



Adalah – The Legal Center for Arab Minority Rights in Israel  
**Response to the State of Israel's replies to the UN HRC's List of Issues**  
16 September 2014

Adalah submits this report to the UN Human Rights Committee (UN HRC) regarding Israel's lack of compliance with the International Covenant on Civil and Political Rights (ICCPR) concerning the rights of **Palestinian Arab citizens of Israel**, about 1.3 million people or 20% of the population. This document is the second that Adalah has submitted for the HRC's review of Israel; the first report was submitted on 11 June 2012.<sup>1</sup> This report addresses **Questions 5, 6(b), 8(a), 8(c), 24 and 26(b)** of the List of Issues.

This report is being submitted in the aftermath of a 50-day military offensive by Israel on the Gaza Strip in the summer of 2014, which resulted in the killing of over 2,100 Palestinians and the injury of 10,000, the overwhelming majority of whom are civilians. The war also had unprecedented effects on Palestinian citizens of Israel, including violations and threats to their human rights, dignity and security.<sup>2</sup> Since early July 2014, thousands of Palestinian citizens demonstrated in Arab towns and villages in Israel, and in mixed cities, in protest of Israel's military attacks in the West Bank, the murder of Palestinian teenager Muhammad Abu Khdeir in East Jerusalem, the racist incitement by Israeli officials and the public, and the war on Gaza. It is estimated that the Israeli police arrested up to 1,500 people from Arab towns in Israel and occupied East Jerusalem. The Israeli police used clear double standards in its treatment of demonstrators: whereas hundreds of Palestinian citizens of Israel were arrested, very few if any Israeli Jewish right-wing protestors were arrested or detained.<sup>3</sup> Palestinian citizens were also given warnings or fired from their jobs, and called before university disciplinary committees for expressing their views on Facebook against the War on Gaza. Israeli Jewish citizens did not face this treatment, despite an intense wave of hate speech and incitement targeted against Arab citizens, including groups that identified and demanded the firing of Arab employees or that posted racist, hate speech.<sup>4</sup>

**Summary of main points:**

1. Due to the absence of a constitutional guarantee to the right to equality in Israeli law, the Israeli Knesset enacts **legislation that discriminates against the Palestinian minority**; many of these laws have also been upheld by the Supreme Court;
2. The Israeli government continues to carry out **discriminatory policies in land, planning and housing** that allocate more state resources and benefits to Israeli Jewish citizens, and illegal

<sup>1</sup> Adalah, "Suggested Issue for Adoption of List of Issues Prior to Reporting: UN HRC", 11 June 2012: [http://adalah.org/Public/files/English/International\\_Advocacy/LOIPR\\_for\\_UNHRC\\_June\\_2012.pdf](http://adalah.org/Public/files/English/International_Advocacy/LOIPR_for_UNHRC_June_2012.pdf).

<sup>2</sup> Shai Fogelman, Hilo Glazer, Naomi Darom, Neta Ahituv, "Have we come to a fault line in relations between Jews and Arabs in Israel?", translated from Hebrew by George Malent, Haaretz Weekend Supplement, 31 July 2014: <http://www.scribd.com/doc/237910587/Incitement-on-Facebook-fear-of-walking-the-streets-harassment-in-places-of-work-Have-we-come-to-a-fault-line-in-relations-between-Jews-and-Arabs-in>.

<sup>3</sup> Hagar Sheizaf, "Following wave of protests, Israel arrests scores of Arab activists, minors", +972 Magazine, 23 July 2014: <http://972mag.com/following-wave-of-protests-israel-arrests-scores-of-arab-activists-minors/94131/>.

<sup>4</sup> Jonathan Cook, "Israel's Gaza backlash targets Arab minority", Middle East Eye, 30 July 2014: <http://www.middleeasteye.net/news/israel-s-gaza-backlash-targets-arab-minority-483153084>.

Jewish settlements in the Occupied Territories, while greatly marginalizing Palestinian citizens in Israel;

3. Palestinian Arab citizens, particularly Arab women, **remain greatly underrepresented in the Israeli civil service due to the state's failure to implement the law**; also, Arab citizens face gross discrimination in employment due to unrelated military service requirements and racism;
  4. **Arab political parties and parliamentarians continue to be harassed by the Israeli authorities** through election disqualification motions, Knesset sanctions, and the issuance of selective criminal indictments against them;
  5. The Israeli police violated numerous laws and procedures during **the arrests and interrogation of Palestinian citizens, including minors**, following demonstrations against the War on Gaza.
- **Question 5: Please indicate any step taken to include the principle of equality and non-discrimination in the Basic Law: Human Dignity and Liberty, and to repeal any discriminatory laws;**

As highlighted in Adalah's first report to the HRC, the absence of constitutional guarantees for the right to equality has allowed the Knesset to enact numerous laws that directly or indirectly discriminate against Palestinian citizens of Israel. Since the issuance of the HRC's List of Issues in July 2012, the government and Members of Knesset **have continued to propose and enact dozens of laws that further entrench the legal inequality of Palestinian citizens**. Some of the most dangerous laws enacted and bills raised in 2013 and 2014 include:<sup>5</sup>

- **The Sectarian Representation Law (enacted 2/14):** This law replaces Arab representation on a public advisory board of the Equal Employment Opportunity Commission with sectarian representation for Arab Muslims and Christians. The aim of the law, as declared by the sponsoring Israeli Jewish Knesset member, is to fragment and segregate the Palestinian citizens and distort their collective identity.<sup>6</sup>
- **Elections Threshold Law (enacted 2/14):** This law raises the electoral threshold for political parties to be elected into the Knesset, which has an acute discriminatory effect on parties representing the Arab minority in Israel (see response to **Question 8(c)** for details).
- **The Praver Plan Bill (frozen):** This bill is the legislative arm of the Praver Plan, a discriminatory government program that aims to forcibly displace and dispossess up to 70,000 Arab Bedouin citizens of Israel from the unrecognized villages to government-planned towns. In December 2013, the Israeli minister in charge of the Plan resigned and confirmed that the government had not consulted with the Bedouin citizens about the Plan. While the government announced that it was still going forward with the legislation and re-assigned the initiative to the Minister of Agriculture, in effect the legislative process has been frozen. However, the government is continuing to implement aspects of the plan on the ground.<sup>7</sup>

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<sup>5</sup> Adalah, "Discriminatory Bills in the 19<sup>th</sup> Knesset", October 2013:

[http://adalah.org/Public/files/English/Legal\\_Advocacy/Discriminatory\\_Laws/Discriminatory-Bills-19th-Knesset-October-2013.pdf](http://adalah.org/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Discriminatory-Bills-19th-Knesset-October-2013.pdf).

<sup>6</sup> Adalah press release, "Palestinian NGOs in Israel reject the 'Sectarian Representation Law': We hold onto our Palestinian national identity", 27 February 2014: <http://adalah.org/eng/Articles/2250/Palestinian-NGOs-in-Israel-reject-the-Sectarian--We>.

<sup>7</sup> See joint submission to the UN HRC by Adalah and the Negev Coexistence Forum on the rights of Arab Bedouin citizens of Israel, 15 September 2014.

- **The Contributors to the State Bill (pending):** This bill seeks to institute preferential public treatment to citizens who serve in the military or civil service. It discriminates against Arab citizens of Israel as the vast majority of them are exempted from Israeli military service for historical and political reasons. The bill proposes preference in hiring, in job salaries and in receiving services such as student housing, higher education and allocation of land for housing. The bill states that such preferential treatment shall not be considered discrimination. The bill also conflicts with other Israeli laws that are meant to ensure adequate representation for Arab citizens in public service jobs and other areas.
- **The Jewish Nation-State Bill (to be proposed):** The purpose of this bill is to constitutionally enshrine the identity of the State of Israel as the nation state of the Jewish people. In practice, the bill will change the 'Jewish and democratic' definition of the state by subordinating the democratic component and making it secondary to the Jewish component. The latest drafts of the bill state that the right to national self-determination in Israel belongs exclusively to the Jewish people. Because the proposed legislation has the status of a Basic Law, its enactment could be used to justify widespread discrimination against Arab citizens of Israel, as non-Jews. The bill has yet to be brought before the Knesset.

Other discriminatory laws that were highlighted in the HRC's List of Issues also remain in place. These include the **"Foreign Funding Law" or "NGO Law"** (see question 24), the **"Anti-Boycott Law"** (see question 24), the **"Nakba Law"** (see question 24), and the **"Ban on Family Unification Law"**.<sup>8</sup>

- ***Question 6(b): In light of the Committee's previous concluding observations (paras. 17 and 24) and in order to guarantee minorities' rights, especially those of Palestinians and Bedouins, please provide updated information on measures taken...To review the State party's housing policy and the issuance of construction permits, to ensure that municipal planning systems are not discriminatory and to increase the legal construction of houses for minorities...;***

In 2013, the Israel Land Authority (ILA) and the Israeli Ministry of Construction and Housing **continued to carry out discriminatory policies against Palestinian Arab citizens in Israel** in various fields of housing and development.<sup>9</sup> For example, in December 2013, Adalah submitted several cases on behalf of Palestinian citizen petitioners against various policies and municipal plans that serve to exclude Palestinian citizens of Israel from accessing housing. The cases included a petition to the Israeli Supreme Court challenging the refusal of a construction company to sell an apartment to a Palestinian Arab man in the Jewish town of Afula in central Israel, on the grounds that the neighborhood was not a "mixed neighborhood."<sup>10</sup> In another case where two Palestinian citizens were able to purchase a home, they faced extreme delays in registering their home because it had been built on land owned by the Jewish

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<sup>8</sup> The Citizenship and Entry into Israel Law (2003), which bans family unification between Palestinian citizens of Israel and their spouses from the OPT or other "enemy states" was renewed in March 2014. The temporary ban has now been in place for 11 years. See Adalah's information on the law: [http://www.adalah.org/eng/?mod=db&dld\\_page=law&slg=citizenship-and-entry-into-israel-law-temporary-order](http://www.adalah.org/eng/?mod=db&dld_page=law&slg=citizenship-and-entry-into-israel-law-temporary-order).

<sup>9</sup> See Adalah position paper on land discrimination, March 2014: <http://adalah.org/Public/files/English/Newsletter/Mar-2014/English-Discrimination-Tenders-March-2014.pdf>.

<sup>10</sup> Case citation: H CJ 8625/13 Mohannad Khoury et al. v. Israel Land Authority et al. (pending); Adalah, "Adalah petitions Supreme Court against construction company that refuses to sell apartments to Arab citizens", 22 December 2013: <http://adalah.org/eng/Articles/2229/Adalah-petitions-Supreme-Court-against-Company-to>: <http://adalah.org/eng/Articles/2229/Adalah-petitions-Supreme-Court-against-Company-to>.

National Fund, a quasi-state entity whose charter demands that it allocates land to Jewish people only.<sup>11</sup> Israeli laws such as the **Admissions Committees Law** (2011), which allows the exclusion of Palestinian citizens from hundreds of small communities built on 'state-owned' land in Israel due to a "social suitability" criterion, and the Praver Plan Bill (frozen), which aims to dispossess up to 70,000 Arab Bedouin citizens of their lands and homes in unrecognized villages, further demonstrate the continuation of the state's deliberate violations of the rights of Palestinian citizens.

The state's discriminatory policies and practices against individual Palestinian citizens of Israel are reflected in the government's macro-planning priorities, such as its substantial investments in the illegal settlements in the Occupied Palestinian Territory (OPT). In the 2012 conclusions of UN Special Rapporteur on Adequate Housing Raquel Rolnik, following a fact-finding mission to Israel and the OPT, she noted "Israel has continuously dedicated important public financial and technical resources to promote the expansion of settlements in the Occupied Palestinian Territory. The State engagement in the settlement enterprise not only violates international law and seriously worsens the living conditions of Palestinians under occupation, but also ends up depriving Israeli nationals of important resources that could be used to promote access to adequate housing within the internationally recognized boundaries of the country."<sup>12</sup>

For example, in the course of 2013, the ILA published tenders for the construction of approximately 3,883 housing units in the illegal settlements in the occupied territories, including the West Bank, East Jerusalem and the Golan Heights. By contrast, it published tenders only for 3,547 housing units in the Arab communities in Israel, although the number of inhabitants in these villages is more than double the number of Jewish residents living in the settlements (approximately 1.3 million people live in the Arab communities in Israel as compared with 550,000 people in the illegal settlements).<sup>13</sup> Thus, the government of Israel continues its illegal policy of building and settling Jewish citizens beyond the Green Line, while **Arab communities within its territory continue to suffer from a shortage of housing and overcrowding** due to the massive discriminatory appropriation of land and unfair, inequitable planning policies of the state.

<u>Indicator</u>	<u>Settlements</u>	<u>Arab Towns</u>
<b>Tenders Published</b>	3,883	3,547
<b>Inhabitants (approx.)</b>	550,00	1,200,000

In addition to housing, the ILA continued to discriminate against Arab communities in **the allocation of land for industrial and commercial zones**. In 2013, the ILA published 44 tenders for the establishment of industrial zones in Jewish communities (7 of which are to be located in illegal settlements in the OPT), in contrast with "0" tenders for the establishment of these zones in Arab communities. Between 2009 and 2013, the ILA published 13 tenders for the establishment of commercial and industrial zones in Arab communities, whereas it published 292 tenders for these zones in non-Arab communities. Most of these

<sup>11</sup> Adalah, "Adalah demands that Israel Land Authority register properties of Arab citizens on JNF lands in Carmiel", 22 January 2014: <http://adalah.org/eng/Articles/2240/Adalah-demands-that-Israel-Land-Authority-of-Arab>.

<sup>12</sup> See Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik Mission to Israel and the Occupied Palestinian Territory, 24 December 2012. A/HRC/22/46/Add.1.

<sup>13</sup> See footnote 5.

areas in Arab communities included land designated for housing and cannot constitute a significant economic impetus.<sup>14</sup>

<u>Year</u>	<u>Settlements &amp; Jewish Towns</u>	<u>Arab Towns</u>
<b>2013</b>	44	0
<b>2009-2013</b>	292	13

- ***Question 8(a): Please provide information on steps taken by the State party to ensure: (a) Equal representation of Jewish and Arab citizens in the civil service, in particular in decision-making positions. In this regard, please inform the Committee of the outcome of the Government's employment-policy and on cases of discrimination in employment against Arab Israeli citizens addressed by the courts or the labour inspection service;***

Israeli authorities have not demonstrated sufficient effort in addressing the low representation of Arab citizens in the Israeli civil service, particularly Arab women who remain severely underrepresented in all positions. In parallel, the "Contributors to the State Bill" proposed in the Knesset, which would give preferences in hiring to military or civic service graduates, threatens to negatively affect the already small number of Arabs in these positions and would roll back the small gains achieved in this field. While as of 2014, 8-9% of civil service positions are held by Palestinian citizens of Israel (short of the 10% target by 2012 that was set by Government Decision No. 2579 in 2007), Adalah found that **there is no coordinated process and/or overall comprehensive plan** aimed at raising the proportion of Arab women, or the Arab population as a whole, within the civil service.

The **representation of Arab women is particularly dire** as they make up only around 1.8% of the civil service. While the proportion of Israeli Jewish women in the civil service has risen significantly, the number of Arab women remains minimal today. Adalah found that the laws regarding the adequate representation of women in the civil service were implemented effectively in regards to Jewish women, but in practice, **there was no similar implementation of these provisions for Arab women**, neither through the law for improving women's representation or the law for improving Arab representation.<sup>15</sup>

The reasons for low Arab representation in the civil service, and particularly in regards to Arab women, include: the lack of genuine internalization by the government of the importance of having Arab women employees; no tangible actions by the ministries to ensure the efficacy of their outreach for civil service employees; and the absence of budget allocations dedicated specifically for the recruitment of Arab citizens. An additional problem is the absence of the state's recognition of the historical discrimination against the Arab minority, including Arab women who face compound discrimination for their nationality and gender, and as a result disregard the importance of implementing affirmative action measures for these marginalized groups. The state has yet to firmly dedicate itself to meeting the goals of the law regarding Arab minority representation.

Regarding cases of **discrimination in employment in general**, Arab citizens continue to face a lack of protection of their basic rights. In an alarming and widespread trend, during Israel's military offensive in

<sup>14</sup> Ibid.

<sup>15</sup> Adalah Attorney Sawsan Zaher, "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>.

Gaza in the summer of 2014, Adalah documented numerous claims by Arab workers and Arab university students who were facing **dismissals and threats of suspension over the publication of anti-war views on their personal Facebook pages**. It was clear from the complaints that many employers and co-workers generally knew about the Arab employees' viewpoints through special pages on Facebook, with the aim of chasing Arab workers and collecting their statements against the Israeli military and the war, in order to put pressure on the employers to dismiss them. These pressures were part of a wave of incitement against Palestinian citizens that also became targeted towards Palestinians in the Israeli workforce; the incitement included statements from Israeli elected leaders such as Foreign Minister Avigdor Lieberman, who called for a boycott of Arab businesses. Such threats and dismissals were clear violations of Israel's Equal Employment Opportunities Law (1988), which prohibits the employer from discriminating against his employees due to their political opinions or national belonging, including discrimination in working conditions, dismissal and severance pay. However, no statements or actions were taken by the Israeli government against these clear rights violations.<sup>16</sup>

- ***Question 8(c): Please provide information on steps taken by the State party to ensure: (c) The right of every citizen to participate in public life. In this regard, please comment on cases where political leadership of the Arab minority faces continued and severe attacks and harassment, including Members of Knesset (cases of Members of Knesset Sa'id Naffaa, Mohammed Barakeh, Haneen Zoabi and Ahmad Tibi);***

In 2013 and 2014, Arab Members of the Knesset (MKs) continued to face numerous attacks and harassment by Israeli state authorities and political representatives, both as individuals and as collective representatives of the Palestinian Arab community in Israel. In addition to the challenges facing individual MKs (discussed below), the Israeli Knesset has proposed or passed new legislation that threatens to oust the Arab-Palestinian public from the political arena in Israel. **The Electoral Threshold Law**, enacted in February 2014, raises the minimum electoral threshold for political parties to enter the Knesset from 2% to 3.25%. The law is particularly aimed at the three main Arab political parties, which traditionally each garner 2.5 to 3% of the vote, or 3 to 4 seats in the Knesset. The new threshold would mean that these parties will either be unable to enter the Knesset, or would have to unite in order to pass the threshold. This would irrevocably **violate the right of Arab citizens to choose different political parties**, and could mean **little or near-absent representation of the Arab minority** in the Knesset.

The Arab political leadership ensures that the rights and concerns of Palestinian minority in Israel remain part of the national agenda; however, the political parties regularly face threats of disqualification during elections. In December 2012, two Arab political parties, Balad/al-Tajammu' and Ra'am-Taal, and Arab MK Haneen Zoabi of Balad, were **subject to motions for disqualification from the Israeli general elections by the Central Elections Commission (CEC)**. The CEC dismissed the motions against the two parties, but accepted the disqualification of MK Zoabi. The CEC's decision was later cancelled by the Israeli Supreme Court following MK Zoabi's appeal.<sup>17</sup> The attempts to disqualify Arab political parties

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<sup>16</sup> Adalah press release, "Adalah demands retraction of punitive measures taken against Arab students and workers for their anti-war opinions on Gaza", 6 August 2014: <http://adalah.org/eng/Articles/2315/Adalah-demands-that-Israeli-academic-and-retract->; Jonathan Cook, "Israel's Gaza backlash targets Arab minority", Middle East Eye, 30 July 2014: <http://www.middleeasteye.net/news/israel-s-gaza-backlash-targets-arab-minority-483153084>.

<sup>17</sup> Case citation: *Elections Confirmation 9255/12, the Central Elections Committee v. Haneen Zoabi*; Adalah press release, "Israeli Supreme Court delivers detailed decision in MK Haneen Zoabi's Elections Disqualification case", 22 August 2014: <http://www.adalah.org/eng/Articles/2199/Israeli-Supreme-Court-Delivers-Detailed-Decision->.

and representatives, as was also attempted in the elections of 2003, 2006 and 2009, represents a continued **effort by Israeli politicians to deny Arab political representation in the Knesset.**

The most intensive individual attacks have targeted **MK Haneen Zoabi**, the only Palestinian Arab woman in the Knesset. She has been the subject of **a wide campaign of incitement and efforts by right-wing politicians to prohibit her participation in the Knesset.** The most recent incident has been the Knesset Ethics Committee's decision in August 2014 to suspend the right of MK Zoabi to participate in meetings and discussions of the Knesset plenum and its committees, except during voting procedures, for a period of six months.<sup>18</sup> **This is the harshest punishment ever imposed on a Knesset member by the Ethics Committee,** and is the maximum penalty that the Committee is authorized to impose. The Committee penalized MK Zoabi for legitimate political remarks that she made outside of the parliament during an interview in Hebrew with an Israeli radio station, regarding the abduction of three Israeli settler teenagers in the occupied West Bank. These remarks led to an unprecedented wave of incitement against MK Zoabi; many public officials and media outlets quoted her remarks incompletely, presented them out of context, and distorted their message. In her appeal to the Ethics Committee against the decision, MK Zoabi argued that the Ethics Committee exceeded its authorities and operated in breach of the principles of the freedom of political expression and the provisions of her parliamentary immunity. The Committee had no authority over statements that were made while the Knesset member was discharging her political duty. MK Zoabi added that the Committee's decision constitutes "an illegitimate political decision made on behalf of the political majority against a member of the minority."<sup>19</sup> MK Zoabi plans to file a petition to the Supreme Court demanding the cancellation of the Committee's decision. MK Zoabi also faces attempts by the Israeli police to criminally indict her on the charge of insulting a public official, during an angry response to news of the mistreatment of Arab children during their detention by Israeli police. Meanwhile, the police have refused to open investigations into complaints made by MK Zoabi regarding police officers who harassed her during her participation in an anti-war protest in the summer of 2014.

In March 2014, the Tel Aviv Magistrates' Court **acquitted MK Mohammed Barakeh, head of the Democratic Front for Peace and Equality (Hadash/al-Jabha),** of the charge of assaulting an undercover officer during a protest against the Separation Wall in Bil'in in the West Bank in 2005. However, the court **convicted MK Barakeh** of assaulting a right-wing activist during a protest against the War in Lebanon in 2006; in this incident, MK Barakeh tried to prevent the activist from assaulting peace activist and former MK Uri Avnery, aged 85 at the time. The court sentenced MK Barakeh to pay a NIS 650 fine.<sup>20</sup> Adalah, which has represented MK Barakeh on the above charges, as well as two others (which were dismissed on the basis of parliamentary immunity), appealed against the conviction in June 2014. Although MK Barakeh succeeded in dismissing three of these charges and is challenging the fourth, it was clear from the court proceedings that **the police had little to no evidence for their accusations** against him. The attempts to criminalize MK Barakeh represent an effort by Israeli police to stifle the activities and freedom of expression of Arab political representatives, including their right to protest.

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<sup>19</sup> Aeyal Gross, "With Zoabi's suspension, Knesset moves towards fascism", Haaretz, 30 July 2014: <http://www.haaretz.com/opinion/.premium-1.607924>.

<sup>20</sup> Adalah press release, "After 5 years of trial, Tel Aviv Magistrates' Court sentence MK Mohammed Barakeh to pay NIS 650 fine", 27 April 2014: <http://adalah.org/eng/Articles/2269/After-5-years-of-trial,-Tel-Aviv-Magistrates%E2%80%99-MK>.

The political attacks against MK Zoabi, MK Barakeh and others exemplify **the Israeli authorities' discriminatory efforts to target Arab Members of the Knesset**, including their freedom of expression and their right to political participation. As a result of these actions, MK Zoabi is being excluded from political participation in the Knesset, to which she was recently elected again, denied her right to due process in Knesset proceedings, unduly punished for her legitimate political speech, and fearing for her personal security. Also, MK Barakeh was forced to undergo years of legal procedures over charges that were ultimately invalid due to his parliamentary immunity or were proven baseless.

- ***Question 24: Please provide detailed and updated information on the situation of human rights defenders' freedom of association and freedom of opinion and expression...Please provide detailed information on the new Israeli anti- boycott law and its compliance with the right to freedom of conscience, expression and opinion. Please also provide information on the "Foreign Funding Law", adopted on 2 March 2011 and specify what measures have been taken or are envisaged to revise these laws in accordance with the Covenant...;***

Israeli lawmakers have not shown any intent to revoke the three following laws enacted in 2011 that have severe implications for the freedom of expression and freedom of association: the "Anti-Boycott Law", the "Foreign Funding Law" (aka the "NGO Law"), and the Nakba Law".<sup>21</sup> These cases demonstrate Israel's growing efforts to turn policies that target the freedom of expression and freedom of association of Arab citizens into law, thereby penalizing their political opinions, human rights activism and national identity. These laws **directly violate many of the basic principles and articles of the ICCPR**.

In February 2014, the Israeli Supreme Court held its second hearing on a petition against **the Anti-Boycott Law**, focusing on the legal question of whether the law harms freedom of political expression. The petitioners argued that the law imposed a 'price tag' on legitimate political expression and undermined public debate on the most controversial issues in Israeli society. The law has also had a 'chilling effect' by deterring calls for a boycott as a political stance.<sup>22</sup>

Throughout 2013 and 2014, Israeli lawmakers also revealed their intent to make **the Foreign Funding Law** even harsher, by proposing the introduction of an income tax of up to 45% for human rights groups designated as 'political associations' that receive funding from abroad. As frequently declared by its supporters, this pending bill is targeted towards the finances of numerous human rights organizations in Israel, which are critical of the state's policies and human rights violations against Palestinians in Israel and in the OPT, and most of which receive funding from European, American and other international donors. Human rights organizations are therefore still being threatened with penalties for their freedom of association and their activities in support of human rights and accountability.

**The Nakba Law** has also had very negative effects on the rights of Arab citizens. In May 2014, the Dean of Students at Haifa University expelled two Arab student leaders and banned all activities of Arab student clubs until the end of the year due to their protest against the university's decision to prohibit

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<sup>21</sup> See Adalah's submission to the HRC 2011:

[http://adalah.org/Public/files/English/International\\_Advocacy/LOIPR\\_for\\_UNHRC\\_June\\_2012.pdf](http://adalah.org/Public/files/English/International_Advocacy/LOIPR_for_UNHRC_June_2012.pdf); Adalah's Discriminatory Laws Database for more details and documents on the laws: <http://adalah.org/eng/Israeli-Discriminatory-Law-Database>.

<sup>22</sup> Case citation: *HCI 2072/12, The Coalition of Women for Peace, et al. v. The Minister of Finance, et al. (pending)*; Adalah press release, "Expanded Supreme Court panel hears petition against 'Anti-Boycott Law'", 18 February 2014: <http://adalah.org/eng/Articles/2246/Expanded-Supreme-Court-Panel-Hears-Petition>.

an event to mark Nakba Day, a national day of mourning for Palestinians. Adalah represented the students and student groups before Israeli courts and succeeded to overturn the decisions.<sup>23</sup> The university's excessive actions were taken in the shadow of this Nakba Law, which threatens to punish public institutions that hold any event marking Israel's independence day as a "day of mourning" – a direct attack against Palestinian citizens' right to commemorate their history.

- ***Question 26(b): In light of the previous Committee's concluding observations (para. 22) and its follow-up analysis (CCPR/C/105/2), please provide information on measures taken by the State party: (b) To ensure that children are only detained as a measure of last resort and for the shortest possible time, to guarantee that proceedings involving children are audio-visually recorded and that their rights to a fair trial and fundamental safeguards are guaranteed.***

During the latest Israeli military offensive in Gaza, Adalah and other human rights organizations witnessed an unprecedented campaign of arrests against both Palestinian citizens of Israel and Palestinian residents of East Jerusalem who were protesting against the war and in solidarity with the Palestinians in Gaza. Of the nearly 1,500 people from Arab towns in Israel and in East Jerusalem who were arrested, it is estimated that up to one third of them were minors.<sup>24</sup> Israel failed to protect the rights of the minors arrested and violated their rights during detention and interrogation. The minors, many of whom were arrested and interrogated in the late hours of the night, were questioned by police without the presence of a parent and before being allowed to meet with a lawyer. These practices, which violate the law, were done with the aim of obtaining confessions from them even for alleged offenses that they did not commit. The objective of the mass arrests was to suppress the wave of protest and specifically, and the targeting of young people has a chilling effect on the right to freedom of expression, which is ever more crucial in times of heightened violence and military action.<sup>25</sup>

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<sup>23</sup> Adalah press release, "District Court cancels Haifa University's decision to expel Arab students", 20 May 2014: <http://www.adalah.org/eng/Articles/2280/District-Court-cancels-Haifa-University%E2%80%99s-to>.

<sup>24</sup> The estimation of these statistics was made through communications with the Israeli Police and with lawyers who represented detainees in various courts across Israel. Adalah sent a freedom of information act request in August 2014 to the police for the full numbers of people arrested and detained, including minors.

<sup>25</sup> Adalah, "110 Palestinian citizens of Israel remain in detention after largest wave of arrests since October 2000", 8 July 2014: <http://adalah.org/eng/Articles/2302/110-Palestinian-citizens-of-Israel-remain-in-after-->.