



مركز مساواة
لحقوق المواطنين
العرب في إسرائيل
(ع.م)

מרכז מוסאווה
לזכויות האזרחים
הערבים בישראל
(ע-ר)

Mossawa Center
The Advocacy
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THE MOSSAWA CENTER'S BRIEFING PAPER FOR THE US STATE DEPARTMENT HUMAN RIGHTS REPORT ON ISRAEL:

Discrimination Against the Arab Minority in Israel

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The Mossawa Center is pleased to submit this report to the US State Department to assist it in its consideration of Israel for its Human Rights Report on Israel. This paper provides a concise update of the key developments and discrepancies in the civil and political, socio-economic and the cultural status of the Arab minority in Israel over the past year.

Introduction

Equality and non-discrimination, fundamental principles of a democracy, are consistently ignored by Israel to protect its status as a Jewish state. Israel's Basic Laws state that Israel is both a 'Jewish and democratic state.'¹ While Israeli Basic Law grants the right to "life, body, and dignity," this right is subjugated to the protection of a Jewish state.² This is exemplified in the way that the Supreme Court of Israel categorizes "nationality" versus "citizenship" which was again reiterated in October 2013.³ The Supreme Court distinguishes between 'civic nationalism' in which one's nationality and political citizenship are identical, and 'ethnic nationalism,' in which the individual's belonging to a national group stems mainly from shared characteristics such as language, culture and religion.⁴ Thus, recognition of Israeli nationality, independent of being Jewish, undermines the Jewish state and is not allowed. Whether the state can be Jewish and democratic is an on-going debate. Meanwhile the discrimination from the Jewish state effects many different freedoms.

¹ The entire October 24, 2013 submission by MossawaCenter details the abandonment of the democratic principles of equality and non-discrimination by the State of Israel using religion as the foundation of the discrimination.

² Basic Law: Human Dignity and Liberty, Purpose, Article 1, State of Israel, 1992. "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."

³ Jonathan Cook, I am Israeli, *The Majalla*, Oct 15, 2013, <http://www.majalla.com/eng/2013/10/article55246019>.

⁴ Dmitry Shumsky, Israel has two nationalities, not one, and they need a federation, *Haaretz*, Oct 10, 2013 <http://www.haaretz.com/mobile/opinion/.premium-1.551498>.

The MossawaCenter is the Advocacy Center for the Arab Citizens in Israel. Established in 1997, the Center is a non-profit, non-governmental organization that works to promote the social, economic, cultural and political rights of the Palestinian Arab citizens in Israel and the recognition of this community as a national indigenous minority, with their own national, cultural and historical distinctiveness.

Corruption in Israel is often ignored when the result is discriminatory policy against the Arab minority and protects the Jewish state. Recent reports within Israel and by the OECD show Jewish discrimination against the Arab minority is actually costing Israel billions.⁵ Leading researchers in Israel, Professor Eran Yashiv, head of Tel Aviv University's Department of Public Policy, and Dr. Nitza Kasir of the Bank of Israel's Research Department, show how Israel's policies are economically flawed and will drag the economy down with the poor Arab sector.⁶ Lastly, Israel placed last among OECD members due to the continued discrimination against the Arab minority.⁷

Media and the Press

Arabic media is very limited in comparison to Hebrew media in Israel. For one, funding is very hard to obtain given that the couple existing Arab television stations do not receive state funding. Additionally, as Arab villages often do not have access to Israeli cable many cannot successfully raise private funds due to the viewer numbers being low. Arabic content, original or dubbed, represents less than 5% of broadcasted material on Israeli channels; and despite the law requiring a certain amount of content to have Arabic subtitles, many only appear after midnight for a few hours or at other inconvenient times. When the Arab population does try to establish its own network for its own audience, Israel often reacts in a hostile manner, often publicly censoring any prospective Arab media projects and violating the right of freedom of expression. Just this past year, there was an attempt to launch one of the first Arabic TV stations to broadcast in Israel, called Palestine 48. The station was intended to highlight the lives of Arab citizens of Israel, while production companies would offer content produced in the Galilee, the Triangle Area, and the Negev. However because the station was partly funded by the Palestinian Authority, Prime Minister Netanyahu, who also serves as the Communication Minister called for its shutdown claiming it is a foreign entity and has no right broadcasting in Israel. The station is currently undergoing a legal battle with the help of human rights organizations and legal advisors to combat the attempt to silence the Arab community in Israel. As for the legal basis as purported by the Prime Minister, it has already been stated as unfounded given that the station bought all the licensing rights to broadcast in Israel from Nazareth – a process that took over a year to accomplish.⁸ Such an attempt to censor a whole community is a direct violation of human rights and should not go unnoticed.

There is also a lack of Arabic radio stations, specifically in the south and central areas of Israel. Many are prohibited from functioning due to systematic obstacles. For example, an Israeli-Palestinian radio station, *All for Peace Radio*, was forced to operate exclusively on-line for lack of an operating license within Israel, even though its station is outside Israeli jurisdiction- in other words, the satellite was not within Israeli territory.⁹ Nevertheless, the station contributed to the audience in Israel, broadcasting in Hebrew and Arabic and promoting the cultivation of the peace camp in Israel. Also, the Second Authority for Television & Radio which supervises 16 local radio stations only allows for one Arabic radio station in the whole country. This station, which is based in Nazareth, cannot serve as the only radio outlet for 20 % of the population.¹⁰ We believe there should be more state funded incentives to allow for more Arab radio stations to exist; and yet because of difficulty in acquiring broadcasting licenses, we see the counter effect

⁵Emily L. Hauser, "Discriminating Against Arabs Costs Israel Billions," *The Daily Beast*, Jun 18, 2013, <http://www.thedailybeast.com/articles/2013/06/18/discriminating-against-arabs-costs-israel-billions.html>.

⁶Closing the gap between Israel's Arabs and Jews, *Haaretz*, June 14, 2013, <http://www.haaretz.com/opinion/.premium-1.529703>.

⁷OECD Report, Review of Recent Developments and Progress in Labour Market and Social Policy in Israel - Slow Progress Towards a More Inclusive Society, May 13, 2013, <http://www.oecd.org/els/israel.htm>.

⁸IMEMC and Agencies "Netanyahu Orders New Palestinian TV Shut, P.A Plans to Appeal Decision" <http://www.imemc.org/article/71985> /<http://www.haaretz.com/news/israel/.premium-1.661896>

⁹Nathan Jaffay, "Israeli Journalists Fear New Restrictions" December 5, 2011 <http://forward.com/news/israel/147227/israeli-journalists-fear-new-restrictions/?p=all>

¹⁰The Second Authority for Television & Radio, "The Media Map: http://www.rashut2.org.il/english_units.asp

taking place. More than sixteen local Arabic radio stations broadcast without a license in Arab localities throughout Israel; however, frequently the stations are shut down by government authorities and heavy fines are imposed, reducing any aspirations to reach the Arab minority through the airways of radio. The lack of state funding and infrastructure quells the Arab voice in Israel violating the right of freedom of press and freedom of expression.

Consider that the annual total budget for both Israeli television stations, Channel 2 and Channel 10, is about 1 billion NIS for production and programming. Despite its large budget, less than half of one percent goes to the programming for the Arab minority, which makes up twenty percent of the population. Implementation of proportionate-to-the-population practices continues to be a problem in Israel, and remains a tool for institutional discrimination against the Arab minority.

Expression and Incitement on the Internet

The internet is an extremely valuable resource to many Arab citizens that also has been used against them. Many poorer Arabs do not have access to the internet, and roughly 60% of Arab homes are not connected.¹¹ According to a report published by the Coalition Against Racism, 50% of the discussions on the internet concerning the escalation of violence in summer 2014 called for revocation of citizenship and economic boycott of Arab citizens. A page was set up calling for the removal of Biram Kayal, a football player from the Arab town of Jadeidi, who played for Maccabi Haifa. The page states that “it is not possible in the time of war that he puts up pictures of Palestinian flags and the same time as he wears the uniform of the State of Israel.” It also features a list of online Palestinian “traitors” in Israel and pictures of their activity on Facebook.

Many private and public Arab employees were fired or suspended during Operation Protective Edge for expressing opinions against the war on Facebook or other public sites. Private companies include; Shufer Sol, Tiv Tam, Cellcom, Bank Hapoalim, Iskar. Public institutions such as colleges, hospitals and municipalities also disciplined and dismissed workers for expressing their views. Both Ben Gurion and Tel Aviv Universities sent letters to their students and faculty warning them that social media sites were being monitored and action would be taken if students or faculty were found to be making “hurtful or extremist” statements. Many of these incidents occurred at hospitals. For example, Sheba hospital suspended a male Arab nurse for criticizing the IDF and only rescinded his suspension after legal proceedings and a written apology from the nurse. Shaarei Tzedek Hospital fired a specialist in Emergency Medicine. Dismissal for expressing political opinions outside of work is counter to the Employers (Equal Opportunity) Law.

Access to Education

Employment and education for Arab citizens of Israel are threatened by structural issues of discrimination. Jews and Arabs have two separate school systems, each in their native language. These schools are treated very differently by the government. Budget cuts for lower schools make it extremely unlikely that Arab citizens will gain higher education and employment. Education for the younger Arab population is in jeopardy as day care centers, nurseries and after school programs funding fell by 39.6%.¹² Amid all of the reports and studies about the differences between the Arab education budget and the Jewish education budget, we see a very worrying picture. According to the CBS, the Ministry of Education and official publications, most of the students in the Arab education in Israel come from low socioeconomic: two-thirds of them live in families living below the poverty line. The data demonstrates that the education level among Arabs adults is low when compared to the adult Jewish population. To be

¹¹ Maya Epstein, The real masters of Israeli Internet: Haredim and Arabs, *Haaretz*, May 10, 2012, <http://www.haaretz.com/business/the-real-masters-of-israeli-internet-haredim-and-arabs-1.429500>.

¹² Designated Budget for the Arab Sector, The Knesset Center for Research and Information, Tamir Agmon, 10(2014)

specific, among Arabs aged 15 and over, 37% were poorly educated, only finishing elementary school, while the percentage of poor education among the Jewish population is 16%. Further, the CBS also demonstrates that the percentage of employees with higher education among the Arab population is 17%, while the number stands at 40% among Jews. Such statistics cannot be passed as a mere coincidence. In fact, we would like to draw your attention to the classroom shortage issue that the Arab communities' face- a problem may lay as the foundation of the statistics mentioned above.

The shortage of classrooms in Arab society has been a problem known in education sector for many years. The reason for the issue is simple: not enough classrooms were built in the Arab schools, despite promises made by the Ministry of Education. For example, a government decision of March 2007 called the Compulsory Education Law stipulated that by 2011, there should have been 3,200 classrooms built in Arab towns- this being defined as a need in 2007 in Arab schools. However, at the end of 2011, the shortage of classrooms in the Arab communities was over 4502 classes, a number that is equivalent to the total of approximately 30% of all classrooms in the Arab communities.¹³ Moreover, nearly two-thirds of the buildings in Arab education kindergarten classes were missing on the eve of the Compulsory Education Law mentioned above. This meant that 2,026 preschools were missing in 2012. And more astonishingly, this means that kindergarten classes operated for only 3,325 Arab children in Israel. In other words there was already a 61% shortage of classrooms for children starting their education at age 3,4, or 5.¹⁴

Besides the shortage of classrooms, Arab schools are also lacking the resources needed to stimulate the children. For example, in 2000, the Ministry of Education set a target of placing one computer for every five students, but in 2011 there was only one computer station for every 12 children on average in Israel. When one looks that the numbers by sectors, one can see that when it came to the religious sector, there was actually one computer station for every 9 students while when it came to the Arab sector, there was one computer for every 20 students. Furthermore, there is a shortage of services such as psychological and educational counselling in these Arab schools.¹⁵ Building classrooms and providing services will prove difficult given that 62.9% of the Education Ministry's payments are transferred to Jews, 22.1% to Arabs, 14.9% to mixed cities.¹⁶ Compulsory education, the foundation for young Arabs' educational endeavours in Israel, requires serious attention in order to prepare Arab students for higher education.

Regarding the spread of Arabic reading material, structural issues also keep the Arab minority in Israel from accessing Arabic books. Since 2008, licenses to import books published in an "enemy state" have not be renewed, even if the books were imported via another country. The only exception is "Kol Bo Books", a book importer which was bringing Arabic books published in Syria and Lebanon from Egypt to Israel on the basis that about 80% of the books required by the Palestinians in Israel are published exclusively in Lebanon and Syria. Initially, the court attempted to shut down the book importer, but after a legal petition took place, the court decided that "Kol Bo Books" (and this company only) "would be granted an import license, to be renewed each year, in light of the nature of the "goods" and its importance to "the residents of Israel."¹⁷ This ban not only infringes on the right of the readers of Arabic to the freedom of information, culture and education, but it also gives the Israeli Ministry of Industry, Trade and Labour, and the Israeli courts, a complete censorship power over the Arabic books needed for Palestinian use- this is inclusive of academic books. Moreover, due to exclusive print and distribution rights granted to publishing houses in Syria and Lebanon, most of the Arabic books in the academic and

¹³The Mossawa Center, "Multi-Year Plan for Economic Development in Arab Communities in Israel" 2015

¹⁴ Ibid, Ibid

¹⁵Main Findings of 2013-2014 Budget Analysis, Mossawa Center, 2(2013)

¹⁶ Designated Budget for the Arab Sector, The Knesset Center for Research and Information, Tamir Agmon, 10(2014)

¹⁷ <http://www.adalah.org/uploads/oldfiles/newsletter/eng/nov09/Haneen%20enemy%20English%20final.pdf>

public libraries in Israel are printed either in Syria or Lebanon.¹⁸ Banning these books from entering Israel means preventing readers of Arabic in Israel access to Arabic translations of international publications, such as dictionaries, encyclopaedias and classic world literature- this again is a deliberate violation to the right to freedom of expression and press.

In light of these numbers, we would like to emphasize that an enlightened country cannot afford to discriminate between a children on the basis of religion, race or sex. Many Arab citizens have limited access to educational institutions within Israel and the Arab schools that do exist in Israel are insufficient for the growing population. The inadequate resources for elementary and high school education, many Arab students are unprepared for graduation and eventual employment. For example, Arab Muslims lag behind their peers in terms of passing the exit exam for university. Only 35% of Muslims compared to 45% of Druze, 51% of students from Hebrew schools and 61% of Christian students passed the exit exam by minimal amount needed for university.¹⁹ If Arab students do pass the exam, many leave the country for higher education given the shortage of both compulsory and higher educational facilities. It is estimated that between 6000-8000 Arab students study in various universities in Jordan, hundreds in higher education institutions in the Palestinian authority, and thousands in various institutions around the world.²⁰ Currently there are no Universities in Israel that offer studies in Arabic and the few colleges that exist have limited funds and resources. Education is the foundation of success for individuals and it is necessary to provide proper compulsory education as well as offer quality higher education within the country in order to keep promising students working in their home country.

Cultural Rights

Discrimination against Arab culture is rampant in the implementation of the state budget. The proposed budget for 2015-2016 ignores the basic prerequisites of Arab society put forth by the National Committee of Arab Local Authorities. These requirements aim to close the enormous gaps and discrimination that have been stifling the progress of the Arab communities in Israel for decades.²¹ The Mossawa analysis of the State Budget shows gross inequalities in the treatment of the Arab minority's cultural rights, specifically revealing that 40 million NIS of the Ministry of Culture's budget was allocated under exclusive criteria giving funds solely to Jewish institutions such as "Ben Gurion Institutes" and "Jewish Heritage Communities". There are no equivalent categories for Palestinian Arab organizations, which makes the criteria discriminatory and illegal. The budget analysis also revealed the Ministry of Culture allocate less than 4% of its budget to Arab culture for the Arab community which is approximately 20% of the population. In other words, the entire State Budget for Culture amounted to NIS 642 million, from which the Arab culture receives about NIS 12 million, including the allocation for the Arabic Language Academy.²² Over the last six years, the community has been repeatedly allotted less than 4% of the Ministry's funds, though the number of organizations applying for funding has more than doubled.²³ No Arab heritage museum exists in Israel, and the one existing Arab school of art received minimal funding.

¹⁸ Akiva Eldar, Israel bans Lebanese edition of Jewish philosophical work, *Haaretz*, <http://www.haaretz.com/jewish-world/jewish-world-news/israel-bans-lebanese-edition-of-jewish-philosophical-work.premium-1.430469>.

¹⁹ Designated Budget for the Arab Sector, The Knesset Center for Research and Information, Tamir Agmon, 10(2014)

²⁰ Main Findings of 2013-2014 Budget Analysis, Mossawa Center, 2(2013)

²¹ Multi-Year Plan for Economic Development in Arab Communities in Israel (The National Committee of Arab Local Authorities in Israel)

²² Mossawa Center Main Findings of the 2013 State Budget.

²³ Id.

The Mossawa State Budget Analysis also found that while the Cinema Law allocates 60 million NIS each year for Hebrew cinema. Five Jewish cinema foundations control the funds allocated by Israel to Israeli cinema; however, there are no Arab employees, and no Arabs in the evaluation committees of these foundations.²⁴ As a result, almost no Arabic films are selected for funding by the cinema foundations. The difficulty in acquiring core funding from the national resource also makes it problematic in accessing international funding opportunities as the vast majority of the cinema funds require co-funding from a home country²⁵

Attempts to Quell Arab Demonstrators, Police Brutality, and Racially-instigated Terrorist Acts

A few sample events of Police brutality:

Sami Ziadna, aged 43, who died as a result of excessive tear gas inhalation on January 18th 2015, after police violence erupted the funeral he was attending for 20 year old Sami Al-Ja'ar. Ja'ar was killed on January 14th during a police drug raid in Rahat. The police used live gun fire which resulted in the fatal shooting of Sami Al Ja'ar who witnesses say had nothing to do with the drug raid by the police. The Justice Ministry announced on January 15th that they had opened an investigation in to the shooting. The autopsy for Ja'ar took an unusually long four days to be completed, only after which was the body released for burial on the evening of January 18th. Police had initially agreed with the Rahat municipality as well as the family of Al-Ja'ar to stay away from the funeral so as to avoid any further tension and violence, but one police truck arrived at the scene provoking the community attending the funeral. Large numbers of Police backup were called and responded with tear gas cannons, sound grenades and live fire. Sami Ziadna's death makes him the fiftieth Palestinian citizen of Israel to be killed by Israeli police since October 2000; and it symbolizes the lack of protection, and instead brutality, that the Arab community feels from the Israeli police.

On June 18, 2015 a fire consumed much of the interior of the Church of Multiplication in Tabgha near the Sea of Galilee. A holy site for Christians, believing the Church is the place where Jesus committed the miracle of feeding 5,000 of his followers with 5 loaves of bread and 2 fishes. The fire destroyed the roof, leaving only charred remains of Bibles and other objects, and police found anti-Christian graffiti scrawled in red Hebrew lettering on a wall church reading, "Idols will have their heads cut off." Although the Israeli authorities have labeled the crime as a terror attack, little has since been done to combat this kind of hate, and instead, the Arab population constantly faces racial incitement by political leaders such as former Minister of Affairs, Avigdor Liberman, and incumbent Minister of Culture Miriam Regev.

The state of Israel has held Mohamed Allan, a 31-year-old lawyer, on administrative detention since November 2014, with neither charge nor trial, and decided to release him only due to his deteriorating medical condition after he started a hunger strike to protest against the Israeli Administrative Detention which allows the government to deny prisoners freedom without a process.²⁶

In late July 2015 the firebombing of a Palestinian family in the West bank village of Douma lead to the deaths of 18 month old Ali, and his parents Saad and Riham who suffered from severe burns the perpetrators scrawled the slogans "Revenge," and "Long live King Messiah". So far, the crime remains unsolved with no named suspects.²⁷

²⁴Id.

²⁵ The MossawaCenter, *A Briefing Paper: Restrictions on the Right to Freedom of Opinion and Expression of the Arab Minority and Arabic Media in Israel*, May 2013.

²⁶ http://www.btselem.org/topic/administrative_detention, <http://www.jpost.com/Arab-Israeli-Conflict/Israel-offers-to-release-Palestinian-prisoner-Allan-if-he-ends-hunger-strike-412557>

²⁷ <http://www.bbc.com/news/world-europe-34171159>

All these events symbolize the threat to human rights that the Arabs face in Israel and the oPt. From racial incitement, to religious discrimination, the Arab Minority in Israel is threatened by the authorities, politicians and the local population. The state of Israel needs to do more to combat the hostility that the country has against the Arab civilians.

Freedom of Movement

The Mossawa Center State Budget Analysis shows the funding designated for transportation development in 2012 amounted to 8 billion NIS, of which 80 million NIS, or 8.2% of the designated budget, was to be invested in projects for the "minority" sectors. There is no doubt that transportation and mobility have a huge impact on the employment rate, trading, and the daily life of residents. For many years there was no internal public transportation working in the Arab towns (except Nazareth); and only in recent years did the Ministry of Transportation begin subsidizing internal lines in Arab communities. The Arab communities are grateful that the Ministry recently designated 40% of subsidized public transportation to Arab villages. Nevertheless, there are huge gaps in regards to needs of communities which have undergone many years of neglect. For example, despite the huge investments made by the government in laying railway lines, no line has ever been laid to connect an Arab community to the rest of the country. Instead, we witness the government give priority to affluent Jewish communities such as Afula and Carmiel over large Arab cities such as Nazareth and Umm El-Fahm. Moreover, the Arab communities are also grateful that in recent years there have been development of highways in the Galilee; but unfortunately the Mossawa Center witnessed that as the roads approached Arab communities, the project ran out of funds. What is worse, inter-urban road infrastructure around the Arab communities is often destroyed due to the high number of road accidents, making it a huge obstacle for the development of those communities.

Also Arab locales have reported difficulties in creating transportation services inside many Arab areas due to infrastructure problems such as narrow streets, topography, and traffic safety issues. The number of final destinations in Arab areas is lower compared to the number in Jewish areas, thus limiting the accessibility of the Arab public to their jobs. The lower number of daily trips in Arab areas compared with the number of daily trips in Jewish areas demonstrates deficiencies of transportation services in Arab communities.²⁸ This all equate to a limited freedom of movement and livelihood- both being the most basic human rights observed by the US.

Respect for Political Rights

Arab political participation is constantly under threat. Israel's electoral system is based on nation-wide proportional representation meaning the number of seats which every political party list receives in the Knesset is proportional to the number of voters who voted for it. In March 2014, the Knesset passed the Governance Bill which raised the qualifying threshold that requires 2% to 3.25% in order for a party to receive a seat.²⁹ According to this system, the voters vote for a party list, and not for a particular person on the list.³⁰ Approximately half of the political parties that would currently be eliminated because of this increase are Arab political parties. Furthermore, Israel's requirement that a political party recognize the Jewish character of the state, i.e. lack of Israeli nationality, disrespects political rights. Through this legislation the State of Israel greatly limits the voice of Arab citizens in Israel.

Arab elected officials are frequently ridiculed by colleagues in the Knesset particularly during times of "war." Despite laws criminalizing hate speech and incitement to violence,³¹ Members of the Knesset

²⁸Id.

²⁹<http://www.timesofisrael.com/governance-bill-is-a-game-changer-for-israeli-politics/>

³⁰State of Israel, last visited on Oct 13, 2013, http://www.knesset.gov.il/description/eng/eng_mimshal_beh.htm

³¹2013 Written Replies of Israel 63rd Session of Committee on the Rights of the Child (CRC), pages 3-4 paragraphs 5-11. Available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/437/34/PDF/G1343734.pdf?OpenElement>;

(MKs) frequently use hate speech against Arab MKs and Palestinian voters. Public words of discrimination and incitement were rampant throughout the 2014 war on Gaza. For example, MK Miriam Regev responded to MK Haneen Zoabi's statements concerning the kidnappings by calling her a "traitor and a "Trojan horse" and telling her in Arabic to "Go to Gaza."³² These types of incitement comments by Jewish MKs go unchecked by the Israeli legal system. While at the same time Arab MK Haneen Zoabi was suspended by the Knesset Ethic Committee from plenary sessions in the Knesset for 6 months due to her statements.

Pending and Current Discriminatory Legislation

Approximately 53 currently enforced laws perpetuate inequality and discrimination, restricting the rights of the Arab minority in Israel.³³ Approximately 35 new discriminatory laws were proposed before the 19th Knesset, elected in January 2013.³⁴ The Arab minority constantly faces discriminatory law as continued preservation of the Jewish state above a democratic state. Over May and June 2014, the Knesset held debates about proposals to formalize a clear preference for the Jewish over the democratic character of the State within Israel's law. The *Basic Law: Israel, Nation State of the Jewish People Bill (2013)* is a private member's bill that seeks to constitutionally determine the identity of the State of Israel as the national state of the Jewish people.³⁵ The Bill states that 'the right to realize national self-determination in the state of Israel is held exclusively by the Jewish people.'³⁶ If enacted, this bill could operate as a clear legal basis to justify the already existing laws and practices of discrimination against Arab citizens as well as new ones, on the basis of their non-Jewish status.

Israel has also made recent attempts to divide the "non-Jewish" minority through legislation. In February 2014, the Knesset enacted a law that creates a legal distinction between Muslim and Christian Arab citizens. It allocates the Christian community separate representation on the public advisory board of the Equal Employment Opportunity Commission. On its face, the law appears to target labour discrimination by giving minority groups increased representation. However, it is in fact an attempt to reclassify Christians as 'non-Arabs' in order to further divide and control the Palestinian community in Israel.

The Veterans Preference bill is pending in the Knesset and favors those who served in the army for jobs (including Civil Service), salary conditions, student housing and admission to higher education and land allocations for housing. Service is compulsory in Israel with Arab citizens being one of the exempted groups. The Veterans Preference was approved in June 2013 by the Ministerial Committee for Legislation and is expected to pass in the Knesset.³⁷ This bill was overruled by PM Netanyahu in the previous session after two legal opinions found the bill unconstitutional and yet the bill has reemerged again. This bill effectively excludes Arabs from Civil Service jobs contrary to the Fair Representation and Basic Law of Israel. The *Law for Fair Representation of Palestinian Arab citizens (2000)* acknowledged Arab underrepresentation in Israel's public sector. Arab inclusion as staff in ministries, state bodies and on

[see also](http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/101/87/PDF/G0910187.pdf?OpenElement) 2009 UN Report of the Special Rapporteur on freedom of religion or belief, page 7 paragraph 16, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/101/87/PDF/G0910187.pdf?OpenElement>. For a more comprehensive look at the history of incitement laws in Israel, see Michal Buchhandler-Raphael, "Incitement to Violence under Israeli Law and the Scope of Protection of Political Speech under Israeli Freedom of Speech Jurisprudence: A Comparative Analysis and an Alternative Perspective." Available at:

http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=michal_buchhandler_raphael

³²<http://www.ynetnews.com/articles/0,7340,L-3898073,00.html>

³³See Annex 1 for a complete listing of laws currently in force discriminating against the Arab minority in Israel.

³⁴See Annex 2 for a complete listing of laws currently pending before the 19th Knesset that discriminate against the Arab minority in Israel.

³⁵ Article 1A of the *Basic Law: Israel, Nation State of the Jewish People Bill (2013)*

³⁶ Article 1B of the *Basic Law: Israel, Nation State of the Jewish People Bill (2013)*

³⁷Jonathan Lis, "Ministers approve bill giving job preference to IDF veterans," *Haaretz*, June 16, 2013, <http://www.haaretz.com/news/national/.premium-1.530148>.

boards of government companies was supposed to reach 10% by 2012 but has not reached that threshold.³⁸The Veterans Preference is counter to the Fair Representation Law, a Basic Law against discrimination and to the legal exemption from the mandatory national military service..

Israel also extended the *Citizenship and Entry into Israel Law* (2003) for another year on 19 March 2014. It is a temporary order that requires annual approval and extension by the Knesset, which has occurred routinely since its original enactment in 2003. This law prohibits citizenship and residency to all Palestinians from the West Bank and Gaza, who are married or intend to marry Israeli citizens and residents, including Palestinians in East Jerusalem with permanent residency status in Israel.³⁹The ban was extended in 2007 to include citizens from 'enemy states', including Iran, Lebanon, Syria and Iraq.⁴⁰ This prevents many newly married couples as well as those who have been married for years from being able to live together with their families in Israel and directly targets the Palestinian and wider Arab community.

On September 3, 2015 the Knesset approved the first reading of the so called "Anti-terror bill" which if accepted, broadens the definition of terror and tightens the punishment for anyone who expresses solidarity with a terrorist group. Anyone over the age of 12 can be prosecuted for "terrorist involvement" which includes also wearing a shirt with a terror organization's name on it. Since the fight against the occupation is a "legitimate right according to all international treaties"⁴¹, this law oppresses the Arab Community in Israel and its right to support the liberation of the occupied Palestinian people.

Right to Health

The high quality of Israel's health system is not equally accessible for both Jews and Arabs. The average life expectancy for Israeli Jews exceeds that of Arab citizens by more than three years, by 3.7 years for men and 3.3 years for women in 2012.⁴² Israel has one of the lowest infant mortality rates in the world, 3.5 deaths in the first year of 1,000 live births.⁴³ Infant mortality among Israeli Arabs was 6.5 per 1,000 live births, compared to 2.7 for Jews.⁴⁴ Even though infant mortality rates dropped over the past decade, the gap between Jews and Arabs increased.⁴⁵

The Mossawa Center State Budget analysis found that the three hospitals in Nazareth, which are the only hospitals in Arab areas, were not included in the Israeli development program, keeping the Arab hospitals from receiving development funding.⁴⁶ Overcrowding in hospitals harms patients and is prevalent especially in Arab communities. Funding to expand the availability of emergency medical services is not given to Arab hospitals.⁴⁷The National Healthcare Law guarantees equal healthcare access to all,⁴⁸ but the

³⁸Jonathan Cook, "Rampant employment discrimination against Palestinian workers in Israel," *Electronic Intifada*, May 21, 2010, <http://electronicintifada.net/content/rampant-employment-discrimination-against-palestinian-workers-israel/8837>.

³⁹Article 1 and 2 of the *The Citizenship and Entry into Israel Law* (2003).

⁴⁰ H CJ 7052/03 *Adalah et al v The Interior Ministry et al*; H CJ 466/07 *MK ZahavaGalov v The Attorney-General et al*.

⁴¹ MK Ahmed Tibi https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=11674

⁴²Ofer Aderet, Israelis' life expectancy has risen by two years over past decade, *Haaretz*, Sep. 16, 2013, <http://www.haaretz.com/news/national/.premium-1.547293>.

⁴³Id.

⁴⁴Id.

⁴⁵Id.

⁴⁶Mossawa Center Main Findings of the 2013 State Budget.

⁴⁷Id.

Bedouin in the Negev do not receive adequate healthcare due to lack of basic infrastructure and services. Bedouin villages have no pharmacies and few medical clinics, most of which are operated out of trailers on poor quality generators that cannot sustain uninterrupted refrigeration for medicine.⁴⁹

Land Discrimination

The Mossawa Center State Budget Analysis shows the 2012 budget of the Israel Land Administration (ILA) amounted to 5.5 billion NIS. Most of the budget designated for the Arab population was used to evacuate the unrecognized villages in the Negev.⁵⁰ The Mossawa Center State Budget Analysis shows the Ministry of Agriculture has disproportionately allocated the budget for agricultural development, with over 99% of the budget designated to support Jewish farmers through different agriculture institutions such as kibbutzim. Increased allocations supporting agriculture in Arab areas will help create a source of livelihood for thousands of families and especially for women.⁵¹

Approximately 45% of Arab towns and villages do not have an authorized master plan. About 40% of land is authorized by detailed plans in the jurisdiction area, a rather high percentage, which is explained by the lack of master plans that meets the needs of these Arab areas. More than 50% of Arab towns and villages have requested an expansion of their jurisdiction areas, 45% were approved but the towns and villages are still waiting for the expansions to be implemented. Approximately 30% of Arab towns and villages do not have state lands in order to build schools, community centres etc.

It is crucial that Israel begin to build new neighbourhoods and develop existing neighbourhoods in order to meet the urgent need of residential units. 27% of Arab households are not connected to sewage infrastructures.⁵² The Mossawa Center State Budget Analysis showed the 2012 Ministry of Housing budget allocated 80 million NIS for the development of housing in the Arab sector, 50% of which was designated for investment in the Negev (19 million NIS to Rahat). The Ministry aids in the development of new neighbourhoods, but the Ministry had cancelled assistance for the construction of public buildings and development in old neighbourhoods as well as subsidies for purchasing housing.⁵³ While no new Arab villages have been established since 1948, Jewish settlements are regularly established.

Israeli forces are demolishing homes of Bedouin Arabs in the Negev with more than 1,000 homes destroyed since 2011.⁵⁴ Al-Arakib, a Bedouin village that has been demolished over 80 times since 2010, was again destroyed on April 21st, 2015.⁵⁵ Today, 70,000 Arab Bedouin citizens live in 35 villages created prior to 1950.⁵⁶ The villages are deemed “unrecognized” by the State of Israel and the inhabitants labelled as trespassers thus denying these citizens access to state infrastructure like water, electricity, sewage, education, health care and roads. Israel intends to reforest, build new settlements and build military centres on Arab Bedouin land.⁵⁷

⁴⁸State of Israel Ministry of Health, last visited on Sept 25, 2013,

<http://www.health.gov.il/English/Topics/RightsInsured/RightsUnderLaw/Pages/default.aspx>.

⁴⁹OferAderet, Israelis' life expectancy has risen by two years over past decade, *Haaretz*, Sep. 16, 2013,

<http://www.haaretz.com/news/national/premium-1.547293>.

⁵⁰Mossawa Center Main Findings of the 2013 State Budget.

⁵¹Mossawa Center Main Findings of the 2013 State Budget.

⁵²Id.

⁵³Id.

⁵⁴Dr.Thabet Abu Rass, “Two years since Praver Plan,” Communist Party of Israel, Sept 28, 2013,

<http://maki.org.il/en/?p=1288> .

⁵⁵IMEMC and Agencies, “Bulldozers Take Lands in Al Araqib and Al Khader” <http://www.imemc.org/article/71304>

⁵⁶“Demolition and Eviction of Bedouin Citizens of Israel in the Naqab (Negev) - The Praver Plan.” Adalah , <http://adalah.org/eng/?mod=articles&ID=1589#What-is-the-Praver-Plan> .

⁵⁷ Id.

Employment Issues

Arab workers face a number of different issues in terms of employment opportunities. Lacking training, many in the Arab minority become unskilled labourers and work for short periods in the infrastructural industry in Israel.⁵⁸ Most end up as unskilled employees in industries like food and trade.⁵⁹ Partially due to their skill and training deficiency, Arab citizens of Israel are paid considerably less than their Jewish counterparts, even if they work the same hours. Arab men's salaries are 43% less than Jewish men's salaries and Arab women's are 21% less.⁶⁰ However, the problem is not just about providing employment training. A great deal of funding has gone towards this in the Arab sector, with employment centers rising by 215%.⁶¹ Greater access to skills based training is an important improvement that also must be augmented by greater openness to hiring Arabs by the government and private individuals. The most vulnerable populations of Arab citizens in Israel, such as Bedouins and women, often fair the worst when it comes to employment. Only 53% of Bedouin men and 12.5% of Bedouin women participate in the workforce.⁶² In terms of Arab women on the whole, in 2008, 51% of Arabs in higher education were women, whereas only 18% of Arab women were employed in the workforce. Meanwhile, 56% of Jewish women are employed. Israel has not succeeded in tapping into the resource of Arab women as well-educated skilled labor and too many remain unemployed given their skill set.⁶³ Moreover, the entire population of Arab citizens has many linguistic abilities that could be very beneficial in the Israeli workforce. The Israeli government, excellent at absorbing immigrants, should find it desirable to help match these citizens to proper work opportunities. Improving employment inequality is one of the best ways to improve the situation of individual Arab citizens and empower them to contribute to the Israeli economy and society.

Discrimination in Business and Tourism

Arab businesses continue to be stymied by the State of Israel sometimes through extra-legal activities such as unofficial calls for boycott. For example, Foreign Minister Avigdor Lieberman called for a boycott of Arab businesses during Operation Protective Edge. Lieberman has a long history of inflammatory statements against Arab citizens. He has continuously called for the moving of the border between Israel and the West Bank which would effectively transfer thousands of Arab citizens in the triangle area to the jurisdiction of the Palestinian Authority. In reaction to a strike and day of mourning for lives lost in Gaza observed by many in the Arab community, Lieberman called for a boycott of all Arab businesses that participated in the day long strike. None of these actions or speeches has been called in to question by the Knesset ethics committee.

Generally, Arab business owners feel they receive less business and governmental bids according to a survey of Arab business owners done by the Economy Ministry.⁶⁴ Land allocations are not given to Arabs and therefore fewer businesses are run by Arabs.⁶⁵ The Mossawa Center State Budget Analysis shows

⁵⁸ The economic status of Arab Citizens of Israel: An Overview, MossawaCenter 2(2008)

⁵⁹ The economic status of Arab Citizens of Israel: An Overview, MossawaCenter 3(2008)

⁶⁰ Poverty in Arab Society, MossawaCenter, EyadSnuu, 3(2014)

⁶¹ Designated Budget for the Arab Sector, The Knesset Center for Research and Information, TamirAgmon, 10(2014)

⁶² Participation in the Committee on Poverty Meeting, MossawaCenter, EyadSnuu 2(2014)

⁶³ The economic status of Arab Citizens of Israel: An Overview, MossawaCenter 6(2008)

⁶⁴ Billie Frenkel, Arab employers complain of discrimination, *Ynet*, June 11, 2013

<http://www.ynetnews.com/articles/0,7340,L-4390376,00.html>

⁶⁵ MeiravArlosoroff, It ain't easy being an Arab citizen of Israel, statistics show, *Haaretz*, Mar 7, 2013,

<http://www.haaretz.com/business/business-opinion/it-ain-t-easy-being-an-arab-citizen-of-israel-statistics-show-premium-1.507901>

Arab areas in Israel, including the city of Nazareth, are not included in the Ministry of Tourism's plans or on the tourism map published by the Ministry. The Ministry fails to utilize the potential which lies in developing tourism in Arab areas. Tourism in these areas can contribute in solving the employment problem by creating job opportunities, especially for Arab women.⁶⁶

Conclusion

An Arab living in Israel encounters discrimination everywhere. Arab citizens run into problems educating their children, getting to work, starting businesses, having bank accounts, capitalizing on tourism, buying an apartment, getting a job, , procuring books or watching television programming in their own language and being accepted into university. The Bedouins have their lands confiscated, homes demolished and men arrested. The Arab minority continues to face oppression and many boycott elections as a result. Israel should take its claim to be a democracy more seriously and reflect democratic values in its legislation and budget. In practice Israel is firstly a Jewish state that creates second class non-Jewish citizenry.

⁶⁶MossawaCenter Main Findings of the 2013 State Budget.

Annex 1
Footnote 63

Laws in Israel currently discriminating against the Arab minority:

1. Criminal Procedure Law - Interrogating Suspects - Amendment No. 6;
2. Israeli Prisons Ordinance Amendment No. 43 - Prisoner-Attorney Meetings;
3. Citizenship Law - Amendment No. 10;
4. "Anti-Boycott Law" - Prevention of Damage to the State of Israel through Boycott;
5. "Nakba Law" - Amendment No. 40 to the Budgets Foundations Law;
6. Israeli Prisons Ordinance - Amendment No. 40 (Meetings with Lawyers);
7. Law to Strip Payments from a Current or Former Member of Knesset due to a Crime;
8. "Foreign Government Funding Law" - Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity;
9. Foreign Property Ownership - Israel Lands Law (Amendment No. 3);
10. "Admissions Committees Law" - Cooperative Societies Ordinance - Amendment No. 8;
11. "Pardon Law" or "Amnesty Law" - Termination of Proceedings and Deletion of Records in the Disengagement Plan Law; Extension of Detention - Criminal Procedure Law (Suspects of Security Offenses) (Temporary Order) - Amendment No. 2;
12. Absorption of Discharged Soldiers Law - Amendment No. 12;
13. "Negev Individual Settlements" - Negev Development Authority Law - Amendment No. 4;
14. Land (Acquisition for Public Purposes) Ordinance - Amendment No. 10;
15. National Priority Areas - The Economic Efficiency Law - Legislative Amendments for Implementing the Economic Plan for 2009-2010;
16. Child Vaccinations and Child Allowances - Economic Efficiency Law; Israel Land Administration Law - Amendment No. 7;
17. Regional Councils Law (Date of General Elections) Special Amendment No. 6; Criminal Procedure Law - Interrogating Suspects - Amendment No. 4;
18. Absorption of Discharged Soldiers Law - Amendment No. 7: Benefits for Discharged Soldiers;
19. Criminal Procedure Law (Detainee Suspected of Security Offence) (Temporary Order);
20. "Ban on Family Unification" - Citizenship and Entry into Israel Law (Temporary Order);
21. Law of Political Parties - Amendment No. 12; Use of Hebrew Date Law; Knesset Law; Basic Law: The Government;
22. Second Authority for Television and Radio Law; Public Lands Law (Eviction of Squatters);
23. Interpretation Law;
24. Foundations of Law Act;
25. Religious Jewish Services Law; Law of Yad Yitzhak Ben-Zvi (1969) and Law of Mikve Israel Agricultural School (1976);
26. Protection of Holy Sites Law;
27. Broadcasting Authority Law;
28. National Planning and Building Law -Limitation of Water, Electricity and Telephone;
29. National Planning and Building Law; Basic Law: Israel Lands;
30. Israel Land Administration Law; Basic Law: The Knesset; State Education Law; Jewish National Fund Law;
31. Land Acquisition Law (Actions and Compensation);
32. Entry into Israel Law;
33. Citizenship Law;
34. World Zionist Organization-Jewish Agency (Status) Law;
35. Law of Return;
36. Absentees' Property Law; State Stamp Law;
37. Flag and Emblem Law;

38. Law and Government Ordinance, Article 18A; Defense Regulations (Times of Emergency), Regulation 125 (Closed Zones); and Trade with the Enemy Ordinance
39. Law for separate representation on the public advisory board of the Equal Employment Opportunity Commission
40. Increased Governance and Raising the Qualifying Election Threshold a Bill to Amend Basic Law: The Government

Annex 2
Footnote 64
Racially discriminatory legislation currently pending in the 19th Knesset

1. Bill to amend the Citizenship Law imposing loyalty oath for persons seeking naturalization in Israel and Israeli citizens seeking first ID cards;
2. Bill to amend the Basic Law: Human Dignity and Liberty and limit the judicial review powers of the Supreme Court to rule on matters of citizenship;
3. Immigration to Israel Bill;
4. Defamation of IDF Soldiers – The "*Jenin, Jenin* Bill" - Bill to amend the Defamation Prohibition Law;
5. Shalit Bill - Preventing Visits Bill;
6. Shalit Bill - Restriction of Visitation for a Security Prisoner Bill;
7. Shalit Bill - Release of Captives and Kidnapped Persons Bill;
8. Shalit Bill - Imprisonment of Requested Prisoners;
9. Bill to Fight Terrorism;
10. Bill to amend on Participation in an Act of War or Terrorism against the State Law;
11. Denial of Privileges from a Prisoner Belonging to a Terrorist Organization that is Holding an Israeli Captive and Bill to amend Prison Ordinance Law;
12. "The Goals of Education" – Bill to amend the State Education Law;
13. "Universal Jurisdiction Bill" - Associations (Amutot) Law – Amendment;
14. "NGO Loyalty to a Jewish and Democratic State Bill" - Preserving the Values of the State of Israel Bill;
15. "Bill on Foreign Funding of NGOs" - Bill on Income of Public Institutions Receiving Donations from Foreign State Entity (Legislative Amendments);
16. Exceptions to the Registration of an Association – Bill to Amend Associations [Amutot] Law;
17. Taxation of Income of Public Institutions that Receive a Donation from a Foreign State Entity a Bill to Amend Income Tax Ordinance Regulation of Bedouin Settlement in the Negev Bill;
18. Rights of those who Performed Military or National Service Bill; Civil Service Law (Appointments) - Amendment (Affirmative Action) Bill;
19. Contributors to the State Bill; Exemption of Discharged Soldiers from National Insurance Fees a Bill to amend National Insurance Law;
20. Rewarding the Perseverance of Compulsory Military Service Soldiers and Civil Service Volunteers in order to Ensure their Ability to Acquire a Higher Education Bill;
21. Reduction of the Tax Rate that Applies to the Special Remuneration a Bill to amend the Reserve Service Law;
22. Encouragement of the Study of Engineering and Technology a Bill to amend the Absorption of Discharged Soldiers Law;
23. Exemption of Lone Soldiers from Payment of Television Fee a Bill to amend the Broadcasting Authority Law;
24. Mandatory Recruitment a Bill to amend the Security Service Law; Civil Service Bill;
25. Civil Service Preference Bill; Denial of the Right to Wages Earned on Election Day to an Individual who does not Vote a Bill to amend the Knesset Elections Law;