this question.

12. What you think is the most current human rights problem in your country?

The ongoing occupation of the Palestinian Territories and the persisting military regime in that area.