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the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Thirteenth periodic reports of States parties due in 2004**

**Addendum**

**ISRAEL\* \*\***

[23 June 2005]

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\* This document contains the tenth, eleventh, twelfth and thirteenth periodic reports of Israel, due on 2 February 1998, 2000, 2002 and 2004 respectively, submitted in one document. For the seventh, eighth and ninth periodic reports submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/294/Add.1 and CERD/C/SR.1250, 1251 and 1272.

\*\* This report has not been edited before being submitted for translation.

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## Introduction

1. The Government of Israel welcomes the opportunity to present its 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> periodic reports to the Committee for the Elimination of Racial Discrimination in accordance with the requirements of article 9, paragraph 1 (b) of the International Convention on the Elimination of all forms of Racial Discrimination (hereinafter, the "Convention" or "CERD"). The present combined report supplements Israel's initial report and subsequent reports relating to the years 1982, 1984 and 1991 (CERD/C/192/Add.2), and 1993, 1995 and 1997 (CERD/C/294/Add.1).<sup>1</sup>
2. This report has been prepared by the Department for International Agreements and International Litigation at the Ministry of Justice with the assistance of other ministries, departments, agencies and entities of the Government of Israel. Israeli nongovernmental organizations ("NGOs") were also invited to submit comments prior to the compilation of this report.
3. Racial discrimination is prohibited in Israel. The State of Israel condemns all forms of racial discrimination, and its government has maintained a consistent policy prohibiting such discrimination. The Israeli Government has taken constant measures to uphold the provisions of CERD since its ratification of this important instrument.
4. Since the submission of Israel's last reports to the Committee in 1997, many new significant legislative, judicial and administrative developments relevant to the Convention have occurred. This combined report provides a comprehensive account of these developments.
5. A short summary of some of the most significant policy and legislative developments that have occurred in Israel since its last report to the Committee is provided below. We would note that while it will naturally take time for some of the more recent developments to translate into concrete results, in many areas substantial new measures that give effect to the provisions of the Convention have already come into effect.

### I. Legislative measures

6. Since 1998 significant new steps have been taken by the Israeli Parliament (the "Knesset") to promote tolerance and the elimination of racial discrimination in all its forms. Some noteworthy examples are included below.
7. The Knesset enacted legislation prohibiting discrimination against minority groups in the provision of public services, the *Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 5761-2000* ("*The Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law*"). The Law prohibits discrimination by an individual operating a public place. Violation of this prohibition is both a civil wrong and a criminal offence punishable by fine. The law applies to the State as well and has been interpreted broadly as applying to a host of public places, including schools, libraries, pools, stores, and all other places serving the public. Court decisions have upheld this broad interpretation of the law.

8. The Knesset amended the *Civil Service Law (Appointments)*, 5719-1959 ("*The Civil Service Law (Appointments)*"), in 1998 to institute affirmative action programs in the Civil Service hiring practices in order to ensure the adequate representation of minority groups.
9. Several amendments to the *Penal Law 5739-1977 ("The Penal Law")* created important tools to enable prosecution of racist incitement and "hate crimes". A 1994 amendment doubled the punishment for offences committed for a racist motive; a 2002 amendment added offences of incitement to violence and terror; and a November 2004 amendment added a section titled "Hate Offences".
10. The *Pupils Rights Law, 5761-2000 ("The Pupils Rights Law")* enacted in 2000, bans any form of discrimination concerning the registration of students by the governmental and local authorities or any educational institution (at Article 5 (A) (1)).
11. The 1998 enactment of the *Freedom of Information Law, 5758-1998 ("The Freedom of Information Law")* has given a solid legislative basis to the public's right of access to information. The main innovation of the law is in recognizing the right of an Israeli citizen or resident to receive information from public authorities, regardless of whether he or she has any personal interest in the information requested, and without having to state a reason for the request. Moreover, Article 12 applies the provisions of the Freedom of Information Law to persons who are not citizens or residents of the State of Israel, enabling them to obtain information concerning their rights in Israel.
12. Additionally, several other laws protecting specific groups in society were passed, such as the *Prevention of Sexual Harassment Law, 5758-1998 ("The Prevention of Sexual Harassment Law")* and the amendment to the *Equal Rights for Women Law, 5711-1951 ("The Equal Rights for Women Law")* adopted by the Knesset in 2000. These laws entrench basic principles of equality and provide the means for further developing and applying the rights enshrined by CERD.

## **II. Judicial measures**

13. The Supreme Court of Israel has played a pivotal role in the promotion of the principles enshrined in CERD through the development of jurisprudence dealing with contentious and highly charged political and security-related issues. Often, these issues also involve allegations of discrimination. As a result, the Supreme Court, led by its president, Chief Justice Aharon Barak, has issued a number of precedent setting decisions that have resulted in the modification of past practices.
14. Most notably, in its precedent-setting decision of 2000, the Supreme Court, sitting as a High Court of Justice, ruled in *H.C.J 6698/95 Ka'adan v. The Israel Lands Administration* (08.03.2000) that in principle, the allocation of State land on the basis of any discriminatory criteria was unacceptable.

15. The principle of equality between foreign spouses of Israeli nationals, whether Jewish or Non-Jewish, was affirmed by the High Court of Justice in *H.C.J 3648/97 Stamka v. The Minister of the Interior* (04.05.1999), which dealt with attaining Israeli nationality by foreign spouses.

16. In the criminal context, a number of other criminal cases concerning incitement to racism and the commission of racist acts were decided by the lower courts, generally leading to a conviction. Furthermore, several indictments relating to offences committed against minorities were filed against police personnel, following independent investigations by the Department for investigation of Police Officers within the Ministry of Justice.

### III. Administrative measures

17. The key program reflecting the State of Israel's commitment to comply with the basic principles enshrined in CERD in both a procedural and substantive manner is **the Multiyear Development Plan for the Arab Israeli Sector**. This plan reflects the government's commitment to eliminating gaps between Jews and Arabs and to promote equality and fair conditions regarding economic and social welfare throughout the Arab minority sector.

18. The goal of this Development Plan is to provide proper financial support and direction to the Arab minority sector that would promote short term growth as well as encourage long term development in education, housing, employment and economic growth. The aim of the plan is to reach out to the Arab minority in a unique manner by positively affecting all aspects of the minority sectors' relationship with the State and society. The Government attaches great importance to the granting of equal and fair conditions to Israeli Arabs in the socio-economic sphere, and views the development of the Arab-sector communities of Israel as contributing toward the growth and development of Israel's overall society and economy.

**3.9 billion NIS were allocated for this program, and the Government has so far executed 88% of the plan.**

19. In addition, over the past few years, the Government has made important inroads into improving the minority population's representation within the civil service and government companies. The Government instituted affirmative action programs and mandated specific target goals that would nearly double the number of minority employees within public service bodies.

20. The Government has also been active in addressing the rights of migrant workers. Changes have been implemented that more fully protect their rights, particularly vis-à-vis their employers. This has largely been instituted via the establishment of specific enforcement divisions within the relevant governmental authorities, provided with special training.

21. The following report addresses the main issues raised by the Convention since the submission of Israel's previous report, as well as the concerns raised by the Committee during the sessions. Finally, this report complies with the Committee's guidelines regarding the form and contents of reports to be submitted by States parties to the Convention (CERD/C/70/Rev.5). We trust that this report will facilitate the Committee's work and provide a more complete picture of the situation in Israel concerning the implementation of the Convention's provisions. We look forward to maintaining a constructive dialogue with the distinguished Committee.

## Article 2

### A. Measures to eliminate racial discrimination

#### 1. Measures preventing discrimination by all public authorities and institutions

##### Overview

22. Racial discrimination is prohibited in Israel as required under Article 2 (1) (a) of the Convention. Several Basic Laws, laws, and court rulings operate together to guarantee that no public authority or public institution engage in any act or practice of racial discrimination against persons, groups of persons or institutions. These prohibitions apply with equal force at the national and local levels, and all public authorities and institutions are required to comply with their directives.

##### I. Judicial measures

23. As the Israeli legislature crafts and adopts both new laws and administrative measures to ensure that government agencies do not engage in any discriminatory act or practice, the country's independent judiciary serves to interpret, guide, and enforce these measures. This judicial effort is guided by the Supreme Court, which has issued a number of landmark decisions against certain discriminatory practices of both government entities and private individuals.

24. The Supreme Court has affirmed the principles of equality and non-discrimination of any kind as assured under the law such as depicted in *the H.C.J 453/94 Israel Women's Network v. Government of Israel* (01.11.1994), where the Supreme Court required the Port Authority Commission to include women in its list of candidates for directors positions and *H.C.J 721/94 El A Israel Airlines Ltd. v. Danilovitch* (30.11.1994), where the Court held that homosexual couples are to be provided with the same employee benefits given to heterosexual couples.

25. In *H.C.J. 3939/99 Kibbutz Sde-Nahum et al v. Israel Land Administration et al* (29.08.02) the Court held that the Israel Land Administration must administer State lands while protecting the public interest, including the protection of the land for the benefit of the larger public, and refraining from granting unjustified benefits relating to the land to others. As expected from any other administrative body, the Administration must act fairly to promote the general principle of distributive justice in allocation of public resources. The Court also noted the difference between discrimination and legitimate distinction. Consequently, the Court held that a decision to allocate lands only to a specific sector was unreasonable.

##### II. Administrative measures

###### *Attorney-General guidelines regarding racial discrimination*

26. As mentioned in Israel's previous periodic report to the Committee, all Government ministries are required to operate in accordance with the guidelines issued by the Attorney-General prohibiting racial discrimination. Accordingly, any authority exercising any public function by virtue of law is prohibited from discriminating on the basis of race, sex, religion, creed, political opinion or any other basis. All ministries are prohibited from engaging

in any form of racial discrimination in all aspects of their activities (employment, services etc.). Furthermore, the Government is to take an active role in hiring women and minorities, especially via the imposition of affirmative action programs. All governmental bodies and government corporations are to actively pursue the hiring of women and minorities and achieve a fair representation of such groups.

## **2. Not sponsoring or defending discrimination by persons or organizations**

27. As noted in Israel's previous report to the Committee, Amendment No. 9 to Article 7 (a) of *Basic Law: The Knesset* effectively bars the participation in elections of any political party advancing aims or actions that specifically or implicitly incite racism. In a recent case, A.E. 11280/02 *Central Elections Committee et al v. Ahmad Tibi et al* (15.05.2003), the Supreme Court held that because this Basic Law relates to a fundamental right of free expression, a narrower meaning of racial incitement would be applied. Thus, the Court upheld the participation in the elections of an individual who had previous connections to a racist party as well as that of an Arab candidate who did not fully support the existence of a Jewish State.

28. According to the *Law of Associations, 5750-1980 ("The Law of Associations")* (last amended on 11 June 2000) any group of two or more persons may form an association for non-profit purposes. The Registrar of Associations is bound by law to register all associations unless it fulfills one of the following:

- 28.1. The association denies the State of Israel's right of existence.
- 28.2. The association denies the democratic nature of the State.
- 28.3. There is a reasonable belief that the association will act as a guise for illegal activity.

29. Israel's *Penal Law 5737-1977 ("The Penal Law")* too counters discrimination by prohibiting racial incitement and other related offences and was recently amended to include additional offence related to racial hatred (See Article 4 below).

## **3. Measures to review, amend, rescind or nullify governmental, national and local policies that create or perpetuate racial discrimination**

### **I. Legislative measures**

#### *Removing the nationality clause from Israel's identity cards*

30. The Government has decided to delete the nationality clause from Israeli identity cards. The Minister of the Interior announced this decision in March 2002, and the Constitution and Law Committee of the Knesset subsequently approved this decision. Accordingly, Regulation 2A (5) of the Registration of the Population (Details in Identity Cards) Regulation 5750 - 1990, which stipulated that the nationality would appear in the identity card, was repealed.



*Enhancing infrastructure within Israel's Arab sector**Planning in the Arab sector*

31. During the last few years, the Israeli Government has placed an emphasis on improving the infrastructure and increasing the development rate in Arab villages and towns. To this end, the Government has promoted local outline plans (for the development of Arab villages and towns) and allocated funds to support their development.

32. The Government adopted a series of decisions giving priority to the preparation of outline and zone plans in the Arab sector (January 1998, March 2000, June 2004). The budget for the preparation of the outline and zone plans is approximately 56 million NIS. Furthermore, a national project to promote outline and zone plans in the Arab sector is currently executed in approximately 60% of the Arab sector localities and may be expanded in the future.

33. These plans are meant to respond to the expected population growth in the Arab sector until the year 2020 and to allocate sufficient land to this end. Where there is need for public lands, the Israel Land Administration (ILA) allocates land for the purpose of establishing public institutions and housing for residents who are not landowners. A comprehensive national outline plan, dealing with construction, development and preservation (National Outline Plan #35) is near completion and will be presented for governmental approval during 2005.

34. Naturally, the plan includes Arab towns and villages. The explanatory notes attached to this plan outline, *inter alia*, several guiding principles for the development of Arab communities. The rationale behind these guidelines is to tailor a response to the special needs of the Arab sector in order to close the gaps and achieve equality between the Jewish and the Arab sectors. This plan is based on the principles of affirmative action and includes preferential budget allocation, loans, and designation of certain Arab towns and villages as preferred development zones.

*Recent developments*

35. In March 2000, the Government promoted planning initiatives in 21 towns and villages in the Arab sector in five districts. To date, planning has commenced in two districts. The budget allocated for this project amounts to 17.7 million NIS for 2001-2003.

36. Additionally, the Planning Administration and ILA are working on outline plans for 36 Bedouin and Arab towns and villages in northern Israel. Planning has already been completed for 34 of these communities, as will be discussed in Article 5. An inter-ministerial committee headed by the Ministry of the Interior in cooperation with the Ministry of Construction and Housing is currently preparing outline plans for an additional seven Druze, Bedouin and Arab towns. Five more communities await approval of completed outline plans.

37. In addition, in order to bridge the gaps between the Arab and Jewish populations, the Government has adopted a Multi-Year Plan to Ensure Equality of the Arab population in the Social, Cultural and Economic Arena (described in detail below).

## II. Judicial measures

### *Amending discriminatory land allocation policies*

38. In *H.C.J 6698/95 Ka'adan v. The Israel Lands Administration* (ILA) (08.03.2000), The High Court of Justice held that the State of Israel was prohibited from allocating State land to the Jewish Agency for Israel for the purpose of establishing a community which would discriminate between Jews and non-Jews. The petitioners, an Arab couple, wished to build a home in Katzir, a communal village in the Eron River region at the north of Israel. Katzir was established in 1982 by the Jewish Agency in collaboration with the Katzir Cooperative Society, on State land that was allocated to the Jewish Agency (via the Israel Lands Administration) for such a purpose.

39. The Katzir Cooperative Society only accepted Jewish members. As such, it refused to accept the petitioners and allow them to build their home in the communal village of Katzir. The petitioners claimed that the policy constituted discrimination on the basis of religion or nationality and that such discrimination with regard to State land is prohibited by law.

40. The court held in the *Ka'adan* case that the State may not allocate land directly to its citizens on the basis of religion or nationality. This conclusion is derived both from the values of Israel as a democratic State and from the values of Israel as a Jewish State. The Jewish character of the State does not permit Israel to discriminate between its citizens. In Israel, Jews and non-Jews are citizens with equal rights and responsibilities. The court emphasized that the State will be viewed as engaging in impermissible discrimination even if it is also willing to allocate State land for the purpose of establishing an exclusively Arab town, as long as it permits a group of Jews, without distinguishing characteristics, to establish an exclusively Jewish town on State land.

41. Moreover, the Supreme Court held that the State may not allocate land to the Jewish Agency knowing that the Agency will only permit Jews to use the land, saying that where one may not discriminate directly, one may not discriminate indirectly. If the State, through its own actions, may not discriminate on the basis of religion or nationality, it may not facilitate such discrimination by a third party. It does not change matters that the third party is the Jewish Agency. Even if the Jewish Agency may distinguish between Jews and non-Jews, it may not do so in the allocation of State land.

42. It should be noted that the Court limited its decision in the *Ka'adan* case to the specific facts of this case. The general issue of the use of State lands for the purposes of land development raises a wide-range of questions, which are yet to be resolved. First, *Ka'adan* is not directed at past allocations of State land. Second, it focuses on the particular circumstances of the communal village of Katzir. In discussing this issue, the Court did not take a position with regard to other types of settlements (such as the commune-based *Kibbutz* or *Moshav*) or to the possibility that special circumstances, beyond the type of establishment, may be relevant, stating that:

“[I]t is important to understand and remember that today we are taking the first step in a sensitive and difficult journey. It is wise to proceed slowly, so that we do not stumble and fall, and instead we will proceed cautiously at every stage, according to the circumstances of each case.”

43. The Court rendered the decision that the State of Israel must consider the petitioners’ request to acquire land for themselves in the town of Katzir for the purpose of building their home. The State must make this consideration based on the principle of equality, and considering various relevant factors - including those factors affecting the Jewish Agency and the current residents of Katzir. The State of Israel must also consider the numerous legal issues. Based on these considerations, the State must determine with deliberate speed whether to allow the petitioners to make a home within the communal town of Katzir.

44. As a response to the Ka'adan ruling, the Israel Land Administration, in cooperation with the Jewish Agency for Israel, issued new admission criteria to be applied uniformly to all applicants seeking to move into small, communal settlements established on State-owned lands. These criteria stipulate that applicants must be over the age of 20, apply as an individual or a couple (including families), maintain sufficient economic resources, and maintain suitability to a small communal regime.

45. If the Committee rejects an application for admission, the reasons for rejection are to be based upon an objective, professional and independent opinion. Any criterion for admission to particular settlements is to be assessed in advance by the Administration and publicized. A decision by the Israel Land Administration also requires additional criteria to be included in the settlement’s Articles of Association. The inclusion of additional criteria in the Articles of Association requires approval by the Cooperative Associations Registrar.

46. The decisions of the aforementioned committees are subject to review by a Public Appeals Committee, to be chaired by a retired judge. Application forms and rules of procedure of the Appeals Committee are to be made available to the public.

47. A similar case still pending before the High Court of Justice is H.C.J 5601/00 *Ibrahim Dwiri v. Israel Land Administration et al.* The issue raised in this petition is the request of the Dwiri family to acquire a piece of land in the neighborhood of Kibbutz Hasollelim's expansion area, which was dismissed by the Kibbutz. Following the filing of the petition, the parties, the Dwiri family, the Kibbutz and the State, reached an agreement that the family would undergo the same selection/screening and acceptance procedures as any other entity interested in purchasing land in this neighborhood. In the framework of these procedures, the Kibbutz acceptance committee, on the basis of the opinion of the Institute of Evaluation which examined the family, concluded that the Dwiri family does not harmonize with the Kibbutz way of life. The family issued a counter opinion.

## **Other**

48. In 1997, The Legal Center for the Rights of Arabs in Israel petitioned the High Court of Justice, demanding that the Ministry of Education, Culture and Sport apply the Education and Welfare Services reinforcement programs in the Arab municipalities, as well as the Jewish ones (*H.C.J 2814/97 The High Follow-up Committee on Matters of Arab Education in Israel et al. v. The Ministry of Education, Culture and Sport* (20.07.2000)).

49. On July 20, 2000, the High Court of Justice rejected the petition, finding that recent action by the Government to bolster the Arab sector via affirmative action and an injection of public funds specifically designated to amend admitted previous discriminatory practices, merits dismissal of the petition.

50. Similarly, Adalah, The Legal Center for Arab Minority Rights in Israel petitioned the High Court of Justice in November, 2004, to compel the government to adopt regulations regarding the holy places of the non-Jewish population offering the same protections that have been established via regulations promulgated regarding the Jewish population's holy sites. The case is pending before the Court.

51. The Courts' support for affirmative action policies is demonstrated in previous Supreme Court rulings (*H.C.J 528/88 Avitan v. Israel Lands Administration and Others*, 25.10.1989; *H.C.J 453/94 Israel Women's Network v. Government of Israel*, 01.11.1994).

### **4. Measures to end discrimination by individuals and organizations**

52. Racism, in its various manifestations is considered a criminal offence in Israel, as discussed in Article 4 below.

#### **I. Legislative measures**

##### **(A) Increasing proportional representation in Israel's Civil Service and within governmental corporations**

53. The *Civil Service Law* requires that the Israeli civil service maintain fair representation in terms of appointments. According to the Law, the government is entitled to apply an affirmative action policy to allocate certain positions to under-represented groups for the purpose of attaining fair representation.

54. In 2001, the Government stated in its Statement of Basic Principles that it will strive to create positions in the civil service, at the highest levels, for persons from the Arab sector. As discussed below in Article 5, there have been major improvements in the Arab representation in the civil service, with a growing increase of minority employees every year. Indeed, the Government established fixed target figures for the number of employees from the minority population, as discussed in Article 5 below.

55. The Government of Israel has also moved to boost minority representation within government-owned corporations. Under a June 2000 amendment to the *Government Corporations Law, 5735-1975* ("*The Government Corporations Law*") (Amendment 11), the minority population must be appropriately represented on the board of directors of every governmental corporation.

56. In addition, the law prescribes that until appropriate representation is achieved, ministers must appoint as many Arab directors as possible. Article 60 (a) of the *Government Corporations Law* extends the application of Amendment 11 to appointments to the board of directors of statutory corporations and other statutory organizations.

57. Article 18 (a) (1) mandates the directorate of government corporations to reflect the governmental policy of fair representation. Moreover, the new amendment empowers the government to do its utmost to appoint directors from the Arab population until the goals of the amendment are met. The Attorney-General provided government ministers with guidance regarding implementation of the new standards.

58. In addition, a government sub-committee was established to monitor efforts to enforce the new affirmative action measures. Between January 2000 and 2005, Arab representation in government corporations had nearly tripled to 46 representatives (7.97%, compared to 1.7% in 2000).

59. A group of Israeli NGOs has created a database of Arab candidates who might qualify for senior government corporation positions. The information is available to the Authority for Government Corporations. There are also efforts to create an official database of qualified minority candidates for senior government corporation positions.

60. In addition to increasing representation of minority groups, the civil service sector has also taken steps to better accommodate the different lifestyles of minority employees at work. Holiday and vacation time is provided according to the minority groups' relevant religious holidays; such that Muslim employees are entitled to a day-off during the Ramadan, and Christians can choose Sunday as their day off from work. Furthermore, the civil service recognizes different mourning periods for different religious and ethnic groups. As a result, a Druze employee may observe a longer mourning period than a Jewish colleague.

**(B) The Law for the Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places**

61. The recent enactment of the *Law for the Prohibition of Discrimination in Products, Services and in Entry to Public Places* has substantially limited the possibility of discrimination occurring in the private sector. Under Article 3 (a) of this law, a provider of products or services to the public, or anyone engaged in the operation of a public place, is prohibited from discriminating on the basis of race, religion or religious affiliation, nationality, country of origin, sex, sexual orientation, views, political affiliation, personal status, or physical disability. Articles 5 and 9 of the law make such discrimination both a civil wrong, enforceable under the provisions of the *Tort Ordinance, 5728-1968*, ("*The Tort Ordinance*"), and a criminal offence, punishable by a fine. Article 11 applies the provisions of this law to the State as well and sets out the legal standards for assessing discriminatory acts.

**(C) The Rights of the Patient Law, 5756-1996 ("The Rights of the Patient Law")**

62. Article 4 to the *Rights of the Patient Law* provides that a health care provider may not discriminate against patients on the basis of religion, race, sex, nationality, country of origin, sexual orientation or for any other reason.

**(D) 1995 Amendment to the Equal Opportunities in Employment Law, 5748-1988 ("The Equal Opportunities in Employment Law")**

63. The 1995 Amendment to the *Equal Opportunities in Employment Law* expanded the application of anti-discrimination legislation to the private sector. The law prohibits discrimination by an employer who employs six or more employees. Originally, discrimination was defined as "discrimination by reason of sex, family status, parentage or sexual preference". In 1995, this law was amended to prohibit discrimination based on "national ethnic origin, country of origin, beliefs, political views, political party affiliation or age". The law also prohibits recruiting practices that have a discriminatory effect.

**II. Judicial measures**

64. Some legal commentators are of the opinion that the *Basic Law: Human Dignity and Liberty, 5752-1992 ("The Basic Law: Human Dignity and Liberty")*, which serves as a cornerstone for prohibiting discrimination, also applies to private entities. While the Supreme Court has yet to rule decisively on this matter, several lower courts have applied this Basic Law to private individuals as well.

**Prohibiting discrimination by private enterprises**

65. An example of a lower court barring discrimination in the private sphere prior to the enactment of the *Law for the Prohibition of Discrimination in Products, Services and in Entry to Public Places* is the Kalia case (C.C 11258/93 *Ibrahim Na'amna et al v. Kibbutz Kalia et al* (01.09.1996)). There, the Magistrate Court of Jerusalem invoked the Basic Law: Human Dignity and Liberty, as well as international norms, to support its finding that a private amusement park may not discriminate with regard to its entrance policies.

**5. Measures to encourage integrationist multiracial organizations**

66. There are a number of multiracial organizations in Israel, principally operating with the goal of enhancing cross-cultural understanding and mutual existence. As discussed further in Article 7 below, the activities range from youth orchestras to educational centers such as Givat Haviva.

**B. Social, economic, and cultural measures to ensure development and protection of racial groups**

67. In line with the judicial and legislative measures and policies outlined above, the Government of Israel has turned its attention to developing proactive policies aimed at encouraging the development of racial groups, enhancing diversity, and preserving ethnic traditions and cultures.

### **Multi-year plan to extend equality to various social, cultural and economic arenas**

68. In a sweeping effort that entrenches the principles of CERD, within the domestic context, the Government of Israel has embarked on a comprehensive initiative to promote development within the Arab sector, Israel's largest minority community. This multi-year plan goes beyond legislation in addressing gaps in the social, economic and cultural fields. In essence, this initiative seeks to promote equality in Israel by developing increased social services, economic opportunities, and cultural facilities.

69. In October 2000, the Government submitted a comprehensive scheme, designed by nearly all government agencies, addressing all aspects of development in the Arab sector. Israel Government Decision No. 2467 established a multiyear development plan for the Arab-Israeli sector (hereinafter: "the plan"). This plan emphasizes the government's duty to eliminate gaps between Jews and Arabs and to promote equality and fair conditions concerning economic and social welfare.

70. The preparatory work for this plan involved nearly all governmental agencies. The plan operated from 2001 until December 31, 2004, with an overall budget of **3.9 billion NIS**. The Government successfully implemented 88% of the plan; furthermore, the Government has decided to finalize all uncompleted projects by December 31, 2006.

71. Some important aspects of the plan are translated below, including the sums (in NIS) of actual funds that were disbursed during the years 2001-2003.

#### **A. General**

72. *The government of Israel regards itself as obligated to act to grant equal and fair conditions to Israeli Arabs in the socio-economic sphere, in particular in the areas of education, housing and employment.*

73. *The government regards the socio-economic development of the Arab-sector communities of Israel as contributing toward the growth and development of all of Israel's society and economy.*

74. *The government shall act for the socio-economic development and advancement of the Arab-sector communities and reduce the gaps between the Arab and Jewish sectors pursuant to the following plan, as set forth by the Prime Minister's Office and the Ministerial Committee on Arab-Sector Affairs, in cooperation with the Director-General of the Prime Minister's Office and the representatives of the Arab authorities.*

75. *The development plan shall be based on collaborative efforts with the respective Arab authorities. The Ministry of the Interior shall oversee these cooperative efforts and manage the initiative by applying municipal bylaws, collecting municipal taxes, supervising compliance with construction laws, etc.*

76. *The cost of the development plan for the Arab-sector communities shall total four billion NIS for the years 2001-2004. This sum includes an additional sum of two billion NIS in excess of the already existing government development budgets in the government ministries for the*

*Arab-sector communities, including one billion NIS as an additional payment from the Ministry of Finance for the budget of the ministries .These budgets include the share granted to the Arab-sector communities in the development budgets of the government ministries.*

77. *The development plan shall apply to Arab local authorities and Arab communities located within regional councils.*

78. *An inter-ministerial team, headed by the Prime Minister's Office, with the participation of the Ministry of Finance and other ministerial representatives, as required, shall coordinate staff activities, including status of implementation, planning of operations, identification of priorities, allotments of budgetary amounts and setting performance timetables. The inter-ministerial team shall oversee and control the status of implementation of the development plan by the government ministries and, in cooperation with the representatives of the Arab sector, shall perform an annual survey of plan performance.*

79. *Recognizing the importance of addressing the economic and social gaps in the Arab minority sector, the Prime Minister in 2003 further pushed for the integration of the Arab sector into the civil service and governmental corporations. He initiated the establishment of a Public Complaint service for the Arab minority, economic development plans that integrated the Arab municipalities with the regional sectors, a Permanent Council for addressing problems of relations and pressing issues between Arabs and Jews, and demanded the governmental ministries (noted below) to submit proper plans that address the problems of the minority Arab sector.*

## **B. *The Ministry of the Interior***

### *General*

80. *The Ministry of the Interior shall allocate 412 million NIS for development of Arab communities, an annual average of 103 million NIS for the years 2001-2004.*

### *Advancement of outline schemes and detailed schemes*

81. *The Ministry of the Interior shall oversee the adoption, implementation, and updating of already agreed-upon plans as well as plan-proposals, for the Arab-sector communities. The plans shall be financed by means of a government-approved special budget in the amount of 28 million NIS, as outlined below:*

<i>81.1.1. Ministry of the Interior</i>	<i>9.40 million;</i>
<i>81.1.2. Israel Lands Administration</i>	<i>4.75 million;</i>
<i>81.1.3. Local Authorities</i>	<i>1.25 million;</i>
<i>81.1.4. Ministry of Finance</i>	<i>12.70 million.</i>



82. *A team composed of members from the Ministries of the Interior and Finance, the Israel Lands Administration and the Prime Minister's Office shall consider expanding the scope of planning in other communities by means of an additional budget of 12 million NIS, taking into account the requirements and the pace of performance of the plans.*

83. *The Ministry of the Interior shall set aside 22 million NIS for the restoration, establishment and development of religious institutions in the Arab sector, with annual allocations of 5.5 million NIS, between 2001-2004. This funding will be divided by the Ministry of the Interior and the Ministry of Finance as follows:*

83.1.1. *Ministry of the Interior - 4.5 million NIS;*

83.1.2. *Ministry of Finance - 1 million NIS;*

83.2. *The Prime Minister requested the Ministry in 2003 to address issues relating to planning and development, and to remove obstacles to the development of their municipalities.*

### **C. *The Ministry of Construction and Housing***

#### *Development of older neighborhoods*

84. *The Ministry of Construction and Housing shall coordinate the infrastructure development project in the Arab-sector, by establishing new infrastructure and improving existing infrastructure. The budget for this initiative will be 220 NIS million, with annual allocations of 55 million NIS for the years 2001-2004. The sources of annual funding shall be as follows:*

84.1.1. *The Ministry of Construction and Housing - 23 million NIS;*

84.1.2. *The Ministry of Finance - 32 million NIS.*

85. *The plan includes 1.025 NIS million per year to restore and renovate dwellings owned by old people living alone in the following communities: Kfar Manda, Kfar Kana, Mishad, Tamra, and Majd el-Kroom.*

86. *The scheme includes budgets for the development of roads and local routes to be provided by the Ministries of Transport, the Interior and Construction and Housing. This development initiative shall be implemented jointly by three government ministries: the Ministry of Construction and Housing, the Ministry of Transport and the Ministry of the Interior, and coordinated and administered by the Ministry of Construction and Housing and the Prime Minister's Office.*

#### *Development of new neighborhoods by means of high-density construction*

87. *The Ministry of Construction and Housing shall allocate 120 million NIS for the development of new Arab neighborhoods by means of high-density public construction, mainly on state lands, to create 5,000 housing units. This averages around 30 million NIS per year, for*

*the years 2001-2004, pursuant to existing arrangements between the ministries and the arrangements to be agreed upon between the ministries following the examination referred to in article 3 below.*

88. *Identification of the lands designated for high-density construction shall be performed in coordination with the Israel Lands Administration, the Ministry of the Interior and the local authorities. The Israel Lands Administration shall transfer the authority for planning and development to the Ministry of Construction and Housing, as per its request, in order to implement the plan most effectively.*

89. *The standard of development in the new neighborhoods shall meet legal standards, while, at the same time, the cost thereof shall not exceed 70,000 NIS per residential unit. The amount of provided subsidies for high-density construction shall not exceed 35,000 NIS per residential unit. Communities designated as national priority areas shall benefit from the subsidy. Furthermore, the feasibility of encouraging such neighborhoods in communities located outside the priority areas also shall be examined.*

90. *The Ministry of Construction and Housing shall allocate an additional 40 million NIS to develop new neighborhoods on private lands located within already-existing Arab-sector communities using high-density public construction in a total of not fewer than 50 housing units per neighborhood. An average 10 million NIS will be spent annually in the years 2001-04 in order to complete this project.*

91. *By developing new neighborhoods on private lands, the aid will include funding for planning (at the detailed plan stage), in addition to contributions toward development in an amount not exceeding 50% of the approved infrastructure tariffs up to a ceiling of 20,000 NIS per residential unit. The budget shall be given to those neighborhoods and buildings where building permits have been granted since January 1, 2001.*

92. *Construction density on the sites chosen pursuant to this chapter shall not fall below six residential units per dunam (net).*

93. *The Prime Minister in 2003 also requested the Ministry to delineate the problems and obstacles relating to economic development and growth and allow for the implementation of plans that address these problems.*

#### *Development of public institutions*

94. *The Ministry of Construction and Housing shall allocate 320 million NIS towards the construction of public institutions to host cultural, social and sports activities in Arab-communities, an average of 80 million NIS for the years 2001-2004. The sources of funding shall be as follows:*

94.1.1. *The Ministry of Construction and Housing - 10 million NIS;*

94.1.2. *The Ministry of Finance - 70 million NIS.*

95. *This budget does not incorporate the provisions of the Report of the Committee of the Directors-General on Construction of Public Institutions concerning the construction of public institutions, but it does include budgets to be allocated to public institutions pursuant to other schemes in the years 2000-2004.*

96. *The construction of community centers and sports halls in large communities with over 5,000 inhabitants, if feasible, will take precedence over other types of construction.*

97. *In the course of plan execution, supplementary sources of financing shall be taken into account, such as the National Lottery (Mifal HaPaysis) budgets, public institutions standard budgets and the development budgets of the Ministry of the Interior.*

98. *The Ministry of Construction and Housing shall establish a timetable for this public-works project, approve work plans of the respective communities; and implement construction. The maximum cost for a single public institution shall not exceed the budgetary ceiling set by the Report of the Committee of the Directors-General on Construction of Public Institutions.*

#### **D. The Ministry of National Infrastructures**

##### Administration for Sewage Infrastructures

99. *The Administration for Sewage Infrastructures will make loans and grants available to the Arab-sector authorities to regulate the internal sewage system, conduit lines and end installations, in line with the budgetary restrictions set out in article 2 below.*

100. *The Ministry of National Infrastructures will allocate for the years 2001-04 a total of 400 million NIS. 50% of this amount will be set aside to fund initiatives that will serve to deal with waste in the Arab-sector communities. Moreover, these monies will be distributed on a need-oriented basis. The Ministry of National Infrastructures and the Ministry of Finance will make all budgetary decisions.*

101. *A joint team of the Ministry of National Infrastructures (the Water Commission and the Sewage Administration), the Ministry of Finance and the Prime Minister's Office shall determine the parameters for the plans based on the principle of a grant of up to 50% of the amount of invested capital. As a general rule, the solutions for dealing with waste shall include, as required, completion of internal systems, conduit lines and end installations. Solutions for utilizing purified wastewater shall be funded from a budget designated for this purpose by the Ministry of National Infrastructures.*

102. *The Administration for Sewage Infrastructures shall direct the Arab-sector authorities in regulating those matters that are a prerequisite for receiving loans and grants, including the approval of bylaws.*

##### Israel Lands Administration

103. *The Israel Lands Administration shall allocate 4.75 million NIS towards promoting outline plans, outlines and detailed plans for the Arab-sector communities, as set forth in section C, in the section on the Ministry of the Interior, above.*

**E. The Ministry of Transport**

Internal roads

104. *The Ministry of Transport shall allocate 180 million NIS for implementing internal road systems and safety projects in the Arab-sector communities; 45 million NIS annually for the years 2001-2004.*

Regional roads

105. *The Public Works Administration (Ma'atz) shall allocate approximately 325 million NIS for the development of road networks in the Arab-sector communities; 81.25 million NIS annually for the years 2001-2004.*

**F. The Ministry of Industry, Trade and Labor (ITL)**

Development of industrial zones

106. *The Ministry of ITL shall allocate 120 NIS million in the years 2001-2004 towards identifying suitable industrial zone areas and developing infrastructure in six industrial zones in densely-populated Arab areas, subject to availability and economic considerations. Contributions shall be as follows:*

106.1.1. *The Ministry of ITL - 15 million NIS;*

106.1.2. *The Ministry of Finance - 15 million NIS;*

106.2. *The budgetary expenditures shall not be dependant upon expected income from the development of the areas.*

Benefits to industrial zones

107. *All the benefits awarded to enterprises located in industrial zones in national priority areas (aid, grants, discounts, etc.), within the ambit of the Encouragement of Capital Investments Law, 5719-1959 ("The Encouragement of Capital Investments Law") and based on geographic location, shall be granted to the industrial zones described in section A above as well. The Ministry of ITL, the Ministry of Finance and the Prime Minister's Office shall examine additional modes of encouraging the above industrial zones.*

Development of trade and services areas

108. *The Ministry of ITL shall allocate 80 million NIS towards developing services and trade areas in the Arab-sector communities, subject to availability and economic considerations, with 20 million NIS annually for the years 2001-2004. Funding shall be as follows:*

108.1.1. *Ministry of ITL - 10 million NIS;*

108.1.2. *Ministry of Finance - 10 million NIS.*

**G. The Ministry of Tourism**

Tourism infrastructure

109. *The Ministry of Tourism shall allocate 20 million NIS for development of tourism infrastructure in Arab communities, 5 million NIS for each of the years 2001-2004.*

Guest rooms

110. *The Ministry of Tourism shall allocate 4 million NIS to set up guest houses (Tzimmerim) in Arab communities.*

**H. The Ministry of Agricultural and Rural Development**

Agricultural investments

111. *The Ministry of Agriculture shall allocate 20 million NIS to promote investments for the development of agriculture in the Arab sector, with an annual budget of 5 million NIS for the years 2001-2004.*

**I. The Ministry of Education**

Construction of classrooms

112. *The Ministry of Education shall allocate 700 million NIS for construction of classrooms in nursery, kindergarten, elementary and high schools, in the Arab sector, with an average annual budget of 175 million NIS for the years 2001-2004. Sources of funding each year shall come from the Ministry of Education and from the National Lottery. Note however that the project was cancelled after the government had provided 78 million NIS for purposes of building.*

Pedagogical plans

113. *The Ministry of Education shall allocate a sum of 280 million NIS over the year 2001-2004 to develop pedagogical programs that improve and enhance the educational system in the Arab sector, with an annual budget of 70 million NIS for the years 2001-2004. Funding sources for each year shall be as follows:*

*113.1.1. The Ministry of Education - 50 million NIS;*

*113.1.2. The Ministry of Finance - 20 million NIS.*

Technological education

114. *The Ministry of Education shall allocate 66 million NIS towards developing and offering new courses of study in high schools and in post high-school institutions in technological fields, 16.5 million NIS for each of the years 2001-2004. Funding sources, on average, shall be as follows:*

*114.1.1. The Ministry of Education - 8.25 million NIS;*

114.1.2. *The Ministry of Finance - 8.25 million NIS;*

114.2. *The Prime Minister in 2003 requested the Ministry to address the issue of educational development and various social gaps, with a view towards remedying the problems via integration and development.*

**J. *The Ministry of Labor and Social Affairs***

*Vocational training*

115. *The Ministry of Labor and Social Affairs shall allocate a total amount of 268 million NIS to establish engineering and vocational training courses; 67 million NIS for each of the years 2001-2004.*

116. *This clause includes a set-aside of 24 million NIS for the establishment of supplemental education classes for women, 6 million NIS annually for the years 2001-2004. Funding sources for each year shall be on average as follows:*

116.1.1. *The Ministry of Labor and Social Affairs - 47 million NIS;*

116.1.2. *The Ministry of Finance - 20 million NIS.*

**K. *The Ministry of Health***

*Health stations*

117. *The Ministry of Health shall allocate 10 million NIS for construction of family medical and dental clinics in the Arab sector, 2.5 million NIS to be spent annually in the years 2001-2004. Funding sources, on average, for each year shall be as follows:*

117.1.1. *The Ministry of Health - 1.25 million NIS;*

117.1.2. *The Ministry of Finance - 1.25 million NIS.*

**L. *The Ministry of Public Security***

*Police stations*

118. *The Ministry of Public Security shall allocate 120 million NIS for construction of police points and stations in the Arab-sector communities, 30 million NIS for each of the years 2001-2004. Funding sources shall be as follows:*

118.1.1. *The Ministry of Public Security - 10 million NIS;*

118.1.2. *The Ministry of Finance - 20 million NIS.*

**M. The Ministry of Science, Culture and Sport**

Construction of cultural institutions and sports facilities

119. The Ministry of Science, Culture and Sport shall allocate 28 million NIS for construction of cultural institutions and sports facilities, 7 million NIS for each of the years 2001-2004. Funding sources for each year shall average as follows:

119.1.1. The Ministry of Science, Culture and Sport - 3.5 million NIS;

119.1.2. The Ministry of Finance - 3.5 million NIS.

Infrastructure for regional research and development "R&D" centers

120. The Ministry of Science, Culture and Sport shall allocate 16 million NIS for improvement of the physical infrastructure of regional R&D centers in Arab communities; 4 million NIS to be spent annually for the years 2001-2004, from a budgetary supplement from the Ministry of Finance.

Support of cultural, artistic and sport activities

121. The Ministry of Science, Culture and Sport shall allocate 91 million NIS towards funding cultural, artistic and sports activities, an average of 22.75 NIS million annually for the years 2001-2004.

**N. The Prime Minister's Office**

Operation

122. The Prime Minister's Office shall allocate 8 million NIS towards operating, overseeing and controlling implementation of the plan.

**In the years 2001-2003, the actual dispersed funds totaled 1.9 billion NIS**

123. Although the economic situation has led the Government to decide on an overall cutback of 8% of the State's total budget, the plan's budget was reduced only by 30 million NIS and **most ministries did not implement this cutback**. Figures show that during 2001 and 2002, out of 1.74 billion NIS that had been allocated for the plan, 1.57 billion NIS had been expended (a 90% implementation rate).

124. All of the development plans in the areas of sewage infrastructure, road infrastructure, communal bodies and the construction of classrooms (save for the construction of classrooms using PFI tender methods) were executed at a pace faster than planned.

125. Incomplete implementation of the plan in some cases is due to the aforementioned cutbacks, as well as bureaucratic barriers and budget deficits in some of the municipalities where cooperation is required for the successful implementation of the plan.

126. The actual use of the allocated resources is not uniform. In some instances, tenders have been published, and funds transferred to municipalities, though not necessarily spent. In other instances, budgets have been limited for particular projects. At present, the budgets for 73 Arab towns and villages have been set directly by the Prime Minister's Office. Furthermore, the Government has successfully implemented effective solutions to sewage problems in those towns and villages.

127. The Prime Minister's Office decided in mid-2002 to hire a private accountant, to better and more closely monitor implementation of the plan. The accountant provided an interim report in November 2002, detailing budget allocation in light of actual expenditures in the plan's first two years.

128. **Thus far, the following funds have been spent for the years 2001-2003:**

- 128.1. Ministry of the Interior - **259 million NIS**;
- 128.2. Ministry of Construction and Housing - **267 million NIS**;
- 128.3. Ministry of National Infrastructures - **253 million NIS**;
- 128.4. Ministry of Transport - **420 million NIS**;
- 128.5. Ministry of Industry Trade and Labor - The budgetary expenditures shall not be subject to income from development of the areas -**156 million NIS**;
- 128.6. Ministry of Tourism - **16 million NIS**;
- 128.7. Ministry of Agricultural and Rural Development - **12 million NIS**;
- 128.8. Ministry of Education - **648 million NIS**;
- 128.9. Ministry of Health - **6.8 million NIS**;
- 128.10. Ministry of Public Security - **90 million NIS**;
- 128.11. Ministry of Science, Culture and Sport - **9.7 million NIS**.

### **Bedouins in the Negev**

129. The Bedouin population resides in both the North and the South of the country. The government has initiated a number of plans that address the concerns and needs of the Bedouin population, as fully described in Article 5 below. The key goals of the plans are to allow for sustainable integration of the Bedouin population into the State, while maintaining their traditional practices and lifestyle. All of the plans involve active societal participation of the relevant tribes and communities and strive to properly compensate and integrate the Bedouin population into Israeli society.



## **I. Pedagogic programs to foster democracy and tolerance**

130. Under the guidance of its pedagogical department, the Ministry of Education has made a concerted effort to advance the principles of democracy and coexistence in its curriculum, and through this framework, works to combat all forms of discrimination. In the academic year 2001, the Ministry of Education funded a number of programs with costs totalling 8 million NIS. For more detailed information, see below Article 7.

## **II. Affirmative action in higher education**

131. A special sub-Committee of the Council for Higher Education in Israel examined the state of Arab students in Israel and prepared a comprehensive report on the subject. The Council for Higher Education subsequently adopted the report's key recommendations in January 2002. One significant recommendation worth highlighting here is the **adoption of an affirmative action policy in higher education**.

## **III. Appointment of minority judges**

132. In the Judicial system there are currently 526 judges and 77 registrars functioning. In the Supreme Court, out of the 14 justices, one is of Arab origin. In the District Courts 3 Christian judges and 4 Muslim judges are active. In the Magistrate Courts 11 Christian judges, 6 Muslim judges and 5 Druze judges are active. One Christian judge serves on the District Labor Court. In total 30 judges from minority groups function in the judiciary system. Nine persons from minority groups are active as registrars: one Druze registrar, 6 Muslim registrars and 2 Christian registrars.

## **IV. Development of industrial zones**

133. A new District Outline Plan for the northern district of Israel was deposited on 7.9.1999 for public comments. Hundreds of comments were submitted. The comments were considered and the Plan was adjusted accordingly, such that the Plan is expected to be approved soon. The majority of the suggested development is in the central sector of the Galilee, in which most of the population is Arab. The scheme gives special consideration to the special demographic needs of the Arab population, addressing, among other things, establishing industrial zones (described below). The Ministry of Industry Trade and Labor has devoted 16% of its 2002 budget for this purpose, and in the prior 4 years has devoted on average 15% of its budget for the purpose of encouraging the creation and development of industrial zones in Arab locales.

134. In 2002, the Ministry of ITL's budget for development of industrial zones in minority areas grew from 15 million NIS (in 2001) to 25 million.

**Table 1****Development budget for industrial areas, 1995-2000 (in millions of NIS)**

Year	Budget allocated to minority sector industrial areas	Budget allocated to all industrial areas	Percentage allocation to minority sector (%)
1995	6	163	3.6
1996	30	269	11.1
1997	24	242	9.9
1998	21	222	9.5
1999	23	216	10.6
2000	31	236	13.1

**V. Encouraging local entrepreneurs**

135. In 2002, four companies established by Arab-Israeli entrepreneurs participated in a biotechnology exhibition sponsored by the Ministry of ITL. This was the first time that Arab-Israelis were able to present their technological contributions to the country on such a level. Moreover, this development underscores the ability of Arab-Israelis to increasingly branch out into fields in which they were traditionally not represented. Already, over 10 companies founded by Arab-Israelis cooperate with technological greenhouses throughout the country. Several of these companies are valued at multi-million dollar levels (2002).

**Article 3**

136. Apartheid has always been regarded as abhorrent by the Israeli Government and society and continues to be so regarded. Apartheid has never been practiced in Israel. There exist in Israel no restrictions of any kind as to place of residence nor is there any segregation of any kind.

**Article 4****A. Criminal prosecution of racism****I. The Law**

137. As previously reported, Article 144A of the *Penal Law* provides for a penalty of up to five years' imprisonment for a person who publishes with the intent to incite to racism, or holds such a publication with the intent to publish it.. Racism is defined in the Law as "persecution, humiliation, vilification, the display of enmity or violence, or the causing of animosity towards a community or parts of the population, by reason of color, racial origin or national-ethnic origin".

138. Articles 144 A-E of the Law further prohibit publication or dissemination of materials with the intent to incite to racism, even if ineffectual in result. The punishment is up to five years imprisonment.

139. A major 1994 amendment of Article 144D1 of the *Penal Law* establishes that a person who commits, out of racist motives, an offence, *inter alia*, against a person, a person's liberty or

property; an offence involving threats or extortion; offences of hooliganism and public disorder or offences by public officials, is liable to the lesser of either double the punishment prescribed for such offence or 10 years' imprisonment.

140. In May 2002, the Knesset further amended Articles 144D2 and 144D3 of the *Penal Law* criminalizing the publication of a call for acts of violence or terror or even praise, support or encouragement for such an act, support or identification with it, where the call is likely to lead to violence.

141. A more recent amendment, dated November 2004, inserted a section titled "Hate Offences" – consisting of Article 144F - "Offences motivated by racism or hostility towards the public – under "aggravated circumstances" which set the punishment to be emitted by the Court to be either double the penalty set to certain offences or ten years imprisonment, the lesser of the two. This applies if the offence was performed out of racist motives against a population due to religion, religious group, ethnic origin, sexual orientation or due to them being migrant workers.

142. The number of cases under this statute varies every year; most of the indictments involve incitement against the Arab minority. During the years 2000-2002, an increasing number of indictments have been filed against Jews and Arabs based on incitement to racial hatred.

143. Another source of law is Article 133 of the *Penal Law* that prohibits the encouraging of hatred between different sections of the population. It carries a punishment of up to 5 years imprisonment.

144. In accordance with Article 46 (a) (2) of the *Second Authority for Television and Radio Law*, 5750-1990 ("*The Second Authority for Television and Radio Law*"), the holders of licenses for cable TV services must not transmit any broadcast which contains racial incitement. They are further bound to take any measure necessary to ensure that no broadcast is liable to incite to discrimination on grounds of religion, race, nationality, community, lifestyle or origin.

145. In accordance with Article 6(25) of the *Telecommunications Law (Bezeq and Broadcasts* 5742-1982 ("*The Telecommunications Law (Bezeq and Broadcasts)*") and article 46 (a) (2) of the *Second Authority for Television and Radio Law*, the cable TV concession holders shall not transmit any broadcast which contains racial incitement. Concession holders are further bound to take all measures necessary to ensure that no broadcast is liable to incite to discrimination on grounds of religion, race, nationality, community, lifestyle or origin. The Communications Act further stipulates under Article 6(57) that this obligation also applies to satellite broadcasts.

146. The defamation of any group as such, including national, racial or religious groups, is prohibited by law (Article 4 of the *Prohibition of Defamation Law*, 5725-1965 ("*The Prohibition of Defamation Law*").

147. The *Prevention of Terrorism Ordinance*, 5708-1948, addresses individuals supporting a terrorist organization. Article 4(b), for example, stipulates that a person, either verbally or in written form, who publicly praises, favors, or calls for support or assistance to a terrorist organization will be charged with committing an offence. Accordingly, several racist

organizations were declared terror organizations. The law enforcement authorities and the judiciary are striving to strike the balance between enforcing these laws and respecting the right to freedom of expression.

148. Given the rise of incidents of racist taunts and physical violence in sports events, the Vilan Committee was established as per a Knesset directive in 2001 to investigate the phenomena and propose needed solutions. The Committee's initial findings from 2001 called for rules that would enhance punishment and increase deterrence against the use of racist and offensive expressions. The Committee indicated that fans and the teams should be directly penalized and educational programs should be adopted promoting fair play and sportsmanship.

149. In November, 2004, the Vilan Committee proposed an amendment to the *Security in Public Places Law, 5723-1962* ("*The Security in Public Places Law*"), adding on sections preventing individuals from entering sports arenas with weapons or pyrotechnic instruments, and disallowing any types of racist exclamations during a sporting event. The proposed punishment is up to one year imprisonment and the draft law has been presented to the Constitution and Law Committee in the Knesset.

## II. Judicial perspectives

150. The possessor of racist material, with the intention of distributing it, is liable to one year's imprisonment and the material is to be confiscated. As previously reported, in the case of C.A. 2831/95, *Ido Alba v. The State of Israel* (24.9.96) the Supreme Court considered an appeal against a conviction for incitement to racism and set an important precedent. The Supreme Court quoted specifically Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination that mandates a State to punish all forms of racism. The Court also stated, *inter alia*:

**"The appearance on the scene (in the seventies) of the Kach movement which called for the creation of a Jewish State based on Jewish law and excluding non-Jews brought to a public platform a political party based on a racist ideology ...**

This led to legislation intended to combat racism...

Racism is no longer only a belief in racist theories; it is also a hatred of strangers as such on the basis of different racial or national-ethnic background. Such hatred is an ancient social malaise. The Israeli legislation is intended to eradicate such racism (Justice Matza paras. 11, 12, 15).

Racism is destructive of the democratic social fabric. It violates Israel's international obligations and the need to combat racism is one of the lessons the Jewish people have learned from their history. Every democracy is therefore entitled to abrogate the principle of freedom of speech insofar as incitement to racism is involved (Justice Barak, para. 4)."

151. Another noteworthy case is *A.C.C.1789/98 The State of Israel v. Benjamin Kahane* (27.11.2000): Following the publication and distribution of a Kahane Chai leaflet which called for the destruction of Arab villages in Israel, the State charged Benjamin Kahane with

incitement, a criminal offense under Articles 133 and 134(3) of the *Penal Law*. In finding Kahane guilty of these offenses, the Court ruled that the offense of incitement was designed not only to protect the stability of the State, but only to preserve community bonds among the State's citizens. This ruling is significant insofar as it has extended the scope of the criminal offense and may facilitate future prosecution of parties calling for acts of violence against minority groups.

152. The State indicted Tatyana Suskin for posting leaflets in Hebron which depicted the Prophet Mohamed as a pig, standing on the Quran. She was charged, among other things, with committing an act of racism and offending religious sensitivity, violations of Article 144(d)(1)(a) and 173 of Israel's Criminal Code. The District Court found Suskin guilty on all charges and sentenced her to two years imprisonment and one year suspended imprisonment (Cr.C 436/97 *The State of Israel v. Tatiana Suskin* (30/12/1997)). The Supreme Court declined the defendant's appeal.

153. The Supreme Court has even upheld a prolonged detention for an individual accused of committing a hate crime against a religious institution. In *Hazut v. State of Israel*, the accused physically removed foundation stones from a mosque in Tiberius. Given the strong evidence provided to the Court and the gravity of the offence, the Court upheld the lower court's extension of his pre-trial detention (C.R. 8971/00 *Avshalom Hazut v. The State of Israel* (14.12.2000)). Similar detentions were upheld by the Supreme Court in C.R. 2714/01 *Gadi Levanon v. The State of Israel* (15.04.2001) and in C.R. 8169/00 *David Ben-Ami v. The State of Israel* (19.11.2000), where the defendants committed assault out of racist motives.

154. In a Magistrate Court decision (Cr.C 3709/02, *The State of Israel v. Cohen Yossef* (16.06.2004)); the Court upheld an indictment against the accused who shouted "Death to Arabs" at a soccer game with intent to incite racism. Despite the protestations of the accused that he was merely shouting slogans along with other spectators who were caught up in the heat of the match, the Court held that the gravity of the remarks dictated the indictment under Article 144 B of the *Penal Law*.

155. In the Tel-Aviv Magistrate Court, a police officer was convicted of assault and battery committed out of racist motives and of abuse of authority. Specifically, the officer assaulted the victim in a demeaning manner. He was sentenced to 6 months of imprisonment and 8 months suspended sentence and ordered to pay 10,000 NIS compensation to the victim. The Court rejected the appeal against the verdict but suspended the sentence because the officer's wife was dying (Cr.C 71188/00 *Ron Forbet v. The State of Israel* (28.12.2000)).

156. The Kfar-Saba Magistrate Court recently convicted two individuals who were indicted in offences of vandalism, the destruction of real estate and publication of racial incitement (the accused drew graffiti on walls stating – "Kahana was right" and "deport the Arabs"). The Court examined Article 144B of the Penal Law and concluded that the graffiti's text constituted racial incitement, and that the relevant text is the external-verbal expression of the political racial idea. In addition, the circumstances of the cases show the defendants' awareness to the criminality of their acts and therefore the criminal intention to incite against Arabs is clear (Cr.C 2110/03 *The State of Israel v. Pniri and Shriki* (05/01/05)).

157. There are several indictments filed for offences related to racism, that are currently pending in the Courts:

File number and parties	Relevant offences included in the indictment	Current status	Date of filing the indictment
CC 2225/03 (Jerusalem Magistrate Court) <i>The State of Israel v. Itamar Ben-Gvir</i>	Publicizing information inciting to racism, supporting a terrorist organization.	Pending.	March 31, 2003
CC 3769/03 (Jerusalem Magistrate Court) <i>The State of Israel v. Shmuel Tachan</i>	The defendant screamed "Death to Arabs"	Scheduled for Judgment, March 30, 2005.	August 5, 2003
CC 2714/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Mimoni Priel &amp; Falus Eyal</i>	The defendants screamed "Death to Arabs" in the midst of a soccer game.	Scheduled for arraignment, February 7, 2005.	June 7, 2004
CC 2712/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Yehuda Nissim</i>	The defendant screamed "Death to Arabs" in the midst of a soccer game.	Scheduled for arraignment, March 29, 2005.	June 7, 2004
CC 2715/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Shachar Simchon</i>	The defendant screamed "Arabs die" in the midst of a soccer game.	Scheduled for arraignment, May 4, 2005.	June 7, 2004
CC 2713/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Golan Eliyahu</i>	The defendant screamed "Death to Arabs" in the midst of a soccer game.	Scheduled for arraignment, February 8, 2005.	June 7, 2004
CC 2716/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Yakir Amar</i>	The defendant screamed "Death to Arabs" in the midst of a soccer game.	Scheduled for arraignment, February 15, 2005.	June 7, 2004
CC 550/04 (Jerusalem District Court) <i>The State of Israel v. Eli Mizrachi</i>	Incitement to racism. A fan of a soccer team threatened a Nigerian player and called him "Arab".	Scheduled for arraignment, February 20, 2005.	October 31, 2004
CC 1125/05 (Jerusalem Magistrate Court) <i>The State of Israel v. Zeev Elchanan Bloomberg et al.</i>	Sprayed graffiti that constituted an incitement to racism, incitement to violence.	Pending.	January 19, 2005
CC 3709/02 (Jerusalem Magistrate Court) <i>The State of Israel v. Eli Mizrachi</i> ACC 8727/04 (Jerusalem District Court)	The defendant screamed "Death to Arabs" in the midst of a soccer game.	The defendant was sentenced on June 16, 2004 to 60 days of suspended imprisonment and 2,500 NIS conditioned fine, on the condition that he does not re-commit the same offence. An appeal was filed to the District Court.	June 11, 2002

File number and parties	Relevant offences included in the indictment	Current status	Date of filing the indictment
CC 1015/01 (Jerusalem Magistrate Court) <i>The State of Israel v. Haim Perlman</i> ACC 886/04 (Jerusalem District Court)	The defendant participated in an illegal demonstration and screamed "Death to Arabs".	The defendant was acquitted. An appeal to the district court was filed on January 27, 2005, the defendant was found guilty and the file was returned to the Magistrate Court to impose the sentence. The Court imposed 6 months imprisonment and 6 months suspended imprisonment (March 3, 2005).	January 3, 2001
CC 1695/04 (Jerusalem Magistrate Court) <i>The State of Israel v. Israel Lederman</i>	Assault committed for racist motives.	Scheduled for arraignment, February 9, 2005.	February 4, 2004
CC 821/04 (Jerusalem Juvenile Court) <i>The State of Israel v. Zvi Leibowitz</i>	The defendant screamed "kill the Arabs" in Arabic, in a religious site. Charged with incitement to racism and violence.	Scheduled for arraignment, February 16, 2005.	June 8, 2004
CC 4393/03 (Jerusalem Magistrate Court) <i>The State of Israel v. Richi Ziv</i>	The defendant participated in an illegal gathering wearing a shirt that had writing "no Arabs-no bombings".	An arraignment has yet to take place. The Judge issued an arrest warrant against the defendant in December 2004.	July 21, 2003
CC 3878/04 (Haifa Magistrate Court) <i>The State of Israel v. Ilya ben Vitli Zatlov</i>	Publication of racism and incitement to violence.	The defendant was found guilty. Sentence to be imposed on May 19, 2005.	
CC 3908/01 (Tiberius Magistrate Court) <i>The State of Israel v. Haim Perlman et al.</i>	Possessing racist publications.	Evidence stage.	November 6, 2001
CC 113/03 (Nazareth District Court) <i>The State of Israel v. Idan ben Eric Ederly et al.</i>	Racist callings against Arabs during demonstrations. Charged with incitement to racism and violence.	Scheduled for March 7, 2005 for evidence.	September 13, 2003

### Incitement to racism on the Internet

158. A special department in the State Attorney's Office (the Department for Special Functions) deals with prosecution of incitement in general, and recently also handles cases of incitement on the internet. The department files indictments on the basis of investigations conducted by the police. For example, in CC 3878/04, the accused established a Neo-Nazi web site with racial expressions, incitement to violence, racial insults, denial of the Holocaust and insults to the Israeli flag. The accused was convicted, among other offences, of incitement to violence and publication of incitement to racism (Articles 144D2 and 144B of the Penal Law) in January 2005. His sentence is expected to be handed down in May 2005.

159. In some cases, it was decided not to initiate an investigation, but to warn those responsible or draw their attention to the limits imposed upon certain publications. For example, a director of a web site removed racial jokes against Arabs along with a statement that there was no intention to incite to racism, following a warning from the Deputy attorney General.

## **Article 5**

### **A. The right to equal treatment before the national tribunals**

160. The right to equal treatment for all persons regardless of their race or ethnic origin is a basic and fundamental principle in Israel. All governmental bodies and judicial apparatus recognize this right, maintain and uphold equal treatment for all individuals.

#### **Training for law enforcement officers**

##### **Israeli Police**

161. Human rights' education for public officials responsible for law enforcement is of vital importance to forestall violations of human rights in criminal justice. Israeli Police works together with the Association for Civil Rights in Israel (ACRI) in devising Police training programs in the field of civil rights for several reasons.

162. The Israel Police attach the greatest importance to educating those serving in its ranks regarding the need to defend the rights of the ordinary citizen in a democratic society. Police officers are constantly required to find the balance between the need to fulfill their functions to maintain law and order (implicit within this is the need to arrest and detain individuals, acts which deny them of their freedoms) while protecting and preserving basic human rights, a seemingly contradictory situation. Police personnel should be able to balance these two sometimes-opposing interests so that they exercise their authority while reducing to a minimum any violation of civil rights.

163. The Israel Police operate various educational programs within its formal training course and during the course of service in the police department. In large part, these programs are designed to provide knowledge and awareness regarding human rights to police officers and to ensure equal enforcement of the law and a better understanding of the diverse communities living in Israel whom the Police are protecting.

164. The Israel Police have initiated a wide variety of educational activities in this sphere in the form of workshops, weekly lessons and refresher courses of various durations in which all levels of Police officers participate.

165. For example, in preparation for the International Human Rights Day on December 2002, a visual presentation was given to all Police Units and was placed on the Police Internet Website, where it was available to all ranks.



166. In 2002 the Police decided to focus on the issue of Human Rights from the perspective of the inherent civil right to demonstrate. This issue was chosen because general elections were to be held in 2003. Throughout 2003, the Police's Educational Program focused on conflicts in Israeli society, prejudice and tolerance. The Israel Police is doing all in its power to ensure that the messages inherent in these Programs are adapted and implemented.

167. Additional educational activities include for example:

167.1. **Inter-cultural encounters** - These workshops, led by numerous experts during training and service, seek to eliminate stereotypes related to new immigrants and minority populations.

167.2. **Holocaust awareness** - This subject is covered by visits to museums including Yad Vashem, and by seminars designed to strengthen humanitarian and democratic understanding among police officers.

167.3. **Human rights seminars** - The Israel Police works in collaboration with the education department of the Association for Civil Rights in Israel (ACRI) to design activities and workshops for its basic training courses. During these seminars, officers are exposed to Israel's Basic Laws regarding human rights and their real-world implications by conducting simulations designed to convey the difficulties that may arise when rights are threatened or violated.

167.4. **Dialogue on Rights in the Galilee** - The subject of working with Israel's Arab community has been a central issue for many years at Israel's Police Academy. However, since the riots of October 2000, the Israel Police has sought to expand its training in this area through the creation of additional opportunities for dialogue. With the cooperation of "Adam Nof", an Israeli NGO, officers are taking part in interesting and unique meetings with Arab residents of the Galilee that facilitate different attitudes and new sensibilities.

167.5. **Ethic workshops** - The Education Department of the Israel Police conducts approximately 90 ethics seminars annually. Most of the topics relate to human rights and prevention of discrimination and serve to clarify the Police's role and the expectations placed on officers.

167.6. **Trafficking in persons training** - ACRI, in association with the "Hotline for Migrant Workers" have built a training program on the topic of trafficking in persons. The purpose of the program is to familiarize police personnel with the phenomenon, both in the human context, to understand the experience through the victims' eyes, and in the social context, to understand the social causes of the phenomenon. The actual training of police personnel is in the form of workshops and seminars.

168. Furthermore, every police officer joining the Immigration Administration must go through a specific training program focusing, among other things, on the perception of migrant

workers as victims of economic distress rather than offenders, and providing the officers with tools to handle delicate situations. They are also provided with training on the phenomenon of trafficking in persons and identifying its victims.

### Measures for the investigation of complaints

169. The authorities in Israel investigate any complaint against law enforcement officers. In 1992, an independent department within the Ministry of Justice, the Department for Investigation of Police Officers, was established. This Department is charged with investigating any complaints of involvement of police personnel in the commission of offences.

170. The Department for Investigation of Police Officers is headed by an attorney who is entrusted with authority equivalent to a District Attorney, and aided by police investigators. The Department handles any complaint regarding offences punishable by one year of imprisonment or more. These offences cover cases of unlawful or excessive use of force and related offences. The Department may recommend the initiation of administrative and/or criminal proceedings against a suspected policeman, and in some cases the Department itself handles the criminal proceedings.

171. Any person, whether a national of Israel or otherwise, may file a complaint with the department, directly or via mail, fax or e-mail. Complaints filed with the Police are immediately transferred to the Department.

172. Data on cases handled by the Department does not include specific information on the age or nationality of the complainants, as part of its policy of equally addressing all complaints. During 2001, the Department received 5,896 complaints. 2,362 complaints were found to be within the authority of the Department and were investigated. In 29% of the investigations, the initiation of criminal or administrative proceedings was recommended (Please see table below).

173. Distribution of the complaints investigated by the Department for Investigation of Police Officers in 2001:

**Table 1**

#### **Complaints investigated by the Department for Investigation of Police Officers**

Recommendation of the Department	Number of cases
Criminal proceedings	199
Administrative proceedings	225
No evidence of guilt	327
Non-sufficient evidence	559
Lack of public interest	134
Offender unknown	74
On-going investigation	884
Total	2 362

174. A total of 6,355 complaints were filed against police personnel during 2002, and 442 of the complaints received and investigated resulted in the initiation of administrative and/or criminal proceedings against the suspected officer (close to 28% of the complaints received and

investigated). This level of proceedings is an indication of the extent of law enforcement and the equality in which the law enforcement agencies treat any violation of the law, especially by those entrusted to uphold it.

175. There have been claims of excessive police violence by a variety of individuals (from both the majority and minority population alike). As a result, the Knesset Committee on Internal Affairs and the Environment, along with the Constitution and Law Committee recently discussed the matter to determine if further action or legal oversight is required. In the most recent session in November 2004, the panel heard testimony from Russian immigrants and Arabs about alleged excessive use of force by the police. At the session, the Department for Investigation of Police Officers reported that they usually conclude their investigation within a three-month period. It was further noted that 20% of submitted complaints usually warrant further action. 40% of these cases warranting further action are then either transferred onward to the Prosecutors Office, with the remaining being addressed via internal disciplinary procedures. Of the cases eventually heard by a Court, 90% of the time the officer is found to have committed a violation. The Police further noted that many of the submitted complaints are usually of a trivial nature that are suited for the Police's Internal Public Complaints Unit, given the lack of any potential criminal violation by the Police.

### **General - the Ombudsman**

176. The Ombudsman investigates complaints against bodies that are by law subject to auditing by the State Comptroller, such as government ministries, local authorities, state enterprises and institutions and government corporations. The Ombudsman also investigates complaints against the employees of these bodies.

177. Complaints relating to the activities of public bodies which the law does not authorize the Ombudsman to investigate, such as banks, insurance companies and other non-governmental entities that serve the public, are often forwarded to the bodies statutorily charged with their supervision, examples being the Supervisor of Banks, Supervisor of Insurance and Director of Capital, Insurance and Savings. Thus, the Ombudsman is an effective address for dealing with problems of discrimination within a broad array of governmental and public institutions.

178. A complaint is subject to investigation by the Ombudsman if it involves an act that is injurious to or withholds a benefit from the complainant. In addition, the act must have been committed contrary to law, or without lawful authority, or contrary to good administration, or involves a too inflexible attitude or flagrant injustice.

179. When a complaint is submitted, the Ombudsman opens an investigation. The Ombudsman may discontinue an investigation if grounds do not exist, the matter has been rectified, or the complainant withdrew the complaint.

180. The Ombudsman may investigate a complaint in any manner he sees fit and is not bound by rules of procedure or rules of evidence. He may hear any person if he deems it beneficial and he may require any person or body to give him any documents or information that are likely, in his opinion, to assist in the investigation of the complaint.

181. Any person may submit a complaint to the Ombudsman free of charge. The complainant is only required to sign the complaint and state his name and address.

### **B. Security of the person**

182. Israel's official database for the criminal system only classifies indictments or sentences on the basis of the underlying charge(s). Hence although the database might be divided by offenses, such as physical offenses, sexual offenses, or fraud, there is no way of identifying whether a complainant is from the minority population.

183. However, complaints against police officers regarding racial discrimination or racially motivated abuse are vigorously investigated by the Department for Investigation of Police Officers in the Ministry of Justice. As a result, during the reporting period the State has filed several indictments against officers who have mistreated individuals via undue physical violence, mistreating individuals in custody etc. In all these instances, the officers were indicted under the Penal Law and the State intends to fully prosecute and punish them.

184. Note as well the criminal cases mentioned in Article 4, above, including cases involving police officers. Those cases involved racist acts against individuals from the minority population. In these cases, the Courts have not hesitated to impose severe sentences and to ensure public safety by not releasing the defendants for the duration of the trial.

### **The "Orr Commission"**

185. During mass violent demonstrations and riots in Northern Arab towns in October, 2000, 14 Israeli citizens were killed. The Government decided to establish the Orr Commission, headed by Supreme Court Justice Theodore Orr, in order to examine the above-mentioned events and recommend the proper course of action, regarding participating individuals as well as overlying apparatus and institutions.

186. The Government responded to the Orr Commission Report by adopting, on September 14, 2003, Resolution No. 772 upon which the Government adopted as a whole all aspects of the report relating to the functioning, status, and personal future of all persons mentioned in the report. In addition, as to the overall recommendations and conclusions that require further inquiry and deliberations, the Government established a Ministerial Committee, the "Lapid Committee", headed by the (then) Minister of Justice. The Lapid Committee held more than 25 meetings, visited relevant areas, and further examined reports, submissions and other documents.

187. In the interim, the Israel Police took action to improve relationship with the Arab minority. They recruited more police officers from the minority sector, and have become more involved within the Arab community via meetings with leaders of the Arab community.

188. In May, 2004, the Lapid Committee issued its final findings. The Committee recognized that it is one of the most important, charged and complicated matters confronting the State of Israel and its society.

189. The report and recommendations are divided into two volumes. Volume One deals with the Committee's recommendations regarding the Arab sector and Volume Two deals with the Committee's recommendations regarding the Ministry of Public Security and the Israel Police. **The recommendations of the Lapid Committee were instituted as government decisions.**

190. It should be noted that many of these recommendations were implemented by the Israel Police and other governmental authorities *even prior* the publication of the Lapid report.

*The recommendations of the "Lapid committee" regarding the Arab sector*

191. The report specifies, in great detail, those recommendations of the "Orr Commission" which have already been accepted by the government and the ministerial committee for the non-Jewish sector (headed by the prime minister), and are already being carried out. As for those recommendations of the "Orr Commission" which have not been met by government decisions, the "Lapid committee" found it necessary to recommend the following:

- 191.1. *Establishing a governmental authority to promote minority sectors.* Establishing a governmental authority to promote and handle the unique problems of the non-Jewish sectors, including matters such as planning and building, budgets, prevention of discrimination and proper representation in State services, promoting education, and integration into the Israeli society and economy. The authority will verify the execution of governmental decisions, follow it, maintain constant contact with the various governmental ministries relating to the handling of minority sectors, and report to the Prime Minister and the ministers' committee.
- 191.2. *Incorporating the men and women of the Arab sector into a civilian national service.* The Lapid Committee suggested that the government promote the idea of founding a civilian state national service, which will be served by Israeli citizens who are not recruited for military service. As a preliminary stage, this service could be voluntary and within their community. The government will encourage the possibilities of broadening the circle of volunteers from amongst the Arab sector to include the army, the Israeli Police and other functions, and shall examine ways of promoting such voluntary activities.
- 191.3. *Outline planning for the Arab towns.* The Lapid Committee suggested ordering the minister of the Interior and the Israel Lands Administration, together with the local Arab municipalities, to draw, as soon as possible, outline plans for Arab towns for which plans have not yet been drawn, and to complete the drawing of plans for towns for which the process has already begun, while maintaining constant use of the principle of saturated building. The marketing of lands will be carried out according to needs, and according to proper building principles. The designation of some of the land additions for development will be for the establishing of local and regional employment areas, including the creation of joint industry areas (industrial parks) for Jews and Arabs.

At the same time, the Lapid Committee denounced the phenomenon of illegal building in the Arab sector, as well as in any sector, and recommended taking action against this phenomenon, with all available legal means.

- 191.4. *A week of mutual study.* Holding a week dedicated to studying about different sectors in society, learning about the components of the Israeli society, and the characteristics of the different sectors and congregations in the Israeli society, while putting an emphasis on the difference in customs, culture, language, etc. and at the same time, emphasizing their equality and citizenship as Israelis. This shall be done with the assistance of the Ministry of Education, Culture and Sport.
- 191.5. The offered week has four levels: theoretical study; meetings; advertising efforts in Hebrew and Arabic; outdoor events demonstrating the culture and customs of the different congregations. The purpose is to show a congregational, religious, national and cultural mosaic, to reflect the uniqueness of each sector under the roof of pluralist Israel, while emphasizing mutual tolerance.
- 191.6. *Tolerance Day.* Instituting a national “tolerance day” which will express the signs of civic partnership, express the multi-cultured Israeli society, and encourage tolerance and solidarity between all sectors in the State of Israel. Therefore it is suggested to establish a public committee charged with providing actual content to a special day, of a national, joint and uniting manner, that will emphasize the solidarity and tolerance between the sectors, which despite the difference between them are committed to living their lives in harmony, brotherhood and peace.

*The recommendations of the “Lapid Committee” regarding the Arab sector’s leadership*

192. The committee recommended that the government call upon the leaders of the Arab sector to reach out to the governmental efforts to promote equality between the sectors; while the Israeli government does its best to ensure the rights of Arabs in Israel, on the personal and public levels. It has been specified that the Arabs and Jews should take part together in rehabilitating the relations between the sectors after the October 2000 trauma.

193. It is also suggested that the government call upon the leaders within the Arab public: to avoid words of incitement against the State and its establishments; to denounce any incitement which might result in violence; to condemn any act of violence; to stop any attempt to promote issues, even the most painful and legitimate, in illegal ways; to refrain from blurring the line between a link to the Palestinian residents of the West Bank and Gaza Strip and messages which do not coincide with the loyalty every citizen should hold to his own country; to develop a civic consciousness within the Arab sector, while being strict about enforcing local laws, especially to do with building and the collecting of local tax; being strict about displaying the state’s flags and emblems on public buildings and establishments; to encourage the participation of members of the Arab sector in serving the State, including volunteering to functions such as the civil guard; and to contribute to the improvement of the atmosphere between Arabs and Jews through social, educational and cultural co-operation, especially among the youth.

194. *The recommendations of the “Lapid Committee” regarding the Ministry of Public Security and the Israel Police.*

- 194.1. A major part of the Committee’s work concerned the recommendations of the “Orr Commission” regarding the Israeli Police and the Ministry of Public Security. The Committee was under the impression that the Ministry of Public Security and the Israel Police have taken the recommendations of the “Orr Commission” under consideration and have carried out the necessary conclusions. The aforementioned has been expressed by a number of actions specified in great detail in the “Lapid Committee” report. The Committee has had the efficient co-operation of police members, especially the Police Chief and his deputy.
- 194.2. Today, the Ministry of Public Security and the Israeli Police are better prepared than ever for events of mass violent demonstrations and riots in the manner of October 2000, following the “Orr Commission” Report and the “Lapid Committee” sessions.
- 194.3. The Israeli Police have executed a long list of operational and organizational moves since October 2000, to greatly improve its ability to handle similar challenges.
- 194.4. However, according to the recommendations of the “Orr Commission,” there is a need to provide the Ministry of Public Security and its divisions with the appropriate tools to handle such challenges, and these needs will be presented to the Israeli Government by the Minister of Public Security.
- 194.5. The Committee believes that implementing its recommendations is vital to strengthening the rule of the law and enforcement of law within the Arab sector, while maintaining their civil rights and duties, in the communal, public and criminal arenas. The aforementioned is vital to the building of mutual trust between the Arab citizens of the State of Israel and the law and order enforcement authorities of the State of Israel.

195. **Conclusion**

- 195.1. The Committee concluded that Israel is committed to a normative change in the mutual relationship between Jews and Arabs, while recognizing the right of each sector to be different from the other. The aforementioned means one should not prevent Arab citizens from expressing their culture and identity. The Government policy is to reach true equality of rights and duties between the citizens, Jews and Arabs alike, as soon as possible.
- 195.2. The great majority of the Arab public is law-abiding. The decisive majority of the Arab Israeli citizens accepts the rules of democratic society and aspires to join in Israeli society. Arab Israeli citizens have the right, as do all other Israeli citizens, to demonstrate and to protest, within the confines of the law, while abiding it.

- 195.3. However, the grievances of the Arab Israeli citizens, as mentioned in the “Orr Commission” report, do not justify by any means the violent events initiated by groups of Arab Israeli citizens in October 2000.
- 195.4. The direct or indirect support of Palestinian terror organizations responsible for murdering Israeli citizens, among whom are Arab victims, is unacceptable.
- 195.5. Furthermore, the State of Israel will not tolerate incitement; and organizing or carrying out of riots and violent uprisings against the State and its institutions.
- 195.6. The Committee stated that the implementation of its recommendations will make an important contribution to disposing of the grievances and tensions which led to the tragic events of October 2000, while maintaining the character of the State of Israel as a democratic Jewish State.
- 195.7. The Committee reported it is honored to bring forth its conclusion and recommendations to the Government and to the Israeli public, Jewish and Arab as one, with hope to bring the hearts closer together, promote equality and incorporation, keep the abiding of the law, brotherhood, co-existence and the promise of life together in peace.

### **Protection of migrant workers**

196. In recent years, the number of migrant workers arriving to Israel in search of work has significantly increased. According to the Central Bureau of statistics, at the end of 2003, there were approximately 189,000 migrant workers, who make up 7.4% of the work force in Israel. Most of these workers have entered Israel illegally or stayed in Israel after the expiry of their visa, with illegal migrant workers reaching a number of around 100,000. According to information provided by the Police Immigration Administration, during 2004, approximately 45,000 illegal migrant workers have left the country, with the authorities responsible for the removal of approximately 19,000 migrant workers, and the rest leaving on their own accord.

197. This situation required some legislation and policy adaptation, and indeed, over the last ten years there have been several key legal initiatives undertaken to amend existing legislation for the purpose of ensuring and protecting migrant workers' rights.

198. Over the last few years, the authorities have turned their attention towards the employers, issuing fines and even revoking business licenses for instances of illegal employment or treatment towards migrant workers (such as withholding wages or breaching contracts).

199. In some cases, workers take substantial loans in order to pay for the right to work in Israel. Israeli law explicitly prohibits collecting fees from such workers, and employment agencies found to be collecting illegal fees, have their licenses revoked.

200. In August 2002 the Government decided on the establishment of an interim Immigration Administration in the Police, to operate until the establishment of a national Immigration Authority.<sup>2</sup> The national authority would coordinate all aspects of entry into Israel of foreign nationals, including migrant workers. The interim Immigration Administration serves as a focal point for many of the issues relating to migrant workers, including investigations into any



allegations of abuse. The interim Administration has been quite active in cooperating with NGOs, addressing complaints, and meeting with foreign representatives. A special unit within that body – the Crime Unit – is charged with investigating offences committed against migrant workers, by employers and others.

201. Furthermore, the Immigration Administration takes pro-active steps, and may investigate behavior of employers even without complaints being filed. The Immigration Administration also focuses on enforcing the law against employers and any other offenders committing offences against migrant workers, in cooperation with the Ministry of Industry, Trade and Labor. Additionally, since its creation, the administration has been working closely with NGO's, and investigating all allegations made by these organizations.

202. The central piece of legislation relating to migrant workers was enacted in 1991. *The Foreign Workers (Prohibition of Unlawful Employment and Assurance of Fair Conditions) Law, 5751-1991* ("*The Foreign Workers (Prohibition of Unlawful Employment and Assurance of Fair Conditions) law*") was enacted to ensure that violations of the provisions of the law with regard to employment of foreign workers are met with criminal sanctions. The Law was amended in 2000 to ensure that proper working conditions and social rights are provided to workers, and again in 2003 to meet new administrative needs that arose. *The Entry into Israel Law, 5712-1952* ("*The Entry into Israel Law*") was amended in 2001 to establish a special Tribunal, which provides judicial review of the detention of persons subject to a removal order. The *Penal Law* was also amended to include a provision defining withholding of passports as a criminal offence. The key goals of these laws are to encourage voluntary departure and strengthen enforcement activity and information campaigns directed at employers. The police will not prosecute illegal workers as criminals in connection with their illegal entry or stay in Israel. Minors are treated by the State in accordance with their special needs, as detailed below.

203. The Knesset's Special Committee for Migrant Workers recently (November 2004) chided the police for using at times unnecessary force against migrant workers. Noting the importance of preserving the human dignity, the Committee requested the police to act properly and with restraint, as well as limit arrests in improper venues, such as in front of churches.

204. The Immigration Administration (within the Police), via its Crime Unit, exposed several criminal networks involved in smuggling, document forgery and trafficking in persons for the purpose of prostitution. It retrieved thousands of passports and prosecuted several employment agencies, which abused their employees or employed them illegally. During 2003, the Crime Unit in the Immigration Administration recommended the filing of indictments in relation to 439 of its investigations (involving offences committed against migrant workers).<sup>3</sup> The indictments, involve, *inter alia*, offences such as Fraud, Forgery, Trafficking in persons for prostitution and/or pandering, Withholding Passports, Aiding and Abetting infiltration and Aggravated Assault.

205. During January-February 2004 the Crime Unit investigated, *inter alia*, 142 cases of fraud and forgery, 8 cases of withholding passports and 98 cases of illegal employment. It also initiated investigations of 7,059 employers, resulting in 1,762 follow up investigations by the Enforcement Unit of the Ministry of Industry, Trade and Labor (hereinafter ITL).

206. In 2003, the Enforcement Unit of the ITL opened 6,256 files against employers suspected of violating the laws concerning employment of foreign workers, and imposed 3,305 administrative fines on employers, totaling 47,145,000 NIS. In 2004, the Enforcement Unit of the ITL opened 9,834 files against employers suspected of violating the laws concerning employment of foreign workers,<sup>4</sup> and imposed 11,019 administrative fines on employers, totaling 161 million NIS.

207. During 2003, the Prosecution Division of the ITL filed 753 criminal indictments against employers - including manpower companies - for violations of these laws, and received 42 judgments with fines totaling 5 million NIS, up from the combined sum of a half of a million NIS imposed by Courts on employers of migrant workers in 2002, in 32 decisions. In 2004, the Prosecution Division of the ITL filed 309 criminal indictments against employers - including manpower companies - for violations of these laws, and received 88 judgments with criminal fines totaling 14.8 million NIS.

208. Following are a few examples of verdicts received in criminal cases against employers and manpower companies found guilty of violations of the labor laws relating to employment of foreign workers: *C.C. (District Labor Court) 1062/02 The Ministry of ITL v. Eliezer Bonfil (17.12.03)* - 100% of the maximum fine imposed on a manpower company (783,000 NIS); *C.C. 1183/00 (District Labor Court)- The Ministry of ITL v. A. Hovala Inc., Ephrat Avraham (28.12.03)* - Fine of 360,000 NIS imposed on the company and an additional fine of 50,000 NIS imposed on its Director. In its decision, the Labor Court emphasized that strict fines must be imposed on company functionaries in cases of offences concerning foreign workers; *C.C. (District Labor Court) 88/03- The Ministry of ITL v Zoharim Inc. (11.1.04)* – a fine of 1,158,850 NIS was imposed in a plea bargain; *C.C. (District Labor Court) 1251/01 The Ministry of ITL v Shriebman Building Services inc. (07.01.04)* – a fine of 1,530,760 NIS was imposed in a plea bargain; *C.C. (District Labor Court) 304/03- The Ministry of ITL v A.S.L. Personnel Inc. (3.11.03)* - Fine of 563,760 NIS was imposed on the Manpower Company in a case of illegal employment, and non-provision of detailed employment contract and medical insurance.

## Refugees

209. Israel is a party to the UN 1951 Convention on the Status of Refugees. Any person who meets the Convention's definitions may apply for a refugee status in Israel, regardless of his or her religion.

210. Since January 2002, a special Committee dealing with persons seeking recognition as refugees has been operating in Israel, and the Committee advises the Minister of the Interior on refugee applications. The Committee is comprised of officials from the Ministries of Justice, the Interior and Foreign Affairs and is presided over by a jurist, with the competencies of a District Court Judge. The Committee works in cooperation with the UN High Commissioner for Refugees' representatives in Israel and usually operates based on their recommendations. During 2004, the Committee recommended that refugee status be granted in 12 cases out of the overall 142 applications. It shall be noted that the number of persons affected exceeds 12, as any application may include several family members. Once recognized as refugees, the individuals or families generally integrate into society, although some are occasionally resettled to a

third country. Asylum seekers generally have not been detained, except for individuals arriving from countries that Israel sees as “enemy” countries. They are allowed to remain in Israel until an alternative solution is found for them, in cooperation with the office of the High Commissioner for Refugees.

### **C. Political rights**

#### **1. Access to the political system**

211. The right to vote is the principal mechanism in which to actively participate in the Israeli political system. All citizens 18 years of age or older are entitled to vote, without distinction as to gender, race, color, ethnicity, wealth, property, or any other status ((*Basic Law: The Knesset*, 5718-1958 ("*Basic Law: the Knesset*")), Article 5). A person may be denied the right to vote only by judgment of a competent court pursuant to valid legislation (*Basic Law: The Knesset*, Article 5), however, no statutory provisions have been enacted to permit the denial of the right to vote.

#### **The right to run for national public office**

212. Any citizen 21 years of age or over may run for a seat in the Knesset, subject to three sets of exceptions.

- 212.1. If a person has been sentenced, in a final verdict, to imprisonment for at least three months, and seven years have not yet passed since the end of that term of imprisonment, then the person is ineligible to run in national elections. This is the case, unless the Head of the Central Election Committee concludes that the offence committed, under the circumstances, is without disgrace.
- 212.2. A court may deny an individual the right to run for office pursuant to legislation (*Basic Law: The Knesset*, Article 6(a)). No such legislation exists.
- 212.3. Several public officials are precluded from running for election to the Knesset by virtue of their position: the President of the State, the two Chief Rabbis and other members of clergy who earn wages from their religious function, any active judge of a general or religious court, the State Comptroller, the I.D.F. Chief of Staff, Police and Prisons Service personnel, and senior public servants and army officers of a certain rank (Article 7 of the Basic Law). Such senior public servants may run for national election if they leave office at least 100 days prior to the elections (*Elections Law, 5729-1969 ("The Elections Law")*, Article 56(A1)). Army officers, at the rank of Colonel or higher, may run for national elections if they leave office at least six months prior to the elections. Other, less senior public servants and military personnel may run for elected office so long as they vacate their positions by the date of submission of the candidates list; if elected, they are deemed to have ceased their service so long as they remain members of the Knesset (*Elections Law*, Article 56(b)).

- 212.4. Dual nationals may run for election to the Knesset, but if elected they may not take the oath of office until they have taken all steps necessary to relieve themselves of the other nationality, nor will they hold the rights of Knesset members until they do so (*Elections Law*, article 16A).

### **Members of ethnic and religious minorities**

213. Minorities vote for Knesset lists (political parties) along with the entire political spectrum. In addition, Arab political parties have been represented consistently in the Knesset, as is the case in the current 16th Knesset. There are 7 Muslim Arab Knesset Members, 2 Druze, 1 Christian and 1 Bedouin Knesset Members.

#### *The right to participate in election - Political expression*

214. In *Election Appeal 2600/99* (29.04.1999) the appellant requested that the Arab political party Ballad be disqualified from participation in the election in light of the views expressed by its chairman, Azmi Bshara, speaking against the right of the Jewish people to the State of Israel. Justice Tirkel, while examining Article 7A(1) of *Basic Law: the Knesset*, repeated the rule that only extreme and severe expressions justify disqualifying a party from participating in the election. Justice Kedmi added:

“freedom of opinion and the right to present it, are basic values of a democratic state; and that it would be justified to limit these rights only when there are clear unequivocal evidence that they were misused.”

215. In *H.C.J. 212/03 Herut National Party v. Central Elections Committee* (16.1.03), the Central Elections Committee refused to allow the broadcast of a political advert of the petitioner because it was demeaning to the State's flag and national anthem. The High Court of Justice dismissed the petition and upheld the Central Committee's decision, noting the Central Committee's broad discretion concerning the balance between the freedom of speech and contradictory values.

#### *Political expression of Knesset Members*

216. On August 2001, the Attorney General announced his decision to indict MK Bshara on 2 counts. One indictment relates to the organization of illegal trips to Syria by Arab-Israelis. The Court later canceled this indictment. The other indictment relates to statements made by MK Bshara supporting Hizbollah, praising acts of terrorism carried out by that organization and calling for the Palestinians to adopt Hizbollah's methods in their struggle against Israel.

217. Unlike other constitutions that only grant immunity to statements made within Parliament, the Israeli law grants immunity to Knesset Members also for statements made outside the Knesset. However, the Attorney General found that this was not plainly a political statement but rather an encouragement for acts of terrorism. He therefore decided to indict Mr. Bshara.

218. The immunity of Mr. Bshara was removed after both the Knesset House Committee and the Knesset plenary debated the issue, heard Mr. Bshara's stand, and reached the conclusion that there are substantive justifications for the request.

219. Mr. Bshara was indicted in the Nazareth Magistrate Court (*C.C. 1087/02*) for these political statements. On November 2003, the Court ruled that it would address Mr. Bshara's arguments regarding the parliamentary immunity only during the final stages of the legal proceedings.

220. On December 2003, Mr. Bshara petitioned the Supreme Court regarding this decision. This case is currently pending and concerns whether the proper venue for the issue of parliamentary immunity is the Magistrate Court or the Supreme Court. (*H.C.J. 11225/03 Azmi Bshara v. The Nazareth Magistrate Court*).

221. **Local and municipal elections.** The fundamental right to vote and be elected applies as well to participation in local government. A series of statutes regulating elections of mayors, municipal and local councils generally mirror the arrangements for national elections, including the requirement that elections be "equal", "general", "secret", "direct" and "proportional"; the right of all persons 17 years of age and older who reside in the municipal area in question to vote in such elections; the right to run for election, subject to exceptions for judges, convicts, those lacking legal capacity, and certain classes of civil servants; and the right to propose candidate lists. See *Local Authorities (Elections) Law, 5725-1965* ("*The Local Authorities (Elections) Law*"). The principal differences between local and national elections are that non-citizen residents may vote in local elections, but not in national elections.

222. In the case of *C.A.P. 6709/98 The Attorney General v. The Central Elections Committee (01.02.1999)*, an appeal was filed by the Attorney General against the Head of the Central Elections Committee regarding a list of candidates from Moledet, Gesher, and Zomet parties during the 1999 Upper Nazareth municipal elections.

223. The Supreme Court prohibited the list sponsored by the aforementioned right wing Jewish political parties from participating in the elections on the grounds that the candidate running for mayor, who headed this list, put forward a racist campaign. The Court emphasized the importance of the elimination of all forms of racial discrimination and declared that it is one of the basic values that every civil society must protect.

## 2. Access to public service

224. Since the submission of Israel's previous periodic report, there have been significant changes, both in law and policy, concerning the minority population within the Civil Service. These important changes are discussed below.

### The civil service - general

225. The State of Israel employs more than 56,000 civilian employees. These civil servants are selected pursuant to legislation and the Civil Service Code, known as the "*Takshir*", which establishes a merit-based civil service system. *The Civil Service (Appointments) Law*, generally requires that civil servants be appointed through a competitive tender process which clearly defines minimum qualifications for the position in question.

226. Several layers of legislation aim to protect against discrimination in access to the civil service. Both the *Employment Service Law, 5719-1959* ("The *Employment Service Law*"), and the *Equal Opportunity in Employment Law*, which apply to private and public employers generally, forbid discrimination among job applicants on the basis of religion, race, nationality or national origin, sex, sexual orientation, age, personal or marital status, personal worldview or political affiliation. These provisions apply, *mutatis mutandis*, to civil service hiring without a tender, to terms of employment, promotion, on-the-job professional training, and termination of employment. The *Civil Service (Appointments) (Tenders and Examinations) Rules, 5721-1961*, obligates members of tender committees to avoid questions relating to controversies between political parties as much as possible. See also *Takshir*, Paras. 11.61 and 12.367, and Civil Service Commissioner Notice 56/12.

### **Affirmative action in the civil service**

227. There has been an important and significant amendment in the *Civil Service (Appointments) Law* that reflects the principles of CERD and highlights the importance of equality to the State. Specifically, the law has been amended in 2000 to require; in the employment and civil services employees, giving:

"... appropriate expression, in the circumstances of the case, to representation of members of both sexes, people with disabilities, **and members of the Arab, including Druze and Circassian, population** (in this Law – "appropriate representation")."

228. The Government is thus required to facilitate and encourage appropriate representation, set aside positions (when possible) for minority groups in units that do not have appropriate representation, and institute preference-oriented affirmative action programs. Each ministry and agency shall present an annual report to the Civil Service Commissioner as to implementation of the provisions of the law, and the Civil Service Commissioner shall present the Government and the Law and Constitution Committee of the Knesset with an annual report detailing the steps taken thus far along with recommendations for further implementation.

229. On a more substantive level, the Ministerial Committee for the Non-Jewish Sector issued a decision in February 2004 requiring that within 3 years, 8% of the governmental workforce is to come from the minority population (defined as Arab, Bedouin, Druze, and Circassian), with the figure rising to 10% within 5 years. As a means of guaranteeing the desired goals, the Government is required to hire new personnel from the minority population at a rate of at least 8% during the coming year, with the figure rising to 15% of all new staff during the following year. Any governmental body that does not meet these goals is required to submit a detailed explanation to the Ministerial Committee. The Ministry of Justice, together with relevant applicable Ministries, is also to examine the expansion of hiring from the minority population within other bodies such as regional authorities and governmental corporations.

230. Despite affirmative action instituted by the legislator and the Government, there remain gaps in the actual representation of women and minorities in the civil service.

231. Arabs and Druze are underrepresented in the civil service as a whole. In 1994, the government decided to take affirmative action measures to enhance the integration of Arabs and Druze into the civil service, among other things by issuing tenders for mid-level positions solely

to members of those minorities. Between January 1, 1994, and April 1996, 661 Arabs and Druze were appointed to government service posts. The numbers have been increasing steadily. Thus, in 2001, there were 2,806 Arab and Druze workers in the civil service, representing 4.86% of such workers, while the figures recently rose to 2,818 workers representing 4.95% of civil service workers. The rate of hiring minorities increased from 8.4% of the hired workers representing a minority group in 2001, to 10.3% minority workers hired in 2002.

232. The figures continued to rise in 2003, reaching a level of 2,798 workers or 5.05% of civil service staff. This increase demonstrates a desire of government agencies to implement the Government's plans of raising the level of minority workers within the civil service workforce.

233. **Additionally, it is important to note that many of these employees within the civil service maintain senior level positions, some with decision making capacity. Thus, there are civil service employees from the minority population fulfilling roles such as investigative engineers, clinical psychologists, senior tax investigators, senior economists, senior electricians, geologists, department controllers, and education supervisors, to name but a few.**

234. **Moreover, these employees serve the good of the Israeli community as a whole and are a driving force in the integration of the Arab minority into the Israeli society.**

235. In 2002, in the Arab education system, the number of teachers in primary education was 11,748 (compared to 43,168 in the Hebrew education). In junior high schools and high schools the numbers were 4,046 and 4,843, respectively (compared to 18,966 and 34,796 respectively, in the Hebrew education system).

236. Employees in local and regional government bodies largely reflect the demographic composition of the locality or region. In the 88 local councils or municipalities which serve towns and villages in which the population is primarily composed of Arabs, Druze, Bedouin or Circassians, the employees of the local government bodies are almost exclusively composed of members of those minorities. In larger municipalities with mixed populations, such as Jerusalem, Haifa and Lod, members of minorities are employed at a level which approaches their representation in the population, although less so at the most senior levels.

237. According to Article 4(1) of *the Israel Lands Administration Law, 5720-1960* ("*The Israel Lands Administration Law*"), the Israel Lands Committee shall have a maximum of 24 representatives consisting of an equal number of representatives from the Government and from the Jewish National Fund. The law further requires that the Government delegation be composed equally of senior employees from relevant ministries and academics and public representatives.

238. In *H.C.J 6924/98, the Association for Civil Rights in Israel v. Israeli Government, Minister of National Infrastructures and the Finance Minister* (09.07.2001), the Association for Civil Rights in Israel claimed that the Israel Lands Committee did not reflect the proper representation mandated by law. The Court elucidated a distinction between the principles of equality and fair representation whereby equality is achieved through the passive application of non-discrimination, and fair representation requires the application of affirmative action. In this way, fair representation is a necessary prerequisite for fulfilling the principle of equality. The

Court noted two sources for fair representation: the first stems from the doctrine of equality and the second from specific laws. Although two laws regulate fair representation in Israel's Government and civil service, the Court found that the Israel Lands Committee was neither a governmental body nor characterized as a civil service body. Therefore, any determination of fair representation required the application of the doctrine rather than a specific law. The Court referred to Article 15A of the *Civil Service (Appointments) Law* that creates a duty of fair representation of the Arab minority in the civil service. The Court ruled that as there was only one Arab member out of 12 state representatives sitting in the Council, the Government should consider the appointment of a second Arab member.

239. According to the application of this doctrine, the Government has a responsibility to promote fair representation of the Arab community. To that end, it should also verify whether there are suitable Arab candidates to fill positions that lack fair representation.

240. Following this ruling, there are currently 2 Arab members in the Israeli Land Administration, out of 12 Government representatives.

### **Representation in governmental corporations**

241. Similar to the changes made in the Civil Service concerning the minority population, progress has also been made within governmental corporations. Thus, minorities are better represented within these corporations, pursuant to formalized laws and governmental directives, described below.

242. The 1993 amendment to the *Government Corporations Law*, (Article 18a) established a requirement for appropriate representation of both genders on the Board of Directors of every government corporation.

243. A key change to the law further reflects the State's desire to implement and uphold the Convention and provide for fair representation of all population groups. An important amendment was made to the *Government Corporations Law* in May 2000 (Article 18(a) (1)) requiring appropriate representation of the minority population on the Board of Directors of every government corporation. Until such appropriate representation is achieved, the Ministers shall, as far as possible, appoint minority directors.

244. The decision was further entrenched following a September 2003 decision from the Ministerial Committee for the Non-Jewish Sector requiring appropriate representation and appointment of the minority population onto the Board of Directors.

245. In October 2000, the Attorney General issued guidelines, circulated among all government ministries, on the implementation of the said provision, providing that:

“The idea of an ‘appropriate way of representation’ mentioned above does not mean creating quotas upon the Arab representation but it is rather to be construed in light of each particular circumstance. The appropriate rate must be decided according to the character, the purposes and the special needs of a corporation and according to the selection of available candidates who suit the specific mandate. (...) However (...), as far as possible, the obligation of priority to the Arab population prevails.



The refusal to nominate an Arab applicant to fulfill a mandate has to be justified by the Appointing Commission. Such decision prerequisites the examination of the possibility to select a minority applicant following reasonable attempts to identify such a candidate.”

246. The amendment of the *Government Corporations Law*, brought about significant change in a short period of time. In June 2001, the rate of Arab representation in governmental bodies reached only 1 percent and by January 2003 (within a period of 18 months), the rate of the Arab population representation had increased to 5.7 %.

247. In statutory corporations and another seventeen bodies mentioned in the annex to the *Government Corporations Law* (e.g. the Museums Council, the Education Board, the Water Council) the rate of Arab population representation has increased to 3.3 %.

## **D. Civil rights**

### **1. The right to freedom of movement and residence within the border of the State**

#### **The legal landscape**

248. Until 1992, the right to enter and exit Israel, as well the right to freedom of movement within the State, were articulated and developed mainly through judicial decisions which interpreted legislation dealing with these matters. The Supreme Court has held that "freedom of movement ... is a natural right, recognized ... in every state with a democratic form of government -- of which our country is one -- and the citizen does not need any special qualifications to be entitled this 'grant'." *H.C.J. 111/53, Kaufman v. Minister of the Interior et al* (9.6.53).

249. Any governmental action affecting travel is subject to review by the Supreme Court, which must be convinced by clear, unequivocal evidence that there exists a "genuine, serious concern" that national security or other equally crucial interests will be "substantially damaged" if the person's right to travel is not restricted (*H.C.J. 448/85, Dahar et al. v. Minister of the Interior* (28.05.1986)).

#### **Freedom of movement within the State**

250. For all persons who are lawfully within the territory of the State of Israel, there is no requirement of registration in particular districts, and movement within the State is generally unrestricted. All residents of Israel (i.e., citizens, permanent residents who are not citizens, and temporary residents) are required to register their address, or any change thereof, at the Population Registry. Non-resident Aliens need not register their whereabouts while in the country.

### **2. The right to leave any country, including one's own, and to return to one's country**

251. With the enactment of Article 6 of *Basic Law: Human Dignity and Liberty*, the rights to leave and to enter Israel were given a firmer constitutional basis:

251.1. All persons are free to leave Israel.

251.2. Every citizen of Israel has the right of entry into Israel from abroad."

252. These rights are subject to the limitation clause (Article 8) of the Basic Law, which prohibits any impairment of the right except by a statute which befits the values of the State and is intended for a proper purpose - and then only to the extent required; or pursuant to such a statute which explicitly authorizes deviation from the right. In addition, Article 12 of the Basic Law stipulates that emergency regulations properly in force may deny or restrict these rights only for a proper purpose, and for a period and to an extent that does not exceed what is necessary. The Basic Law is binding on all official authorities.

253. Legislation predating 1992 which deals with entry into or exit from Israel remains in force, but is now interpreted according to the principles in the Basic Law.

### **Exit from Israel**

254. All persons leaving the State of Israel must present a valid passport, *laissez passer* or other travel document.

255. **Restrictions on the right to leave Israel.** No person may leave Israel directly to any of the countries specified in the *Prevention of Infiltration (Offenses and Punishment) Law, 5714-1954 ("The Prevention of Infiltration (Offenses and Punishment) Law")* (the current list includes Lebanon, Syria, Yemen, Saudi Arabia and Iraq) nor may Israelis travel to these countries without a permit from the Minister of the Interior.

256. An example of the Law's operation was the recent decision concerning a Druze resident in the Golan who desired to make a pilgrimage to the grave of a holy person in Syria. The applicant was granted permission to make the journey, via Jordan.

257. **Travel documents.** Passports and travel documents are generally issued as a matter of course. Arab residents of Jerusalem, many of whom are Jordanian citizens, receive *laissez passer* documents routinely.

### **Entry into Israel**

258. Israel is the designated homeland of the Jewish people. Jews have been in the Diaspora for close to 2000 years prior to the creation of the State and thus realized a dream of having a homeland and place of refuge in the post-Holocaust era, and for Jews in Arab States and elsewhere. Thus, the *Law of Return, 5710-1950 ("The Law of Return")* was enacted as a tool to realizing this dream and as a means of enhancing Israel as a home for all Jews dispersed throughout the world. It is a linchpin of the State and serves as a foundational principle towards the effectuation of a viable and thriving Jewish State.

259. Any person who is neither an Israeli national nor the holder of an *oleh's* (lit. "A person who ascends") certificate under the *Law of Return* must enter Israel by visa and permit of sojourn. For such persons, there are four general categories of visas and permits of residence

under Israeli law: a permit of transitory sojourn (up to five days); a visitor's permit (up to three months); a permit of temporary residence (up to three years); and a permit of permanent residence (*Entry into Israel Law*, Article 2). Each of these permits may be renewed for periods prescribed by law.

260. Permanent resident status is granted at the discretion of the Minister of the Interior, most typically in cases of family reunification and on other humanitarian grounds. The criteria applied by the Ministry of the Interior in applications for permanent residency focus on the capacity to show that one's life, or that of one's immediate family, is centered, as a practical matter, in Israel. If a permanent resident leaves Israel for a period of at least seven years, and has become a permanent resident or citizen of another country, then his permanent residency status in Israel is deemed to have expired.

261. In September 1999, the Minister of the Interior decided upon a policy under which those who had been permanent residents of Israel, whose residency permit had expired due to having been resided abroad for over seven years, would be able to receive a new permanent residence permit, after a passage of two years from their return to Israel, provided that they had not received foreign citizenship or a permit for permanent residency in a foreign state in the meantime, and provided that there is no security or criminal impediment with regard to that person.

262. In the wake of the new policy, new permits for permanent residency were granted to many ex-residents who had returned to live in Israel. Consequently, a petition on the matter, filed by the Centre for Protection of the Individual to the High Court of Justice, was summarily dismissed (*H.C.J 2227/98 Centre for Protection of the Individual v. Minister of the Interior (07.04.1998)*). This change of policy mostly affects the Arab residents of the Eastern neighborhoods of Jerusalem as described below.

### **3. The right to nationality**

#### **Obtaining Israeli citizenship**

263. In general, citizenship may be obtained through birth, residence, or naturalization. In any case, the manner in which persons become Israeli citizens does not affect in any way the scope of their rights and privileges arising from citizenship, such as the right to vote and be elected, or the right to hold public office.

#### **The Law of Return**

264. The State of Israel was expressly established to serve as a Jewish, democratic state - a homeland for the Jewish people, while, at the same time, according all of its citizens the full enjoyment of economical, cultural, and social rights. In 1950, the Knesset enacted the *Law of Return*, under which a Jew who immigrates to Israel is accorded the status of "oleh" and automatically granted citizenship, unless the person is deemed likely to endanger public health, security of the State, or public welfare, or if the person is "engaged in an activity directed against the Jewish people" (*Law of Return*, article 2(b)).

265. In this respect, Israel is no different from other states that upon attaining their statehood, in accordance with the principle of self-determination, grant preference to individuals with certain social, cultural, or ethnic links to that State for the purpose of developing the national identity of that State.

266. Notwithstanding Paragraph 279 below ("family unification"), non-Jews are not prevented from immigrating to Israel, nor are there any restrictions on any particular group. Non-Jews who wish to acquire Israeli citizenship may duly apply for such citizenship in accordance with Israel's *Citizenship Law, 5712-1952* ("*The Citizenship Law*").

267. Under the *Citizenship Law*, Israeli citizenship may be acquired under certain circumstances, by birth; by residence; by a combination of birth and residence; by return, under the *Law of Return*; by naturalization; and by grant, with no regard to religious or ethnic distinction.

268. According to the current policy of the Ministry of the Interior, the *Law of Return* does not apply to a non-Jewish spouse of a person who already is an Israeli national. Accordingly, he or she does not receive the benefits of a Jewish new immigrant, including the right to automatically acquire Israeli citizenship. However, he or she may, nevertheless, attain Israeli nationality by way of naturalization, as described above, with no religious or ethnic distinction.

#### *Nationality by birth*

269. A person born in Israel whose mother or father was an Israeli national is granted Israeli citizenship. If a person is born outside Israel, he or she will be granted citizenship unless his or her parent had acquired their Israeli citizenship by birth abroad. Acquisition of Israeli citizenship by birth does not involve any distinction in law or in fact between Jews and non-Jews.

#### *Naturalization*

270. Under Article 5 of the *Citizenship Law*, a person over 18 years of age may attain Israeli nationality if he or she:

- 270.1. Is in Israel; and has been in Israel for three out of the five years preceding the application for citizenship; and
- 270.2. Is entitled to reside in Israel permanently; and
- 270.3. Has settled, or intends to settle in Israel; and
- 270.4. Has some knowledge of the Hebrew language; and
- 270.5. Has renounced his or her prior nationality or has proven that he or she will cease to be a foreign national upon becoming an Israeli national.

271. Upon being naturalized, a person's minor children automatically become Israeli citizens as well, unless such naturalization is prevented by exceptional circumstances (Article 8). As a rule, Israeli legislation accords a full range of social, economic and cultural rights to residents who hold a valid residency permit, apart from rights deriving only from citizenship (such as the right to vote in national elections, the right to hold an Israeli passport). Non-residents enjoy rights in legal proceedings before Israeli courts and in their dealing with the law enforcement system. In addition, all protective labor laws apply irrespective of citizenship or residency, as well as most of the provisions of the *National Insurance Law, 5755-1995* ("*The National Insurance Law*"). Additionally, although the *National Health Insurance Law, 5754-1994* ("*The National Health Insurance Law*") does not grant health insurance coverage to non residents, the *Foreign Workers (Prohibition of Unlawful Employment and Assurance of Fair Conditions) Law* requires employers of foreign nationals to insure their employees, regardless of their legal status.

#### *Eastern Jerusalem*

272. The status of most of the Arab population in the eastern neighborhoods of Jerusalem is that of "permanent residents" of Israel. According to Israeli law, a permanent resident is entitled to the same civil rights as an Israeli citizen, such as the right to vote for local municipalities, the right to social security, and the right to medical insurance. Naturally, Arab residents in the eastern neighborhoods of Jerusalem enjoy these rights as do any other permanent residents.

273. The option to request Israeli citizenship by Arab residents in the eastern neighborhoods of Jerusalem existed since 1967. The policy of the Government of Israel since 1999 is that permanent residents of the eastern neighborhoods of Jerusalem, whose permits have expired since 1995, could nevertheless be acknowledged as permanent residents if they kept special links to Israel during the years that they lived elsewhere, and if they lived in Israel at least two years.

#### *Revocation of citizenship*

274. *The Citizenship Law* authorizes the Minister of the Interior to revoke the citizenship of an Israeli citizen whose actions were in breach of allegiance to the State of Israel. This is an extreme measure, to be used only in rare and exceptional occasions. Any person whose citizenship is revoked may file a petition to the Israeli Supreme Court.

275. The Minister of the Interior has used his authority under the abovementioned law and revoked the Israeli citizenship of two Arab Israelis who took an active role in hostilities against the State of Israel and its citizens. The decision was made after the Minister provided them with an opportunity to argue against the revocation.

276. Mr. Nihad Abu Kishak, a resident of Judea and Samaria, was a member of a Palestinian terrorist group responsible for the murder and injury of dozens of Israelis. After the revocation of his citizenship, Abu Kishak announced that he considers himself to be a Palestinian rather than an Israeli, and that he would be willing to give up his citizenship voluntarily.

277. Mr. Kase Ubade, resides in Lebanon and chose not to file a petition to the Supreme Court sitting as High Court of Justice.

#### 4. Free choice of spouse

##### Free choice of spouse and non-discrimination

278. In 1995, the Ministry of the Interior altered its previous policy, and started to apply a different interpretation to the *Law of Return*. Under the new interpretation, the *Law of Return* will not, henceforth, apply to the Non-Jewish spouse of a Jewish person who already is an Israeli national, so that he or she will no longer receive the benefits of a Jewish new immigrant, including the right to automatically acquire Israeli citizenship. Thus, the Ministry of the Interior no longer favors Jewish Israeli nationals by automatically granting citizenship to their foreign national spouses. At present, the foreign spouses of persons who are already Israeli nationals, whether Jewish or Non-Jewish, may attain Israeli nationality by way of naturalization. A petition challenging the new policy was dismissed by the High Court of Justice which affirmed the new policy (*H.C.J. 3648/97 Stamka v. The Minister of the Interior* (04.05.1999)). A later request for a further hearing in this case was also dismissed by the High Court of Justice.

##### Family unification

279. Since the outbreak of the armed conflict between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, a growing involvement in assisting terrorist organizations had been noted on the part of Palestinians originally from the West Bank and Gaza, who carry Israeli identity cards pursuant to procedures of family unification with Israeli citizens or residents; and who abuse their legal status in Israel, which allows them free movement between the West Bank and/or Gaza and Israel.

280. In order to prevent such potential danger posed by *former* residents of the West Bank and the Gaza Strip during the current armed conflict, the Government decided in May 2002 to temporarily stop granting them legal status in Israel, including through family unification. The decision was adopted following a horrendous terror attack in Haifa in March 2002 killing 15 people, committed by a suicide bomber who received Israeli ID following family unification.

281. The decision does not apply to persons already granted legal status in Israel prior to the decision, and leaves them with the same legal status they had prior to the adoption of the decision.

282. It is important to note that this decision does not discriminate between Israeli citizens and residents as it applies to all. It also does not prevent any Israeli citizen, from uniting in Israel with spouses from Arab or Palestinian origin, who do not reside in the West Bank or Gaza Strip. The criterion is only whether the spouse is a resident of the West Bank or Gaza Strip. It should also be noted that a State has the right to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence against its citizens.

283. On July 31, 2003 the Knesset enacted the *Citizenship and Entry into Israel Law (Temporary Provision)*, 5763-2003 ("*The Citizenship and Entry into Israel Law (Temporary Provision)*") which limits the possibility of granting residents of Palestinian territories Israeli

citizenship pursuant to the *Citizenship Law*, including by means of family unification, and the possibility of granting such residents residence permits in Israel pursuant to the *Entry into Israel Law*. The Law was invoked for one year. At the end of that period in August, 2004, the Law was extended for another six months. It was re-extended in February 2005 for a period of four months.

284. The Israeli *Citizenship and Entry into Israel Law (Temporary Order)*, is a security oriented law, the result of the wave of atrocious and indiscriminate Palestinian terrorism which broke out in 2000 and claimed the lives of over 1,000 innocent Israelis as described above. The Law is the direct result of 23 murderous terrorist attacks, made possible by the involvement of persons who were granted legal status in Israel based on their marriage to an Israeli citizen, and took advantage of their Israeli ID to pass checkpoints and carry into Israel either suicide bombers or explosives.

285. Moreover, the Law does not change the status of people who already received their status prior to the day the law came into effect. However, those people's status shall not be advanced, yet left static. It should be emphasized that this is a temporary law, which presently expires on May 31, 2005.

286. Furthermore, the Law's constitutionality was scrutinized by the Supreme Court in *H.C.J. cases 7052/03 7102/03 Adalah and others v. The Minister of the Interior* (14.12.04, 01.03.05), which are still pending. The Court noted that the Government has decided to prepare an amendment to the Law adding exceptions to the general rule that would allow withholding application of the law to groups of individuals who pose a lower security risk to the lives and security of Israeli citizens. It also pointed out the limited time frame of the Law and that the Government did not extend the Law for the full year. The Court thus did not issue any order concerning the Law, leaving open the possibility to request further information from the Government, if necessary, following the envisioned changes to the law.

287. This decision addresses the concerns expressed by the Committee in its *Decisions 63 and 65*.

## **5. The right to freedom of thought, conscience and religion**

### **Freedom of religion**

#### *Promoting equality in funding of religious services*

288. **Cemeteries.** In an April 2000 case before the Supreme Court concerning the unequal allocation of funds to Jewish and Arab Cemeteries, the Court stressed the importance of the principle of equality in the allocation of state funds, and ordered the Ministry of Religious Affairs to revise its cemetery budget so that the Arab sector receives a more equitable share (*H.C.J. 1113/99 Adalah, et al. v. The Minister of Religious Affairs* (26.09.2000)).

289. Indeed, over the last few years, the State has succeeded in maintaining equal levels of allocations to all religious cemeteries. In 2003, for example, the Ministry of Religious Affairs allocated 6,490,000 NIS towards the maintenance of religious cemeteries in the

non-Jewish sector of which 1,278,000 NIS were utilized, with the remaining funds (totaling over 5,000,000 NIS) to be used the following year. Additionally, the Ministry distributed 15,813,000 NIS worth of funding towards similar purposes in the Jewish sector.

290. In other words, 1/3 of such funding went to the non-Jewish sector, which comprises about 20% of the Israeli population

291. **Religious courts.** In terms of allocations made to religious courts, vast strides have been made to increase funding to non-Jewish courts, particularly Muslim Sha'aria courts. In 2001, the Ministry of Justice took over the supervision of the Sha'aria Courts from the Ministry of Religious Affairs. Over the past 2 years both the physical structures as well as the internal computer systems have been improved in these courts as part of a wider effort to bring these courts up to the standards of the civil courts.

292. **Educational institutions.** As for allocations to educational institutions belonging to the various religious sectors of Israeli society, it appears that a change is about to occur in terms of the allocations, following the publication of the Shoshani Committee Report, which investigated budgeting methods in the Israeli primary educational system. The Report was presented to the Minister of Education in 2002 and adopted by her. The basic recommendation of the Report is to abandon past guidelines for the allocation of resources and to adopt a new method that bases allocation on the following principals: 1. Standard per pupil –The number of budgeted hours allocated to the school is to be determined only on the basis of the number of pupils attending and their socio-economic background. 2. Equal Standard: All Israeli pupils are assessed on the basis of a uniform socio-economic index. 3. Differential standard: Each pupil is classified according to the decile to which he belongs and the budget allocated to the school for that pupil is determined accordingly. 4. Pedagogic conditions: A necessary condition for any budgeting is compliance with the basic (core) curriculum including secular studies such as Mathematics, Foreign Languages etc., and the participation in the GEMS - growth and effectiveness measures for schools procedures.

*Non-discrimination on the basis of religious affiliation*

293. As to the effect of religious affiliation on the enjoyment of civil rights, Israeli law does not distinguish between religious statuses except for matters of marital status, where the King's Order in Council<sup>5</sup> (British-Mandate legislation) applies, and provides exclusive jurisdiction to officially recognized religious tribunals in Israel over matters of marital status within their respective religious communities.

294. The couple's religious law applies to matters regarding alimony for wives and children, as interpreted by the civil courts. When partners are not members of the same religious group, the civil law applies. In matters of legal competency, children's custody, spousal property and other family issues (family violence, adoption, etc.) – the civil law applies.

*Free access and protection of holy places*

295. Israeli Law grants freedom of worship and ensures the safekeeping of and access to holy places to members of all faiths. Articles 170-173 of the *Penal Law*, provide as follows:



“A person who destroys, damages or desecrates a place of worship or any object which is held sacred by a group of persons with the intention of thereby reviling their religion or with the knowledge that they are likely to consider such destruction, damage or desecration as an insult to their religion is liable to imprisonment for three years.”

“A person who willfully and without proving lawful justification or excuse disturbs any meeting of persons lawfully assembled for religious worship or willfully assaults a person officiating at any such meeting or any of the persons there assembled is liable to imprisonment for one year.”

296. The *Protection of Holy Places Law, 5727-1967* ("*The Protection of Holy Places Law*"), expands on the guarantees contained in the *Penal Law* by mandating that holy places of all religions be protected from any "desecration or other violations," and prohibiting any act that might impair the free access of members of all religions to their holy places or "anything likely to violate the sensitivities of the members of the different religions with regard to those places."

297. Desecration or other violations of holy places are punishable by seven years' imprisonment; impairment of free access and violation of religious sensitivities, as outlined above, are punishable by up to five years imprisonment.

298. As detailed above, the State indicted Tatyana Suskin for posting leaflets in Hebron which depicted the Prophet Mohamed as a pig, standing on the Quran. She was charged, among other things, with committing an act of racism and offending religious sensitivity. (*Cr.C 436/97 The State of Israel v. Tatiana Suskin* (30/12/1997)).

299. Violation of this law, unlike the parallel provisions in the *Penal Law*, does not require criminal intent or knowledge, as it is sufficient simply if the offender had constructive knowledge that such a violation was likely to be caused as a result of the conduct.

300. Recently, Adalah, The Legal Center for Arab Minority Rights in Israel, filed a petition to the Supreme Court calling for regulations that would directly address Muslim holy places in a manner similar to some Jewish holy sites. The petitioners claim that the Government should be compelled to promulgate regulations in the interest of eliminating discrimination, upholding equality, and pursuant to the requirements of the *Basic Law: Human Dignity and Liberty*. The petition was filed in November 2004 (*H.C.J 10532/04 Adalah et al v. The Prime Minister et al*).

301. Several statutes aim to protect holy sites against physical harm by requiring the consent and guidance from the relevant Minister as a precondition to performing certain actions in or around a holy place, such as excavating (*Mines Ordinance*, Article 8(1)(a)), draining (*Drainage and Protection Against Flooding Law, 5718-1958*, Article 22(a)), the addition of water and sewage systems (*Water Law, 5719-1959*, Articles 70-71; *Local Authorities (Sewage) Law, 5722-1962*, Article 14), declaring the site a national garden (*National Parks and Nature Reserves Law, 5723-1963*, Articles 4-5), vacating and demolishing houses (*Building and Evacuation of Rehabilitation Areas Law, 5725-1965*, Article 51), and so on.

302. Furthermore, most of the holy places are also considered as antiquities sites, and are thus protected by similar provisions in the *Antiquities Law, 5738-1978*.

303. In *H.C.J. 7128/96 The Temple Mount Faithful Movement v. The Government of Israel et al.* (12.3.97): The Court held the following:

"The Government has decided, following the Six Day War, that the Muslims are permitted to continue and perform prayers in mosques that are located on the Temple Mount as they did in previous years, whereas the Jews, even though their right to the Temple Mount exists and stands historically, are not permitted to currently actualize their right to perform public prayers on the Temple Mount.

Access to the Mount has, up to the present day, exists yet is limited. Jews and other visitors that are not Muslim, are permitted to the Mount and to enter the area that is reserved most days of the year, only during morning and noon hours, when prayers are not being performed in the mosques."

304. **In practice, the access to holy places and freedom of worship for members of all faiths is strictly guarded, with few exceptions relating to the maintenance of public order and morals.**

305. 350 workers are employed to maintain and operate Islamic holy places sites. A sum of 7.5 million NIS has been allocated for the developments of religious buildings and Muslim cemeteries.

#### **6. Freedom of opinion and expression**

306. In *A.C.C. 8613/96 Jabarin v. The State of Israel* (27.11.00), the Supreme Court accepted Mr. Jabarin's appeal and acquitted him from his conviction according to Article 4 of the Prevention of Terror Ordinance. Mr. Jabarin was convicted by the District Court in supporting a terrorist organization, due to the publication of three articles encouraging the tossing of stones and explosive bottles. The Supreme Court interpreted the above-mentioned offence and held that the words of praise should refer to acts performed by a terrorist organization. Yet in the case of the appellant, his words referred to acts of non-organized people. In addition, the Court held that the offence does not require that the publication itself create a risk of future damage.

307. In *ACC 1789/98, State of Israel v. Kahane* (27.11.00), following the publication and distribution of a Kahane Chai leaflet which called for the destruction of Arab villages in Israel, the State charged Benjamin Kahane with incitement, a criminal offense under Articles 133 and 134(3) of the Israeli *Penal Law*. In finding Kahane guilty of these offenses, the Court ruled that the offense of incitement was designed not only to protect the stability of the State, but also to preserve community bonds among the State's citizens. This ruling is significant insofar as it has extended the scope of the criminal offense of incitement and may facilitate future prosecution of parties calling for acts of violence against minority groups. The decision indicated to the public that the Court follows strict legal standards and applies them equally to Arabs and Jews. Judge Orr, who wrote the majority opinion, favored a limited interpretation of the offence, so that it only applies to supporting terrorist organizations. The majority believed that this interpretation of the offence is consistent with respect for the freedom of speech.

## 7. Other civil rights

### **Due process rights - the right to assigned legal assistance in criminal cases**

308. **Court-appointed counsel.** Prior to an indictment, Israeli law requires court appointment of legal counsel for a person in detention in cases where he or she is without means to finance legal counsel or mentally-ill within the purview of the *Criminal Procedure [Consolidated Version] Law, 5742-1982* ("The Criminal Procedure [Consolidated Version] Law"), Article 15 or the *Mentally Ill Treatment Law, 5751-1991* ("The Mentally Ill Treatment Law"), Article 18, or where he or she is under sixteen years of age, or when it is necessary to take testimony prior to filing the charge sheet and the detainee is either blind, deaf, dumb or mentally disabled, or when the detainee is suspected of murder or another offense bearing a penalty of ten years or more (*Criminal Procedure Law, Article 15(a)*).

309. In cases where there is no obligation to appoint legal counsel for a detainee, a court may decide at its discretion to appoint counsel if the detainee has insufficient financial means to do so, if the offense involved bears a penalty of at least ten years' imprisonment, if the detainee is blind, deaf, dumb or mentally incapacitated, or if for any other reason the court deems that the detainee is unable to manage his own defense adequately. A detainee without means is entitled to representation by the Public Defender's Office, even without counsel being appointed by the court.

310. An indication of the desire and capacity to serve the minority sector is reflected by the pool of attorneys operating within the Public Defenders Office. That is, 7.5% of the full-time staff attorneys are from the minority population, while 21% of external attorneys hired by the Office are members of minority groups. Even more telling is that the external attorney's pool for the Northern Public Defenders Office reaches 55% of minorities. This is important for the Northern District, as it is an area where the minority population exceeds the majority. The Office thus is meeting the needs of the minority population by ensuring that attorneys are available who can converse and understand minority clients.<sup>6</sup>

### **The right not to be arbitrarily expelled**

311. During the 1990's the number of alien residents, mostly migrant workers, entering Israeli illegally, or staying in Israel illegally once their visas have expired, have dramatically increased, and was estimated to be around 120,000 by the end of 2002, 100,000 by the end of 2003, 60,000 by the end of 2004. At the peak of this trend, during 2001-2002, migrant workers (both legal and illegal) were 9.6% of the working population in Israel. These figures dropped to 7.4% by the end of 2003 due to strengthened enforcement against those entering and staying in Israel illegally and quota reduction.

312. The *Entry into Israel Law* (as amended in 2001) criminalizes the illegal entry or stay in Israel, which is punishable by one-year imprisonment. A person staying in Israel without a valid permit is to be removed or may leave the country voluntarily. The Law entitles foreigners, including migrant workers, to a range of substantive and procedural rights. It also uses a new terminology - removal rather than deportation, to emphasize that this is not a punitive measure, and to adjust the language to the new attitude of the law, giving greater weight to the rights of persons subject to its provisions.

313. The Law provides that persons illegally staying in Israel, held in custody until their removal, must be detained separately from criminal detainees. In addition, a list of their basic rights must be posted in a prominent place in the detention facility in both Hebrew and English. Such detention facilities are now operating in Hadera (for women), Nazareth and Zohar (for men).

314. The Law establishes in Article 13(D) a minimum period of three days between the issuance of the Removal Order and the execution of the order, to give the foreign national sufficient time to appeal the order and arrange for departure upon request. This period may be extended up to 14 days, or longer for humanitarian considerations. Such considerations may include, *inter alia*, the fact that the alien had been in Israel for a long period of time (*Administrative Petition 998/02 Trinidad Aguila v. the Tribunal*, the District Court of Jerusalem (23.01.2003).

315. Any person arrested for illegal stay must be brought before the Border Inspector (from the Ministry of the Interior) within 24 hours, and provisional release should be considered. Failure to fulfill this time requirement should result in that person's release.

316. A special tribunal has been appointed with jurisdiction to judicially review the detention decisions of the Border Inspector, including proceedings that deal with bail and the extension of detention (Custody Tribunal). The Tribunal has been operating since November 2001, and as a rule, a foreign national staying in Israel illegally must be brought before the Tribunal no later than 14 days from his arrest. If this is not done, he must be released from detention. As the hearings are conducted in the detention facilities, this time limit is enforced, such that in practice, most detainees are brought before the Tribunal within 3-4 days. Additionally, the Attorney General instructed the police that detainees should be brought before the Tribunal within 4 days.

317. The Custody Tribunal has jurisdiction to confirm a detention order, to order a review within a specified time, to cancel the detention order and rule upon bail, or to change the conditions of bail.

318. In addition, a person illegally staying in Israel who was released on bail may approach the Tribunal at any time with a request to change his conditions of bail. Such a person also has the right to be present in any proceeding dealing with his case unless it is not possible to locate him by reasonable efforts. In addition, he is entitled to be represented free of charge by a representative who is not a lawyer.

319. A person who has been detained, but for reasons not caused by him, had not been removed from Israel within 60 days, must be released from detention. Such a person shall not be released if the Tribunal is convinced that he poses a danger to the public, public health or state's security.

### **Freedom of information**

320. The 1998 enactment of the *Freedom of Information Law* has given a solid legislative basis to the public's right of access to information. The main innovation of the law is in recognizing the right of an Israeli citizen or resident to receive information from public

authorities, regardless of whether he or she has any personal interest in it, and without having to state a reason for the request. Moreover, Article 12 applies the provisions of the *Freedom of Information Law* to persons who are not citizens or residents of the State of Israel, regarding access to information concerning their rights in Israel.

## **E. Economic, social, and cultural rights**

### **1. The right to employment**

321. Overall, unemployment within Israel has been on the rise since 1996, with the figures reaching over 9% in 2001 and approximately 10.5% in 2002 and 2003. Similarly, unemployment has been increasing since 1996 for the minority sector, as in the rest of the country. Among the Arab population, unemployment rose from 6.2% in 1996 to 10.6% in 2001. The number continued to rise in the ensuing years, reaching 13.4% in 2002 and then falling to 11.5% in 2003.

322. Similarly, among new immigrants, the rate of unemployment for 2003 was 11.2%. These latter two figures are slightly higher than the overall population and essentially reflect the overall high rate of unemployment in Israel. Programs to improve job opportunities for new immigrants, as well as for other unemployed groups in the labor force, have included: streamlining public Employment Service activities to encourage employers to seek workers through the Employment Service; improving the matching of job vacancies with job seekers; temporary employment programs in the public sector; and vocational training, retraining and on-the-job training.

323. Concerning unemployment among the *Israeli Arab population*, the Government's resolution adopted in October 2000, as set out in full in Article 2 above, and attempts to address this gap by allocating additional resources for vocational training for this sector of the population.

324. Note as well that labor force participation of Arab women remains low, though rising slowly. During the last two decades, there was a moderate increase in Arab women's participation in the labor force, from 11% in 1980 to 14.8% in 2002. Arab women today constitute about 4% of all women in the civil labor force in Israel. In 2002, there were 252,500 employed Arabs in the labor force, 196,200 (77.7%) were men and 56,300 (22.3%) were women. 38,900 of the Arab population were listed as unemployed, 6,800 (17.4%) of them women.

325. In the Arab sector women employees earned 7% more than men. This can be explained by the fact that 47% of Arab women are employed in academic and technical professions, while 64% of Arab men were skilled and unskilled workers in construction and industry branches.

326. In the Arab sector, the majority of men (81,200) in the labor force completed 11-12 years of schooling, compared to the majority of women (32,100), who completed 13 years or more of schooling.

327. Of the women who were employed in 2003, 14.1% work as academic and professionals, 19.8% work as professionals and technicians, 26.4% as Clerical workers and 23.3% as agents, sales or service workers. Furthermore, 7.5% work as unskilled workers, 4.1% as manufacturing, construction or other skilled workers and 0.4% as skilled agricultural workers. 4.4% work as managers.

328. Regarding unemployment among the **Bedouin** population, their rate of unemployment today is more than 20%. In recent years, the government has undertaken projects to reduce unemployment among the Bedouin, including vocational training for adults and subsidized employment, particularly in areas related to tourism, such as in national parks and at archeological sites.

329. With respect to unemployment among **women**, three authorities in Israel are currently actively engaged in promoting employment opportunities for *women*: the Authority for the Advancement of the Status of Women in the Prime Minister's Office; the Knesset Committee for the Advancement of the Status of Women; the Unit for Integration and Advancement of Women in the Civil Service Commission.

330. Women entrepreneurs face inherent obstacles, such as insufficient administration skills, difficulties in financing and low self-esteem. Consequently, several programs were developed by the Ministry of ITL through the Israel Small and Medium Size Enterprises Authority and in the Centers for Fostering Entrepreneurship for women of all sectors, including the Arab sector, new immigrants, orthodox women and single-parents. These programs include assistance funding for small businesses, feminine empowerment courses, establishment of "women only" business clubs and other activities.

331. With respect to women's advancement in the civil service, in 1999 the Unit for Integration and Advancement of Women brought before the Civil Service Commissioner the following recommendations: to require each government office to carry out a detailed investigation of women's advancement, to set specific goals on women's appointments for each government office, to include the subject of women's status in all educational activities undertaken by the Civil Service Commission and to promote changes in the *Civil Service Law (Appointments)* to make the director-general of each government office directly responsible for implementing the law in his or her office.

332. A significant amendment in this field was the *Obligatory Public Tenders Law (Amendment No. 12) of 2002, to the Obligatory Public Tenders Law, 5752-1992 ("the Obligatory Public Tenders Law")*, which in Article 2 prohibits discrimination amid the candidates in a government tender for certain grounds, including sex, sexual orientation, personal status and parenthood.

333. The gaps between men and women in women's participation in internal job-tenders in the Civil Service, both as candidates and appointees, have diminished. There were more women-candidates than men every year since 2000, with 62.36% in 2003. There were also more women appointees than men with 61.52% women-appointees in 2003. There has also been moderate progress in public tenders, yet there remains a slight disparity in favor of men (in relation to their high percentage in the civil service in general), with 49.11% of the candidates being women yet a higher rate of women-appointees (53.50%) in 2003.

334. The Civil Service Commission, following an appeal filed on behalf of the Authority for the Advancement of the Status of Women, added a segment in tender announcements regarding affirmative action for women, providing special measures for women and establishing educational programs on the issue of affirmative action for women for members of tender committees.

335. The Authority for the Status of Women and the Knesset Committee on the Status of Women are particularly active in the following two areas: encouraging Arab women to join the police force and encouraging Arab women to train as social workers in the Arab sector which currently lacks sufficient social workers.

336. Another statutory protection of employment of women was introduced via a 2000 amendment to *The Women Labor Law, 5714-1954* ("*The Women Labor Law*"), prohibiting the dismissal of a woman due to an absence from work where it is necessary for her to hide from her battering husband.

337. **Training for women** - In 1999, women comprised 44% of all trainees in vocational courses provided by the Division for Training and Development in the Ministry of Labor and Social Affairs (currently in the Ministry of ITL), Within retraining courses for people who hold an academic degree, women comprised 53% of all trainees. Recently, the Division for Training and Development (joined by the Women NGOs Council) initiated a unique project, aiming at increasing women's participation in its courses.

338. There are two groups – ultra-orthodox Jewish women and Arab women – who require special programs and measures, due to the cultural factors affecting their potential entry into the labor market. In the field of vocational training, the intention is to continue the policy of devoting special budgets to training for women. Some special programs are targeted to women in general, while others target especially vulnerable groups of women.

339. The Unit for the Integration and Advancement of Women has at its main goal to increase employability of women and their economic independence, through policies of professional and personal growth. The Unit's initiatives are workshops for empowerment and entrepreneurship skills, especially for **new immigrants, non-Jewish and ultra-orthodox women**. Participants report improved self image, personal and professional empowerment and better assessment of the job market. Participants in the Entrepreneurship Workshops report a better understanding and knowledge of the various aspects of small business establishment, and participants in the workshops in the community enjoy continued professional assistance. They also run workshops and counseling for professional working women within the community.

340. The Ministry, in collaboration with Women's Rights NGOs, initiated a program aimed at reducing poverty among women. This includes workshops on empowerment and work skills, and completion of education. The programs are running in several locations in Jewish and Arab municipalities, chosen because unemployment there exceeded 10%.

341. **Migrant workers**. Over the course of the last ten years there have been several key legal initiatives undertaken to amend existing legislation for the purpose of ensuring and protecting migrant workers' rights.

342. In 1991, the *Foreign Workers (Prohibition of Unlawful Employment and Assurance of Fair Conditions) Law* was enacted to ensure that violations of the provisions of the law with regard to employment of migrant workers are met with criminal sanctions. The Law was amended in 2000 to ensure that proper working conditions and social rights are provided to workers, and again in 2003 to meet new administrative needs which arose.

343. The *Entry into Israel Law* was amended in 2001 to establish a special Tribunal which provides judicial review of the detained persons who are subject to a removal order.

344. The *Penal Law* was also amended to include a provision defining withholding of passports as a criminal offence, and a new government bill to specifically deem trafficking in persons for labor a specific offence, was drafted by the Ministry of Justice.

345. Migrant workers in Israel enjoy additional guarantees, provided in a variety of laws:

345.1. Protection from discrimination - The *Equal Opportunity in Employment Law* prohibits discrimination on the basis of "nationality" or "State of origin" as regards to granting work opportunities and determining conditions of work;

345.2. Labor Standards - Israel's Labor Laws which determine the basic rights of the worker (minimum wage, hours of work and rest, prohibition on delaying salary payment, severance pay, safety in the workplace, etc.) apply to every worker, irrespective of his or her citizenship or legal status. This is also the case with regard to other rights stemming from collective agreements and extension orders.

346. The system for recruiting and employing migrant workers has been reviewed and amended to allow migrant workers to change employers, even if they were brought into Israel for a specific employer and purpose. As in most countries, a migrant worker arriving in Israel is designated for work with a specific employer, whose name is stamped in the employee's visa. A migrant worker may change employers throughout the legal duration of his stay in Israel, by following a specified procedure.

347. Israeli law explicitly prohibits employment agencies from taking any commission or fee from migrant workers or from any person working on their behalf.<sup>7</sup> Violation of this section is a criminal offence.

348. The courts in Israel have served as the guardians of migrant workers' rights, providing free access to all workers, regardless of their legal status. The High Court of Justice has always opened its doors to migrant workers, and its determinations have resulted in changes in governmental policies and practices.

349. In three cases, the Supreme Court, acting as the High Court of Justice, brought about a change in the practice of administrative and enforcement authorities towards migrant workers. In *H.C.J 155/97 Alonim INC v. The Minister of the Interior et al* (12.02.2001) the Court abolished the requirement that employers pay bonds to ensure the departure of their assigned migrant workers. Such bonds imposed a heavy burden on the employers, and in some cases, led to violence and coercion towards the workers to prevent them from leaving their employers.



The requirement was therefore abolished effective January 2001. In *H.C.J 01/8088 Valentin Fridinand et al v. The Minister of the Interior et al.* (21.11.2001), the Court expressed harsh criticism of the practice of legally “binding” a worker to a specific employer. Accordingly the Ministry of the Interior reviewed its procedures and now permits workers to leave their employers and to find new employers, without immediately forfeiting their legal status. In response to *H.C.J 2117/97 Paltia v. Israeli Police* regarding non-enforcement of article 376A of the *Penal Law* prohibiting the withholding of passports, a new Police Guideline regarding enhanced enforcement of this offence has been drafted and implemented.

350. Labor Courts and District Courts have proven to be as vigilant in protecting migrant workers’ rights as the High Court of Justice.

351. As mentioned above, in 2002 the Government decided on the establishment of an interim Immigration Administration in the Police, to operate until the establishment of a national Immigration Authority. The national authority would coordinate all aspects of entry into Israel of foreign nationals, including migrant workers. The interim Administration has been quite active in operating with NGOs, addressing complaints, and meeting with foreign representatives. A special unit within that body – the Crime Unit – is charged with investigating offences committed against migrant workers, by employers and others.

352. Furthermore, the enforcement unit in the Ministry of Industry, Trade and labor has been enhanced. The inspectors in the enforcement unit investigate suspected violations of criminal provisions of the *Foreign Workers Law*, as well violations of the *Minimum Wage Law, 5747-1987* (“*The Minimum Wage Law*”), as they relate to migrant workers. There also has been a focus on punishing employers of migrant workers and ensuring that salaries and monies owed are paid in full.

353. For further data regarding the overall status and characteristics of the Israeli labor force, see attached Annex 1.

### **Remuneration**

354. **Minimum wages.** The *Minimum Wage Law* was amended and strengthened in 1997. The law is enforced by the Enforcement Division of the Ministry of ITL. The Ministry’s inspectors regularly conduct on-site inspections at work places throughout the country. Employers who violate this law are fined or, in rare cases, prosecuted, and are required to pay workers the differences between the actual wages paid and the statutory wages, in accordance with the Law.

355. Enforcement covers all workers: Israeli adults, teenage workers, foreign workers, and workers hired by manpower contractors, etc.

356. In 2000, the policy concerning the enforcement of the minimum wage was revised. It was decided that an expanded effort will be made to take legal action against employers violating the Law, seeking compensation from the employer for the workers - especially in serious cases.

## 2. The right to form and join trade unions

357. The legal protection for the right to organize in trade unions is recognized in Israel and equally applies to all individuals. This right was expanded, by several important judicial decisions.

358. In the case of *Mifaley Tahanot v. Israel Yaniv* (46/3-209 National Labor Court, 05.11.96), the Court cancelled the dismissal of two workers after finding that the real ground for dismissal was their initiative to organize a workers committee. The company had no previous workers organization. This landmark case was important in two respects. First, it laid down two alternative legal grounds for the recognition of the right to organize as a basic right: a) the right derives from the concept of human dignity entrenched in Basic Law: Human Dignity and Liberty; b) the right derives from the general right to equality, namely the prohibition to discriminate against workers on irrelevant grounds, like involvement in organizational activities.

359. This ruling was reinforced in the *Horn & Leibivitz Transport Co. v. The Histadrut* case (99/323 National Labor Court, 26.07.99). This company had dismissed a group of drivers who tried to organize themselves into a union, just after the "Histadrut" Workers Union had expressed its willingness to recognize it under its federation. The Court recognized the right to organize in labor unions as a basic human right. The remedy of reinstatement was declared the most effective one in order to protect this right, since an employer might not be deterred by the threat of compensation alone, while deciding how to respond to his employees' organizational activities. Interestingly, the company then reacted by firing about a hundred more drivers, arguing that it had to close the whole department. The Histadrut threatened the company that it intended to appeal to the Court in a contempt of court proceeding. The conflict ended by the signing of a collective agreement with the company.

360. In the 1998 case of *Delek, the Israeli Petrol Company v. The Histadrut* (98/4-10 National Labour Court, 29.10.98), the National Labour Court extended the concept of the legal basis for the recognition of the right to organize, already introduced in the Mifaley Tahanot case mentioned above. The Court ruled in favour of the protection of such workers' right to organize. The Court developed the interpretation of the legal right to organize on the basis of the non-discrimination principle. Since the dismissed employees who submitted the complaint were mostly members of the representative labour organization at the place of work, the court ruled that consideration by the employer of union membership, when deciding upon economic dismissals, amounted to unjustified discrimination between workers.

361. The right to organize a trade union applies to all groups and workers. The right was further qualified in the landmark decision of *Tadiran Keshet Inc. et. al. v. The Histadrut* (97/41-96 National Labor Court, February, 1998). The National Labor Court sought a balance between the basic right of employees to organize and to choose their representative organization, and the employer's basic right to property entrenched in *Basic Law: Human Dignity and Liberty*. The employer's prerogative to manage his business was here countered by the workers' basic rights. The Court held:

“When balancing between the workers' right to organize and the employer's right to manage his business, a special weight should be given to the workers' right, because their fate is embedded in the rights that are to be entrenched in the collective agreements

applying to them. The employer's right to be part of a change in the bargaining unit is a relative one and is subordinate to the condition that it is not intended to impair organizational rights of workers... The employer and the labor union have therefore to agree on the structure of bargaining appropriate for them. In a democratic society there is great importance in granting dignity and liberty to each worker. An expression of this is the worker's power to participate in the determination of the bargaining unit in which he belongs. This includes the power to influence changes in the bargaining unit, by way of negotiations between the labor organization which represents the workers and the employer who provides them with work."

### **3. The right to housing**

#### **The housing situation in Israel**

362. There is a disparity between the percentage of individuals who own their homes in the minority sector (approaching 93% in the 2000 survey) as opposed to the 50-70% figures for the Jewish population residing in principal urban locales such as Tel Aviv or Haifa. This disparity indicates a different approach towards property and land ownership, especially among the family-oriented clusters favored by the minority populations, as discussed below.

#### *Non-discrimination in housing*

363. Special attention was accorded to the Bedouins living in houses illegally constructed. In addition, the relative situation of Arab Israelis continues to be a source of concern, even though important improvements can be reported whereby the Government instituted significant plans to improve their situation and overall status.

#### **Israeli Arabs**

364. As mentioned in detail above (Paragraph 36 onward), in *H.C.J 6698/95 Ka'adan v. The Israel Lands Administration (ILA)*, The High Court of Justice has held that the State of Israel was not permitted, by law, to allocate State land to the Jewish Agency for Israel for the purpose of establishing a community which would discriminate between Jews and non-Jews.

365. As a response to the Ka'adan ruling, the Israel Land administration, in cooperation with the Jewish Agency for Israel, has issued new admission criteria to be applied uniformly to all applicants seeking to move into small, communal settlements established on state-owned lands. Admission decision would be made by admission committees, subject to review by a Public Appeals Committee.

366. In *H.C.J 2101/99, Shibli and ACRI v. Minister of Construction and Housing (21.04.2002)*, the Israel Supreme Court was faced with a challenge to the allocation of rental benefits, the claim being that the method of allocation unfairly discriminated against minorities. During the submission of materials to the Court, the Government noted a recent change to its allocation policy that would remove any distinctions with regard to benefit allocations. Basically, the determining factor is linked to the number of residents and the percentage of housing used for rental properties. The complainant nevertheless claimed that the Government's policy was discriminatory in result because most Arab towns were small and thus not entitled to

such benefits. The Court held in April 2002 that the Government should be given the opportunity to implement the new program to adequately determine whether it is discriminatory in result. No further action has been taken in the case since then.

367. Another notable case concerning rental benefits was before the Be'er Sheva Administrative Court, *A.C.A. 335/04 Vered Pinhasi v. State of Israel*, (22.11.04). The claimant was married to a non-citizen Palestinian with 5 children and in dire need of rental assistance. The State denied such benefits because she was married to a non-citizen. The Court however held that such a basis was incorrect and against the interests of justice and fairness, such that the claimant and her family should not be denied such assistance.

### **Outline plans for Arab towns and villages**

368. Over the course of the last few years, the Israeli Government has placed an emphasis on improving Arab villages and towns. To this end, it has promoted local outline plans (for the development of Arab villages and towns) and allocated funds to support their development. The Government adopted a series of decisions on giving priority to the preparation of outline and zone plans in the Arab sector (January 1998, March 2000, June 2004). The planning budget for the preparation of the outline and zone plans is approximately 56 million NIS. A national project to promote outline and zone plans in the Arab sector currently takes place in around 60% of the settlements of the Arab sector and may be expanded. In addition, The Ministry of the Interior currently employs 309 employees at the department for the non-Jewish communities.

369. As previously mentioned (See Article 2), the abovementioned plans are meant to respond to expected population growth until the year 2020 and to allocate sufficient land to this end. Where there is need for public lands, the Israel Land Administration (ILA) allocates land for the purpose of establishing public institutions and housing for residents who are not landowners. A comprehensive national outline plan, dealing with construction, development and preservation (National Outline Plan #35) is near completion and will be presented for governmental approval in 2005.

**Table 1**

#### **Local authorities in Israel**

	Jewish sector (including mixed cities)	Non-Jewish sector	Total
Municipalities	57	11	68
Local councils	47	66	113
District councils	45	3	48
Local industrial councils	2		2
Total	151	80	231

*Source:* Ministry of the Interior. Information updated for September 7, 2004.

*Recent developments*

370. In March 2000, the Government promoted planning initiatives in 21 towns and villages in the Arab sector in five districts. To date, planning has commenced in two districts. The budget allocated for this project amounts to 17.7 million NIS for 2001-2003.

371. Additionally, the Planning Administration and ILA are working on outline plans for 36 Bedouin and Arab towns and villages in northern Israel. Planning has already been completed for 34 of these communities, as will be discussed in Article 5. An inter-ministerial committee headed by the Ministry of the Interior and in cooperation with the Ministry of Construction and Housing is currently preparing outline plans for an additional seven Druze, Bedouin and Arab towns. Five more communities await approval of completed outline plans.

372. As mentioned above, a new District Outline Plan for the northern district of Israel is expected to be approved shortly. The majority of the suggested development is in the central sector of the Galilee, in which most of the population is Arab. The accelerated development of this sector will increase the standard of living for both population groups, especially the Arab population due to its greater size. Furthermore, the scheme gives special consideration to the special demographic needs of the Arab population, which are higher than the Jewish population group, addressing in particular overcrowding, capacity for enlargement, and establishing industrial zones.

373. It should be noted that in a recent survey, it was found that of 79 villages with a mostly Arab population, 45 had approved outline Plans, and 6 had approved Comprehensive Plans, with the rest in various approval or planning stages, as detailed in Table 2 below.

**Table 2**

**Advancement of outline plans in the Arab sector**

Status of planning	Currently	Expectation for the end of 2005
Drafting of outline plans	13	-
Completion of outline plans	20	-
Drafting of district outline plans	16	2
Completion of district outline plan	24	31
Statutory authorization	6	24
Total	79	57

*Source:* Ministry of the Interior, February 2005.

*Eastern Jerusalem*

374. All building plans are subject to approval by the District Planning and Building Committee. The rate of application for building permits corresponds approximately with the percentages of the population. For example, in the first half of 1999, approximately 20% of the total number of applications was received from residents of the eastern neighborhoods of

Jerusalem. Of the total applications for building permits which were received, approximately 60% of those submitted by residents of the eastern neighborhoods were approved and approximately 67% of those submitted by residents of western Jerusalem were approved.

375. In western Jerusalem, building violations almost invariably consist of illegal additions built onto a legal building, such as a room in a courtyard or an attic annexed in a roof space. In the eastern neighborhoods of Jerusalem, they typically take the form of entire buildings illegally constructed without a permit. An additional problem exists concerning the use of public lands for private housing, a matter the Knesset has begun to address via the establishment of a Committee on the matter. Thus, demolitions in the eastern part of Jerusalem are far more extensive than in the western part of the city.

376. With respect to demolitions of illegal buildings, the policy of the Municipality of Jerusalem is to issue a demolition order in cases where the construction of such illegal buildings interfere with plans for public facilities, such as schools or roads, or with the city's historical heritage. The Ministry of the Interior also has the authority to demolish illegal buildings.

377. It should be stressed that all demolitions are conducted in accordance with due process guarantees after a fair hearing subject to judicial review with the right to appeal and without distinction on the basis of race or ethnic origin. Those affected by a demolition order are entitled by law to appeal to the Supreme Court. In general, demolition orders regarding illegally constructed buildings are issued in cases where buildings interfere with plans for the construction of public facilities such as schools or roads; pose a safety threat to their inhabitants; or interfere with historic landmarks.

378. Throughout the past years, there has been a growing trend of illegal construction of buildings without a permit in the eastern neighborhoods of Jerusalem. In 1997 the total number of new illegal buildings was 202; in 1998 it was 485; and in 1999 it was 554. Only a small number of demolition orders are actually carried out each year, as presented in the following table.

**Table 3**

**Demolition orders carried out by the  
Municipality of Jerusalem**

	Eastern part	Western part
1997	18	13
1998	43	12
1999	18	3
2000	9	9
2001	32	6
2002	36	13
2003	61	10

*Source:* The Municipality of Jerusalem, 2004.

### The Bedouin illegal villages

379. As of October 2004, approximately 94,000 Bedouin (61% of the total Bedouin population) live in planned, urban towns. All towns were planned for “low-rise construction” in order to address the Bedouin community’s basic needs. The members of the abovementioned Bedouin community were allocated larger portions of land per person than any other sector of the Israeli population. The remaining 58,000 Bedouins (39%) reside in hundreds of illegal clusters over an area of more than half a million dunams obstructing the urban expansion in the greater Negev area and the common good of the Bedouin population.

**Table 4**  
**Projects in Bedouin towns**

Settlement	Project	Cost in thousands of shekels	Status of project
Hura	Sport center	4 776	Under construction
Keseifa	Sport center	6 812	Contract ready for signature
Segev Shalom	Community center Stages A + B	5 900	Contract ready for signature
Rahat	Community center and library	11 000	Contract ready for signature
Tel Sheva	Community center, Stage B	2 000	Awaiting approval of the Authority
Lakiya	Development of 2 clubhouses	400	Awaiting approval of the Authority
Total		30 888	

*Source:* The Bedouin Administration, 2004.

380. The existing towns can accommodate most of the needs of the Bedouin population. In all of these towns vacant lots await additional occupants. It is important to clarify that in Israel every interested party can initiate a plan, and build a town with the approval of the relevant authorities (subject to certain conditions). For example, an agrarian farm is being promoted by Bedouins on their lands in the Negev (Kuchle Farm).

381. Notwithstanding, a decision was made to build seven additional Bedouin towns and to expand the existing towns on land owned by the Government and at the government’s expense. It is important to mention that between the years of 1995 and 2002 the yearly growth rate of these towns was approximately 8%, while the growth rate of the population in the “diaspora” was less than 2%.

382. The Government is in the process of establishing the abovementioned seven new Bedouin towns. The names of the towns were chosen by the Bedouin population. In addition, the government is in the process of expanding the existing towns of Rahat, Segev Shalom, Hura, Lakiya and Tel Sheva.

383. In accordance with provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the affected Bedouins receive significant compensation for any abandoned properties. Compensation is awarded both in monetary terms and in terms of land, as quantified by construction and crop value. In addition, grants are provided for the families who choose to move to existing or new towns. Since 2002, these compensation rates have risen dramatically.

384. In order to ensure the special character of Bedouin communal life and prevent exploitation of those state benefits by non-Bedouins, the State has refused offers by non-Bedouin to buy land in the areas designated for exclusive Bedouin towns.

385. The relevant planning authorities continue in their efforts to settle the Bedouin population. Following lessons learned from past planning committees, they perform this task in constant consultation with Bedouin representatives, who provide input as to their vision of every town's desired character: whether the town is being built for an agrarian population with a special need for designated flock areas; or whether the town is being planned for a group requiring that a strict separation is maintained between the various tribes; or whether the town is being designed for a population that has a more urban character.

386. A special steering committee with representatives from all Bedouin local Authorities was assembled and conducts regular meetings at which, among other issues, the planning of the future Bedouin towns is discussed.

387. In April 2003, the Government decided to allocate sizable budgets for the creation of these seven new towns as well as the expansion and improvement of existing on. In addition, a budget of 325 million NIS has been allocated to compensate Bedouins moving into towns.

388. The following table shows the data concerning lots in the Bedouin towns:

**Table 5**

**Lots in Bedouin towns**

Town	Total No. of lots	Lots not yet developed	Lots allotted	Lots available for allotment
Hura	2 899	543	1 351	1 004
Keseifa	2 776	1 671	897	208
Lakia	2 401	1 192	728	480
Arara Negev	2 040	266	1 067	707
Rahat	4 119	43	3 900	175
Segev Shalom	1 746	264	886	596
Tel Sheva	2 170	159	1 477	535
Total	18 151	4 138	10 306	3 705

*Source:* The Bedouin Administration, 2004.



389. As shown above, there are approximately 3,700 vacant lots for occupancy by the Bedouins living in the Diaspora throughout the existing permanent towns and in addition some 4,000 lots which can be developed upon demand.

*Leasing land for use as pasture grounds*

390. For those interested in working in traditional occupations – agriculture and herding flocks – the Government leases approximately 135,000 dunams of land for these purposes in exchange for a symbolic payment.

391. In the spring pasture season, some 280,000 dunams of Government land are leased and pasturing is permitted in approximately 35,000 additional dunams in Army firing areas.

*Planning - the Bedouin sector in the north*

392. In 1998, the Government decided to embark upon a five-year program to develop the Bedouin towns in the north. The budget for this program should be 615 million NIS (approximately \$154 Million), from 1999 to 2003. This program encompasses many subjects, including developing new neighborhoods, building public institutions, building roads, sewage, industrial areas, improving the education system, building social services institutions and more.

**Table 6**  
**Implementation versus budget 2001-2002 (in million NIS)**

Ministry	Implementation percentage 2001-2002	Total implementation 2001-2002	Budget 2001-2002
Construction and Housing	136	81.74	60.00
Interior	114	38.88	34.00
Transportation	181	36.25	20.00
Transportation	220	30.82	14.00
Transportation - inter-city	90.5	5.43	6.00
National Infrastructure - sewage	103.6	37.31	36.00
<i>Industry and Commerce</i>	135	10.83	8.00
Israel Lands Administration	35	8.45	24.00
Agriculture	9.4	0.94	10.00
Education	145.7	45.03	30.90
Employment and Welfare	52	2.40	4.60
Security	95	0.95	1.00
Health	336	5.04	1.50
Religious Affairs	156	1.87	1.20
Tourism		2.40	
<b>Total</b>	<b>117.7</b>	<b>272.09</b>	<b>231.20</b>

Source: Prime Minister's Office, 2003.

#### 4. The right to public health, medical care, social security and social services

##### The right to health

393. The right to health is provided for all individuals without discrimination or distinction. Throughout the State, nation-wide health promotion programs have gained momentum during the last few years, especially those emphasizing physical activity. Thus, for example, in 1990, the percentage of smokers among people 20 years of age or older was 35 percent. In 2000, the percentage of smokers of the respective age group was 24.3 percent (among Jews, 29% of males and 22% of females; among non-Jews, 43% of males and 7.4% of females).

##### National health policy

###### *The National Health Insurance Law*

394. The *National Health Insurance Law* has greatly improved the universality and equality of health care services provided to the Israeli population as a whole, and for the Bedouin population in particular. Every Bedouin resident now enjoys comprehensive health insurance (before the passage of the law, 40% had no health insurance).

395. The *National Health Insurance Law* has encouraged health providers to build additional clinics in the Bedouin population centers, both in established towns and throughout the Diaspora.

396. The health tax which funds the National Health Insurance is a progressive tax, linked to income-level and not to the range of required health service. There is a requirement for a minimal co-payment for certain services. In order to avoid harming the least capable socio-economic groups and to minimize the impact on others, the following are exempt from the co-payment requirement: residents receiving supplemental income payments pursuant to the *National Insurance Law*, residents receiving support payments pursuant to the *Maintenance (Assurance of Payment) Law, 1972-5732*, ("The *Maintenance (Assurance of Payment) Law*") residents receiving invalidity or disability payments pursuant to the *National Insurance Law*, and residents who have AIDS, cancer, dialysis or other specified illnesses (partial exemption).

##### Vulnerable groups

397. The effects of the *Health Insurance Law* on vulnerable groups are clearly apparent. Since the enactment of this law, the health funds have rapidly improved their services, especially within Arab communities, in order to increase their membership and accordingly their funding (which the law sets pursuant to a per capita formula). Citizens of Israel, Arab and Jews alike, enjoy good quality healthcare that corresponds to international standards.

###### *Gaps between the Jewish and Arab population*

398. The gaps between the Jewish and the Arab population have been considerably reduced and Israel's Arab population's initial low level of health has risen at an extremely high rate in the past fifty years, faster than the Jewish population's health level. Today, Arab citizens of Israel enjoy a level of health that corresponds to the level among Israel's Jewish population.

399. Current figures indicate that the non-Jewish population has a higher percentage of vaccination (95%) than the Jewish population, since some ultra orthodox Jews do not vaccinate their children. Life expectancy is as follows:

**Table 7**  
**Life expectancy by sex and religion**

	Other religions		Jews		Total population	
	Females	Males	Females	Males	Females	Males
1975	71.5	68.2	74.5	70.9	73.9	70.3
1980	73.4	70.0	76.2	72.5	75.7	72.1
1985	75.8	72.0	77.3	73.9	77.0	73.5
1990	75.9	73.3	78.9	75.3	78.4	74.9
1995	77.3	73.8	79.8	75.9	79.5	75.5
1996	77.7	74.9	80.3	76.6	79.9	76.3
1997	77.3	73.9	80.5	76.4	80.1	75.9
1998	77.7	74.3	80.7	76.5	80.3	76.1
1999	78.1	74.9	80.7	77.1	80.4	76.6
2000	77.9	74.6	81.2	77.3	80.9	76.7
2001	77.8	74.5	81.6	77.9	81.2	77.3
2002	77.9	74.7	81.9	78.1	81.5	77.5

*Source:* Central Bureau of Statistics, 2004.

400. Since the late 1940's, the average life span of the Arabs in Israel has increased by 27 years and the gap between Arabs' and Jews' life spans diminished from 15 to 2.1 years: In 2002, Men: Jews – 78.1, non-Jews – 74.7; Women: Jews – 81.9, non-Jews – 77.9, and the gap continues to decrease.

#### *Infant mortality rate in Israel*

401. The Infant mortality rate for the overall Israeli population per 1000 births for the year 2003, was 4.96:

- 401.1. 3.5 per 1,000 births among the Jewish population;
- 401.2. 8.77 per 1,000 births among the Muslims;
- 401.3. 3.24 per 1,000 births among Christians; and
- 401.4. 7.09 per 1,000 births among Druze.

402. In 2003, there was a 10% decline in infant mortality in the Jewish sector and 8% decline in the Arab sector. This decline (compared to 2002) is linked to the decrease in number of low-weight births and a decrease in the number of deaths of multiple-fetuses pregnancies. The most prevalent cause of death in all sectors was still premature birth.

403. In the Arab sector there is a large gap between the infant mortality rates per 1000 births of Muslims (8.77) Druze (7.09) and Christians (3.24). It should be noted that there exists a particularly high rate of infant mortality in the South (mostly Bedouins -13.3 in 2003 and 17.1 in 2002).

404. The relatively high infant mortality rate among Muslims and Bedouins stems from a number of factors, among them the high rate of consanguineous marriage - approx. 40% in the Arab sector and approx. 60% in the Bedouin sector, (these kinds of marriages lead to a high rate of birth defects), religious prohibition against abortion, even in medically recommended cases, as well as socio economic differences.

405. 34% of the infant mortality rate in the Arab sector was due to birth defects - the most common reason for infant mortality in this sector; whereas the rate was 27.59% in the rest of the population.

406. The Ministry of Health monitors annually the rates of infant mortality and its causes and makes recommendations accordingly (for example: following the finding that there is a high rate of infant mortality in multiple-fetuses pregnancies, it recommended that in the course of fertility treatment only two fetuses shall be returned to the womb).

407. The Ministry is currently working intensively to reduce the Israeli Muslims Arab infant mortality rate through a Health's education/information project. The central aims are to discourage marriage among close relatives, attempt to encourage pregnant women to make more use of diagnostic procedures during pregnancies, and encourage mothers to make more use of the Mother and Child Care Services dispersed throughout the country.

408. A new project of pre-conception intervention aimed at reducing congenital malformations has been launched and 60% of the targeted population is in the Muslim Arab population. Note that infant mortality in the Muslim Arab sector has declined each year.

409. Since 1996, the Ministry of Health has been funding a program aiming at reducing infant mortality, through a multiphase, multidisciplinary program. This program has been designed in concert with the Bedouin population to be culturally sensitive and appropriate. The Public Health Services initiated the program. The program was executed at first in Rahat in 1996 and was expanded in 1998 to the entire Bedouin sector. The project operates through Arab-speaking female instructors, who educate prospective mothers on the importance of regular visits to the doctor during pregnancy. Amongst the topics the instructors address are the importance of medical examinations to detect birth defects during pregnancy and awareness of the consequences of consanguineous marriage.

410. Infant-Care Clinics - Following a Government decision to establish new infant-care clinics in the Arab sector, nine new clinics will be established in the following towns: Mousmous, Baka El-Garabia, Ein Ashala, Arara, Paradis, Bartaa, Zilpa, Um el-Kutuf and Ein Ibrahim.

411. Family Health Stations - During the period between 1993 and 2000, the Ministry of Health established 84 family health stations in the Arab and Bedouin sectors and 16 in the Druze sector.

412. Health Clinics - Brookdale Institute research indicates an increase in the rate of establishment of new clinics, bridging the gap between the Jewish and the Arab population and an improvement in the level of health services provided by HMOs in Arab towns.

413. Nurses – According to figures dated December 2000, there are 28,200 licensed nurses in Israel, 2,802 of them are non-Jews (9.9%). Out of the 17,316 practical nurses in Israel, 2,813 are non-Jews (16.24%).

414. The Mentally Ill - In the year 2000, the *Law on the Rehabilitation and Integration into Society of the Mentally Ill, 5760-2000* ("The Law on the Rehabilitation and Integration into Society of the Mentally Ill") was enacted. The Law requires the State to support the mentally ill financially and in other regards, based on a list of criteria, which determine the extent of such support. One of the criteria which make a person eligible for additional assistance is speaking Arabic as a native tongue. Another criterion is living in the periphery. Many Arab towns are located in the periphery (30% of the Galilee, 50% of the Negev), which creates another benefit for eligible citizens in these towns.

415. Health Stations - The Ministry of Health allocated 10 million NIS for construction of family health stations and oral health stations in the Arab-sector communities, a sum of 2.5 million NIS was disbursed each year during the period of 2001-2004.

### **The Bedouins**

416. The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are adapted especially to their needs. Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions considered inadequate by the Ministry of Health. Thus, additional funds shall be allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins in illegal villages.

417. All of the Bedouin towns have connections to running water. Recently, five of the seven future public service centers, which will provide the future needs of the local population, were connected to the water grid, through the national water company (MEKOROT).

418. These public service centers consist of most of the public and communal structures, such as schools, kindergartens, health clinics, municipal facilities, welfare, community and commercial areas.

419. The community living in these clusters can connect itself to the water supply through the Water Connections Allocation Committee, which has been operating under the Administration for the Promotion of Bedouins since 1997. Within the last six years, the total number of connections to the main water lines has increased from 60 connections to 260.

420. The establishment of a sewage system is under the authority of the local government and the minority localities receive loans for this purpose. It should be mentioned, that these loans are more generous than those allocated to Jewish localities.

421. The relatively high rates of intestinal infections and pneumonia among children in the Bedouin population, is a direct result of their living conditions – their harsh ways of life, close proximity to animals, crowded quarters, the use of water from immovable water sources and improper nutrition.

422. Sixty percent of Bedouin live in established towns, with municipal infrastructure, including running water in every home (meeting the Israeli standards for drinking water quality), electricity and sanitation services, as well as all the usual municipal services, such as local health clinics for curative as well as preventive maternal and child health care and educational services.

423. Six new Mother and Child Health Clinics (Tipat Halav) have recently been constructed in the illegal villages in addition to the existing station, the eighteen Mother and Child Health Clinics located in Bedouin towns and a mobile family care unit.

424. Nine Health Fund medical clinics (Kupat Holim) have been built to provide for the medical needs of Bedouin living in illegal villages, in addition to the 32 Health Fund medical clinics already existing in the Bedouin towns.

425. Two mobile immunization teams managed by the Ministry of Health provide home immunizations to infants of Bedouin families living outside of permanent towns, whose families do not bring them to one of the Mother and Child Health Clinics for treatment. A computerized tracking system allows the Ministry of Health to identify, at any point in time, infants who are behind on their immunization schedule, and send one of the mobile immunization teams to immunize them. The 1999 figures indicate that 90-95% of the Bedouin children have completed all necessary vaccinations by age three – a sizeable increase compared to the equivalent rate in 1981 of 27%.

426. A mobile team, run by Soroka Hospital in Beer Sheva, in cooperation with the Ben-Gurion University of the Negev, provides follow-up home care to Bedouins who live outside permanent towns after they have been discharged from the hospital, in case they need additional medical care in their homes. The Soroka Hospital also runs a special mobile eye care (ophthalmology) unit.

427. A course for qualified Bedouin nurses opened in 1994. Since then, 34 students have graduated from the nursing course and 32 are currently participating in the course. It should be noted that the students participating in the third course committed to serve their first 3 years in practice after graduation wherever the Ministry of Health decides their services are needed. This will guarantee that the trained nurses serve the target population, the Bedouins.

### **Migrant workers**

428. In July 2000, The *Foreign Workers Law* came into force. Under this Law, the Minister of Health is to promulgate regulations defining an assortment of services that insurance companies are required to supply to migrant workers. The regulations were enacted in 2001. As for the migrant workers' children, the Ministry of Health published a tender to supply them with health care services. One of the health funds was chosen as a supplier, and the arrangement, which took effect on February 1, 2001, applies the following rules:

- 428.1. Children born in Israel can be enrolled in the health fund chosen in the tender within six months from the child's birth, if at least six months have passed since the mother's arrival in Israel. Then, the child will be immediately insured. Failing to enroll the child within a period of six months shall result in a delay of six months in the child's entitlement to the health fund's services. However, every child is immediately entitled to emergency services without any waiting period.
- 428.2. Children not born in Israel can be enrolled in the health fund chosen in the tender no earlier than six months from the child's arrival in Israel. The child's entitlement to the health fund's services shall begin 6 months from the date of enrollment. Again, emergency services will be provided without any waiting period. The arrangement is to apply to all children of foreign workers, regardless of the legality of their parents' stay in Israel.

### **The right to social security and social services**

429. *Special Assistance of the Ministry of Labor and Social Affairs Programs to Combat Poverty*: During the years 1995-1999, there was a five-year program of development in the Druze and Circassian sectors. This program included a budget of 1,070 Million NIS (approximately \$250 Million), which targeted different objectives, such as sewage, water, roads, electricity, health, housing and others.

430. The Ministry of Social Affairs provides social services to all sectors of society, with no discrimination.

### **5. The right to education and training**

431. One of the enumerated purposes of the education system in Israel is to ensure equal opportunities for all children, as noted in Article 2(8) of the *Education Law, 5713-1953* ("*The Education Law*"). Similarly the *Pupils Rights Law, 5761-2000* ("*The Pupils Rights Law*") in Article 5(A) (1) disallows any form of discrimination concerning the registration of students by the governmental and local authorities or any educational institution.

432. A key goal of the Israeli education system is to ensure that policy makers, administrators, educators, education providers, and the communities themselves will be involved in the effort of providing full opportunity for all young people to participate in the education options best suited to them, and to achieve a high standard of education whatever their race or socio-economic status. This is evident even in the pre-school years, whereas the Government committed itself in August 2003 to establishing a special needs nursery for deaf children in various Arab towns in the same manner as was done for Israeli children. The commitment to establish the nursery arose as a response to a petition filed to the Supreme Court by a number of Arab municipalities.

433. The Ministry of Education regards the need to deal with the gaps in the educational system in Israel as its main obligation. The main priorities for the Ministry beginning in 1999 were the following: bridging gaps by elevating peripheral municipalities and weak population groups; affirmative action for the Arab educational system; elevating special education; and increasing the number of students with matriculation entitlement.

434. The leading programs implemented to fulfill these goals are as follows:
- 434.1. Implementing the *Free Compulsory Education Law* starting with ages 3-4 in places of need in all population groups.
  - 434.2. Several programs focused towards raising the level of matriculation entitlement.
  - 434.3. Several support programs such as special education assistance of which 23% of such students were from the Arab sector in 2002 (compared with only 1.6% in previous years), support counseling (which has reached 287 counselors in 2002).
  - 434.4. A five-year program for affirmative action in the Arab sector.
  - 434.5. An affirmative action program in the area of schools construction such that of the 2002 construction budget for schools, the Arab sector received over 17% of the funds. In 2003, the number of classrooms and nurseries built for the Arab, Druze and Bedouin sector totaled 1,583, as compared to the majority Jewish population that had a total of 2,683 such structures.

435. The Ministry of Education has, among other subjects, placed the following on a high priority level: reducing violence and use of drugs in schools, furthering science and technology education, and taking action for the purpose of strengthening democratic sentiments among students.

436. These subjects are closely related to bridging majority-minority gaps and assisting weak population groups.

#### *Pupils rights*

437. The *Pupils Rights Law* is intended to establish principles for the rights of pupils in the spirit of human dignity and the principles of the United Nations Convention on the Rights of the Child, while preserving the uniqueness of the various educational institutions as defined in the *Compulsory Education Law, 5709-1949*, the *State Education Law*, the *Special Education Law 5748-1988*, ("*The Special Education Law*"), and any other law.

438. Under Article 3 of the *Pupils Rights Law*, every child and adolescent in the State of Israel has a right to education in accordance with the provisions of the Law.

439. **Under the Law, it is forbidden to discriminate against a pupil** based on his/her ethnicity; socio-economic standing, or political orientation of the child or of the child's parents. Under Article 5(b) of the Law, any person who infringes the provisions of this article shall be liable to imprisonment for one year, or a fine, as provided under Article 61(a)(3) of the *Penal Law*. The Law forbids discriminatory behavior in all of the following:

- 439.1. The registration of a pupil;
- 439.2. Admission to or expulsion from an educational institution;



- 439.3. The establishment of separate tracks or the development of separate educational curricula in the same educational institution;
- 439.4. The establishment of separate classes in the same educational institution;
- 439.5. The Rights and obligations of pupils, including discipline of students and the application of disciplinary practices.

440. The Ministry of Education has completed a guide to students' rights that was distributed amongst all students and published in Hebrew and Arabic.

### **Statistical data**

441. **Literacy** - Israel has a very low rate of illiteracy – 4.8% (men – 3.1%, women – 6.4%). There is a 3.6% illiteracy rate in the Jewish population and a 10.3% illiteracy rate in the non-Jewish population. The older population is mostly accountable for this gap, such that among the younger population, the differences considerably decrease, as indicated by Annex 2 attached at the end of this report.

### **Attendance rates in the education system**

442. There are approximately 1,270,000 pupils in schools: about 79% of them are in the Jewish sector and 21% in the non-Jewish sector. The table in Annex 3 indicates a decrease in all sectors of the number of pupils who do not attend school.

### **Education**

443. The number of persons with only four years or less of formal education has continued to decline, and there has been an improvement in the situation in all sectors. Among the non-Jewish population, the number of such persons decreased from 15.9% in 1994 to 10.4% in 2003.

#### *Higher education*

444. The number of persons with higher education among the Jewish population grew between 1980 and 1999 by about 88% (from 20.8% to 39.0%); among the non-Jewish population, the number of persons with higher education grew by about 156% (from 7.7% to 19.7%). All these figures are higher than those observed in 1995, as indicated by Annex 4.

#### *Drop-out rates*

445. In the Jewish sector there has been a slight reduction of this phenomenon, but in the non-Jewish sector there has been a slight increase, although it may be characterized as stable, as demonstrated by Annex 5. The reason for that is that these figures relate only to attendance in institutions under the supervision of the Ministry of Education and many of the non-Jews students are enrolled in institutions under the supervision of the Ministry of Social Affairs. Moreover, combining the figures of attendance in institutions under the Ministry of Education, the Ministry of Social Affairs and the former Ministry of Religious Affairs, the drop-out rates

show a trend of stability or even a slight reduction. Since the 1990's, in both Jewish and Arab education sectors, the percentage of attendance among female pupils has been higher than that of male pupils every year.

446. Recent studies indicate the existence of a gap in the dropout rate between the Jewish and Arab sectors. The rate in the Jewish sector is 4.9%, while the rate in the Arab sector is 10%. The majority of dropouts are of the age of 15 to 17. There are 60 regular truancy officers who work in the Arab sector and promote programs discouraging students from dropping out of school.

447. The Table below shows an increase in the percentage of pupils entitled to matriculation certificates upon their graduation from high school. The increase is especially notable in the Bedouin, Druze and Arab education sectors.

**Table 9**

**Pupils in 12th grade, matriculation examinees and entitled to a certificate - 2002 (absolute numbers)**

	Pupils in 12 <sup>th</sup> grade	Examinees		Entitled to certificate	
		Total	% of pupils in 12 <sup>th</sup> grade	Total	% of pupils in 12 <sup>th</sup> grade
Total	97 136	78 691	81.0	53 954	55.5
Hebrew education	82 805	66 045	79.8	46 631	56.3
Arab education	14 331	12 646	88.2	7 323	51.1
Thereof:					
Muslims	11 039	9 568	86.7	5 456	49.4
Christians	1 500	1 393	92.9	1 011	67.4
Druze	1 762	1 669	94.7	851	48.3

*Source:* Central Bureau of Statistics, 2004.

448. The numbers continued to increase, rising in 2002 to over 33% for the Arab sector (up from 28% in 2000) over 25% for the Bedouins living in the Negev (up from 16% in 2000) and 35% for the Druze (up from 28% in 2000). Furthermore, in higher education there is a trend towards an increasing number of graduating students, with more women graduates than men.

### **Education in the Arab sector**

449. The issue of eliminating disparities in the educational system in Israel is a priority of the State of Israel. According to the Central Bureau of Statistics from 2003, the total number of schools in the Arab educational system was 629 out of a total of 3,700 schools nationwide. The number also included 72 schools for the Druze population. The curriculum requirements are essentially the same for all population groups, save for the Arab schools maintaining a stronger focus on the Arab language as opposed to Hebrew when studying literature and grammar.

450. The Education and Welfare Services Department in the Ministry of Education, Culture and Sport (EWS) is responsible, since its establishment in the 1970s, for the advancement of weaker populations by applying special programs and projects in the educational system. For the first ten years of its existence, the EWS did not handle the Arab and Druze sectors, which were dealt with by a special unit in the Ministry of Education.

451. In 1997, following a petition to the Supreme Court of Justice of the Legal Center for the Rights of Arabs in Israel, demanding that the Ministry of Education apply the EWS special reinforcement programs in the Arab municipalities, as well as the Jewish ones (*H.C.J. 2814/97 The High Follow-up Committee on Matters of Arab Education in Israel et al. v. The Ministry of Education, Culture and Sport* (13.01.1998)), the Ministry of Education set up a special committee, headed by Professor Miriam Ben-Peretz, (The Ben-Peretz Committee) for the development of a five year educational plan for the Arab sector for the years 1999-2003. In 1998, the Ben-Peretz Committee presented a comprehensive report, offering a variety of recommendations, including comments that the following developments shall take place:

- 451.1. 1,600 new classrooms be built (including those to be used as kindergartens and for special education purposes) within five years;
- 451.2. Programs offered by the Education and Welfare Services Department (EWS) be expanded;
- 451.3. The Tutorial Project (*Perach*), in which university students give tutorials to school children in need of additional help be expanded;
- 451.4. An experimental program geared towards lowering drop-out rates be set up in the five municipalities (and be used as a model for future, similar programs);
- 451.5. The scope of teachers' training, and the establishment of regional centers for teachers' training be expanded;
- 451.6. 50 teachers be granted scholarships in the field of science and technology;
- 451.7. An accelerated program be introduced in the Arab sector in order to attract gifted students. The Committee also recommended that vocational programs be established to cater to the needs of weaker students;
- 451.8. The budget for school construction and science lab equipment be increased;
- 451.9. Methods for identifying special needs children be improved and that the work hours of educational psychologists be expanded – adding approximately 13,000 academic hours and 120 positions;
- 451.10. The number of children in every class be reduced;
- 451.11. Regional educational centers be introduced into the system.

452. The implementation of the Ben Peretz Committee Report was conducted through a five-year plan. This plan was supported by a budget of 250 million NIS (approximately US \$62.5 million), which was to support affirmative action programs; the allocation of 37% of the pre-school education budget to the Arab municipalities, the allocation of 29.5% of the Ministry's construction budget towards the construction of classrooms in the Arab schools; double funding of special education in the Arab sector by making it 18% of the total budget. In addition it should be noted that the number of teaching positions in the Arab sector increased by 25% as well.

453. The steering committee for the program has determined a basic program for its application, based on the recommendations of three different committees (including the Ben Peretz Committee). Accordingly, the program's main goals in the Arab sector include:

- 453.1. Increasing the number of Arab pupils eligible for matriculation;
- 453.2. Increasing the amount of teachers training programs;
- 453.3. Improving and expanding the services of psychologists and councilors;
- 453.4. Improving special education;
- 453.5. Improving technological education;
- 453.6. Training the teaching, psychological and counseling staffs;
- 453.7. Reducing dropout rates.

454. Throughout the year 2000, the program addressed the following issues:

- 454.1. Reducing dropout rates;
- 454.2. Upgrading 1,526 computer stations;
- 454.3. Supplying scientific equipment to kindergartens and primary education schools;
- 454.4. Increasing the number of pupils eligible for matriculation;
- 454.5. Developing curricula;
- 454.6. Training teaching staff.

455. Israel's Arab population's initial low level of education has risen at an extremely high rate in the past fifty years, faster than the Jewish population's education level. Today, Arab citizens of Israel enjoy a good level of education according to any international standard.

456. From a ratio of 1:3 Arab to Jewish boys enrolled in elementary school and 1:15 Arab to Jewish girls in 1943/44, in 2001/02 the gap between Arab and Jewish children's enrollment in elementary school was less than 1%.

457. The percentage of students completing 12 years of schooling has risen in the Arab sector from 56.7% in 1995 to 71.2% in 2000 while the percentage of Jewish students finishing 12 years has remained the same.

458. Over the last three years there has been a sizeable increase in the percentage of pupils in the Arab sector that have qualified for a *matriculation certificate* (from 28.95% in the year 2000 to 33.69% in the year 2003).

459. Schools in the Arab sector have on-average 31.2 *pupils per class*. Over the last ten years, the average number of students per class has decreased in all sectors, and is currently as follows:

459.1. Elementary schools - 26 students per classroom in the Jewish population and 29 students per class in the Arab population.

459.2. Junior high schools – 30 students per class in the Jewish population and 33 students per class in the Arab population.

459.3. High school – 30 students per class in the Jewish population and 33 students per class in the Arab population.

#### *Construction of new schools*

460. In recent years the Ministry of Education, Culture and Sport has allocated special budgets for building new schools, and expanding and renovating existing ones. This trend continues to date.

461. In 2000, 779 million NIS (approximately \$192.7 million) were allocated to the development budget. In addition, 693 million NIS (approximately \$171.4 million) were allocated in 2000 for the continued construction of 1,880 new classrooms, 25 million NIS (approximately \$6.2 million) for the renovation of school buildings, 18 million NIS (approximately \$4.5 million) for equipping new classrooms, and 20 million NIS (approximately \$4.9 million) for schools' peripheral expenditures.

462. In 2001, a total of 456 classrooms were built within the Bedouin Sector (approximately 3% of the Israeli population), while 2,683 classrooms were built in the Jewish Sector (app. 80% of the Israeli population) in the same period. The Ministry of Education allotted 700 million NIS (approximately \$174 million) for construction of classrooms in elementary and high schools in the Arab sector, in addition to pre-compulsory kindergarten classrooms.

463. By contrast, in 2004, where the overall budget was reduced by around 2% despite an increase in students, the development budget was 455 million NIS, with 85% of that total (389 million NIS) going towards construction of classrooms. In the past few years, there has been a steady increase of students without a corresponding increase in the budget.

464. *Technological Education* has become increasingly popular in the Arab sector. It should be noted that in 2002, 5.5 million NIS was allocated towards installing additional equipment in technical schools and introducing additional 30 new technology classrooms in the Arab sector, in which information technology, biotechnology, designing arts and architecture are taught.

465. Despite the lack of resources, there are 115 *psychologists* in the Arab sector, who enjoy a larger budget than their Jewish counterparts. There is also a special training program for psychologists who are interested in working in the Arab sector, offered at Beer Sheva and Haifa Universities. In addition, 3,000,000 NIS were allocated to improve the results of the Wexler test in the Arab sector and to increase awareness and change perceptions of psychologists in the Arab sector.

466. There are 27 Educational Counselors in the Arab sector, with a special emphasis on affirmative action measures needed in this sector. All four Israeli universities offer a special training program for Educational Counselors who work or wish to work in the Arab sector.

467. Further resources were allocated towards purchasing *computers* for schools in the Arab sector (currently – 79.5% of the schools possess computers) in order to facilitate increased access to computers among Arab children. This purchase added 2,000 computers to the school system, as well as science labs completed in 80 of Arab sector high schools and junior high schools.

468. *Special Education* programs in the Arab sector are identical to those in the Jewish sector, and pupils are given the same amount of time and resources. Certain affirmative action measures have been undertaken to overcome previous misallocation. In the last year, there was a 38.3% increase in the number of children attending special education programs in the Arab sector. Moreover, 40 of the 233 special education schools address the needs of the Arab sector exclusively, and the average number of children in a special education class in the Arab sector is lower than that of a class in the Jewish sector.

*The Extended School Day and Supplementary Education Law, 5757-1997 ("The Extended School Day and Supplementary Education Law")*

469. In 1990, the Knesset enacted the *Long School Day Law*, which was replaced by the *Long School Day and Enrichment Studies Law*. The purpose of this Law is to add study and education hours to the existing hours in educational institutions. This Law is aimed to further advance equal opportunity in education, and contribute to helping the children make the most of their natural abilities. It provides that four school days per week shall be at least eight academic hours long. The Law is being gradually implemented, with a preference to municipalities and neighborhoods in need of additional assistance in education. **Thus in 2002, of the 100 municipalities that had received budgets to implement an extended school day, 37 were from minority communities.**

*Promoting the Arab sector's access to higher education*

470. An analysis of the trends in higher education among Arabs in Israel shows that there has been quantitative and qualitative progress over time. This fact is manifested by the impressive growth in the number of Arab graduates, by the spread of Arab students over various areas of study and by the progressive rise in the representation of women, who today make up about half of the entire Arab student body in Israeli institutions of higher education. Despite these achievements, however, representation of the Arab population in institutions of higher education is still low, both at the student level and at the level of academic staff and administrative employees. At a time when Arabs constitute about 17% of the total population of Israel,

in the 1998/99 academic year Arab students constituted only 7.1% of the students in universities and 5.6% in academic colleges. Representation of Arab students in the pre-academic programs of the institutes of higher education was also relatively low at 3%. On the other hand, the percentage of Arab students in the same year in teacher training colleges was 17.3%.

471. The Council for Higher Education, the State institution responsible for higher education, including teaching and research (hereinafter: the Council), operating under the *Council for Higher Education Law, 5718-1958*, ("*the Council for Higher Education Law*") has taken several decisions in recent years aimed at promoting access of Arab students to higher education.

472. On July 27, 1999, the Council issued a decision that allows Arab students to spread their academic studies over four years (instead of the standard three years), while paying tuition fees for only three years.

473. On June 27, 2000 the Council made a declaration (approved at the Council meeting of November 7, 2000) that it regards favorably the establishment of an academic college in an Arab locality.

474. The Council held a special session regarding the situation of Arab students in higher education institutions. The Council was presented a position paper incorporating data on higher education among Israeli Arabs. The paper was presented by Professor Majid Alhaj, a Council member.

475. The issue was brought for deliberation in the Planning and Budgeting Committee (hereinafter: the PBC), as part of its resolution on higher education among the Arab population from July 1999.

476. The Council resolved to take note of the PBC resolution and to appoint a committee to handle the special problems of Arab students in institutions of higher education given the importance of the matter and desire by the Government to properly address the problem. This step accords with the general policy of the Council and PBC, emphasizing the social aspect of higher education and the important function which the institutions of higher education fulfill in the context of community development and bridging gaps. Indeed, the Committee's recommendations were unanimously adopted by the Council in a resolution taken on 8 January 2002 and the PBC was charged with exploring the financial requirements of implementing these recommendations.

477. Within its letter of appointment dated December 12, 2000, the Committee was requested to formulate a general overview on the advancement of higher education among the Arab population in Israel. At the same time, the Committee was requested to examine programs to be submitted by the institutions of higher education for advancement of Arab students and to advise PBC on the modes of remunerating the institutions for initiatives and achievements leading to the broadening of access for Arab students to academic studies and support programs, to reduction of the dropout rate of such students and to increase in the number of Arab students studying for master's degrees in general, and in research tracks, in particular.

478. The Committee discussed five main topics during the course of its deliberations:
- 478.1. Access of the Arab population to higher education;
  - 478.2. Pre-academic programs;
  - 478.3. Information and support centers;
  - 478.4. Assistance and support mechanisms and modes of integrating Arab students studying at institutions of higher education;
  - 478.5. Integrating Arab faculty members and administrative employees in institutions of higher education.

479. The Committee, headed by Professor Majid Alhaj, met several times and following deliberations proceeded to formulate principles and recommendations, as set forth below in Annex 8.

### **The Dovrat Committee**

480. In September 2003, a national task force for the advancement of education in Israel ("Dovrat Committee") was established by the Israeli government. The Committee was to carry out a comprehensive examination and review of the education system in Israel, to recommend on a structural, organizational and pedagogical transformation program; and to outline its implementation. The members of the Committee include education oriented persons, from the academy and the practice, law and economy experts, businessmen and public figures. The Committee's Report was issued on January 2005. Its conclusions were adopted except for two budgetary issues, in Government Decision No. 3060, dated January 16, 2005. The following are the Committees' recommendations regarding the Arab education system:

#### *Organization of the public Arab education system*

481. The organization of the public Arab education system, in its various levels, will express the autonomous content of the public Arab education, as defined below.

482. *"We recommend the following:*

- 482.1. *The advisory council for the Arab education issues, established in 1995, will function in a continuous manner as an advisory body to the Minister of Education, on Arab education issues. We recommend that the advisory council will be headed by a person of Arab origin, who has a high pedagogical and academic position and that the members of the council will be education and academy persons, from the Arab sector. The function of the council will be, inter alia, to lead the Arab education system and to influence it towards the fulfillment of the standards and improvement of its achievements. All of these recommendations stem from partnership and increasing efforts by the State, the Arab education system and the Arab society, as a whole.*



- 482.2. *A representative from the Arab education system will be a member of the Unit for Educational Development, as part of the unit management. This representative will be responsible for the Arab heritage curriculum and recommend unique curriculums within the framework of the school autonomy, concerning the Arab schools.*
- 482.3. *Arab scholars and education personnel will be integrated in all levels and branches of the Ministry of Education.*
- 482.4. *A Regional Education Administration, in which there are Hebrew and Arab schools, will appoint a representative for Arab education issues, who will advise on matters related to those schools, in general, and on the appointment of principals, in particular. In a Regional Education Administration, in which over 50% of the pupils are Arab, an Arab person will be appointed as the director or deputy director of the Regional Education Administration.*
- 482.5. *Arab schools will conduct studies 5 days a week. The rest day of the Arab-Muslim schools will be Friday and of the Christian education system will be Sunday. Instructions concerning the activity during the additional day of the week, which apply to Jewish schools, will apply also to the Arab schools.*
- 482.6. *We took note of the Ministry of Education's intention to cancel, as soon as possible, the position of the deputy in charge of the Arab Education Department. We recommend that in the future, a similar position will not exist in the Arab Education Department or in its branch. The District Education Administration and the Ministry of Education will be responsible for the prevention of appointments of or the dismissal of teachers, principals and other functionaries, who do not fulfill the purposes of the State education, Jews and Arab alike.*

483. *Curriculums which will give expression to the educational and cultural needs of the Arab sector.*

- 483.1. *We recommend that concerning that part of the core program, which does not consist of heritage studies and in which there is no cultural element par excellence – as math studies, nature studies, geographical studies, sciences and all the practical professions, the curriculum for the Jewish and Arab sector should be identical, that the study books should be identical except for the language, that the changes inserted in the books should be minimal and no cultural adjustment should be made in them. Names of towns and geographical places should appear according to their official names.*
- 483.2. *Topics pertaining to the history of the State of Israel and the shared history of Jews and Arabs in the country may be the subject of controversy. We recommend that these topics should be discussed in a public joint Jewish-Arab committee, which will act according to the format of the committee, which was*

*established concerning civic studies. The introduction of new programs in the Arab sector will be performed after consultation with Arab educational and academic persons.*

483.3. *We recommend that in the framework of the curriculum – in both the core program, as well as in the independent curriculum of the Arab schools, emphasis in its implementation should be on the Jewish history and tradition as well, especially underlining the Jewish-Arab tradition, the heritage of Spanish Jewry and Arab Jewry. We are of the opinion that it is proper that a recommendation in this spirit, should also apply to the Jewish schools in all its streams, which will educate about the history and heritage of the Arabs. We recommend that the curriculum on Hebrew literature in the Arab schools shall include written Arab works of Hebrew authors. Likewise we recommend that parts of the Bible should be studied, which have parallels in the Quran.*

483.4. *We recommend that in the framework of the studies of the heritage, which are part of the core studies in the Arab education, should safeguard the rights of the various communities, including the specific history and the heritage of the community to which the school belongs. Pupils choosing a school teaching a specific heritage to which they themselves do not belong, will not be entitled to demand studies of their heritage in the framework of that school, unless the school offers this, within the framework of its autonomy.*

484. *Teachers' training for Arab education will be constructed in different models.*

484.1. *We recommend that the colleges for training education workers, Hebrew and Arabic, will be open for students, Jews and Arab, by their qualifications, without derogating from the Arabic courses in Jewish colleges.*

484.2. *The training of teachers for the Arab education system will be conducted in three possible alternative courses:*

484.2.1. *A course in which Arabic teachers will be trained in an Arab college.*

484.2.2. *A unique course for training Arabic teachers that is delivered by a Hebrew college for teachers.*

484.2.3. *A non-Arab teachers training course (in a university or in Hebrew colleges for teachers training).*

484.3. *Special courses will be offered in the Arab colleges for Jewish teachers that will teach Arabic in Hebrew schools, simultaneously, special courses will be offered in Jewish colleges for Jewish Teachers that will teach Hebrew in the Arab schools.*

Reciprocal measures and "lowering the walls" between Jews and Arabs

485. *We see great importance in strengthening the ties between the Jewish and the Arabic People. Therefore we suggest the following:*

- 485.1. *We recommend that the parents will have the right to "cross the lines" and choose a Jewish school or an Arab school as they see fit. And at the same time, we see fit to authorize the regional education administration to determine rules for that matter, including the maximum number of Arab pupils in a Jewish school and the maximum number of Jewish pupils in an Arab school, thus preventing the turning of a Jewish school to an Arabic school and vice versa.*
- 485.2. *We see in a positive light the establishing of bi-lingual schools in which Jewish and Arab pupils study together. We see this kind of schools as a possible exception - a super-regional school. We see in those kinds of schools a recommendable effort for bringing people closer together, and also as a testing ground for joint learning programs in all schools in Israel. It should be considered, under the current budget limitations, to allocate special funds towards promoting the integration of Arab and Jewish pupils in the same school.*

486. *We recommend that in the framework of lowering the walls that separate the two societies, the Hebrew language lessons in the Arab educational system be strengthened in all educational stages, in order to achieve success in higher educational institutions and reach full integration in the public daily life and economy of the country.*

487. *In this frame, it is recommended to recruit Arabic speaking Jewish teachers, to teach Hebrew mainly in high schools, and Arabic speaking teachers to teach Arabic in the Jewish schools, all of the above following suitable professional training."*

**The Bedouin sector**

488. The Bedouins living in existing towns enjoy the same rights and opportunities as other Israeli citizens, including the right to receive formal education at all levels, in accordance with the laws of Israel. Indeed, their situation concerning education has considerably improved over the past years, as indicated by the information provided in Annex 6.

489. All the Bedouin pupils study in 53 primary schools and 10 secondary schools. To date, there are 16 schools for the Bedouin population and eighty kindergartens for children from the age of three. Since 1998, three new schools have been built. Several kindergartens have also been established on the premises of existing elementary schools. As noted, a total of 456 classrooms were built within the Bedouin Sector (approximately 3% of the Israeli population), while 2,683 classrooms were built in the Jewish Sector (approximately 80% of the Israeli population) in 2001.

490. The education system in the Bedouin sector faces many difficulties that are partially the result of the unique Bedouin life-style in a plethora of illegal villages as well as their culture. All the schools in the Bedouin sector have electricity, provided by generators, and are directly connected to water pipes. Bedouin pupils enjoy the same standards of transportation to and from school as their Jewish peers.

491. Bedouin schools have on average 31.2 pupils per class, an average similar to the national average; all teachers teaching in the Bedouin sector have the same certification requirements as all other Israeli teachers. A high percentage of the teachers attended a full academic program as part of their training.

492. The Ministry of Education held special training programs for kindergarten teachers, teachers, principals and counselors from the Bedouin sector. Such training was funded by the State at a cost of 570,000 NIS.

493. There exists a shortage of psychologists in the Bedouin sector, but since 2002, efforts have been made to add psychologists in the Bedouin community. Be'er Sheva University has initiated a special training program for psychologists in the Arab and Bedouin sectors. Currently, there are nineteen active psychologists working in the Bedouin sector, seven in the illegal villages.

494. There are twenty-four educational counselors in the Bedouin sector. Unfortunately many principals fail to recognize the importance of their work. Accordingly, a special consultant was appointed to assist these counselors and promote their work amongst principals.

495. Bedouin children aged 3 and 4 from illegal villages have a higher attendance rate in state nursery classes (35.9%) than the remaining general population of Israeli children (29.7%).

496. Recent studies indicate that there is an 11.58% high-school dropout rate in the Bedouin sector, compared to a 4.53% dropout rate in the Jewish sector. There are 8 regular visitations supervisors in the Bedouin sector that promote programs discouraging dropping out of school.

497. The Ministry of Education operates adult education programs which include 20 classes in six different towns, including the illegal villages, teaching reading and writing as well as specific topics and lectures for women on current events.

498. Over the last five years there has been an substantial rise in the percentage of pupils in the Bedouin sector taking matriculations exams (up from 19.7% in the year 1998 to 53.8% in the year 2002), as well as a huge leap in the percentage of pupils entitled to a matriculation certificate (from 15.5% in the year 1998 to 42.8% in the year 2002).

499. Special Education programs in the Bedouin sector are identical to those in the Jewish sector, and pupils are given the same amount of time and resources. Certain affirmative action measures have been undertaken to overcome previous misallocation.

500. Three special classes for hearing-impaired children have opened in the Bedouin sector, with special funding for equipment provided by the Department of Social Security. Special training programs are held for teachers in this sector, as well as a unique two-year program for teachers specializing in the field of educating the hearing impaired. Nationally, all hearing-impaired children, regardless of their ethnicity, suffer from the dearth of funds.

### *Illegal Bedouin villages*

501. With regard to education, it should be emphasized that pupils in illegal villages are entitled to the same level of education as all other pupils in Israel. However, for obvious reasons, it is not possible to build elementary and high schools in every village, whether legal or not. Hence, 11% of the pupils of Israel (Jews and non-Jews) study in regional schools that serve rural localities. Thus, it is not uncommon for Israeli localities not to have their own local schools.

502. Furthermore, the special situation of pupils from illegal villages is given consideration by the education authorities. The education system allocates extra resources (primarily study hours) to schools whose pupils suffer from environmentally caused academic deficiencies. A special index is used to determine the eligibility of schools to receive such additional resources and one of the criteria of this index in the non-Jewish sector is the inclusion of pupils from illegal villages. In other words, the higher the percentage of pupils who come from families that reside in illegal villages, the more resources are allocated to the school. Thus, schools with pupils from illegal villages receive additional teaching hours which enable them to deal with the specific problems of this population (most notably, poor domestic complementary studying conditions).

### **Migrant workers' children**

503. During the last decade, many migrant workers arrived in Israel from all over the world. At present, there are approximately 2,500-3,000 children of migrant workers living in Israel. Some of their parents have visas and work permits, and some have remained in Israel illegally. Children of migrant workers are entitled to free education within the public school system, regardless of the legality of their stay in Israel. This entitlement begins 3 months after their arrival (during the initial three months period they are considered tourists).

## **6. The right to equal participation in cultural activities**

### **Funding of cultural events**

504. **The Ministry of Education.** The object of The Department for Arabic Culture of the Ministry of Education is to promote and develop Arabic Culture while preserving the cultural and ethnic uniqueness. The Department does so by encouraging and financing many institutes, events and projects that help to reach this object. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc. During the year 2000, the budget for the Department was, 6,032,000 NIS; in 2001 it was, 7,500,000 NIS, and 7,175,000 NIS in 2002.

505. **The Ministry of Science, Culture and Sport.** The Department of Arab culture, a division of the Ministry of Science, Culture and Sport, initiated, encouraged and developed a wide variety of cultural and scientific activities for the Arab sector. The Department made special efforts to preserve Arab culture by funding Arab theaters and literature. It also undertook research projects in the areas of the Arabic language, Arab literature and Arab and Islamic heritage. The Department supported festivals and libraries in Arab villages and certified art tutors and teachers. Additionally, the Department awarded scholarship for Arab students who study art at the university level and beyond.

506. Between the years of 1999 and 2000 the Department allocated a total of 25 million NIS for cultural and scientific projects and events. In addition, a sum of 6.7 million NIS was also allocated between 2000 and 2002 for the purpose of renovating cultural buildings. 752,000 NIS were also granted to support Arab music, while Arab theaters received more than 6.2 million NIS in 2000.

507. After the reorganization of the Ministry of Science, Culture and Sport, the Ministry of Education, Culture and Sport continues to carry out these tasks.

*The role of mass media and communication in promoting participation in cultural life*

508. The importance of ensuring participation in the media is reflected in the legislation regulating the activities of the two main T.V. authorities in Israel:

508.1. *The Broadcasting Authority Law, 5725-1965 ("The Broadcasting Authority Law")* – The Law regulates the activities of the Israel Broadcasting Authority (IBA), currently responsible for two TV channels and ten radio channels. The IBA now also broadcasts over a satellite channel (Channel 33), which until recently, mainly aired the sessions of the Israeli parliament (the Knesset) and its committees. One of the Authority's roles as defined in the Law is to provide TV programs in Arabic to meet the needs of the Arabic-speaking population and to promote understanding and peace with Israel's neighboring states.

508.2. *The Second Authority for Television and Radio Law* - In March 2000, the law was amended, establishing a requirement for broadcasting programs in the Arabic and Russian languages, through speech or translation. The required figure is not less than 50% of the total broadcasts for each language (Article 4 of the amendment). The amendment has also changed the Second Authority's functions and duties. They now include catering to the needs of the Arabic speaking sector, promoting peace and understanding with neighbouring states and to give a proper venue to the cultural diversity of the Israeli society (Article 5 of the *Second Authority Law*).

509. The electronic media (i.e., television and radio) broadcasts Arabic-speaking programs throughout the day; and one licensed local radio station broadcasts solely in Arabic. The Ministry of Communications decided to promote the establishment of six new TV channels in Israel, including an exclusive Arabic-speaking channel.

510. In addition, the Ministry of Communication has taken measures to open the media market to a multiplicity of broadcast-providers and diversity in the contents of broadcasts. Such measures include the opening for competition of the paid cable services market, the establishment of an additional commercial channel and the establishment of specialty channels.

**The status of the Arabic language**

511. According to Article 82 of the *King's Order in Council on Palestine – 1922*, Hebrew and Arabic are the official languages of the State of Israel. This is also reflected in several provisions of the Israeli law, which mandates the use of the two languages, cumulatively or

alternatively in public life. The right of Arabic-speaking minorities to use their language is generally recognized and observed. Furthermore, the presence and use of the Arabic language is prevalent within the Government and Arabic is used in every aspect of public life in Israel.

512. Justice Cheshin of the Supreme Court in *P.C.A 12/99 Jamal v. Saback (25.04.1999)* stated:

“... The Arabic language is the language of approximately one-fifth of the population – the language of conversation, of culture and of religion – and this share of the population is a substantial minority, whom we ought to respect – the minority and their language. The State of Israel is a Jewish and democratic state, and being what it is, it has a duty to respect the minority within it: the person, the person’s culture and the person’s language.”

513. **Official documents.** Under a specific directive issued by the Attorney General, it is prohibited to oblige a citizen to translate an official document originally in Arabic to Hebrew, such as a marriage certificate, divorce certificates etc., as long as the certificate was issued by an authority which is recognized by the State of Israel. In addition, the Attorney General’s directive prescribes that the Government must make legal forms available in both Hebrew and Arabic.

514. **Vehicle license plates.** Under a specific directive issued by the Attorney General and directed at the Ministry of Transportation (26.03.1998), new car license plates are to bear the name of the State of Israel in Arabic as well as in Hebrew. The objectives of the new directive are to emphasize the official status of the Arabic language in Israel, as well as to increase consciousness of the needs of minorities in Israel.

515. **Public tenders.** The Attorney General has directed all legal advisors in the civil service that public tenders are to be published in both an Arabic language newspaper and a Hebrew one, as well as to be made available on the internet (17.06.1999). The directive stresses that it is prohibited to distinguish between public tenders according to their relevance to the Arab sector. Furthermore, the duty to translate the public tenders into Arabic is the Government's duty.

516. **Municipal public notices.** Pursuant to *H.C.J. 1114/01 Adalah v. Municipality of Haifa (31.12.03)* the applicant desired to oblige the Municipality to advertise notices in Arabic at the municipality's expense in Arab language newspapers. The Municipality agreed to advertise for the Arabic speaking public, pursuant to their customary practice and in the exact same manner as advertised for the Hebrew speaking public. Particularly, the Municipality agreed to publish the following in such a manner:

- 516.1. All official municipal notices, such as public tenders, planning and building notices, and all statutory notices;
- 516.2. All related municipal services (such as school registration or traffic notices);
- 516.3. All advertisements that relate to cultural activities open to the general public such as concerts and performances.

517. **Road signs.** Following *H.C.J. 4438/97 Adalah V. Public Works Department* (25.2.98), the State took upon itself to complete a plan to add Arabic to all existing intercity and highway roads. During the past 5 years, 15,000 signs on major roads and highways have been altered to include both Arabic and Hebrew, along with all new road signs.

518. *H.C.J. 4112/99 Adalah v. Municipality of Tel Aviv PD 46(5)* (25.5.2002) dealt with the duty of municipalities in which there exist an Arab minority to use the Arab language along with Hebrew in all municipal signs. Chief Justice Barak on behalf of the majority required Arabic to immediately be used in all new signs or instances where old signs are replaced. In major thoroughfares or public institutions, and side streets in districts with a significant Arabic speaking population, signs must be altered within 2 years. Finally, regarding remaining signs, the Chief Justice required a change within 4 years from the date of the judgment.

519. A 2000 amendment to the *Second Authority for Television and Radio Law* established a requirement for broadcasting programs in the Arabic and Russian languages, through speech or translation. The required figure is a 50% minimum of the total broadcasts for each language (Article 4 of the amendment), as reported above in this Article in the section on the *Second Authority for Television and Radio Law*.

520. A few other examples: *The Planning and Building Law, 5725-1965* ("*The Planning and Building Law*") requires the publication of official planning and building plans in Arabic-speaking newspapers, if the plans cover an area where 10% or more of the population's native language is Arabic; the *Public Tender Regulations, 5753 -1993* requires publication of all public tender ads in Hebrew and Arabic newspapers; the *Work Safety Ordinance (New Version) 5730-1970* requires posting of the summary of safety regulations in Hebrew and/or Arabic so that all workers will be able to read them.

#### *Arabic education*

521. Of particular importance is the use of Arabic in the education system. In Arab and Druze schools, Arabic is the teaching language; and is taught in most Jewish schools. Arabic Language and literature are also taught at all Universities in Israel.

522. The approach to studying Arabic language and Islamic civilization is historical, cultural, linguistic and textual, and students read a broad range of writings: Islamic religious texts, classical (medieval) Belles Lettres, and modern and contemporary literature. Linguistics is studied through classical grammatical texts as well as modern style. Changes in terms and concepts in the language are examined as reflections of developments in Islamic traditions, sacred texts including the Quran, Vitae Prophetarum (stories on the prophets), Arabic poetry, and Judeo-Arabic writings. Modern Arabic is part of the curriculum and students take courses in developing skills like writing letters and essays and learning spoken Arabic.

523. Arabic is also taught at several independent Colleges and Institutes among them "Ulpan Akiva", "Givat Haviva" (both of which were awarded UNESCO prizes for peace education), and "Beit Berl" College. Preparatory courses in which students can study Arabic are given in all the Universities, Colleges and Institutes mentioned above, and each year hundreds of students enroll in one of the programs that these institutes provide. The Universities award B.A.,



M.A., and Ph.D. degrees in different tracks of study such as, classical Islamic texts, classical Arabic poetry, history of Islamic religious thought, Islamic Philosophy, modern Arabic poetry and prose and Arabic linguistics. All universities and institutes have research libraries for Arabic that consists of thousands of books.

524. Several scholarly journals on Arabic language and literature are published annually.

*Hostility in sport events*

525. In recent years, an increase in the phenomenon of violence and racism linked to football has been taking place. This violence is exhibited by fans inside and outside of football stadiums. Verbal and physical violence and racist songs and expressions are part of this phenomenon.

526. In order to eliminate this phenomenon, the Knesset endorsed MK Avshalom Vilan's proposal to establish a parliamentary committee to examine violence in sports. The committee began its investigation on January 1, 2001 and during eight months and fifteen sessions of hearings sought operational conclusions to help reduce or eliminate altogether the phenomenon of violence in sports.

527. The Committee heard the testimony of athletes on racist and violent incidents in sport events, discussed the role of education in prevention of violence, and the need for enhanced enforcement against offenders (higher fines, etc.). The Committee is promoting several bills on the general subject of violence in sports destined to increase the safety of audience in sports events.

528. On July 18, 2001, the Committee released its interim report that included the following relevant recommendations:

- 528.1. An amendment to the law and consolidation of rules aimed at enhancing punishment and deterrence measures.
- 528.2. Consolidation of rules includes: Forbidding racist or offensive expressions - A team whose fans violate this rule would be punished by sanctions such as reducing points or barring fans from attendance at matches.
- 528.3. Holding managers, coaches and players responsible - Central figures will carry added responsibility for their behaviour and disciplinary measures will be taken against them in case of any action resulting in violence or racism.
- 528.4. To effectively eliminate the phenomenon of racism in sports, FIFA and UEFA rules should be enforced immediately and in accordance with Israeli law.
- 528.5. Educational programs including an awareness programs focusing on violence and racism and promotion of sportsmanship and fair-play in sports.

529. According to Police data there was a reduction of 20% in average in violence at the stadiums and football fields in 2001. As discussed in Article 4 above, the Commission has continued with ongoing meetings concerning relevant issues and in November 2004 submitted a proposed amendment to the existing law that also would punish racist expressions at sporting venues with a year imprisonment.

## **7. The right of access to places of service**

### **Elimination of discrimination in the private sphere**

530. The legal position in the area of discrimination in the private sector has changed dramatically due to the enactment of the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*. Under Article 3(a) of this Law, a provider of products or services to the public, or anyone engaged in the operation of a public place, is prohibited from discriminating on the grounds of race, religion or religious group, nationality, country of origin, sex, sexual orientation, views, political affiliation, personal status, parenthood or disability.

531. Such discrimination constitutes, under Article 5, a civil wrong, enforceable under the provisions of the Tort Ordinance. In addition, such discrimination constitutes, under Article 9, a criminal offence, punishable by fine. Under Article 11, this Law applies to the State as well. It also establishes a series of legal presumptions, shifting the burden of proof to the defendant in cases of *prima facie* discrimination.

532. Given the importance of the Law and recognizing the key change that it has instituted within the private sphere, a translated version of the Law's substantive provisions follows:

#### *Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law*

##### *Object*

The object of this Law is to promote equality and prevent discrimination in entry into public places and in the provision of products and services.

##### *Definitions*

2. (a) In this Law

“disability” means a physical, mental or intellectual handicap within its meaning in the *Equal Rights for Persons with Disabilities Law, 5758-1998*;

“personal status” means the state of a person being single, married, divorced or widowed;

“public place” means any place designated for use by the public, including a tourist attraction, hotel, hostel, guest house, public garden, restaurant, coffee house, auditorium used for entertainment and cultural shows, museum, library, discotheque, sports hall or installation, swimming pool, shopping mall, shop, garage and any place offering public transport services;

“public service” means services of transport, communications, energy, education, culture, entertainment, tourism and financial services designated for use by the public;

“financial services” means banking services, credit supply and insurance;

“transport services” means buses, trains, air transport, ships, travel services and car rental.

(b) For the purposes of this article, “public” means an unspecified public; however, a place or service shall not be deemed to be a place or service unavailable for public use by reason of denial of use or entry based on the grounds of discrimination mentioned in the Article.

#### *Prohibition of discrimination*

3. (a) A person whose business is the provision of a product or public service or the operation of a public place shall not discriminate - in the provision of the product or public service, in the grant of entry to the public place or in the provision of the service in the public place - on grounds of race, religion or religious group, nation, country of origin, gender, sexual orientation, ideology, party affiliation, personal status, parentage or disability.

(b) For the purposes of this Law, it is immaterial whether the business is made for the purpose of profit or not-for-profit and whether or not payment has been collected in consideration for provision of the product or the public service, operating the public place, grant of entry to the public place or provision of the service at the public place.

(c) In this Law, “a person whose business” includes the owner, occupant or manager of a business, as well as the person actually responsible for provision of the product or public service or for the operation of or entry into the public place.

(d) It shall not be deemed discrimination under this article:

(1) where the matter is necessitated by the nature or substance of the product, public service or public place;

(2) where the act is done by an organization or club not for profit and is done with the object of promoting the special needs of the group to which the members of the club or organization belong, provided however that these special needs are not contrary to the object of the Law;

(3) where separate frameworks are maintained for men and women and non-separation would deny to a segment of the public the provision of the product or public service, entry to the public place or the provision of the

service at the public place; provided however that the separation is justified, taking into consideration, *inter alia*, the nature of the product, public service or public place, the measure of its essentiality, the existence of a reasonable alternative and the needs of the public likely to be affected by the separation.

*Discriminatory advertising*

4. A person whose business is the supply of a product or public service or the operation of a public place shall not publish an advertisement including any discrimination prohibited under Article 3.

533. The Law has been broadly interpreted as applying to a host of public places, including schools, libraries, pools, stores, and any other places that serve the public. Thus, in a recent June 2004 case before the District Court of Jerusalem, (*A.C. 1320/03 Aleklesli and others v. Beitar Illit Municipality and the Ministry of Education* (21.06.2004)), the Court applied the law to a private school. The Court held that no criteria existed by which to gauge the acceptance of pupils and even though it was a private institution, the school was still required to create non-discriminatory guidelines for admission, under the aegis of the Ministry of Education, Culture and Sport.

534. Note as well a decision of the Jerusalem Magistrate Court issued prior to the passage of the Law, where Justice Mizrachi found that "according to international treaties which Israel is a signatory of, including the Convention on the Elimination of All Forms of Racial Discrimination of 1966, discrimination on racial grounds is forbidden." Justice Mizrachi noted that according to this Convention, "State parties must prohibit and abolish racial discrimination of all forms and guarantee every person's right, regardless of the color of his skin or his national origin, to equality before the law, especially with regard to privileges concerning access to places or services open to the general public." After referring to the International Covenant on Civil and Political Rights, Justice Mizrachi concluded that:

**"In certain areas equality cannot be disregarded, and this comes to be expressed in the legislation of different states, and also in international affairs which seek to uphold equality. This approach stems from the fundamental nature of the value of equality and from an understanding that the absence of equality degrades an individual's human dignity. ... As mentioned before, I agree with those who reason that Basic Law: Human Liberty and Dignity enshrines the right of equality as being constitutionally protected. Yet, even those who believe otherwise would agree that this case falls within the same category of incidents in which the harm to one's dignity - given the denial of entrance to Arabs and the permission of entrance to Jews - is obvious. There can be no doubt that the plaintiffs, forced to turn back after having been denied entrance to the site, experienced humiliation at the hands of the management." (*C.C 11258/93 Ibrahim Na'amna et al v. Kibbutz Kalia et al* (01.09.1996) regarding a claim by an Arab family prevented from entering a water amusement park).**

535. **Tourism.** The main law in the field of tourism, the *Tourism Services Law, 5736-1976*, forbids providers of tourism services (hotels etc.) to refuse to provide their services when the refusal is unreasonable. Any refusal to provide tourism services based on racial or ethnic origin will be regarded as such “unreasonable refusal” and may involve criminal proceedings against the provider.

### Article 6

536. The main guardian of the individual "against any acts of racial discrimination which violate his human rights and fundamental freedoms" is the court system. The Court system is open to all without discrimination, including to non-citizens of Israel. The individual can sue both other individuals and the Government for any wrong or harm done to himself or his property and can claim compensation or an injunction. In addition to the normal court procedure, the Supreme Court, sitting as High Court of Justice, can and does issue writs against the Government and public bodies.

537. Similarly, District Courts also have served as effective tool for preventing discrimination and awarding compensation. For example in *1576/99 Simi Nidam v. Rally Electric* (05.11.2003) in the Beer-Sheva District Labor Court, the complainant was awarded the difference in compensation between the wages she received as opposed to the wages of her male counterparts in the same position. The complainant was awarded a sum of 30,000 NIS.

538. Other recent examples of cases that have been filed include the following:

- 538.1. District Court case, *7611/04 Al Kuds Restaurant v. Israel Police* involving Arab residents who challenged the closing of their restaurants due to marches that were to take place on Jerusalem Day and the Ninth of Av (a day of Jewish religious fast);
- 538.2. Labor Court case, *1012/04 Chalichal v. State of Israel*, claiming that his work contract was not renewed due to possible relations with a Jewish co-worker.

### Other avenues

539. In addition to the Court system, there exist other avenues of redress in cases of discrimination. There are Members of Knesset, who frequently avail themselves of the parliamentary right to compel government ministers to answer parliamentary questions, a vocal press including an Arabic press, an independent State Comptroller who also acts as an **Ombudsman**. In employment matters, there is the Ministry of ITL, the Labor Courts system, and, when the civil service is involved, the Disciplinary Supervisor in the civil service.

Note further that the *Prohibition on Discrimination in Services, Products and Access to Public Places Law*, discussed above, provides for a private cause of action as well.

540. The Courts in Israel have served as the guardians of migrant workers' rights, providing free access to all workers, regardless of their legal status. The High Court of Justice has always opened its doors to foreign workers, and its determinations have resulted in changes in governmental policies and practices.

541. In *H.C.J. 2442/02 Suzanna Kises and Migrant Workers Hotline v. The Ministry of the Interior* (4.6.02), the Supreme Court held that the Police should not arrest a migrant worker who is in the midst of switching her work permit to another employer. The Ministry of the Interior must afford such workers reasonable time to make proper requests prior to arresting them and the Ministry was requested to draft guidelines that would make the process easier and more fluid for migrant workers. Such guidelines were in fact promulgated and are implemented by the Immigration Administration in cooperation with the Ministry of the Interior.

- 541.1. Labor Courts and District Court have proven to be vigilant in protecting migrant workers' rights as the High Court of Justice as apparent from decisions discussed above.

## **Article 7**

### **Measures to combat prejudices and to promote understanding and tolerance**

542. Israel is an open society with vocal parliamentary debates, a free press including multiple TV and radio stations and a politically active electorate. Activities in Israel have traditionally been very newsworthy and the foreign press corps stationed in Israel is larger than that in most countries. These elements combined with the existence of an independent judiciary ensure a very full public airing of any complaint as an alleged abuse of human rights.

543. There are a number of NGOs in Israel monitoring human rights. The leading organization is the Association for Civil Rights in Israel, which is affiliated with the International League for Human Rights, New York and the Fédération Internationale des droits de l'homme, Paris.

### **A. Education and teaching**

544. **Human rights education.** In 1994 the Ministry of Education adopted a new civics studies curriculum that emphasizes human rights and universal democratic principles, including the International Declaration of Human Rights. Civics is a mandatory subject for the matriculation exam. The Civics textbook, published by the Ministry of Education, includes a chapter titled "Human Rights and Civil Rights and the Rights of Minorities in Israel." The Convention is mentioned as one of the sources for the State's obligation to protect human rights in Israel. The rights enshrined in the different human rights instruments are discussed through the prism of the specific legislation guaranteeing these rights. This curriculum is identical for Arab and Hebrew schools.

545. **Democracy education.** The pedagogical secretariats at the Ministry of Education designed a program to promote democracy, coexistence and to fight discrimination of any kind in the educational system. During the year 2002, the Ministry of Education budgeted for the following:

- 545.1. School hours on democracy and values - 3,890,000 NIS.
- 545.2. Contracts between The Ministry of Education and external bodies that provide training in democracy and civil rights - 2,053,000 NIS.

- 545.3. Supporting education for democracy and coexistence - 1,029,000 NIS.
- 545.4. Student's scholarships in civic classes for university students - 360,000 NIS.
- 545.5. Teachers advance studies in civic, Haifa University - 200,000 NIS.
- 545.6. Teachers advance studies centers - 400,000 NIS.

**Total: 7,932,000 NIS.**

546. **Arab-Jewish schools.** Another interesting project is that of the Associated School Project (ASP), that has been operating for the last 13 years. It is one of cooperation between a school in the Arab village of Tira and a Jewish school in Kfar-Saba. This project has been maintained despite all of the hardships and changes over the last several years. Teachers, students, parents and the communities meet to discuss and to become familiar with its partner community. Every school year the students become a part of this process. This project is a basis for teaching coexistence and mutual respect among cultures and communities. Similar schools exist in Neveh Shalom, Jerusalem, and Kfar Kara.

547. **Environmental education.** The Ministry of the Environment has initiated an educational project of environmental conservation as a starting point for improvement of environmental Arab-Jewish relations and understanding. The project was set into motion during 2000. The project is aimed at students in both the Arab and Jewish sectors of northern Israel who study in an environmentally or scientifically oriented educational framework.

548. The environmental issue has great potential to form a basis for development of joint responsibility, cooperation, trust and tolerance between the Arab and Jewish communities. Twenty schools have participated in the program so far, 10 of which are Arab schools. A total of 1,500 students attended the program during 2001. The project entails day-long meetings that consist of working groups with emphasis on group discussions and exposure to nature (plants, wildlife and various natural phenomena). The issues being discussed combine education material concerning science and environment, and joint discussions in an effort to come up with solutions to the environmental problems which both communities' face.

549. During the academic year of 2003, the Ministry of the Environment has been conducting 7 programs within the framework of the project; some of which are annual and include several 1-2 days-long meetings throughout the year. Additionally, youth movements from the northern region of Israel have also joined the project this year. Student meetings are conducted bilingually, when the need arises. It is important to note that teachers from both sectors maintain constant working relations during the preparation and throughout the entire project.

### **Preventing violence and racism in sports**

550. In recent years, an increase in the phenomenon of violence and racism linked to football has been taking place. This violence is exhibited by fans inside and outside of football stadiums, and in a few instances has received the tacit encouragement of football players themselves. Verbal and physical violence and racist songs and expressions are part of this phenomenon.

551. As noted in Article 4 above, to eliminate this phenomenon, the Knesset endorsed a proposal to establish a parliamentary committee, the Vilan Committee, to examine violence in sports. As discussed above, the Committee has continued with ongoing meetings concerning relevant issues and has recently submitted a proposed amendment to the existing law that also would punish racist expressions at sporting venues with a year imprisonment.

### **Projects to promote understanding, tolerance and friendship among nations**

552. Israel was the recipient of the UNESCO Prize for Peace Education, given to the Jewish-Arab Center in Givat Haviva in 2001. This award is indicative of the fact that Israel invests a great deal of effort in education among the various communities within its society. We believe that such an approach legitimizes the social, cultural and human aspects of Israeli society's kaleidoscope. This includes the right and opportunity, both of the majority and of the minorities, to live, work and contribute in a democratic society.

553. **Givat Haviva** is an education, research and documentation center, founded in 1949 by Ha'kibbutz Ha'arzi Federation, in memory of Haviva Reich. The campus is located in the northern Sharon Valley (east of Hadera), Israel. The mission of Givat Haviva today is to cope with the major issues that are on the agenda of Israeli society, and to foster educational initiatives, research and community work in the fields of peace, democracy, coexistence, tolerance and social solidarity. Over 50,000 children, youth and adults from Israel and abroad participate annually in the seminars, workshops, courses, conferences and other projects offered by Givat Haviva in a range of educational, academic and professional fields. Some of its recent projects include:

- 553.1. Givat Haviva and Peace Works Foundation agreed recently to cooperate on the one voice campaign, aiming at strengthening moderate voices in the Middle East. Givat Haviva accepted one voice's invitation to support the initiative, which is in line with its objectives and aligned with its ultimate pursuits.
- 553.2. Jewish-Arab young leadership workshop with the participation of the Jewish community of San Diego, a group of high school students from Bedouin communities in the South and from the Kibbutzim of the Sha'ar Hanegev Regional Council. Following a series of meetings in the Negev and at Givat Haviva. The participants learned about Jewish and Moslem joint history in the Middle Ages and participated in study workshops on the Jewish-Arab conflict.
- 553.3. Courses in Arabic - The Institute has 40 years' experience in teaching the Arabic language.

### **B. Culture**

554. There are many examples of cultural projects in Israel intended to promote understanding, tolerance and friendship among nations. Civil society is the leading actor in such initiatives. Several government-supported examples are worth mentioning here.



- 554.1. The Ministry of Education, Culture and Sport has a Department for Arabic Culture in charge of promoting and developing Arabic Culture while preserving the cultural and ethnical uniqueness. The Department does so by encouraging and financing countless institutes, events and projects that helps to reach this object. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc.
- 554.2. A new youth orchestra consists of Jewish and Arab musicians, was established in 2002. The orchestra consists of 16 young musicians, and its creation was preceded by 3 years of meetings between young musicians, both Jewish and Arab. The orchestra's purpose is to carry its musical results out to Arab and Jewish audience, in order to foster mutual knowledge of these two cultures and enhance their interaction and cross- fertilization. The creation of the orchestra was made possible through the support of the former Ministry of Science, Culture and Sport, The Beracha Foundation, UNESCO and the Association for the Promotion and Nurturing of Arab Music in Israel.
- 554.3. For the last ten years, a theater group called "local theater", serves as an example for cooperation between Arab and Jewish actors and play-writers. The group, along with the Arab El-Sarayah-jaffah, cooperated in the establishment of an "Arab-Hebrew theater". The theatre cultivates tolerance, understanding and mutual respect to the different cultural heritages in Israel and presents an ideal of Jewish-Arab co-existence, based on equality and mutual respect. Jewish, Arab, emigrants from Russia and Italian actors participated in the recent premiere called "yearning" which tells the story of their fathers cultural and physical uprooting. The theater offers various activities to the students and young people of Jaffa, including creativity workshops, theater workshops and assisting in the promotion of young creators. The theater is supported by the Tel-Aviv Municipality and the Ministry of Education, Culture and Sport. Multicultural is not only an idiom but a fact and ideology of the theater, the theater of Jaffa operates to promote and nurture the cultural heritage of the different groups who reside in Jaffa and aspires to build a frame of Jewish- Arab co- existence through the knowledge and understanding of the two cultures.
- 554.4. The Holon Children's Museum, have recently begun using Arabic speaking guides and instituted Arab language text in their exhibits to make it more accessible to the Arab-speaking population.

### **C. Information**

#### **The role of State media in the dissemination of information to combat racial prejudices**

555. It is recognized that broadcasting services offer a powerful means for developing a degree of harmony and understanding. As a result, Israeli legislation has provided for an expansion in the range and diversity of services, appealing to a variety of tastes and interests. The Israel Broadcasting Authority is a public broadcasting body. Thus, the directorial aspect is

important, such that all regulations concerning administrative bodies are mandatory, including discrimination prohibition and adequate representation of minorities in jobs appointments. Another aspect is broadcasting contents and the way it helps to eliminate racial discrimination. The IBA as a public authority acts in accordance with the law and does not discriminate between employees on the basis of racism, color, origin, ethnicity or nationality.

556. Under Article 46(a) (2) of the *Second Television and Radio Authority Law*, the holders of concessions for cable television services may not broadcast any material containing racial incitement, and they bear a duty to ensure that none of their broadcasts will be liable to incite discrimination on grounds of religion, race, nationality, ethnicity, lifestyle or origin.

557. As for the broadcasting contents, the IBA recognizes the importance of eliminating racism; however it maintains deference to the freedom of expression. There are several TV and Radio Programs promoting dialogue between the different social sectors that are focused on stereotype breaking:

- 557.1.1. A children program called “Sach-Ten” is broadcast once a week. In this T.V. game show there are two mixed teams of young Arabs and Jews. Short video films enable us to get to know their way of life. The teams are challenged with trivia questions and they express their opinions on related issues. This program is broadcast simultaneously in Hebrew and in Arabic by two hosts – Arab and Jewish.
- 557.1.2. “Ahalan Vesahalan” is a weekly program where Moslem, Druze, and Circassian children meet and discuss various subjects.
- 557.1.3. “Shabat Salam” a weekly program that focuses on co-existence of Muslims and Jews.
- 557.1.4. “Promises”, a documentary movie, follows for several years, Jewish and Palestinian children and presents the conflict in the Middle East in a different light.
- 557.1.5. “The country’s heart” documentary movie dealing with three women, religious orthodox, Moslem and a new immigrant who live in Ramle with different kinds of education and way of living.

### **The role of mass media in the publicizing of human rights**

558. Human rights awareness within the Israeli public is quite high. The language of rights has permeated the daily life in Israel. For example, a major newspaper in Israel (MAARIV) published in the beginning of 2003, a booklet called “RIGHTS – the rights we are all entitled to” – which includes a detailed description of rights in school, rights at work, civil liberties, rights of persons with disabilities and more. The booklet contains contact information of the relevant governmental offices, NGO’s and voluntary associations. The booklet can be accessed through the Internet on [www.myrights.co.il](http://www.myrights.co.il).

### Notes

- <sup>1</sup> Ninth periodic report of States parties due in 1996: Israel. 17/10/97. CERD/C/294/Add.1. (State Party Report) [Seventh, eighth and ninth periodic reports, submitted in one document, due on 2 February 1992, 1994 and 1996, respectively] CERD/C/192/Add.2 [contains fifth and sixth periodic reports of Israel, submitted in one document]. Report on measures taken to guarantee the safety and protection of the Palestinian civilians in the occupied Palestinian territory: Israel. 03/05/95. CERD/C/282. (Additional Info from State party).
- <sup>2</sup> Government resolution no. 2303 of July 27, 2004 supplements previous resolutions and postpones the establishment of a national authority to January 2006.
- <sup>3</sup> According to data received from the Crime Unit in the Immigration Administration, during 2003, 5019 investigation files were opened. In many cases, the Unit further to investigation decided not to prosecute. Additionally, in many cases files regarding illegal entry were opened, but only for the specific purpose of identifying the perpetrator involved in the smuggling. Migrant workers were not prosecuted for these offences, unless they were major figures in a smuggling ring.
- <sup>4</sup> This data includes illegal employment.
- <sup>5</sup> King's Order in Council, 1922-1947 (Legislation enacted during the British mandate over Palestine, parts of which are still valid, including Section 51).
- <sup>6</sup> See Letter from Noa Harduf, First Assistant to the National Public Defender, to Boaz Oren, dated December 14, 2004.
- <sup>7</sup> Section 66 of the Employment Service Law.

## ANNEXES

### Annex 1

#### EMPLOYED PERSONS, BY OCCUPATION, SEX AND POPULATION GROUP, 2001

All workers	Thousands			Per cent distribution		
	Total	Men	Women	Total	Men	Women
<b>Occupation</b>						
Total	2 270.5	1 236.2	1 034.3	100.0	100.0	100.0
Academic professions				13.0	12.7	13.5
Other professions and technicians				16.2	11.6	20.4
Managers				6.8	9.5	4.1
Clerical workers				18.7	8.1	27.3
Agents, sales and service workers				16.9	15.1	22.1
Skilled agricultural workers				0.8	2.5	0.3
Manufacturing, construction and other skilled workers				18.5	31.9	4.6
Unskilled workers				9.1	8.7	7.8
<b>Jews</b>						
Total	1 949.2	1 004.0	945.3	100.0	100.0	100.0
Academic professions	13.9	13.9	13.9			
Other professions and technicians	16.5	12.9	20.3			
Managers	7.8	11.1	4.4			
Clerical workers	18.4	9.0	28.4			
Agents, sales and service workers	18.6	15.3	22.0			
Skilled agricultural workers	1.4	2.5	0.3			
Manufacturing, construction and other skilled workers	16.2	28.0	3.9			
Unskilled workers	7.1	7.3	6.9			
Unknown						
<b>Arabs and others</b>						
Total	321.2			100.0	100.0	100.0
Academic professions	8.1					
Other professions and technicians	10.0					
Managers	2.2					
Clerical workers	7.5					
Agents, sales and service workers	16.3					
Skilled agricultural workers	2.0					
Manufacturing, construction and other skilled workers	38.4					
Unskilled workers	15.5					

Source: Israel Central Bureau of Statistics, Labor Force Survey, 2001.

## Annex 2

**PERSONS AGED 15 AND OVER,<sup>1</sup> BY RELIGION, POPULATION  
GROUP, YEARS OF SCHOOLING, AGE AND SEX**

	Years of schooling								Total (2)	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	%	Thousands
<b>Total population</b>										
1995	12.0	13.7	18.7	35.6	13.1	12.3	6.6		100.0	3 903.2
2000	12.3	16.5	20.9	35.1	12.2	10.1	1.9	3.3	100.0	4 486.5
2002	12.4	17.2	21.3	35.6	11.6	9.4	1.6	3.2	100.0	4 706.2
<b>2003 - Total</b>										
- Thousands		843.6	1 024.4	1 709.2	536.9	430.3	77.9	141.5		4 791.8
- Percentages	12.4	17.7	21.5	35.9	11.3	9.0	1.6	3.0	100.0	
<b>Age</b>										
15-17	11.1	..	0.3	52.1	44.2	2.8	0.3	0.3	100.0	339.8
18-24	12.4	4.1	26.5	60.2	5.7	2.7	0.3	0.5	100.0	770.7
25-34	13.4	26.3	27.0	33.7	7.3	4.4	0.5	0.8	100.0	1 013.3
35-44	12.8	23.9	22.5	35.0	10.0	6.8	0.7	1.1	100.0	783.4
45-54	12.8	23.6	22.8	29.4	10.0	10.9	1.5	1.8	100.0	735.3
55-64	12.4	21.7	20.7	24.0	9.9	16.0	2.8	5.0	100.0	487.5
65+	10.6	12.6	15.9	19.4	11.0	22.4	6.1	12.6	100.0	661.8
<b>Males - total</b>	12.4	18.2	20.5	36.9	12.3	8.9	1.5	1.7	100.0	2 328.6
15-17	11.0	..	..	49.9	45.6	3.6	..	..	100.0	174.0
18-24	12.2	3.3	22.5	62.6	7.6	3.5	0.3	0.3	100.0	392.3
25-34	13.2	24.8	27.0	33.9	8.5	4.8	0.5	0.6	100.0	509.5
35-44	12.8	24.7	21.6	34.6	11.3	6.4	0.6	0.8	100.0	384.9
45-54	12.8	24.5	22.3	29.1	10.7	10.7	1.4	1.2	100.0	354.6
55-64	12.5	24.3	19.0	25.4	10.2	16.4	1.8	2.9	100.0	231.7
65+	11.3	16.4	15.8	20.7	10.4	22.7	6.8	7.1	100.0	281.6
<b>Females - total</b>	12.4	17.2	22.5	34.9	10.3	9.1	1.8	4.2	100.0	2 463.2
15-17	11.2	..	..	54.3	42.7	1.9	..	..	100.0	165.8
18-24	12.5	4.9	30.7	57.8	3.8	1.9	0.3	0.7	100.0	378.4
25-34	13.5	27.7	27.1	33.6	6.0	4.1	0.4	1.1	100.0	503.8
35-44	12.8	23.2	23.4	35.3	8.7	7.1	0.8	1.4	100.0	398.5
45-54	12.7	22.7	23.3	29.6	9.3	11.1	1.6	2.4	100.0	380.8
55-64	12.3	19.3	22.2	22.8	9.6	15.5	3.6	7.0	100.0	255.8
65+	10.0	9.8	16.0	18.4	11.5	22.1	5.5	16.6	100.0	380.2
<b>Jews and others</b>										
<b>2003 - Total</b>										
- Thousands		780.1	944.9	1 464.4	397.4	280.1	45.0	95.3		4 031.0
- Percentages	12.6	19.5	23.6	36.5	9.9	7.0	1.1	2.4	100.0	
<b>Jews</b>										
1995	12.2	15.5	20.5	37.0	12.0	10.1	5.0		100.0	3 269.3
2000	12.5	18.3	22.7	36.2	10.8	8.2	1.2	2.6	100.0	3 685.2
2002	12.6	19.0	23.0	36.8	10.0	7.4	1.2	2.5	100.0	3 848.8
<b>2003 - Total</b>										
- Thousands		761.7	910.7	1 436.9	381.2	277.0	44.7	94.6		3 930.2
- Percentages	12.6	19.5	23.3	36.8	9.8	7.1	1.1	2.4	100.0	
<b>Age</b>										
15-17	11.2	..	..	53.5	43.7	2.2	..	..	100.0	258.6
18-24	12.4	3.6	27.6	63.9	3.4	1.1	0.2	0.2	100.0	597.3
25-34	14.0	29.6	30.7	33.2	3.9	1.8	0.3	0.5	100.0	781.8
35-44	13.3	27.1	25.2	36.9	7.4	2.5	0.2	0.8	100.0	616.0
45-54	13.0	25.5	24.5	31.7	9.6	7.0	0.5	1.1	100.0	636.6
55-64	12.7	24.0	22.5	25.7	10.1	13.0	1.4	3.3	100.0	426.7
65+	11.0	13.2	16.7	20.5	11.4	22.5	5.0	10.6	100.0	613.2

	Years of schooling								Total (2)	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	%	Thousands
<i>Males - total</i>	12.6	20.0	22.5	37.6	10.5	6.9	1.0	1.5	100.0	1 894.9
15-17	11.1	..	..	50.6	45.5	3.1	..	..	100.0	132.2
18-24	12.3	3.1	23.6	66.4	4.9	1.7	..	..	100.0	304.8
25-34	13.8	27.5	31.0	33.5	4.9	2.5	..	0.4	100.0	391.8
35-44	13.3	27.6	24.5	35.2	8.7	2.9	0.3	0.8	100.0	299.7
45-54	13.0	26.2	23.9	31.1	9.8	7.2	0.8	1.0	100.0	304.3
55-64	12.8	26.7	20.7	27.0	10.0	12.2	0.9	2.4	100.0	202.2
65+	11.5	17.3	16.6	22.0	10.8	21.9	5.0	6.5	100.0	260.0
<i>Females - total</i>	12.6	19.0	24.1	36.0	9.1	7.3	1.2	3.3	100.0	2 035.2
15-17	11.2	..	..	56.4	42.0	1.3	..	..	100.0	126.4
18-24	12.6	4.2	31.8	61.3	1.9	0.6	..	..	100.0	292.5
25-34	14.2	31.7	30.4	33.0	3.0	1.1	0.3	0.6	100.0	390.1
35-44	13.3	26.6	25.7	38.4	6.1	2.1	..	0.8	100.0	316.2
45-54	13.0	24.9	25.1	32.2	9.4	6.9	0.3	1.1	100.0	332.3
55-64	12.6	21.5	24.0	24.5	10.2	13.7	1.9	4.1	100.0	224.5
65+	10.4	10.2	16.8	19.5	11.8	22.9	5.1	13.7	100.0	353.3
Other religions										
1995	10.2	4.6	9.6	28.1	19.0	24.0	14.7		100.0	633.9
2000	11.1	8.6	12.5	30.1	18.6	18.8	4.9	6.5	100.0	801.3
2002	11.2	9.0	13.5	30.5	18.9	18.4	3.6	6.1	100.0	857.3
Arabs										
2003 - Total										
- Thousands		63.5	79.5	244.8	139.5	150.2	32.8	46.2		760.8
- Percentages	11.1	8.4	10.5	32.4	18.4	19.9	4.3	6.1	100.0	
Age										
15-17	11.0	..	..	48.2	45.1	4.5	..	..	100.0	74.7
18-24	12.1	6.1	22.1	47.4	13.7	8.5	0.6	1.6	100.0	159.7
25-34	11.7	14.0	11.6	36.3	19.4	15.1	1.4	2.2	100.0	200.9
35-44	10.9	11.2	8.5	29.0	20.2	25.6	2.8	2.7	100.0	146.3
45-54	8.2	7.8	7.4	13.9	12.6	41.5	9.2	7.7	100.0	84.8
55-64	6.6	3.3	3.4	11.3	7.7	40.7	14.0	19.5	100.0	52.6
65+	2.4	2.9	..	4.1	3.8	22.9	22.3	42.5	100.0	41.9
<i>Males - total</i>	11.2	9.7	9.4	34.5	20.5	19.8	3.8	2.4	100.0	386.0
15-17	11.0	..	..	48.0	45.8	5.0	..	..	100.0	38.5
18-24	11.9	4.5	17.3	49.6	16.9	10.2	..	..	100.0	81.0
25-34	11.7	15.2	11.1	36.2	21.1	13.7	1.6	1.1	100.0	103.6
35-44	11.4	13.9	7.3	33.9	20.8	21.1	1.8	..	100.0	74.5
45-54	9.5	12.0	9.3	16.7	15.6	37.3	6.2	2.9	100.0	42.9
55-64	7.7	5.7	3.8	14.4	10.3	49.6	9.2	6.9	100.0	25.9
65+	5.2	4.7	..	..	5.1	36.3	31.8	16.1	100.0	19.4
<i>Females - total</i>	10.9	7.1	11.6	30.2	16.4	20.0	4.8	9.9	100.0	374.8
15-17	11.1	..	..	48.4	44.3	3.9	..	..	100.0	36.2
18-24	12.4	7.8	27.0	45.0	10.4	6.7	..	2.4	100.0	78.7
25-34	11.6	12.7	12.1	36.5	17.7	16.6	1.1	3.4	100.0	97.2
35-44	10.2	8.4	9.9	24.0	19.5	30.2	3.8	4.2	100.0	71.7
45-54	7.2	3.4	5.4	11.0	9.5	45.9	12.2	12.6	100.0	41.9
55-64	4.9	..	..	8.3	5.1	32.0	18.7	31.9	100.0	26.6
65+	0.8	..	..	..	..	11.4	14.0	65.3	100.0	22.5

Source: Labor Force Survey.

<sup>1</sup> Till 1985 - persons aged 14 and over.

Incl. not known.

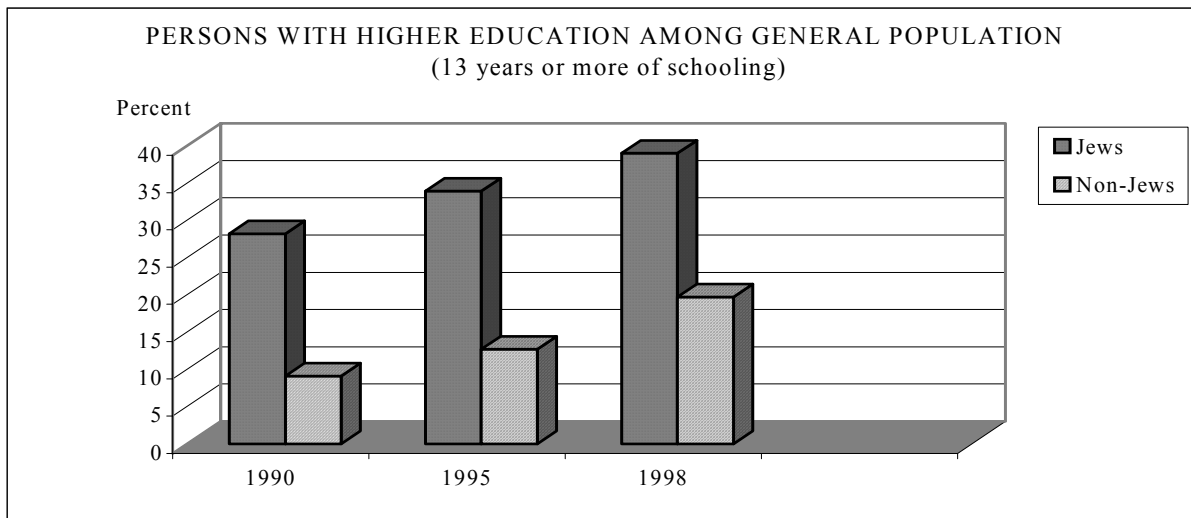
**Annex 3**

**PERSONS AGED 15 AND OVER, BY RELIGION AND YEARS  
OF SCHOOLING - 2000-2003 (BY PERCENTAGES)**

Years of schooling	0	1-4
Total population		
2000	3.3	1.9
2002	3.2	1.6
2003	3.0	1.6
Jews		
2000	2.6	1.2
2002	2.5	1.2
2003	2.4	1.1
Other religions		
2000	6.5	4.9
2002	6.1	3.6
Arabs		
2003	6.1	4.3

**Annex 4**

**PERSONS WITH HIGHER EDUCATION AMONG THE GENERAL  
POPULATION (13 YEARS OR MORE OF SCHOOLING)**



*Source:* Central Bureau of Statistics.



**Annex 5**

**PUPILS IN GRADES IX-XII: BY GRADE AND SCHOOL LEAVING**

	2000/01-2001/02				1999/2000-2000/01		1991/92-1992/93	
	IX-XII		IX-XI		IX-XI		IX-XI	
	%	Absolute numbers	%	Absolute numbers	%	Absolute numbers	%	Absolute numbers
Grand total	100.0	420 920	100.0	326 360	100.0	314 993	100.0	207 429
Did not leave school	81.9	347 093	77.8	254 038	77.4	243 937	86.6	179 634
Left school - total	18.1	73 827	22.2	72 322	22.6	71 056	13.4	27 795
Left the educational system	5.9	24 516	7.1	23 011	6.9	21 680	7.6	15 743
(Dropped-out) - total								
Dropped out at end of school year	4.4	17 816	5.5	17 816	5.2	16 462	5.8	12 048
Dropped out during the school year	1.6	6 700	1.6	5 195	1.7	5 218	1.8	3 695
Left for another school	12.2	49 311	15.1	49 311	15.7	49 376	5.8	12 052
Total	100.0	348 068	100.0	268 242	100.0	260 654	100.0	178 122
Did not leave school	84.1	292 854	79.9	214 229	79.0	205 942	87.2	155 264
Left school - total	15.9	55 214	20.1	54 013	21.0	54 712	12.8	22 858
Left the educational system	4.9	17 215	6.0	16 014	5.8	15 217	6.7	11 926
(Dropped out) - total								
Dropped out at end of school year	3.5	12 267	4.6	12 267	4.4	11 537	5.0	8 938
Dropped out during the school year	1.4	4 948	1.4	3 747	1.4	3 680	1.7	2 988
Left for another school	10.9	37 999	14.2	37 999	15.2	39 495	6.1	10 932
Arab education								
Total	100.0	72 852	100.0	58 118	100.0	54 339	100.0	29 307
Did not leave school	74.5	54 239	68.5	39 809	69.9	37 995	83.2	24 370
Left school - total	25.5	18 613	31.5	18 309	30.1	16 344	16.8	4 937

	2000/01-2001/02				1999/2000-2000/01		1991/92-1992/93	
	IX-XII		IX-XI		IX-XI		IX-XI	
	%	Absolute numbers	%	Absolute numbers	%	Absolute numbers	%	Absolute numbers
Left the educational system (Dropped out) - total	10.0	7 301	12.0	6 997	11.9	6 463	13.0	3 817
Dropped out at end of school year	7.6	5 549	9.5	5 549	9.1	4 925	10.6	3 110
Dropped out during the school year	2.4	1 752	2.5	1 448	2.8	1 538	2.4	707
Left for another school	15.5	11 312	19.5	11 312	18.2	9 881	3.8	1 120

*Source:* Central Bureau of Statistics.

**Annex 6**

**COMPARATIVE STATISTICS, ACCORDING TO YEARS,  
IN THE BEDOUIN EDUCATIONAL SECTOR**

**Number of pupils**

Year	Pupils
1998	40 006
1999	43 741
2000	47 253

**Matriculation certificates**

Year	Percentage of pupils receiving matriculation certificates
1998	15%
1999	29%
2000	30%

**Annex 7**

**THE ISRAELI POPULATION AT THE END OF YEAR,  
BY RELIGION (THOUSANDS)**

	Arab and others					Jews	Grand total
	Druze	Christians	Moslems	Unclassified	Total		
1998	99.0	128.7	899.8	128.7	1 256.2	4 785.1	6 041.4
1999	101.2	131.8	934.1	169.2	1 336.3	4 872.8	6 209.1
2000 (8)	103.8	135.1	970.0	201.5	1 410.4	4 955.4	6 369.3
2001 (8)	106.3	138.5	1 004.6	230.9	1 480.3	5 025.0	6 508.8
2002	108.5	140.4	1 038.3	246.9	1 516.9	5 094.2	6 631.1
2003	110.8	142.4	1 072.5	254.6	1 583	5 165.4	6 748.4

*Source:* Central Bureau of Statistic.

## **Annex 8**

### **RECOMMENDATIONS OF THE COMMITTEE ON THE ADVANCEMENT OF HIGHER EDUCATION AMONG THE ARAB POPULATION IN ISRAEL**

#### **1.1. Pre-academic programs**

- 1.1.1. The representation of Arab students in the pre-academic programs is extremely low, despite the fact that these programs are intended first and foremost for marginal groups, including the Arab population.
- 1.1.2. Believing in the importance of the pre-academic programs for promoting access to higher education for groups having a low starting point and the opening up of new horizons for educational and professional advancement, the Committee recommended that:
- 1.1.3. All feasible measures should be taken to raise the representation of Arab students in the pre-academic programs, including measures taken among the Arab population to raise awareness of the existence of the pre-academic programs.
- 1.1.4. Admission requirements to the pre-academic program should be adapted to the specific needs of the Arab student (completion of twelfth grade or having reached 19 years of age).
- 1.1.5. The entrance exam should be adjusted to the cultural background of Arab students or offered in Arabic.
- 1.1.6. Students participating in the program should be allowed to prepare for the psychometric examination and take it during their studies.
- 1.1.7. Pupils from the Arab sector should be encouraged to integrate within programs taking place in the institutions of higher education spread out throughout the country.
- 1.1.8. A pilot plan should be developed for a number of pre-academic programs in Arab localities that meet the academic criteria, under the responsibility of several selected institutions of higher education.
- 1.1.9. Action should be taken to find sources of financing for subsistence grants for Arab students in institutions of higher education.
- 1.1.10. Integrating Arab student counselors within existing programs.

## 1.2. **Increasing access - information and support centers**

- 1.2.1. During the deliberations of the Committee it became apparent that part of the problem of access to higher education or the dropout rates of Arab students was due to lack of knowledge and lack of professional guidance at the stage of pre-registration for academic studies. The Committee therefore adopted a proposal on the establishment of information and support centers for the Arab population.
- 1.2.2. These centers will collect information from various sources, so that current and accurate information will be made available to young men and women, in order that the option of academic studies be presented to them in the most clear and explicit manner. The centers shall be operated and information gathered in coordination with local authorities, education departments, the monitoring committee of the heads of Arab local authorities, and other entities.
- 1.2.3. Institutions of higher education should formulate a special program to strengthen ties with high schools with the object of facilitating the transition from high school to university studies.
- 1.2.4. In some fields, such as psychology, social work, and school counseling, great importance attaches to verbal and cultural communication with the client. Accordingly, the higher education system needs to train Arab students to hold positions in these areas, on condition that this is done in coordination with the Government ministries responsible in these fields and in accordance with the needs of the Arab population.
- 1.2.5. Institutions of higher education should take into account the fact that Arab students approach academic studies immediately after high school, when considering acceptance to departments and courses in which there is an age restriction on acceptance and for which there is a demand among the Arab population, such as social work. The needs of the Arab population and a lower starting point of many Arab students should be taken into account in admission considerations.
- 1.2.6. Regarding the establishment of an academic college in an Arab locality, the Committee emphasizes that determining content and structure of such a college should be based on the particular national and cultural characteristics of the Arab population in Israel and take into account the nation-wide set-up of the higher education system.

## 1.3. **Psychometric examination**

- 1.3.1. The deliberations of the Committee stressed that the psychometric examination was a main barrier restricting acceptance of Arab students to institutions of higher education, and in particular, to universities.

- 1.3.2. The Committee took the view that the psychometric examination mirrors a situation in which there are gaps in the starting point of Jewish and Arab pupils. Therefore, using the psychometric examination as a condition for admission to institutions of higher education merely entrenches the existing situation and the gaps.
- 1.3.3. Furthermore, there are a number of problems in connection with the examination itself. The psychometric examination is designed and intended mainly for students coming from a western cultural background and is thus not adapted to Arab students or even Jewish students from an Oriental background. In view of the problems specified above, the Committee recommended as follows:
  - 1.3.3.1. The psychometric examination requires revision, particularly the section on verbal thinking. Steps should be taken to ensure that this section is based on material taken from the cultural and cognitive world of the Arab student and not material that has been translated from Hebrew to Arabic. Furthermore, one problem Arab pupils encounter derives from the dual nature of the language which is a direct consequence of the vast disparity between the spoken mother tongue and literary Arabic. In actual fact, even when an Arab pupil is tested in Arabic he is coping with a second language. The problem, however, is not the level of Arabic but the character of the literary texts chosen. Thus, in the verbal part, extracts need to be chosen from more widespread literary Arabic language and not from classical language, which is far removed from the cognitive world of the pupil. Furthermore, English is a second foreign language for the Arab student (presently a first foreign language for the Jewish student). Moreover, like other weak strata of society, some Arab students have a time-management problem.
  - 1.3.3.2. For the purpose of re-examining examination content and adapting it to Arab society and culture, the Committee proposes that the National Center for Examinations and Evaluation, in coordination with the Council for Higher Education, establish a professional committee whose members shall be Arab academics. This committee shall undertake a comprehensive review of the psychometric examination so as to locate content which is problematic for the Arab population, limit the translated sections and formulate a method in which more appropriate content may be used for pupils from Arab cultural backgrounds.
  - 1.3.3.3. The Committee requests the institutions of higher education to make the grade weight of the psychometric examination for acceptance to institutions no more than 50%. Concurrently, the Committee takes the view that action should be taken to find a compensatory mechanism for weaker populations whose access to prestigious and sought-after courses is harmed because of the psychometric examination.

- 1.4. **Assistance and support programs for integration of Arab students studying at institutions of higher education** - Regarding financial assistance, the Committee recommended:
- 1.4.1. Including the Arab student population within the definition of “deprived groups” entitled to such assistance.
  - 1.4.2. Formulating a plan for acceptance and advancement of Arab students at every institution of higher education.
  - 1.4.3. The Committee concurs with the decision of the Council of July 27, 1999, allowing Arab students to spread their studies over four years, paying tuition fees for only three years.
  - 1.4.4. Institutions of higher education should examine the feasibility of a review program designed for students accepted to academic studies, focusing on subjects such as computer orientation, Hebrew, English, scientific writing and logical thinking.
  - 1.4.5. The services provided to Arab students shall be taken into account in the calculation of the index of “quality of services” which determines the budgets to institutions of higher education.
  - 1.4.6. Issues of alienation and difficulties in social and cultural integration which Arab students encounter shall be dealt with by counseling within the Office of the Dean of Student Affairs and by counseling at the class level, preferably through a special unit in the office of the students’ dean.
  - 1.4.7. The Office of the Dean of Student Affairs in each of the institutions of higher education shall examine the cultural and religious needs of Arab students and shall act to meet these needs.
  - 1.4.8. An examination shall be made of problematic courses in which the failure rate of Arab students is particularly high and support courses shall be developed for such courses.
  - 1.4.9. Arab students studying in their freshman year be given extra time for examinations, as is customary for other students whose mother tongue is not Hebrew.
  - 1.4.10. Where military service is included as one of the criteria for receipt of various university services, a compensatory mechanism should be found for Arab students.
  - 1.4.11. A special plan should be developed for outstanding Arab students studying for their doctorate or in a direct doctoral program. This plan should be based on a nationwide competition in a research track within which between ten and fifteen grants would be allocated each year to outstanding students.



- 1.4.12. A national grants fund designated for outstanding Arab bachelor degree students should be set up. The capital for the fund would be raised jointly by the institute for higher education and external donors, including donors from the Arab population, with the institution matching every donation raised from external donors.
- 1.4.13. Special weight should be accorded to socio-economic background, when determining criteria for awarding grants and for accommodation in student dorms.
- 1.5. **Social and multi-cultural integration on campus** - The Committee concluded that socio-cultural absorption is a highly important factor in integrating students into campus life, reducing alienation, creating success in studies and turning the encounter between groups with national, ethnic and cultural differences from a “problem” into an “experience”. The Committee thus recommended as follows:
  - 1.5.1. Special plan for the intensification of multi-cultural education on campus by cooperation between the deans of student affairs, student unions and Arab student committees should be developed.
  - 1.5.2. As part of promoting a multi-cultural atmosphere on campus and among the students a number of steps having both symbolic and practical significance should be taken:
    - 1.5.2.1. Names of the institution, the faculties and various departments should appear in both Hebrew and Arabic, they being the official languages of the State.
    - 1.5.2.2. The list of holidays and festivals of Moslems, Christians and Druze should be included within the yearbook of each institution of higher education.
    - 1.5.2.3. These holidays and festivals should be respected when determining the examination timetable or any other mandatory student study activity.

#### 1.6. **Integration of faculty members and administrative personnel**

- 1.6.1. Available information shows that no more than 1% of the faculty members at universities are Arab. Furthermore, there are almost no Arab administrative employees at the universities, and there are no Arabic speakers among those employees providing services to students.
- 1.6.2. One of the major goals that the Ministry of Science, Culture and Sport promotes is to increase the number of researchers and scientists in the Arab, Druze and Circassian sectors. Every year since 1995, the Ministry grants 50,000 NIS scholarships to those who qualify.
- 1.6.3. It should be noted that in recent years there has been an important change, although still limited, as regards the acceptance of Arabs into senior academic positions. In this context it should be noted that more than half the Arab

lecturers currently at universities were appointed thanks to grants from the Maof Fund set up in 1995 jointly by the Council for Higher Education – PBC and the Kahanoff Fund. A Maof grant is designated for outstanding Arab scientists whom the universities are interested in absorbing. Every year, four to six grants of three year duration are awarded, with the universities undertaking to budget for permanent positions at the end of the grant period.

1.6.4. It has been decided to raise the number of grants to 6-10 annually, and to open the competition for them to the academic colleges as well. To date, 32 Arab lecturers teaching at various universities and at the Technion have been absorbed by means of Maof Fund grants, making up about 50% of all Arab lecturers in these institutions. The Committee thus recommended as follows:

1.6.4.1. The absorption of Arab faculty members within the various departments is of prime importance, as it also helps enrich the study system at the institutions, as well as integrate the Arab population within this system.

1.6.4.2. In view of the success of the Maof Fund in promoting the absorption of Arab members of faculty, the Committee recommends empowering the Fund and formalizing its activities.

1.6.4.3. The absorption of Arab administrative employees in institutions of higher education in Israel is of great importance. The Committee therefore recommends that this issue be suitably placed when absorbing new employees in the various departments.

1.6.4.4. Institutions of higher education should be encouraged to take into account the needs of the Arab localities and employment opportunities when accepting students to certain courses which are in high demand in Arab localities, such as psychologists, social workers, school advisers, physical therapists etc.

To demonstrate, the Ben Gurion University in Beer Sheva recently appointed two Bedouin professors as Department Heads. One is in Sociology and the other is Middle Eastern Studies. There also are 4 Bedouin lecturers and 6 PhD students in the University.

2. Furthermore, there currently exist a number of institutions geared towards the interests and needs of the Arab sector. One is a College of the Shariah, an educational institution for the study of Islam, another two are for the purpose of training educators and are the Arabic College for Education and the Alkasmi College, and a third is a branch of the University of Indianapolis that recently opened in an Arab town in the Galilee.

3. Additionally, a number of scholarship programs have been established for the benefit of the minority Arab population, specifically to encourage minority students to attend institutions of higher education. There also are more specific awards for Druze students and for minority students desiring to study technology.

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