



Adalah's Report to the United Nations Human Rights Council's Universal Periodic Review of Israel 29 October 2013

Submitted 30 September 2013

Adalah ("Justice" in Arabic) is an independent human rights organization. Established in 1996, it works to promote and defend the rights of Palestinians in Israel and the Occupied Palestinian Territory (OPT). Adalah has special consultative status with ECOSOC. Adalah welcomes the opportunity to contribute to the Universal Periodic Review of Israel's compliance with international human rights law. As submissions may not exceed five pages, this document gives a very brief summary of a selection of relevant issues.

Adalah – The Legal Center for Arab Minority Rights in Israel
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Adalah is pleased to submit its second report to the Universal Periodic Review (UPR) regarding Israel's compliance with international human rights law. This report updates our previous report, submitted in November 2012,¹ concerning the rights of the Palestinian Arab minority in Israel, which comprises 20% of the state's total population and numbers around 1,200,000 citizens. It focuses on developments since January 2013.

I. ISRAEL'S LACK OF COMMITMENT TO THE UPR PROCESS

In an unprecedented decision, the State of Israel refused to participate in its second UPR scheduled for 29 January 2013. Fifteen (15) Israeli and Palestinian human rights organizations released a joint statement warning of the far-reaching negative, potential consequences of Israel's refusal to cooperate with the UPR.² The statement noted that "Israel's move to suspend cooperation with the Council and the OHCHR must be viewed within the context of its ongoing refusal to respect the decisions, resolutions and mechanisms of the UN". The organizations' arguments remain relevant today given the uncertainty surrounding Israel's participation in the upcoming UPR in October 2013.

II. NORMATIVE AND INSTITUTIONAL BACKGROUND

Constitutional and Legislative Framework

As noted in Adalah's previous report, Israel lacks a written constitution or a basic law that constitutionally guarantees the right to equality and/or prohibits direct or indirect racial discrimination. The absence of this rights protection allowed the previous 18th Knesset (2009-2012) to enact over 20 discriminatory and racist laws that directly or indirectly attack Palestinian citizens' rights.³ The new Knesset, which began its work in March 2013 following the elections in January 2013, has continued to introduce discriminatory legislation. In its first parliamentary session (March-July 2013), the Knesset proposed 35 new bills that discriminate against Palestinians in Israel and in the OPT.⁴

¹ See Adalah's submission to the UPR of November 2012:

http://adalah.org/Public/files/English/International_Advocacy/UN/2012/UPR-Submission-29-Nov-2012.pdf; see also Adalah's Suggested Questions for the UPR of Israel:

http://adalah.org/Public/files/English/International_Advocacy/UN/2012/Adalah-Suggested-Questions-Israel-UPR-2012.pdf.

² See NGO Joint Statement on Israel's refusal to participate in UPR, 29 January 2013:

<http://www.adalah.org/eng/Articles/1913/NGO-STATEMENT:-Israels-Obstruction-of-UN-Human-Has>.

³ See Adalah's "Discriminatory Laws Database", an online collection of Israel's enacted laws and proposed bills that discriminate against Palestinian citizens of Israel and Palestinians in the OPT:

<http://adalah.org/eng/Israeli-Discriminatory-Law-Database>.

⁴ See a list of these bills here: <http://adalah.org/Public/files/Discriminatory-Laws-Database/Discriminatory-Bills-19th-Knesset-24-06-2013.pdf>.

A bill of most concern is the “**Nation State of the Jewish People Bill**,” which seeks to change the current official ‘Jewish and democratic’ definition of the state (an already problematic definition from the perspective of the rights of Israel’s non-Jewish citizens) by explicitly subordinating the democratic component to the Jewish component. Other proposed bills include:

- (1) Granting of even more lucrative **benefits to former soldiers** in a range of fields, well beyond the current law;
- (2) Raising the **qualifying threshold from 2% to 4% to obtain seats in the Knesset**, which would be particularly damaging to Arab political parties;
- (3) Imposing restrictions on **freedom of expression**, which would make it easier for Israeli soldiers to file class action lawsuits for defamation in response to criticism of their conduct during military operations in the OPT;
- (4) Enshrining various harsh emergency regulations into law through an **Anti-Terrorism Bill**; and
- (5) Granting further impunity to the Israeli military through the imposition of more **restrictions on obtaining compensation** for Palestinians injured or killed by military operations in the OPT.

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS

Right to Equal Access to State Resources

The state discriminates against Arab communities in Israel in the allocation of state resources, including in the budgets for education and employment-generating industrial zones, for example.⁵ Despite the large socio-economic gaps that divide Arab and Jewish communities in Israel, the government continues to prioritize Jewish towns (both in Israel and in the occupied West Bank) in its state budgets based on political considerations. In August 2013, the Israeli Cabinet approved a list of new ‘National Priority Areas’ (NPAs) consisting of 20 new towns, all Jewish, including nine illegal settlements in the Occupied West Bank.⁶ NPAs are municipal regions designated by the government to receive significant tax cuts, special benefits and funds for housing, education and culture, as well as tax exemptions, special mortgage rates, and other lucrative subsidies. The most serious aspect of this policy is that governmental ministries themselves designate the NPAs and decide the benefits and support that they receive by executive decision. Thus, in practice the state does not award these benefits based on socio-economic need or fairness, but on political agendas that ultimately exclude Arab communities. This new decision runs counter to a landmark Supreme Court decision delivered in 2006.⁷

⁵ See more information on discriminatory allocation of resources in Adalah, *The Inequality Report*, 2011, p. 22: http://adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf.

⁶ See Adalah, “Israeli government adds 20 Jewish towns to ‘National Priority Area’ list, 9 are settlements in the Occupied West Bank; Arabs towns in Israel excluded”, 14 August 2013: <http://www.adalah.org/eng/Articles/2197/Israeli-Government-Adds-20-Jewish-Towns-to-Area%E2%80%9D>.

⁷ See Adalah, “In landmark decision, Supreme Court cancels long standing governmental socio-economic plan as it discriminates against Arab citizens of Israel”, March 2006: <http://adalah.org/newsletter/eng/mar06/1.php>.

Right to Employment and Equal Opportunities

Despite Israel's claims that it is addressing the obstacles to Arab citizens' rights to work and to favorable conditions of employment, the state is continuing to institute measures that widen existing inequalities. A major channel for discrimination is the conditioning of employment and financial benefits on the completion of military or civil service, which excludes the vast majority of Arab citizens, who do not serve in these institutions for historical and political reasons. For example, in April 2013, the Israel Airport Authority published advertisements for vacant job positions as baggage handlers at Ben-Gurion Airport, noting that military service was a prerequisite for applicants.⁸ Another example is the use of military service in fielding candidates for positions in Israel's high-tech industry, which has left the percentage of Arab citizens in the sector as low as 0.3%. In April 2013, the Minister of Trade and Economy announced that the number of ultra-Orthodox Jews in high-tech, who are also poorly represented in the industry, would soon rise dramatically, but made no such announcement in the case of Palestinian citizens.⁹ Such military service requirements, which have no relevance to an individual's ability to fulfill a job's tasks, constitute discrimination against Palestinian citizens.

In addition, as noted, the Knesset has introduced several new bills to grant additional benefits and advantages to those who perform military and civil service. Among these is the Contributors to the State Bill, which would institute further preferential treatment for military and civil service graduates in employment, rent, purchasing land for housing, the civil service, university admission, student housing, and other areas.¹⁰ The bill states that such preferential treatment would not be considered discrimination.

Minority Representation in Public Services

Despite promises, the Israeli government has failed to address the low representation of Arab citizens in the public service. Arabs currently constitute only 7.8% of Israel's civil servants, which falls short of the government's target, set in 2007, to increase Arab representation to 10% by 2012. Representation is particularly dire among Arab women; while Jewish women have made substantial gains in the civil sector, the percentage of Arab women remains very low at 1.8%, even though they make up around 10% of the total population of the state. This figure contrasts sharply with the 56.6% of civil service employees who are Jewish women.¹¹ A study conducted by Adalah concluded that these low figures, and the government ministries' unsatisfactory explanations for them, demonstrated the state's lack of commitment to its own targets and its failure to remove the hurdles faced by employment-seeking Arab women, who

⁸ See Adalah, "Military service' requirement to work at airport – even as baggage handler", 11 April 2013: <http://www.adalah.org/eng/Articles/2114/Military-service-requirement-to-work-at-airport-as>.

⁹ See Adalah, "Military service requirement for high-tech work in Israel must be lifted for Arab citizens", 30 April 2013: <http://www.adalah.org/eng/Articles/2118/Military-service-requirement-for-high-tech-work>.

¹⁰ See Adalah, "Bill to legalize discrimination based on military service approved by Ministerial Committee on Legislation", 25 June 2013: <http://adalah.org/eng/Articles/2174/Bill-to-legalize-discrimination-based-on-military>.

¹¹ See the Civil Service Authority's annual report, 2011 (Hebrew): <http://www.civil-service.gov.il/NR/rdonlyres/2FCC4CD2-01DD-4FFB-B2B7-CEB995FE0F9F/0/representation2011.pdf>.

face compound discrimination.¹² Furthermore, the aforementioned Contributors to the State Bill includes amendments that will institute preference in hiring to military and civil service graduates for public sector jobs that are meant (also by law) to be provided to Arab citizens in general and women, thereby placing further obstacles in the way of Arab citizens seeking to enter the public service.

Rights of Children and Families to Health and Social Security

Several new developments, including official policies and decisions, threaten the rights and welfare of Palestinian children and families in Israel. For example, the proposed national budget for 2013-2014 substantially reduces monthly child allowances.¹³ The new policy will significantly affect Arab families, as they make up nearly 45% of Israel's poor population despite their constituting only 20% of the country's total population.¹⁴ The reduction of the child allowances will therefore widen socio-economic discrepancies between Jewish and Arab citizens, contrary to Israel's commitments to reduce these gaps.

This budget reduction compounds the existing difficulties facing Arab Bedouin citizens in the Naqab (Negev). In 2010, for example, the Knesset passed Amendment 113 to the National Insurance Law, which reduces child allowances by up to 60% for families with children whom have not received all the vaccinations mandated by the Ministry of Health. Vaccinations are given at mother and child clinics, of which there is a severe shortage in the Naqab due to the state's neglect. As a result, the condition of immunization stipulated in the new law disproportionately harms Arab children in these areas. Furthermore, the amendment increases the incidence of poverty among children. The Supreme Court has upheld the law.¹⁵

Rights of Indigenous Peoples

Adalah's previous report discussed the development of the "Plan for the Regulation of the Settlement of the Bedouin in the Negev", or the Praver Plan. If fully implemented, the Plan will result in the destruction of 35 unrecognized Bedouin villages, the forced displacement of up to 70,000 Bedouin citizens of Israel, and the dispossession of almost 800,000 dunams of their land. The Praver Plan not only violates the human rights and constitutional rights of Arab Bedouin citizens, but also threatens to entrench the poverty and marginalization of the Bedouin. Despite an after-the-fact "listening period", the Israeli government has refused to seriously consider

¹² See Adalah's position paper, "Ensuring Appropriate Representation of Arab Women in the Civil Service in Israel", March 2013: <http://adalah.org/Public/files/English/Newsletter/102-March2013/Sawsan-Zaher-Arab-Women-Civil-Service-03-13.pdf>.

¹³ See Adalah, "Adalah to Finance Ministry: Reduction in child allowances disproportionately affects Arab families", 9 May 2013: <http://adalah.org/eng/Articles/2129/Adalah-to-Finance-Ministry-Reduction-in-child>.

¹⁴ See Adalah, *The Inequality Report*, 2011, p. 19: http://adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf.

¹⁵ A petition to cancel the law was dismissed by the Supreme Court in June 2013; see Adalah, "Petition against state benefits cuts for unvaccinated children dismissed by Supreme Court", 9 June 2013: <http://adalah.org/eng/Articles/2145/Petition-against-state-benefits-cuts-for-children->

Arab Bedouin input on the bill, and has ignored all alternative plans and solutions proposed by them.¹⁶

The state is already implementing the Praver Plan on the ground. According to the Interior Ministry, 862 homes were demolished in 2012; of this figure, owners demolished 449 homes due to threats of heavy fines. As of August 2013, the Israeli authorities have demolished 399 homes, 187 of which were self-demolished by residents wishing to avoid exorbitant fees imposed for the costs of state demolitions.¹⁷ Popular demonstrations against the Plan on 15 June and 1 August 2013 were met with excessive police force and numerous arrests of Arab protesters.¹⁸

In addition to its *de facto* implementation, the government has proposed the Praver Plan Bill, which its proponents seek to enact into law quickly and to implement within three years of its enactment.¹⁹ On 24 June 2013, the Knesset approved the first reading of the “Praver-Begin Bill”. Adalah expects that this bill will be high on the Knesset’s agenda during its upcoming fall and winter term, which begins in mid- October 2013.²⁰

¹⁶ See Adalah, “Bedouin in the Naqab reject Praver Plan and propose Alternative Plan”, 18 July 2013: <http://adalah.org/eng/Articles/2188/Bedouin-in-the-Naqab-Reject-Praver-and-Propose-Plan>.

¹⁷ See Adalah, “Two years since Praver... What’s next?” 11 September 2013: <http://www.adalah.org/eng/Articles/2204/Two-years-since-Praver...Whats-next-An-Article-by>.

¹⁸ See Human Rights Watch, “Israel: Excessive Force Against Protesters”, 18 July 2013: <http://www.hrw.org/news/2013/07/18/israel-excessive-force-against-protesters>; Adalah press release on 1 August 2013: <http://www.adalah.org/eng/Articles/2196/All-Demonstrators-Detained-at-anti-Praver-in>.

¹⁹ See Adalah position paper, “The Praver-Begin Bill and the Forced Displacement of the Bedouin”, May 2013: <http://adalah.org/Public/files/English/Publications/Articles/2013/Praver-Begin-Plan-Background-Adalah.pdf>.

²⁰ See Adalah, “Knesset approves forced displacement of Arab Bedouin”, 25 June 2013: <http://adalah.org/eng/Articles/2176/Knesset-approves-forced-displacement-of-Arab>.