



**SUGGESTED QUESTIONS FOR THE UN HUMAN RIGHTS COMMITTEE  
CONSIDERING ISRAEL'S COMPLIANCE WITH THE ICCPR**

**The Rights of Palestinian Arab Citizens of Israel**

**Submitted 10 August 2009**

Adalah is pleased to submit this report to the UN Human Rights Committee to assist it in its consideration of Israel's Third Periodic Report of 2008.

**1. Equality**

*Article 2*

**Suggested questions**

Given that a constitutional right to equality for all citizens is not explicitly guaranteed under Israeli law, please explain how the State party ensures compliance with its obligations under the Covenant? Many Israeli laws include the term "Jewish State", "the values of the State as a Jewish State", and/or refer to "Israel's heritage" as a source of law. Why does this not constitute discrimination against non-Jews, in particular the Arab minority?

**Background to the questions**

Israel lacks a written constitution or a Basic Law that constitutionally guarantees the right to equality and prohibits discrimination, either direct or indirect. While several ordinary statutes do provide protection for the right of equality for women and people with disabilities,<sup>1</sup> no statute relates to the right to equality for the Palestinian minority in particular. The Basic Law: Human Dignity and Liberty, which is considered a mini-bill of rights by Israeli legal scholars, does not enumerate a right to equality; on the contrary, this Basic Law emphasizes the character of the state as a Jewish state.<sup>2</sup> While some justices of the Supreme Court have interpreted the Basic Law: Human Dignity and Liberty as including the principle of equality,<sup>3</sup>

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<sup>1</sup> There are three key equality statutes: The Women's Equal Rights Law – 1951, The Prevention of Sexual Harassment Law – 1998, and The Equal Rights for People with Disabilities Law – 1998.

<sup>2</sup> Section 1(a) of The Basic Law: Human Dignity and Liberty states that, "The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a *Jewish and democratic state*" (emphasis added). Even the Basic Law: Freedom of Occupation, which provides "every Israeli national or resident" constitutional protection "to engage in any occupation, profession or trade," includes the term "Jewish and democratic" in its statement of purpose.

<sup>3</sup> See, e.g., Justice Aharon Barak's ruling in H.C. 7052/03, *Adalah v. The Minister of the Interior*. "The right to equality is an integral part of the right to human dignity. Recognition of the constitutional aspect of equality derives from the constitutional interpretation of the right to human dignity. This right to human dignity is expressly recognized in the Basic Law. Notwithstanding, not all aspects of equality that would have been included, had it

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this fundamental right is currently protected by judicial interpretation alone. However, the fundamental importance of the principle of equality requires that it be explicitly guaranteed in the Basic Laws or by statute. The absence of an explicit guarantee of the right to equality in the Basic Laws or regular statutes diminishes the power of this right and makes the Palestinian minority in Israel vulnerable to direct and indirect discrimination.

The current constitutional situation has allowed Israel to enact over 20 laws that are discriminatory on their face, in that they relate only to the rights of Jews in Israel or abridge the rights of Arab citizens, or else use neutral language and general terminology, but have a discriminatory effect on Arab citizens of Israel.<sup>4</sup> These discriminatory laws are found in the Basic Laws and sources of Israel law. They limit the citizenship rights, political participation rights, land and housing rights, culture rights, education rights, and religious rights of the Palestinian minority in Israel.

## **2. Representation in the civil service**

*Articles 3, 25, 26*

### **Suggested questions**

Based on information obtained, the Committee wishes to reiterate its concern that the proportion of Arab citizens of Israel in the civil service and public sector remains very low and that progress towards improving their participation, especially of Arab women, has been slow.<sup>5</sup> Why, in spite of the 1993 and 2000 amendments to the Civil Service Law (Appointments) – 1959 law and various government decisions does the percentage of Arab citizens in general (6.1%) and Arab women in particular (2%) in the civil service remain far lower than the percentage they make up of the population (around 20%)?

Please provide comprehensive data on the numbers of civil service employees in the various public sector bodies, including ministries, disaggregated according to national belonging and sex. How and when does the State party forecast that fair and proportionate representation in the Israeli civil service in Israel will be achieved for Arab citizens, in line with the Committee's previous recommendation?<sup>6</sup>

Please provide updated information to the Committee on progress towards meeting the targets set out in Government Resolution 2579 in relation to Arab citizens of Israel [State report para. 527]. Does the resolution contain any specific quotas relating to Arab women working in the civil service?

To date, how many/what proportion Arab interns involved in the internship directory aimed at achieving suitable representation in the Ministry of Justice for Arab citizens of Israel have

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been recognized as an independent right that stands on its own, are included within the framework of human dignity. Only those aspects of equality that are closely and objectively connected to human dignity are included within the framework of the right to human dignity.”

<sup>4</sup> The Jewish character of the state is evident in numerous Israeli laws. The most important immigration laws – *The Law of Return (1950)* and *The Citizenship Law (1952)* – allow Jews to freely immigrate to Israel and gain citizenship, but exclude Arabs who were forced to flee their homes in 1947 and 1967. Israeli law also confers special quasi-governmental standing on the World Zionist Organization, the Jewish Agency, the Jewish National Fund and other Zionist bodies, which by their own charters cater only to Jews. Various other laws such as *The Chief Rabbinate of Israel Law (1980)*, *The Flag and Emblem Law (1949)*, and *The State Education Law (1953)* and its 2000 amendment give recognition to Jewish educational, religious, and cultural practices and institutions, and define their aims and objectives strictly in Jewish terms.

<sup>5</sup> Concluding observations of the Human Rights Committee: Israel, 21 August 2003, CCPR/CO/78/ISR, para. 23.

<sup>6</sup> Ibid.

gone on to gain employment in the Ministry of Justice [State report para. 54], and what is the annual budget of the program?

Please provide updated information on the implementation of five-year work plans to increase the representation of Arab citizens, inter alia, in all government ministries [State report para. 527] and state the target percentages of Arab employees adopted by each of these plans.

**Background to the questions**

Despite an amendment made in 2000 to the Civil Service Law (Appointments) – 1959, which stipulates fair representation throughout the civil service, and all ministries and affiliated institutions “to both sexes ... and ... the Arab population including Druze and Circassian,” Palestinian citizens of Israel in general remain sorely under-represented in civil service positions. According to Israel’s State report [para. 523], as of December 2007, Arab citizens of Israel made up just 6.1% of all civil service employees. While Israel’s report does not disaggregate the data by sex, in 2006 just 2% of civil service workers were Arab women.<sup>7</sup> Furthermore, over time there has been no or minimal improvement in the representation of Arab citizens in the civil service, in particular with regard to women, who also accounted for 2% of all civil service employees in 2001.<sup>8</sup> These figures seriously call into question the efficacy of the amendment to the Civil Service Law (Appointments) and/or the state’s efforts in assuring its implementation.

In addition, a number of government decisions have been issued over the past decade that order the implementation of the law and stipulate interim quotas for the representation of Arab men and women. These include: Government Decision 1832 of 29 April 2004; Government Decision 414 of 15 August 2006; Government Decision 2579 of 11 November 2007; and Government Decision 4437 of 25 January 2009. However, these interim targets have consistently been missed, and the representation of Arab citizens, men and women alike, remains low.

Arab representation among the staff of government ministries is correspondingly low and inadequate, including in ministries that have a decisive impact on the lives of Arab citizens, such as the Ministries of Transport (2.3%), Housing (1.3%) and Finance (1.2%). The following table details Arab representation in government ministries.

*Arab representation in Israeli government ministries, 2006<sup>9</sup>*

<b>Ministry</b>	<b>No. of Arab employees</b>	<b>Total no. of employees</b>	<b>% of Arab employees</b>
Health	1,935	26,753	7.2
Education	126	2,031	6.2
Justice	99	2,497	3.9
Industry Trade & Labor	45	1,326	3.4
Transport	21	881	2.3
Housing	10	730	1.3
Finance	12	954	1.2

<sup>7</sup> The Civil Service Commission, “Suitable Representation for the Arab Minority, including the Druze and Circassians in the Civil Service,” 2006 (Hebrew).

<sup>8</sup> Ali Hedar, “The Arab Citizens in the Civil Service,” *Sikkuy Report, Equality and the Integration of the Arab Citizens of Israel 2000-2001*, citing an April 2001 report of the Governmental Companies Authority.

<sup>9</sup> Ali Hedar, “The Arab Citizens in the Civil Service,” *Sikkuy Report, Equality and the Integration of the Arab Citizens of Israel 2000-2001*, citing an April 2001 report of the Governmental Companies Authority.

Moreover, the two ministries with the most Arab employees are the ministries of health and education; the vast majority of these employees work in Arab towns and villages or mixed cities providing services directly to Arab communities, e.g. as teachers and nurses. Arab professionals are rarely to be found in decision-making positions in the upper echelons of these ministries.

### **3. Representation of the boards of governmental corporations**

*Article 3, 25, 26*

#### **Suggested questions**

The Committee wishes to note its concern over the continuing under-representation of Arab women citizens of Israel on the boards of directors of governmental corporations. According to information received by the Committee, despite the amendment made in 2000 to The Government Corporations Law – 1975 stipulating fair representation to the Arab population on the boards of directors of government corporations, in 2007, Arabs in general accounted for only 8.8% of all sitting directors. Worryingly, in 2007 Arab women citizens of Israel made up just 2% of sitting board members, compared to a figure of close to 32% for Jewish women.<sup>10</sup> Moreover, this figure has remained almost unchanged since 2004, when Palestinian women citizens of Israel accounted for 1.3% of all sitting directors.<sup>11</sup> Please comment on the lack of progress made to date in securing the full implementation of this law with regard to Arab citizens of Israel in general, and Arab women in particular. Please include in the response updated information on the new legislative process cited in the State party's report [para. 528] aimed at "strengthening appropriate representation of workers from different sectors among the different Government Corporations", i.e.: women, persons with disabilities, Arabs, Druze, Circassian and Ethiopian origin," to include comparative data on the representation of Arab citizens of Israel, disaggregated by sex.

### **4, Palestinian women citizens of Israel**

*Article 3*

#### **Suggested questions**

Does the State party have any plan for creating incentives for more Arab women to seek political office as Members of the Knesset in order to increase the representation of this sub-group, which is subject compound discrimination on the basis of both their national belonging and sex?

Given the enormous gaps between the numbers of employed Arab women (22.4%) and Jewish women (70.6%) citizens of Israel, and between employed Arab women (22.4%) and Arab men (79.7%), what special measures, in any, is the State party taking to remove the structural obstacles that stand in the way of the labor force participation by Arab citizens of Israel: inter alia, the lack of employment opportunities in Arab towns and villages; the lack of public transportation services to Arab localities; the inaccessibility of state-funded employment centers; and the shortage of state-funded childcare facilities available to Arab families? What funds have been allocated to these measures and what targets have been set for them? What steps are being taken to create new employment opportunities in Arab towns and villages, which, as the State party notes in its report [para. 150], are very limited in non-traditional fields of employment?

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<sup>10</sup> Response received by Adalah from the Government Corporations Authority, dated 8 October 2007.

<sup>11</sup> Telephone interview by Adalah with Mr. Zohar Sher, Deputy Director of the Government Companies Authority on 12 October 2004. According to Mr. Sher, the figures noted are based on a check/report dated 22 September 2004.

To date, how many Arab women citizens of Israel as compared with Jewish women have benefited from loans for small businesses by the Authority for Small Business? Please provide an update regarding the establishment of the Center for Nurturing Entrepreneurship in the Arab and Bedouin sector referred to in the State party's report [para. 146] and provide its annual budget. How large is the staff of the center and how many beneficiaries does it have the capacity to assist?

The State party's report notes that, "Many Arab women thus attend 'traditional' courses because they are available locally, and are likely to enable them to meet the requirements of local job opportunities, whether they be full or part time" [para. 150]. Aside from 'traditional' courses, what vocational training courses are offered to women living in Arab localities and in what ways do the courses offered in Arab localities differ from those offered in Jewish localities? How many of the total number of training institutions referred to in the State's report [para. 153] are located in Arab towns and villages? How many of the "workshops for growth and working skills' development" referred to in the State's report [para. 156] are held for unemployed Arab and Arab Bedouin women compared to other targeted groups?

Please provide data on the numbers and percentages of Arab women employed in academic positions in Israeli colleges and universities, disaggregated according to type of position and rank. Please detail measures taken, if any, by the State party to create initiatives for Arab citizens in general and Arab women in particular to enter academia, the number of beneficiaries of any relevant programs and the budget allocated to them.

The Committee notes that the section within its discussion of Article 3 on the "Status of Arab women" [paras. 133-156] is limited in scope, and does not provide comparative data on a range of issues raised relating to the equal rights of men and women. Please therefore provide further information.

### **Background to the question**

#### *Arab women in the Knesset*

Arab parties currently hold 10% (12 seats) of the total 120 seats available in the Knesset, the Israeli parliament. The 12 Arab parliamentarians include only one Arab woman MK, Haneen Zoabi, who is the first Arab woman ever to have served in the Knesset on behalf of an Arab party.<sup>12</sup> In the history of the Knesset, there have only been two other Palestinian women MKs.<sup>13</sup>

#### *Arab women and employment*

According to figures published in January 2008 by the Ministry of Industry, Trade and Labor, in 2006 the percentage of Arab women engaged in the workforce was 22.4%, compared to a parallel figure of 70.6% among Jewish women.<sup>14</sup> In the same year, 79.7% of men classified as "Arabs and others"<sup>15</sup> were employed in the labor force, compared to 83.8% of Jewish men.<sup>16</sup> There are a number of structural obstacles to the entry of Arab women citizens of Israel into the labor force. One of the major obstacles is the limited employment opportunities on offer in Arab towns and villages, coupled with the systematic failure of the state to locate employment-

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<sup>12</sup> See the website of the Knesset, *Knesset Members by Parliamentary Group*. Available at: [http://www.knesset.gov.il/mk/eng/mkindex\\_current\\_eng.asp?view=1](http://www.knesset.gov.il/mk/eng/mkindex_current_eng.asp?view=1).

<sup>13</sup> Ms. Hussniya Jabara, who served as an elected representative of the Meretz Party from May 1999, and Ms Nadia Hilou, who served as a as an elected representative of the Labor Party between 2006 and 2009.

<sup>14</sup> The Ministry of Industry, Trade and Labor, *The Status of Employment of Arab Women Between the Ages of 18-65 in 2006*, 29 January 2008 (Hebrew).

<sup>15</sup> Arab Muslims, Druze, Arab Christians and non-Arab Christians.

<sup>16</sup> Adva Center, *Social Gaps in Israel*, updated June 2008.

generating industrial zones in Arab communities. Thus, for example, the state budget for 2008 allocated a total sum of NIS 215 million for developing industrial zones, of which just NIS 10 million was earmarked for Arab towns and villages, far less than the amount of NIS 25 million that the Ministry of Industry, Trade and Labor committed to allocate in previous years.<sup>17</sup>

In addition, Arab citizens of Israel often have to travel long distances to reach employment offices, few of which are located in Arab towns and villages.<sup>18</sup> Aggravating the problem is the absence of frequent public transportation from many Arab towns and villages to central cities, which makes it more difficult, particularly for women and young people who do not own cars, to work elsewhere. Most bus and train lines do not enter Arab villages at all, or enter them very infrequently. The lack of adequate public transportation is in part the responsibility of the state, as the major public transportation system (Egged) is majority-owned by the government.<sup>19</sup> In addition, there is a shortage of state-run day care centers for Palestinian children in Israel: only 30 day care centers cater to Arab children in the country, and as a result just 3.7% of Arab children under the age of four are enrolled in state-run day care centers, as opposed to 16.3% of Jewish children in the same age group.<sup>20</sup> The lack of suitable day care facilities reduces the participation of Arab citizens, and in particular Arab women, in the labor force.

#### *Arab women and vocational training*

State funding for vocational training for adults has been reduced drastically over recent years, from NIS 230,400,000 in 2000 to NIS 92,470,000 in 2006, i.e. a cut of approximately 60%.<sup>21</sup> Even prior to these cuts, the participation of Arab women in vocational training courses was low, partly because of inaccessibility and the unavailability of training institutes close to their places of residence. Moreover, Arab women participants are often concentrated in "traditional" and "pre-employment" courses that offer limited and basic skills. Thus, for example, of the 235 people who attended a vocational training course for adults held in 2004 by the Ministry of Industry, Trade and Labor entitled "inside factory training" only one was an Arab woman (0.4%); similarly, only 15 Arab women were among the 766 participants of a training course entitled "shift in academic field" (2%), while a total of 438 women attended the course (57%).<sup>22</sup>

#### *Arab women in academia*

Accurate and precise data on the numbers of Arab women working in Israeli academia are not readily available. The State party states in its report [para. 145] that "11.5% of the 45,000 working Arab women are employed in academia and academic-related fields." This figure is broad and general, and obscures the fact that Arab academics in general are sorely represented in Israel's colleges and universities: in 2007, Arabs, men and women, accounted for as few as

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<sup>17</sup> Mossawa, *The Arab Population in the 2008 State Budget*, May 2008.

<sup>18</sup> In 2005, for example, the Ministry of Industry, Trade and Labor rescinded its decision to close down an employment office located in the Arab town of Kufri Kana in the north of Israel only after Adalah and The Laborer's Voice (Sawt el-Amel) petitioned the Supreme Court to demand that the office, which serves approximately 71,000 Palestinian citizens of Israel in the area, including over 4,000 job-seekers, was kept open. H.C. 8249/04, *Ziad Matar et. al. vs. Ministry of Industry, Trade and Labor*.

<sup>19</sup> "Since the establishment of the state the Arab sector has suffered from a low level of public transport services. The reasons for this are many and varied, but probably indicate a double-standard toward the Arab sector in general, which is probably also the main reason for discrimination in transportation." Asidon Yoram, "A gap of accessibility and mobility in Israeli society, and the social implications of change," *Nature and Environmental Resource Studies*, The University of Haifa, Department of Nature and Environmental Resource Management, September 2004.

<sup>20</sup> Orly Almagor-Lotan, *Day Care and Family Home Care Centers in the Arab Sector*, The Knesset Center for Research and Information, 7 July 2008 (Hebrew).

<sup>21</sup> The ADVA Center, *Vocational Training – OUT?* Position Paper, February 2006 (Hebrew).

<sup>22</sup> *Ibid.*

1.2% of all academics employed by Israeli universities and colleges in tenure track positions.<sup>23</sup> While approximately 5,000 Arab women citizens of Israel hold academic degrees, only a handful are working as tenured academics in Israel's universities and colleges.<sup>24</sup>

## 5. General and infant mortality rates

### Article 6

#### Suggested questions

Please explain the reasons why infant mortality rates among Arab Bedouin citizens of Israel remain extremely high and, according to data received by the Committee, *rose* between 2003 and 2005. What, if any, special measures is the state taking to decrease the rate of infant mortality that results from consanguineous (inter-relative) marriage? Please provide additional information on measures taken to address the discrepancies between the infant mortality rates and life expectancy rates of Israel's Jewish, Arab and Arab Bedouin populations.

#### Background to the questions

According to data provided by the State of Israel, in 2005, infant mortality rates within the Jewish majority in Israel stood at 3.2 per 1,000 live births. While infant mortality rates are falling in Israel as a whole over time, in 2005 the infant mortality rate within the Arab minority was close to double that among the Jewish majority, at 6.03 per 1,000 live births [State report table 7]. In the Naqab among the Arab Bedouin population, the rate is even higher, at 15.0 per 1,000 live births [State report para. 571]. While, as the State party indicates in its report [para. 164] that Israel's overall infant mortality rate continues to decrease, the data also indicates an *upward trend* in infant mortality rates among the Palestinian Bedouin population in the Naqab, which stood at 13.3 deaths per 1,000 live births in 2003.<sup>25</sup>

Arab citizens of Israel can expect to live shorter lives than Jewish citizens. According to government statistics, in 2007 the average life expectancy of Arab women in Israel was 78.8 years, 4.1 fewer years than the figure for Jewish women (82.9 years). Similarly, in 2007 Arab men in Israel had an average life expectancy of 75.3 years, 4.2 years fewer than the figure for Jewish men (79.5 years).<sup>26</sup> While life expectancies for all are rising over time, the gaps between Arabs and Jews in growing.<sup>27</sup> Accordingly, mortality rates among the Arab minority outstrip those among Jews in Israel: in 2006, the standardized rate of mortality among Arab men in Israel was 6.6 deaths per 1,000 persons, and 5.3 per 1,000 persons among Arab women; the corresponding figure among Jewish men during the same year was significantly lower, at 4.7 per 1,000 persons, and for Jewish women 3.3 per 1,000 persons.<sup>28</sup> These gaps become particularly wide after the age of 60. For example, in 2006 the mortality rate among Jewish men aged 60-64 was almost half the figure among Arab men (8.7 versus 16.1 deaths per 1,000 persons).<sup>29</sup>

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<sup>23</sup> Adel Manna, *Kitab al-Mustaqbali al Arabi fe Israel*, 2<sup>nd</sup> Annual Book of Van Leer, 2007 (Arabic).

<sup>24</sup> Telephone interview with Dr. Adel Manna, Van Leer Institute, 9 August 2009. These academics include Dr. Nadera Kevorkian (The Hebrew University of Jerusalem), Dr. Mona Kasabri (The Hebrew University of Jerusalem); Dr. Fadia Nassar (Tel Aviv University) and Dr. Khawla Abu Baker (Emek Yisrael College).

<sup>25</sup> I. Shoham Vardi, *The Death of Bedouin Babies in the Negev, 1990-2002*, Beer Sheva: Ben-Gurion University; unpublished conference paper (Hebrew). See also, Physicians for Human Rights-Israel, No Man's Land: Health in the Unrecognized Villages of the Negev, July 2003. Available at: [http://www.phr.org.il/phr/files/articlefile\\_1163421247181.pdf](http://www.phr.org.il/phr/files/articlefile_1163421247181.pdf).

<sup>26</sup> CBS, Statistical Abstract of Israel 2008, No. 59, Table 3.24.

<sup>27</sup> In 1996, by comparison, the gap between Arab and Jewish women was lower, at 3.1 years, and was 1.5 years between Arab and Jewish men. CBS, Statistical Abstract of Israel 2008, No. 59, Table 3.24.

<sup>28</sup> CBS, Statistical Abstract of Israel 2008, No. 59, Table 3.27.

<sup>29</sup> Ibid.

## 6. Access to clean drinking water in the Naqab

### Article 6

#### **Suggested questions**

Please provide data on the numbers and location of any Arab Bedouin communities located in Israel whose homes are not connected to the state's water-grid. Please also comment on claims that the state is using the denial of clean, running drinking water as a means of forcing the residents of the unrecognized Arab Bedouin villages to abandon their lands and relocate to the government-planned Bedouin townships.

#### **Background to the questions**

In the Naqab, Israel is deliberately not providing thousands of Palestinian Bedouin families with access to clean drinking water due to the unrecognized status of their villages. Most people in the unrecognized villages obtain water via improvised, plastic hose hook-ups or unhygienic metal containers, which transport the water from a single water point located on main roads located far from their homes, causing health risks and daily hardships.<sup>30</sup> The poor quality of their drinking water puts residents of the unrecognized villages at risk of dehydration, intestinal infections and other diseases associated with poor hygiene, such as dysentery.<sup>31</sup> The approximately 40 unrecognized Arab Bedouin villages in the Naqab, which are home to around 60,000 people, have neither local councils or belong to other local governing bodies, and receive little-to-no basic services, including electricity, water, telephone lines, or education or health facilities. They have no official status, and are excluded by the state from planning and government maps. Access drinking water is a basic right derived from the right to life, and the ramifications for health caused by the State's refusal to provide running water to the residents of the unrecognized villages are potentially severe, and have a role to play in the high the infant mortality rates among the Arab Bedouin population in the Naqab.<sup>32</sup>

In violation of its obligations under the Covenant, the State of Israel is using the denial of clean, running drinking water as a means of forcing the residents of the unrecognized Arab Bedouin villages to abandon their lands and relocate to the government-planned Bedouin townships. For example, in a letter dated 19 October 2004 regarding the unrecognized village of Umm al-Hieran, the Bedouin Development Authority (the state body responsible that recommends to the water commissioner whether requests for connection should be approved) acknowledged that the current arrangements for obtaining drinking water were inadequate, but stated that the dwellings were illegal and that access to drinking water and other utilities would only be made available if the villagers relocated to the recognized town of Hura.<sup>33</sup>

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<sup>30</sup> To view images of the unhygienic conditions in which many residents of the unrecognized villages have to obtain drinking water, see: <http://www.adalah.org/images/landday07/slideshow.php?directory=&currentPic=2>.

<sup>31</sup> Expert Opinion of Prof. Michael Alkan, Director of the Institute for Infectious Diseases, the Soroka Medical Center and the Faculty of Health Sciences, Ben-Gurion University, Commissioned by Adalah (Hebrew).

<sup>32</sup> Adalah's appeal on behalf of hundreds of Arab Bedouin families to the Supreme Court against a decision delivered by the Haifa District Court (sitting as a Water Tribunal) upholding rulings of the Water Commissioner and the Israel Land Administration (ILA) not to provide residents of the unrecognized with drinking water has been pending for four years without any decision. According to the Water Tribunal's decision, the right to water is conditional on a "clear" public interest "not to encourage cases of additional illegal settlement" by Arab Bedouin. See C.A. (Civil Appeal) 9535/06, *Abdullah Abu Musa'ed, et al. v. The Water Commissioner and the Israel Lands Administration* (case pending).

<sup>33</sup> Letter on file with Adalah. For more information, see also The Negev Coexistence Forum for Civil Equality, *The Arab-Bedouins of the Naqab-Negev Desert in Israel, Shadow Report to the UN Committee on the Elimination of Racial Discrimination (CERD)*, May 2006. Available at: [http://www.phr.org.il/phr/files/articlefile\\_1172399200466.pdf](http://www.phr.org.il/phr/files/articlefile_1172399200466.pdf).



## **7. Police impunity**

*Articles 7, 2, 6*

### **Suggested questions**

According to information provided in the State party's report (Table 10), the Committee notes that, out of 1,273 complaints investigated by the Israeli police into allegations of unlawful use of force during 2004, 49 resulted in criminal proceedings (3.8%), similar or slightly down from the figures in previous years. The Committee requests updated information on the number convictions obtained and the penalties imposed. Please comment on information before the Committee that a high number of complaints filed by Arab citizens against police officers are not properly and effectively investigated, and that the Ministry of Justice's Police Investigations Unit (Mahash) lacks independence.

The Committee is deeply concerned by the lack of indictments filed against police officers or commanders accused of the killing of 13 unarmed Palestinian citizens of Israel and injuring hundreds more during the October 2000 protest demonstrations in Israel.<sup>34</sup> Please provide the Committee with the reasons for the Attorney General's decision of 27 January 2008 to close the investigation files into the killings and injuries, and detail the measures being taken to provide an effective remedy for the victims and their families, and to ensure accountability for these alleged crimes.

## **8. The revocation of citizenship**

*Article 16, 24*

### **Suggested questions**

The Committee is concerned about the enactment of Citizenship Law (Amendment No. 9) (Authority for Revoking Citizenship), passed by the Knesset on 28 July 2008. According to information brought before the Committee, the new law allows for the revocation of citizenship on the grounds of "breach of trust" or disloyalty against the state, a term that is defined broadly and even reportedly includes the act of residing in one of nine Arab and Muslim states which are listed by the law, alongside the Gaza Strip.<sup>35</sup> The Committee is further concerned that the law targets Palestinian citizens of Israel, as they make up the vast majority of Israeli citizens who would reside in Arab and/or Muslim states, and that under the law, citizenship can be revoked for an alleged "breach of trust" without requiring a criminal conviction. To date, have there been any cases in which the citizenship of an Israeli citizen – Jewish or Arab - was revoked under the 2008 law? Please provide additional information on the mechanisms for revoking citizenship under this law, and the remedies that are available in such cases. How does the State party ensure that the revocation of citizenship of Israeli citizens is in conformity with the Covenant, and in particular article 24?

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<sup>34</sup> The Committee on the Elimination of Racial Discrimination (CERD) expressed similar concerns in its Concluding Observations of 14 June 2007, CERD/C/ISR/CO/13, para. 30. Prof. Philip Alston, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions criticized the AG's decision in the October 2000 killings cases in his report of May 2008 to the UN HR Council. The SR concluded that the AG's decision not to issue indictments "would appear to fall short of international standards."

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A-HRC-8-3.doc>

<sup>35</sup> The states currently enumerated in the law are Lebanon Syria, Iraq, Iran, Libya, Yemen, Afghanistan, Sudan and Pakistan.

## 9. The Citizenship and Entry into Israel Law

Articles 17, 23, 24, 26, 27

### Suggested questions

In light of the Committee's recommendation in 2003 that the State party revoke the Citizenship and Entry into Israel Law (Temporary Order) – 2003,<sup>36</sup> please comment on the recent re-extension of the validity of the law for a further year until 31 July 2010 and whether the State party intends to turn the law into a permanent law. How does the State party reconcile the blanket ban on family unification between Israeli citizens and residents of the West Bank,<sup>37</sup> Gaza Strip, Syria, Lebanon, Iraq or Iran with its obligations under the Covenant, in particular articles 17, 23, 24, 26 and 27? How many individuals from the Occupied Palestinian Territory (OPT), Syria, Lebanon, Iraq or Iran who received status/citizenship in Israel through family unification have been indicted and/or convicted of security-related offenses? Please provide details. Given that the Ministry of Interior's "gradual process" of naturalization policy provides for many security checks over long period time, why is it an inadequate means of dealing with family unification requests and security concerns? Since the enactment of the Citizenship and Entry into Israel Law (2003), how many individuals subject to the law have requested status/citizenship in Israel through the family unification process? How many individuals were approved and actually received status, and how many individuals were rejected? How many Palestinians from the West Bank currently have applications for status via family unification pending with the Ministry of Interior?

### Background to the questions

On 27 July 2009, the Knesset voted to extend the validity of the Citizenship and Entry into Israel Law (Temporary Order) – 2003 for another year to 31 July 2010, the ninth extension of the law to date. The law, first enacted in July 2003, denies Palestinian citizens of Israel the right to acquire residency or citizenship status in Israel for their Palestinian spouses from the OPT, solely on the basis of their nationality. The law is sweeping in its application and totally disproportionate to the alleged security reasons cited by Israel to justify its enactment. Thousands of families are adversely affected by the law. In May 2006, a 6-5 majority of the Supreme Court decided to uphold the law.<sup>38</sup>

Amendments made to the law in 2007 expanded the ban to spouses from Syria, Lebanon, Iraq and Iran, defined under Israeli law as "enemy states," and "anyone living in an area in which operations that constitute a threat to the State of Israel are being carried out."<sup>39</sup> The law flagrantly discriminates against Palestinian citizens of Israel, who are most likely to have non-citizen Palestinian/Arab/Muslim spouses. At the same time, however, the "gradual process" of naturalization for residency and citizenship status in Israel for all other "foreign spouses" remains unchanged. The ban on family unification severely violates the fundamental rights of individuals to family life, privacy, protection for the child, equality before the law, and protection of minorities, as provided for by articles 17, 23, 24, 26 and 27 of the Covenant. Amid ongoing international condemnation at the repeated extensions of the law's validity,

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<sup>36</sup> CCPR/CO/78/ISR, par.21.

<sup>37</sup> Palestinian residents of the OPT married to citizens of Israel may apply for temporary residence permits in restricted cases, according to amendments made to the law in July 2005. However, even where the stringent conditions for family unification are met, the maximum that can be obtained by a non-Israeli spouse is a short-term residency permit that does not allow the non-citizen spouse to work or drive and denies them the protection of health insurance or social security. Families therefore remain under enormous pressure.

<sup>38</sup> H.C. 7053/03, *Adalah, et al. v. Ministry of Interior, et al.* (petition rejected 14 May 2006).

<sup>39</sup> Petitions filed to the Supreme Court of Israel challenging the constitutionality of the law, including a petition submitted by Adalah, remain pending. H.C. 830/07, *Adalah v. The Minister of the Interior, et al.*

other UN treaty bodies have also criticized and called on Israel to revoke the Citizenship and Entry into Israel Law.<sup>40</sup>

## **10. Home demolitions and forced evacuations**

*Articles 17, 12, 26, 7*

### **Suggested questions**

Please provide information on the reasons why Israel does not officially recognize the unrecognized Arab Bedouin villages, which either pre-date the establishment of the state in 1948 or to which inhabitants were forced to relocate after being expelled from their original villages? What processes are in place for the resolution of the long-running land disputes between Arab Bedouin citizens and the state? In what circumstances does the State party decide to demolish a house or evacuate a village, and by whom is the decision made? How many homes have been demolished since 2003 and for what reason? Please comment on plans to evacuate residents from the unrecognized villages. How are the owners and/or residents of the demolished houses / evacuated villages compensated?

### **Background to the questions**

According to the Israeli Committee Against House Demolitions (ICAHD), between 2000 and 2007, at least 3,084 Palestinian homes were destroyed in Israel, the majority belonging to Arab Bedouin living in the unrecognized villages in the Naqab (Negev).<sup>41</sup> While Israel's report does not discuss the issue of home demolitions in the Naqab, the demolition of homes is one of the tools used by Israel to evacuate the unrecognized villages and concentrate the Arab Bedouin in the Naqab into the over-crowded and impoverished townships that have been recognized by the state. Most of the houses are demolished on the pretext of Arab Bedouin violations of land and planning laws.<sup>42</sup>

Palestinian Arab Bedouin in the Naqab number close to 140,000 people, or 14% of the total population of the Naqab.<sup>43</sup> Around 60,000 Arab Bedouin in the Naqab live in around 40 unrecognized Arab villages throughout the Naqab, referred to by the state in its report as "illegal villages." With no official recognition or status, these villages are excluded from state planning and government maps, have neither local councils or belong to other local governing bodies, and receive little-to-no basic services, including electricity, water, telephone lines, or education or health facilities. The Israeli government views the inhabitants of these villages as "trespassers on state land,"<sup>44</sup> although many have been living on these lands – the ancestral lands of the Arab Bedouin – prior to the establishment of the state in 1948, and although state attempts to assert

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<sup>40</sup> CERD in its special decisions of 2003 (Decision 2/63) and 2004 (Decision 2/65) and Concluding Observations of 2007, para. 20 (CERD/C/ISR/CO/13); CEDAW in its Concluding Observations of 2005, paras. 33-34 (CEDAW/C/ISR/CO/3).

<sup>41</sup> The Israeli Committee Against House Demolitions, telephone interview held on 21 July 2009.

<sup>42</sup> Human Rights Watch, "Off the Map – Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages," 30 March 2008. This 130-page report documents how discriminatory Israeli laws and practices force tens of thousands of Bedouin in the south of Israel to live in "unrecognized shanty towns where they are under constant threat of seeing their homes demolished and their communities torn apart. Available at: <http://www.hrw.org/en/reports/2008/03/30/map-0>.

<sup>43</sup> Mustafa, M. and M. Subhi, *Unlicensed: The Policy of Demolishing Arab Homes in Israel*, Center for Contemporary Studies, 2005, p. 48 (Arabic). Of the 14,185,000 dunams of land in the Southern District as a whole, the total number of dunams currently under the jurisdiction of the seven government-planned Bedouin townships in the Naqab is around 60,000 dunams, and a seven further newly-recognized towns have jurisdiction over 34,000 dunams, which combined account for a mere 0.8% of land in the district.

<sup>44</sup> Attorney General's response to Adalah's petition H.C. 2887/04, *Salem Abu Medeghem, et al. v. The Israel Lands Administration, et al.* in a case challenging the ILA's spraying of poisonous material on crops belonging to Arab Bedouin farmers from the unrecognized villages (petition accepted 15 April 2007).

ownership claims on the land are vehemently disputed. Others, expelled from their ancestral lands by the state, were forced to move to their current locations by the military government imposed on Palestinians in Israel between 1948 and 1966.

Israel is now seeking to evacuate the unrecognized villages<sup>45</sup> and concentrate the Arab Bedouin in the Naqab into the over-crowded and impoverished townships, and to allocate the remaining land to Jewish citizens in order to ensure a Jewish demographic majority in the Naqab. Home demolitions and forced evictions are the most extreme means employed by Israel to force Arab Bedouin to leave their villages, and constitute a violation of articles 17, 12, 26 and 7 of the Covenant.

## **11. Freedom of religion**

*Articles 18, 27*

### **Suggested questions**

Please comment on the recent Supreme Court decision denying demands by religious leaders for Muslim holy sites located in Israel to be afforded legal protection under the Protection of Holy Sites Law – 1967. How does the State reconcile the fact that the law has only been used to declare 135 Jewish holy sites as such, despite the law’s applicability to all holy sites? How is Israel guaranteeing the preservation and protection of non-Jewish holy sites and access to them for their respective local and international religious communities? Please further indicate whether the Minister of Religious Services (formerly Affairs) intends to set forth regulations in relation to holy sites of both the Jewish and non-Jewish populations of Israel.

### **Background to the questions**

On 16 March 2009, after five years of litigation, the Supreme Court of Israel rejected a petition demanding that Israel promulgate regulations for the protection of Muslim holy sites in Israel, in accordance with the Protection of Holy Sites Law – 1967.<sup>46</sup> Around 135 sacred places have been declared as holy sites, all of which are Jewish.<sup>47</sup> The result of this discrimination is the neglect and desecration of Muslim holy sites in Israel: many mosques and holy sites have been converted into bars, night clubs, stores and restaurants.<sup>48</sup>

The court rejected the need for the promulgation of regulations to bind various government ministries in this regard, arguing that defining specific sites as Muslim holy sites was a “sensitive matter.” While the court acknowledged the miserable state of Muslim holy sites and the need to repair them, it further ruled that the state’s commitment to designate a budget of NIS 2 million (approximately US \$500,000) for the maintenance of Muslim holy sites was sufficient. The meager budget committed to by the state will not be sent directly to Islamic committees for them to invest in the protection of the holy sites, but to the Israel Land Administration (ILA) to undertake this task. However, over the past 60 years, the ILA has

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<sup>45</sup> See, “Adalah Demands that Court Prevent the Expulsion of 1,000 Arab Bedouin from their Homes and the Destruction of their Village in the Naqab in Israel,” *Adalah’s Newsletter*, Volume 54, November 2008.

<sup>46</sup> Adalah submitted the petition in November 2004 in its own name and on behalf of Sheikh Abdullah Nimer Darwish, Sheikh Kamel Rayyan, MK Sheikh Ibrahim Sarsour, and former MK Abd al-Malek Dahamshe, as well as the Al-Aqsa Association for the Preservation of Muslim Holy Sites. H.C. 10532/04, *Sheikh Abdullah Nimer Darwish, et al. v. Minister of Religious Affairs, et al.* (petition rejected 16 March 2009).

<sup>47</sup> A list of the sites in Hebrew is available at: [http://www.religions.gov.il/list\\_holy\\_places.htm#top](http://www.religions.gov.il/list_holy_places.htm#top).

<sup>48</sup> See also, The Arab Association of Human Rights, “Sanctity Denied: The Destruction and Abuse of Muslim and Christian Holy Places in Israel,” (December 2004), reporting that some 250 non-Jewish places of worship were destroyed during or since the 1948 war or made inaccessible to Arab citizens of Israel. Available at: <http://www.arabhra.org/publications/reports/index.htm>.

done nothing to prevent the desecration of Muslim holy sites and in many instances has played an active role in their desecration.

The Protection of Holy Sites Law aims to safeguard and preserve sacred places from desecration, from anything which could obstruct access to these places by followers of religious traditions, or could offend their religious sensitivities. The law requires the Minister of Religious Affairs to regulate holy sites in general. Article 4 of the law states that, “The Minister of Religious Affairs is responsible for the implementation of the law, and is authorized, after consultation with the religious leaders, or in accordance with their advice and the agreement of the Minister of Justice, to promulgate regulations in order to implement the law.”

## **12. Police brutality at lawful demonstrations by Arab citizens**

*Articles 21, 19, 25, 7*

### **Suggested questions**

The Committee is concerned that the excessive use of force by police and security forces in breaking up demonstrations, including demonstrations for which official permission was obtained in advanced, has the effect of discouraging Arab citizens of Israel from exercising their right to freedom of assembly and stifling freedom of opinion and expression. Please comment on claims that the Israeli security forces follow different and more violent rules of engagement when dealing with Arab demonstrators, citizens of Israel than Jewish protestors. With respect to demonstrations undertaken in Israel, please provide information on the number of minors detained, the conditions of their detention, and the length of detention, disaggregated for Arab and Jewish minors.

### **Background to the questions**

Although Israel’s State report makes no mention of demonstrations held by Arab citizens of Israel in its discussion of demonstrations (paras. 410-412), the Israeli security forces, including special police forces, frequently resort to brutal and disproportionate means of dispersing such demonstrations. Arab citizens of Israel often hold opinions that differ from those held by mainstream Jewish Israeli society, and in particular on the emotive subject of Israel’s policies towards Arab states and its military incursions into the OPT. As a result, demonstrations against Israel’s official policies are often seen as extremely provocative and dissent by Palestinian citizens, even in the form of peaceful demonstrations, is forcefully clamped down on. The targets of disproportionate force by the security forces include minors.

### *Protesting against the Israeli Military Attacks on Gaza*

The Israeli police and security forces detained 715 individuals from Israel during demonstrations against “Operation Cast Lead” against Gaza of 27 December 2008 to 18 January 2009, the vast majority of whom were Palestinian citizens of Israel.<sup>49</sup> 34% of these detainees were minors. Of the 203 persons who were detained in custody until the conclusion of proceedings against them, 54% were minors.<sup>50</sup> Many instances of police violence against unarmed demonstrators were also documented during the clamp-down on demonstrations. In the Arab village of Kufr Kanna, for example, incidents were recorded of armed police officers used

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<sup>49</sup> Adalah, “Forbidden Protests”, publication forthcoming 2009. According to a poll conducted during the military attacks by the *Haaretz* newspaper, despite pictures from Gaza depicting massive destruction and a large number of wounded and killed, including women and children, 82% of the Israeli public believed that Israel had not “gone too far” in the attacks. *Haaretz*, “Poll shows most Israelis back IDF action in Gaza,” 15 January 2009.

<sup>50</sup> *Ibid.*

heavy-handed tactics against demonstrators, including striking them on the head and extremities without first attempting to communicate with them, spraying tear gas at protestors' faces, dragging individual protestors away and beating them with arms, helmets and metal batons.<sup>51</sup> The police then subjected protestors to insults and further beatings while transporting them to police stations, where affidavits reveal that detainees faced a variety of brutal acts. Some detainees were kicked, punched and spat on upon their arrival, handcuffed using plastic ties, kicked in the face and genital areas, slapped in the face pulled by the ears, had lit cigarettes stubbed out on their bodies, and subjected to a barrage of insults.<sup>52</sup>

During and after "Operation Cast Lead", the Israel Security Agency demanded that dozens of Arab political leaders and activists in Israel meet with the ISA for investigations. At these meetings, ISA investigators threatened that these leaders would be held criminally accountable for any legal violation by any member of their political party or extra-parliamentary movement.<sup>53</sup> The GSS investigators asked the leaders to convey these instructions to the party activists and ordered them to prevent the activists from committing any breach of public order. Such threats constitute a deliberate attempt to infringe rights of Arab citizens of Israel to organize, demonstrate and express their political opinion and to stifle political opposition.

### *The March for the Right of Return*

On 8 May 2008, the Association for the Defense of the Rights of the Internally Displaced in Israel (ADRID) organized the annual "March for the Right of Return" on the lands of the destroyed Arab village of Safouriya in the north of Israel. Around 15,000 people participated in the march, including women, men, children and the elderly. The march was held according to the conditions of the permit granted to the organizers by the police. Nevertheless, after the organizers responded to the police request and moved the path of the march further away from the main road, the police allowed right-wing demonstrators to hold a counter-protest at the roadside. As the participants were returning to their cars following the march, right-wing demonstrators shouted insults against the marchers, who shouted back in return. When they started to walk away, as they were asked to by Arab Members of Knesset and leading political activists, they were attacked violently by special police, who pushed them large number of them to the side of the road. The police then began to fire tear gas and sound grenades in the direction of the demonstrators, a few of whom responded by throwing stones in the direction of the police. The police also assaulted photographers who attempted to document the brutal police violence, and arrested and detained some of them.<sup>54</sup>

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<sup>51</sup> Meezaan Center for Human Rights (Nazareth, Israel), Report on the Anti-Gaza War Demonstrations, 2009 (Arabic). Available at: <http://www.meezaan.org/1/news-54.html>. The report contains photographic evidence of the injuries sustained by demonstrators.

<sup>52</sup> Ibid.

<sup>53</sup> Adalah sent an urgent letter to the AG demanding that he prohibit the GSS from making these threats, arguing that they infringed the right of Arab citizens to organize, demonstrate and express their opinion and that they constitute an attempt by the GSS to interfere in Arab political activities in Israel. For more information see, Adalah, "Adalah to AG: Summoning Political Activists to GSS Investigation is an Attempt to Frighten Them from Participating in Demonstrations of Solidarity with Gaza," 2 January 2009. Available at: [http://www.adalah.org/eng/pressreleases/pr.php?file=09\\_1\\_2\\_1](http://www.adalah.org/eng/pressreleases/pr.php?file=09_1_2_1).

<sup>54</sup> Adalah represented several detainees in proceedings before the Israeli courts. For more information, see Adalah, *Police Violence against Participants at the Right of Return March in Safouriya in the North of Israel held to Commemorate the Sixtieth Year of the Nakba*, May 2008. Available at: <http://www.adalah.org/newsletter/eng/may08/7.php>.

### 13. Education

#### Article 24

#### Suggested questions

Please provide information about the financial resources (budget) allocated by the Ministry of Education to each Arab student as compared to each Jewish student in Israel. Please provide statistics on how many educational professionals trained to address the problem of children dropping out school are funded by the state to work in the Arab education system compared to the Jewish educational sector?

In 2006, the Supreme Court of Israel issued a landmark ruling on a petition submitted by Adalah that voided a government decision to grant preferential status to certain regions of the country (“National Priority Areas”) affording them substantial state funding, and in particular for education.<sup>55</sup> The court struck down this decision because it discriminated against Arab citizens of Israel. According to information obtained by the Committee, the state has failed to implement the court’s decision and is continuing to distribute benefits for education on the basis of criteria that discriminate against Arab citizens of Israel. Please comment.

Given the relatively low numbers of Arab students enrolled in universities and colleges in Israel, what affirmative action measures, if any, is Israel taking to increase university admission among Arab citizens of the state, and what resources are allocated to any such programs?

#### Background to the questions

Arab school children comprise approximately 25% of the country’s school students. From elementary to high school, Arab and Jewish students learn in separate schools. The Ministry of Education severely underfunds Arab schools in Israel, impeding the educational development of Arab children compared to their Jewish counterparts. Israel does not regularly release official data detailing how much it spends in total on each Palestinian and Jewish student, and there are no separate lines in the state budget for Arab education.<sup>56</sup> However, state statistics published in 2004 reveal that for the academic year 2000-2001 public investment in Arab schools equaled an average of NIS 534 per Arab student, compared to NIS 1,779 per Jewish student or three times more.<sup>57</sup> This under-funding is manifested in many areas, including the poor infrastructure and facilities characteristic of Arab schools and relative overcrowding: according to the Central Bureau of Statistics, there is an average class size of 26 pupils per class in Jewish schools compared to 30 pupils in Arab schools.<sup>58</sup>

One result of under-investment by the state in Arab education is the higher rate of dropping-out rates among Arab citizens of Israel: the national average rate at which pupils dropped out of the education system in 2006-2008 was 7.2% among Arab pupils in grades 9-12, almost double

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<sup>55</sup> H.C. 2773/98 and H.C. 11163/03, *The High Follow-up Committee for the Arab Citizens in Israel, et. al. v. The Prime Minister of Israel* (petition accepted 27 February 2006). See also Adalah, “Supreme Court Gives State until May 2009 to Cancel ‘National Priority Areas,’” 24 November 2008, available at: [http://www.adalah.org/eng/pressreleases/pr.php?file=08\\_11\\_24](http://www.adalah.org/eng/pressreleases/pr.php?file=08_11_24)

<sup>56</sup> The state budget for education is structured in such as way as to prevent analysis of exactly how much funding Arab education receives. The budget is broken down into 20 general articles, of which only one includes a breakdown of spending on Arab and Jewish education, namely the Pedagogy Administration, the executive arm of the MOE. The Pedagogy Administration allocated 4% of its budget to Arab education in 2006 and 3% in 2007. In addition, in line with the State Budget for 2006, drawn up by the MOE, just 1.5% of the state funds allocated to NGOs working in the field of education were allocated to NGOs providing educational services to Arab children and students. Source: The State Budget, 2006 and 2007.

<sup>57</sup> Central Bureau of Statistics (CBS), “New Survey – Investment in Education 2000/1,” 3 August 2004 (Hebrew).

<sup>58</sup> CBS, Statistical Abstract of Israel 2008, No. 59, Table 8.9.

the figure among Jewish pupils, at 3.7%.<sup>59</sup> The drop-out rate is particularly alarming among the Arab Bedouin in the Naqab, at a rate as high as 70% overall.<sup>60</sup> Consequently, relatively few Arab children go on to higher education. Arab students are dramatically under-represented in Israel's institutes of higher education, accounting for just 11.2% of all first degree students. This proportion has an inverse relationship to educational level: at the level of second degree, Arabs account for 6.1% of all students, and by third degree level, the percentage of Arab students falls to an average of 3.5% of all students.<sup>61</sup>

#### **14. Rights to vote and be elected**

*Articles 25, 12, 27*

##### **Suggested questions**

The Committee is concerned that, in recent years, several laws have been enacted that together act to narrow the space available for Arab citizens of Israel to participate in the elections to the Knesset and to fulfill their roles as members of Knesset (MKs). These laws allow political parties and individual candidates to be banned from running in elections to the Knesset on broad ideological grounds. Some of them also place barriers on travel and contacts between the Arab minority in Israel and the wider Arab and Muslim worlds, thereby violating the rights of Arab citizens protected by articles 25, 12 and 27 of the Covenant. In light of attempts to disqualify Arab candidates and party lists in 2003, 2006 and 2009 from the general elections and decisions by the Central Elections Committee (CEC) to disqualify a number of Arab candidates and parties, what steps, if any, is the State party taking to guard against attempts to disenfranchise the Palestinian minority in Israel and undermine their access to the political system, in accordance with article 25 of the Covenant? Given that the decisions made by the CEC to disqualify Arab candidates and parties have been subsequently overturned by the Supreme Court, how does the State party intend to ensure the operation of the CEC as a professional, neutral body? In general, how will the State party seek to generate a climate in which Arab citizens of Israel are able to exercise their right to access the political system on an equal footing with Jewish citizens?

##### **Background to the questions**

Several new laws institute a range of restrictions on access to the political and electoral systems and have the most severe impact on Palestinian citizens of Israel and their elected representatives. The laws, inter alia, set forth various ideological limitations on the eligibility of political parties and individual candidates to run in Knesset elections, as follows:

- A party or individual candidate may be banned from participating in elections on the basis of denial of the existence of the State of Israel as a “Jewish and democratic state in addition to alleged “support of armed struggle, of an enemy state or of a terrorist organization.”<sup>62</sup>
- Candidates who wish to run for Knesset office must declare as follows: “I commit myself to uphold loyalty for the State of Israel to avoid acting in contradiction to Article Section 7A of The Basic Law: The Knesset.”<sup>63</sup>

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<sup>59</sup> CBS, Statistical Abstract of Israel 2008, No. 59, Table 8.24.

<sup>60</sup> There are no CBS figures available specifically for Arab Bedouin children. Hannan el-Sana and Ajaj Asif, “The Arab Bedouin Population in the Naqab: Economics and employment,” The Naqab Institute for Peace and Development Strategies, 2007.

<sup>61</sup> CBS, Statistical Abstract of Israel 2008, No. 59, Table 8.52.

<sup>62</sup> The Basic Law: The Knesset, Amendment 35 – 2002, Section 7A, entitled “Prevention of participation in the elections.” This article was used as the basis of attempts to disqualify Arab political parties and candidates in the 2003, 2006 and 2009 rounds of Knesset elections. See Adalah briefing paper: [http://www.adalah.org/features/political/Briefing\\_paper\\_on\\_disqualifications\\_jan\\_2009\[1\].doc](http://www.adalah.org/features/political/Briefing_paper_on_disqualifications_jan_2009[1].doc).

<sup>63</sup> The Law of Election (1969), Amendment 46 – 2002, Section 57.



- Political parties may be denied registration rights if its goals or actions, directly or indirectly, “support armed struggle of an enemy state or of a terrorist organization, against the State of Israel.”<sup>64</sup>
- The exemption of MKs to travel lawfully to states defined as “enemy states” – such as Syria, Lebanon, Iraq and Iran – by Israel law was lifted in 2002; as these states are all Arab and/or Muslim states, Palestinian MKs are the main victims and targets of this ban.<sup>65</sup>
- The immunity law was amended in 2002 to the effect that any statement or action, which “supports an armed struggle against the State of Israel,” is deemed not to be an official part of an MK’s duties. Statements or acts that fall outside of a MK’s official duties are not protected by his parliamentary immunity, and thus may be criminally prosecuted.<sup>66</sup>
- In 2008, citizens who have visited enemy states without permission from the Interior Minister during the seven years preceding the date of submitting the list of candidates for elections were banned from running in the Knesset elections.<sup>67</sup>

These provisions constitute violations of articles 25 and/or articles 12 and 27 of the Covenant. It also constitutes a violation of the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious Minorities that safeguards the right of minorities to keep their contacts “across the frontiers with citizens of other states to whom they are related by national or ethnic, religious or linguistic ties.”

Recent election cycles have witnessed attempts by the former Attorney General and right-wing political parties and MKs to disqualify Arab parties and individual MKs from the Knesset. These ongoing attempts seek to limit the political voice of Arab citizens within the legislature and entrench their political marginalization. Most recently, the Central Elections Committee (CEC) voted to ban two Arab parties from running in the 2009 Knesset elections: The National Democratic Assembly (NDA)-Balad and the United Arab List and Arab Movement for Change (UALAMC). The disqualification motions centered on the parties’ political platforms and statements by their leaders demanding, e.g., the establishment of a “state for all its citizens” or allegations of supporting terrorism by traveling to or assisting travel to “enemy states” and “enemy entities”. In response to the CEC’s decision to ban the two parties, which was supported by the Likud, Labor and Kadima, Adalah filed a Supreme Court appeal arguing that banning the parties from standing for election would deny the Arab minority an effective vote and harm their constitutional rights to elect their own representatives and run for elected political office. In January 2009, an expanded nine-justice panel of the Supreme Court overturned the CEC’s decisions to ban the parties.<sup>68</sup>

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<sup>64</sup> The Law of Political Parties (1992), Amendment 12 – 2002, Article 5, entitled, “Limitations on Registering a Political Party.”

<sup>65</sup> Order for the extension of the Validity of Emergency Regulations (Foreign Travel) (1948), Amendment 7 – 2002.

<sup>66</sup> The Law of Immunity of Members of Knesset: Their Rights and Their Duties (1951) (Amendment 29), 22 July 2002.

<sup>67</sup> The Basic Law: The Knesset, Amendment 39 (Candidate who Visited a Hostile State Illegally) – 2008, Section 7Aa(1). The explanatory notes to the amendment emphasize that it was formulated in the context of recent visits by Arab Knesset members to Arab states.

<sup>68</sup> H.C. 561/09, *The National Democratic Assembly and the United Arab List and Arab Movement for Change, v. The Central Elections Committee and the Attorney General*. Similarly, Adalah represented Arab MKs and Arab political parties before the CEC and the Supreme Court against motions filed by the Attorney General and right-wing political parties to disqualify them from running in the 2003 Knesset elections, also based on their political or ideological positions. An expanded 11-justice panel of the Supreme Court overturned the decisions of the CEC to ban the parties on 9 January 2003. See Election Appeal 131/03, *Balad – The National Democratic Assembly v. the Central Elections Committee*; Election Confirmation 50/03, *Central Elections Committee v. Azmi Bishara*; Election Confirmation 11280/02, *Central Elections Committee v. Ahmed Tibi*.

## 15. Status of the Arabic language

Articles 27, 19

### **Suggested questions: Ban on the import of books**

How is compliance with articles 19 and 27 the Covenant ensured when the availability of books in Arabic from certain Arab countries is banned from entering and being sold in Israel on security grounds? Has the State party considered alternatives to the blanket ban on the import of books published and/or printed in such countries into Israel?

### **Background to the questions**

In a case brought before the Supreme Court recently by Adalah,<sup>69</sup> the Israeli Ministry of Industry, Trade and Labor (MITL) removed the license issued to Mr. Saleh Abbasi, the owner of *Kull Shay*, the largest supplier of Arabic language books in Israel, to import books that were published in Syria and Lebanon – “enemy states” – from Egypt and Jordan. Kull Shay has been importing books from Egypt for 30 years and Jordan for 15 years, many of which were published and printed in Syria and Lebanon. Throughout this period, Kull Shay secured the consent of the government censor for the imported books. The recent ban was imposed in accordance with the British mandatory-era “Trade with the Enemy” Ordinance of 1939. The ordinance proscribes unauthorized trade that might constitute a security threat and places a total ban on all forms of trade relations with “enemy nationals”. The use of draconian Mandate-era regulations to ban reading material in Arabic in this case represents a clear violation of the rights to freedom of opinion and expression of Arabic speakers and readers in Israel, along with students of Arabic and Middle East studies, as well as the rights of the Palestinian national minority in Israel to enjoy their own culture and use their own language (article 27 of the Covenant). Furthermore, the use of security pretexts to justify the ban is disproportionate given the tight import restrictions exercised by Israel.

The ban has a particularly pernicious effect on expression in the Arabic language inside Israel, since around 80% of Arabic-language books sold in Israel, and most of the Arabic-language books needed for college and university libraries, as well as the Israel National Library, are published in Syria and Lebanon. Only Lebanese publishing houses publish Arabic translations of well-known children books, Arabic translations of classical literature including the works of Shakespeare and Molière, modern world literature, and professional Arabic dictionaries. Many works classical and modern Arabic literature are published in Lebanon and Syria, as are Arabic language textbooks, and only Syrian publishing houses publish Arabic translations of Hebrew literature.

The owner of Kull Shay was granted a one year temporary renewal of his license to import books from Egypt and Jordan. The petition remains pending on Adalah’s demand to cancel the ordinance and/or to cancel the application of the ordinance in relation to books.<sup>70</sup>

### **Suggested questions: Arabic road signs**

Please comment on the July 2009 decision by the Transport Minister to remove the Arabic names of towns and villages from all road signs in Israel and to replace them with the Hebrew names of the places using Arabic letters, regardless of the common and historical Arabic name of the place. In practical terms, what is the meaning and content of the status of Arabic as an official language of the state, alongside the Hebrew? What measures is the State Party taking

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<sup>69</sup> H.C.894/09, *Kol Bo Books v. The Minister of Finance* (case pending).

<sup>70</sup> See: [http://www.adalah.org/eng/pressreleases/pr.php?file=09\\_01\\_27](http://www.adalah.org/eng/pressreleases/pr.php?file=09_01_27); see also Batsheva Sobel, “Israel: Reading with the enemy”, *LA Times*: <http://latimesblogs.latimes.com/babylonbeyond/2009/02/israel-reading.html>

to ensure that Arab citizens of Israel are able to use their own language and enjoy their own culture, in accordance with article 27 of the Covenant?

**Background to the questions**

In July 2009, the Transport Minister made a decision to Hebraicize all road signs in Israel, contrary to an Israeli Supreme Court judgment delivered in 2002 on a petition submitted by Adalah and the Association for Civil Rights in Israel (ACRI), which obliges the municipalities in the mixed cities to add Arabic to the traffic and warning signs as well as other informational signs in areas under their jurisdiction, cited in Israel's report (para. 595).<sup>71</sup> The Transport Minister's decision entails the replacement of all the road signs in the state with new signs that show the Hebrew names of places in Arabic letters, regardless of the common and historical Arabic name of the place. For example, "Jerusalem" would become "Yerushalaim" in Hebrew, English and Arabic, and "Al-Quds" (the Arabic name for Jerusalem) would cease to exist on the road signs.<sup>72</sup>

In the Supreme Court's decision, former Chief Justice of the Supreme Court, Aharon Barak, stated that, "Indeed language plays a major role in human existence for both the individual, and for society. Using language we express ourselves, our individuality and our social identity. Take away a person's language and you have taken away his essence. [...] it is therefore my conclusion for the matter at hand, that the proper balance between the two competing purposes leads to the conclusion that on intercity road signs in the respondent cities, there should also be added, alongside the Hebrew writing, directions in Arabic."<sup>73</sup> The court also ruled that the right to equality and personal freedom to use one's mother tongue, the special status of the Arabic language in the state as the language of a large national minority, and the fact that it is closely linked to the historical, religious and cultural characteristics of the Arab minority in Israel, necessitates the addition of the Arabic language to the street signs in the mixed cities. For Palestinian citizens of Israel, the name of the town is not a formality, but an integral part of the Arabic language and Palestinian culture. Furthermore, under Israeli law Arabic is an official language in the state, as well as the mother tongue of the national minority, and thus, the state has a duty to maintain and develop this language and use it in a way that will ensure its preservation in all areas and levels, in accordance with its obligations under article 27 of the Covenant.

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<sup>71</sup> H.C. 4112/99, *Adalah, et al. v. The Municipality of Tel Aviv-Jaffa, et al.*

<sup>72</sup> On 15 July 2009, Adalah sent an urgent letter to the Attorney General demanding the cancellation of the Transport Minister's decision, to which it has to date not received a reply.

<sup>73</sup> H.C. 4112/99, *Adalah, et al. v. The Municipalities of Tel Aviv-Jaffa, et al.* (decision delivered 25 July 2002).