

المؤسسة العربية لحقوق الانسان
Arab Association for Human Rights

Dear members of the Human Rights Council,

The Arab Association for Human Rights (HRA) was founded in 1988 by lawyers and community activists. HRA is an independent, grassroots, non-governmental organization working to promote and protect the political, civil, economic and cultural rights of the Palestinian Arab minority in Israel from an international human rights perspective.

This contribution to Israel's UPR session will cover four issues: family unification, the Naqab, discriminatory legislation and education.

1) The Naqab

In June 2013, the Knesset approved the **Memorandum of Law for Regulation for the Settlement of the Bedouin in the Negev** or "The Praver Plan". The legislation dictates the forced relocation of 70,000 Bedouin from their lands and a resettlement of them in government approved areas. 35 "unrecognized" villages are subject to demolition under the constraints of the law, many of which have been populated even before the foundation of Israel. Several critics of the "Praver Plan" denounce it as a project of "ethnic cleansing"; regardless of terminology, this relocation of Bedouins in the Naqab would constitute the largest act of forced displacement and dispossession of their historical lands in Israel since the 1950s.

In the 2008 UPR, there was an appeal from Canada to the rights of Bedouin in the Naqab and their lack of basic services. That recommendation was incorporated into the UPR but with the Praver Plan in place, it has compounded the pre-existing state of discrimination. Since the Praver Plan was approved the government has announced plans to build military centers and establish new Jewish settlements in the Arab Bedouin historical lands.

Both the UN Committee on the Elimination for Racial Discrimination and the European Parliament have made public statements calling on Israel to withdraw the Praver Plan and its policies of displacement, eviction, and dispossession.¹ Despite the strong disapproval from the international community, human rights groups and Palestinian Arab minority, the Israeli government has not repealed the Praver Plan nor stopped its demolition operations. The village called Al-Araqib has been destroyed by now 53 times, last occasion took place just recently, in the beginning of August

The HRA recommends the repeal of this legislation and for Israel to uphold its stated respect for the universally recognized human right to property, the right to adequate housing, and freedom of movement.

2) Family Unification

In July 2013 the Knesset extended the "**Citizenship and Entry into Israel Law**" which was upheld in 2003. Though it was submitted as a temporary order, it has lasted for 10 years. This law ensures that Palestinian citizens of Israel cannot obtain citizenship for the person they choose to marry if that person is from the West Bank, Gaza, or from the "enemy states"



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(Syria, Lebanon, Iraq, Iran). The Vatican recommended in 2008 that this law be reviewed by the UPR, but “no response” has been listed.² The HRA only seeks to reaffirm that this situation is ongoing and the law is still violating the basic human right, right to family.

The HRA recently published a report on this issue.³ In it we told the story of several families who have been torn apart by this law. One family was divided after the father was deported to the West Bank. They live a fractured life, where children are growing up without their father. Separated by the expensive and cumbersome process of applying for a travel permit. Their home is in the Naqab yet the only place they can be together is in the West Bank. That family’s story is similar to the 3,156 other families who are living in constant uncertainty and grief.

With the “Citizenship and Entry into Israel Law” the Israeli government divides Palestinian families and denies people their basic human rights. The HRA calls for the Council to keep this item in the UPR process because it is necessary that it be repealed.

3) Discriminatory Legislation

In January of 2012 the High Court upheld the **Budget Foundations Law** (commonly known as the “**Nakba Law**”). This law, passed by the Knesset in 2011, authorizes the Finance Ministry to reduce or eliminate funding to any institution or individual that organizes any activity that challenges Israel’s definition as a “Jewish and Democratic” state, including the recognition and commemoration of the *Nakba*, or “Catastrophe”. This law has been opposed almost universally by UN Human Rights bodies, the European Union and various NGOs due to its lack of respect for the Palestinian minority’s right to a nationality and their right to free assembly.⁴

In 2010, the **National Service Bill** was proposed in the Knesset. This bill would allot a variety of monetary and social benefits to veterans of the army and those who have performed national service. A couple examples include the subsidy of a first years’ tuition for veterans from public funds and state assistance for veterans in finding and paying for a first home. This law proposes to link citizenship rights to those residents of Israel who have “demonstrated loyalty to the state”; but, with the Arab exemption, it actively discriminates against the Palestinian minority. These basic human rights to a home and an education are triaged with ethnicity dictating priorities. This is a violation of basic human rights and the law should be repealed.

The **Law to Amend the Cooperative Societies Ordinance** was enacted in June 2011. It legalized the existence and authority of “Admission Committees” in 475 communities throughout Israel. These committees have the power to reject potential residents on grounds of “civil suitability”. However, on each of the five-person committees a representative from either the Jewish Agency or the World Zionist Fund must sit. These pseudo-governmental agencies have the specific purview of promoting a “Zionist Vision”. Therefore, broad swaths of the population, namely Palestinian citizens, can be eliminated from consideration⁵ on grounds of ethnic unsuitability.⁵



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In July 2011, the **Law for Prevention of Damage to the State of Israel through Boycott** was passed. The “Anti-Boycott Law” is designed to prohibit the promotion of boycott against institutions in Israel or the Occupied Territories. Additionally, any business or organization that publicly boycotts OPT products or services is subject to cancellation of their public funding. The law drastically restricts Israeli citizens’ rights to freedom of expression and their right to express non-violent political opposition.⁶

The HRA would like to bring these pieces of discriminatory legislation to the attention of the UPR committee and add our voices to the many who call for the immediate repeal of each of them.

4) Education

Article 2 of 1953’s “State Education Law” states that the purpose of education is to preserve the Jewish nature of the state by teaching its history, culture and language. Though there is a stipulation which acknowledges the needs of the Palestinian minority, it is not being satisfactorily implemented. Besides the curriculum differences, public investment in Arab schools equals NIS 534 per student per year and NIS 1,779 per Jewish student per year.⁷

Palestinian children are obliged to learn Hebrew in primary school and are then forced to have Hebrew as the primary language of instruction in university because there is still no university in Israel that teaches in Arabic. Additionally, Arab employees make up only 6.2% of the Ministry of Education. The discrepancy in funding and the institutional imbalance both contribute to Jewish youth attaining consistently higher test scores than their Arab counterparts.

The HRA calls on Israel to create a curriculum respectful of the nationality of all its citizens and to allocate equal fund to Arab and Jewish schools.

Conclusion

A poll taken in September of 2012 at the Dialog Polling Center in Tel Aviv surveyed the public opinion of Jewish Israelis with regards to the Occupied Territories, the Palestinian minority in Israel, and apartheid. For example, 42% of Jewish Israelis do not want an Arab child learning in the same classroom as their own child, 33% favor legally blocking Palestinian citizens from voting in the Knesset, 59% favor preference for Jews in government hiring, and 42% do not want an Arab family as a neighbor.

The racism in Israeli society is not just legal and institutional; it has become part of the public culture. That systematic prejudice alone will continue to cause conflicts between the majority and the minority. That is why it is so important for the UPR to take into account these recommendations.

Mohammad Zeidan

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1 From the UN CERD's 18th session:

"The Committee is concerned about the policy of demolitions, notably of homes and other structures, and the increasing difficulties faced by members of these communities in gaining access on a basis of equality with Jewish inhabitants to land, housing, education, employment and public health. The Committee recommends that the State party the loss of their land and access to new land. **In this regard, the State party should withdraw the 2012 discriminatory proposed Law for the Regulation of the Bedouin Settlement in the Negev.**"

From the Euro-Mediterranean Human Rights Network (EMHRN) on the Praver Plan:

EMHRN condemns the approval of the discriminatory Praver-Begin Bill, which passed its first reading by a vote of 43 to 40 in the Israeli parliament (Knesset) on Monday 24 June 2013. **EMHRN urges the EU leaders to immediately, strongly and publicly take a tough stance against this plan.**

"Arab Bedouin communities, threatened by Israeli policies undermining their livelihoods and including forced transfer, are a particularly vulnerable population both in the occupied Palestinian Territory and in the Negev."

"The European Parliament Calls for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities, and condemns any violations; it calls also, in this context, for the withdrawal of the Praver Plan by the Israeli Government."

The European Coordination Committee for Palestine condemns the approval of the discriminatory Praver-Begin Bill, which passed its first reading in the Israeli parliament (Knesset) on Monday 24 June 2013.

<http://www.euromedrights.org/eng/2013/07/02/discriminatory-bill-to-evict-tens-of-thousands-of-bedouin-communities-in-israel-from-their-ancestral-lands/>

Annex: Arab Association for Human Rights - UPR Input

This is a list relevant comments and quotes from UN Human Rights bodies, the European Union, and other NGOs

2 From the United Nations Council on the Elimination of Racial Discrimination (UN CERD) concluding observations of the 18th session held in February and March of 2012:

"The Committee reiterates its concern at the maintenance of discriminatory laws especially targeting Palestinian citizens of Israel such as the Citizenship and Entry into Israel Law. The Law suspends the possibility, with certain rare exceptions, of family reunification between an Israeli citizen and a person residing in the West Bank, including East Jerusalem, or the Gaza Strip, thus greatly affecting family ties and the right to marriage and choice of spouse. The Committee is particularly concerned at the recent decision of the High Court of Justice, which confirmed its constitutionality.

The Committee urges the State party to revoke the Citizenship and Entry into Israel Law (Temporary provision) and to facilitate family reunification of all citizens irrespective of their ethnicity or national or other origin."

³ See our website for a copy of this report and all our past reports www.arabhra.org

⁴ [This is a link](#) to Adalah's official petition to the Israeli Supreme Court to repeal the "Nakba Law".

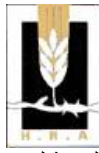
Statement by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (18/12/2011):

"[The Nakba Law] violates their right to freely express their opinion, preserve their history and culture, and their right to commemorate *Al Nakba*, which is an integral part of their history. The ability of individuals to be able to account for their own history should not be prescribed by law."

5 From the UN CERD's 18th session:

"The enactment of the Admissions Committees Law (2011), which gives private committees full discretion to reject applicants deemed "unsuitable to the social life of the community", is a clear sign that the concerns as regards segregation remain pressing. The Committee urges the State party to give full effect to article 3 and to make every effort to eradicate all forms of segregation between Jewish and non-Jewish communities. The State party is requested to provide information on action taken in this regard in its next periodic report."

6 Statement by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (18/12/2011):



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“The so-called Anti-Boycott Law, adopted on 11 July 2011, enables the filing of civil lawsuits and economic sanctions against those who call for or participate in a boycott against the State of Israel and its products, including in the settlements. Calling for or participating in a boycott is a form of expression that is peaceful, legitimate and internationally accepted.”

7 From the UN CERD's 18th session:

“...The socio-economic gap between Jewish and non-Jewish communities remains worrying. It is of great concern that the two communities often continue to be compartmentalized, with one accessing education in Hebrew in Jewish schools and the other often living in separate municipalities and attending Arabic-language schools. Such separation is an obstacle to uniform access to education and empowerment. The Committee is particularly concerned at the continued low level of education and managerial employment of non-Jewish women in the private and public sectors”