



Adalah's Oral Statement

NGO Meeting with Members of the Country Report Task Force-Israel UN Human Rights Committee 14 October 2002

As presented by Mr. Antoine Madelin, International Federation for Human Rights (FIDH)

On behalf of Adalah: The Legal Center for Arab Minority Rights in Israel, I am pleased to present this oral statement to the NGO Meeting with Members of the Country Report Task Force – Israel. This statement supplements Adalah's 2 October 2002 report to the Task Force entitled, "Recent Developments – The Rights of the Palestinian Minority in Israel."

Adalah wishes to propose the following questions for consideration by the Task Force in developing its *List of Issues* prior to the Committee's full consideration of Israel's Second Periodic Report.

Possible Questions

I. The Increasing Legitimization of Racism

- 1) What measures, if any, are being taken by the state to prevent and/or prosecute **incitement to racism/violence** against Palestinian citizens of Israel?
- 2) Please explain the exact scope of work of the **demography council**. What is the legal basis for convening such a council? How much money is allocated by the state for the demography council?
- 3) Please explain the state's recent decisions to **revoke the citizenship** of Palestinian citizens of Israel. What criteria does the state apply in deciding upon such matters? What is the state's plan for individuals who will become stateless?

II. Restrictions on Political Participation

- 4) Please provide a list of the **emergency laws** currently in place and information on the state's use of these emergency laws from 1998-2002 against Jewish and Palestinian citizens of Israel.
- 5) The Committee received information concerning a series of new amendments to existing laws passed in 2002 concerning political speech, the registration and qualification of political parties and candidates to run in the Knesset elections, and the immunity of Members of Knesset (MKs). A common provision added to these laws is the prohibition on **political participation** for those who express "support of armed struggle, of an enemy state or of a terrorist organization." What is the definition of this provision? Is a citizen, candidate or MK permitted or prohibited under these laws from expressing an opinion that resistance to the occupation is legitimate?

6) Please provide information as to the number of investigations opened between 1998-2002 against Jewish and Arab MKs and political leaders for matters that relate to **political speech**.

7) Please provide information on the number, type and duration of **movement restrictions** placed on Jewish and Palestinian citizens of Israel from 1998-2002. How do current movement restrictions in place on political leaders of the Palestinian community in Israel meet the test of necessity and requirements of proportionality as articulated in General Comment 27?

8) Describe in detail the **investigative procedures** followed by Mahash (the Ministry of Justice Police Investigation Unit) or other agencies in cases of alleged wrongdoing. Please outline procedures followed by Mahash to ensure compliance with international standards on investigation, including those articulated by the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

9) Please provide disaggregated information as to Jewish and Palestinian citizens of Israel for the period 1998-2002 on the number of **police brutality/misconduct complaints** filed to Mahash; the number, duration, and nature of investigations initiated; the number of disciplinary actions taken and/or indictments filed; and the details of such disciplinary measures, convictions or sentencing.

10) Please comment on the newly proposed bill, which prohibits the transfer of foreign funds to **non-governmental organizations** (NGOs) without prior government approval? Please comment on the newly proposed amendment to the Law of Associations (1980), which grants additional discretion to the Registrar of Associations to refuse to register NGOs.

III. Discriminatory Laws and Policies Concerning Children and the Family

11) How many families in Israel, including children, are affected by the state's new interim **family unification** policy? Why does the new policy single out and relate only to Palestinians? On what legal basis did the government make this decision?

12) Please provide comparative data, disaggregated for Jewish Israeli and Palestinian citizens, on how the new **cuts in child allowances** law will affect families? How many Palestinian and Jewish citizen children will fall below the poverty line as a result of the implementation of the law? What is the legal basis to justify a 4% cut in all child allowance payments, and an additional 20% cut in the amount paid to parents of children who do not serve in the Israeli army?

13) Please provide detailed information on the number of Palestinian and Jewish citizens' homes that were demolished between 1998-2002, in general and specifically in the Naqab (Negev). When **demolishing homes** on grounds of "illegal building," please explain what the state is doing to ensure the protection of children? Does the state provide alternative housing to these families?

14) What criteria does the state use to determine whether a village in Israel is to be recognized or unrecognized? Is there any proposal or plan to recognize "**unrecognized villages**," mainly in the Naqab? Please provide details.

15) What measures, if any, is state taking to improve the participation of Palestinian citizens of Israel in all aspects of **decision-making about education policies and resources**?

16) Please provide specific information on the state's implementation of the **Five-Year Plan for the Arab Education System**. Please provide details on the budget and actual expenditure, with explanations. What has been successful and/or what problems have been faced?

17) What affirmative action measures is the state taking to remedy **discrimination in education** for Palestinian citizen children, particularly Palestinian Bedouin children in the Naqab (Negev) (e.g., high drop-out rates, lack of pre-schools and high schools in the unrecognized Arab villages, etc.)?

18) Please provide precise updated information on **current resource allocation for education** (including funds for teaching, curriculum development, enrichment and remedial programs, programs for children with special needs, physical facilities, etc.) for Jewish and Palestinian citizen school children. If there is unequal spending, please explain the reasons for the differences.

IV. Discrimination Against Palestinian Women Citizens of Israel

19) Please provide updated unemployment statistics, disaggregated by proportion of Jewish Israelis and Palestinian citizens, men and women. What measures are being taken by the state to address the problem of **under-employment and unemployment** of Palestinian citizen women and men? What measures are being undertaken to bring more Palestinian citizen women into the workforce?

20) What are specific measures being taken by the state to ensure **fair representation on governmental corporate boards** for Palestinian citizen women and men?

21) Please provide specific information as to steps taken by the state to institute **affirmative action policies in civil service jobs** – the hiring and promotion of Palestinian citizen men and women? If there are problems, please identify them and explain how the state is working to overcome these difficulties.

22) What steps are being taken by the state to enforce the **minimum wage law** for Palestinian citizen women and men?

V. The Absence of Equality/Minority Rights

23) How is the Supreme Court's judgment in the *Qa'dan* case currently affecting "**state land**" **allocation policies**? What steps are being taken by the state vis-à-vis the World Zionist Organization, the Jewish Agency, and the Jewish National Fund with a view to future equal land allocation?

24) Please provide specific information on the state's implementation of the NIS 4 billion "**Multi-Year Plan for the Development of the Arab-Sector Communities**." Please provide details on the budget and actual expenditure, with explanations. Which populations have been served? What has been successful and/or what are the problems faced?

25) What measures is the state taking to ensure the use of the **Arabic language**? Where the Arabic language is not being used, please explain and provide details.

**Submitted by Adalah: The Legal Center for Arab Minority Rights in Israel
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