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## **The Mossawa Center's Briefing Paper on Human Rights for Arab Citizens in Israel: Discrimination Against the Arab Minority in Israel**

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The Mossawa Center is pleased to publish this report for the international community. This paper provides a concise update on the key developments and ongoing discrepancies in the civil, political, socioeconomic, and cultural status of the Arab minority in Israel.

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## **Introduction**

The Arab Palestinian minority in Israel amounts to 20% of the country's population. Despite this, the hegemonic powers of the state and the exclusionary forces in Prime Minister Benjamin Netanyahu's administration have continued to systematically discriminate against the Arab community and its elected representatives. This discrimination manifests itself in many distinct categories of daily life for Arab citizens in Israel, many of whom face systemic and disproportionate obstacles that negatively impact their experience as a minority group in Israel.

The Organisation for Economic Co-operation (OECD) has found significant differences in well-being outcomes between the Jewish and the Arab population in Israel. Income inequality is very high in the country, despite the overall poverty rate being in decline since 2009: this is especially striking when considering levels and trends of poverty among different population groups. The most recent data show that the total poverty rate was 23.5% in Israel: this belies the disproportionate distribution of wealth across ethnic boundaries in Israel. Only 15.5% of Jews were poor, whilst over half of all Arab citizens in Israel – 57.9% - are living in poverty. The OECD has concluded from its findings that Israel needs to boost its human capital, currently significantly below the OECD average, mostly due to the low labour market participation amongst Arabs and other minority communities.<sup>1</sup> Improving the social mobility and economic well-being of Arab citizens in Israel would thus not only inevitably increase the relative well-being of the population, but the economic health of the country overall.

## **Incidents of racism against Arab citizens**

Between March 2015 and March 2016, there were 465 reported incidents of racism, almost double the number documented over the previous year (237). Of these, 311 were directed at the Arab community. These include racist actions by elected representatives, state and academic institutions, businesses, organizations, the media and members of the public.<sup>2</sup> Included in these incidents of racism against Arab citizens is the continued racial profiling at Ben Gurion airport. Several lawsuits are currently pending against the airport for racial profiling leading to degrading treatment of Arab citizens attempting to travel into or from the airport.<sup>3</sup>

The most recent elections in Israel saw an increase in racist rhetoric and incitement from many politicians, often invoked in order to gain votes. One of the most egregious of these statements came from Prime Minister Netanyahu himself. The Prime Minister made a short video telling the Israeli people that “The Arabs are coming out to vote in droves.”<sup>4</sup> The statement suggested that Jewish Israeli voters must go out and vote for Likud in order to

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<sup>1</sup> OECD, (2016), ‘Measuring and Assessing Well-being in Israel’

<sup>2</sup> Mossawa Racism Report, Retrieved from: <http://mossawa.org/en/article/view/534>.

<sup>3</sup> Channel 2, [http://reshet.tv/Shows/The\\_System/videomarklist,242911/](http://reshet.tv/Shows/The_System/videomarklist,242911/).

<sup>4</sup> Tharoor, I, (2015, March 17), ‘On Israeli election day, Netanyahu warns of Arabs voting ‘in droves’, The Washington Post

protect themselves from the “droves” of Arab voters.<sup>5</sup> Many world leaders and activists expressed concern at this overtly racist attitude towards 20% of the Israeli population. Then-President Obama came out against Netanyahu’s statement calling it “cynical” and “divisive.”<sup>6</sup> Other politicians engage in a similarly racist rhetoric. MK Bezael Smotrich, for example, went so far as to justify segregation in maternity wards, saying “he doesn’t want his wife lying next to a woman whose baby will murder her child in another 20 years.”<sup>7</sup> Despite the fact that such inflammatory rhetoric has led to violence on the part of police officers and citizens, political and religious leaders face no legal repercussions for these statements. This is in stark contrast to the suspension of three Arab MKs to between two and four month periods for meeting the families of those killed carrying out attacks against Israeli citizens. MKs Basel Ghattas, Haneen Zoabi and Jamal Zakalka met with the families as part of a campaign conducted by the families and human rights groups seeking the return of the bodies of those killed for burial.<sup>8</sup>

In May 2016, Prime Minister Netanyahu appointed MK Avigdor Lieberman to the position of Minister of Defense. Many people, including local media, see Lieberman as a controversial figure for the racist and incisive statements he continuously makes against Palestinians and other Arabs, including suggesting that Arab MKs should be tried as in Nuremberg and describing the killer of an incapacitated Palestinian assailant as a “hero”. He is also well known for continuing to question the loyalty of Palestinian citizens of Israel, and has campaigned to make them sign a loyalty pledge or have their citizenship revoked.<sup>9</sup>

## Education

Structural discrimination persistently threatens the education of Arab citizens in Israel. The Israeli school system separates students on the basis of race and religion. While this caters to linguistic needs, it also lends itself to discrimination.<sup>10</sup> Such discrimination only serves to exacerbate pre-existing inequalities that are the result of decades of state policies that have disrupted growth in Arab communities in Israel. According to the Israeli Central Bureau of Statistics (CBS) and the Ministry of Education, most of the students in the Arab sector come from low socioeconomic backgrounds. In fact, an alarming two thirds of Arab students come from families living below the poverty line, as compared to one third of students nationwide.<sup>11</sup> One might attribute this to the relatively low levels of education in the Arab community, as opposed to the Jewish community. Among the latter, aged fifteen and over, 84% have completed elementary school. Among Arabs in the same group, only 37% have finished elementary school.<sup>12</sup> The percentage of Bedouin students studying in institutions of higher education is especially low, with those between the ages of 18-27 in higher education

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<sup>5</sup> *ibid.*

<sup>6</sup> Lewis, P and Yuhas, A, (2015, March 18), ‘Obama snubs Binyamin Netanyahu and criticizes Israel PM’s ‘divisive rhetoric’’, *The Guardian*

<sup>7</sup> Lis, J, (2016, April 5), ‘Israeli Lawmaker: My Wife Wouldn’t Want to Give Birth Next to an Arab Woman’, *Haaretz*

<sup>8</sup> Lis, J, and Khoury, J, (2016, February 8), ‘Knesset Suspends Three Israeli-Arab Lawmakers Over Visits with Families of Slain Terrorists’, *Haaretz*

<sup>9</sup> Prusher, I, (2016, May 25), ‘Meet Avigdor Lieberman, Israel’s Controversial New Defense Minister’, *Time*

<sup>10</sup> Sales, B. (2016, April 13), ‘Four ways Jews and Arabs live apart in Israeli society’, *The Times of Israel*

<sup>11</sup> Winer, S, (2015, December 9), ‘One third of Israel’s children live in poverty, report says’, *The Times of Israel*

<sup>12</sup> Arlosoroff, M, (2014, March 11), ‘Ignoring Arab Education Imperils Israel’s Future’, (*Haaretz*)

recorded at just 2.5% in 2013.<sup>13</sup> The Central Bureau of Statistics also demonstrates that the percentage of employees with higher education among the Arab population is 17%, while the number stands at 40% among Jews.<sup>14</sup> Moreover, PISA exam scores of Arab students are 20% lower than those of Jewish students, regardless of their socioeconomic background.<sup>15</sup> This means that the highest scoring Arab pupils still perform 20% worse than their highest scoring Jewish counterparts. Dropout rates further demonstrate an immense discrepancy between the education given to the Jewish population and that given to the Arab population. Whereas only 8% of Jewish students leave high school early, the figure for Arab students is 32%.<sup>16</sup> Disparities in funding begin in early education where the Arab sector recently saw a 39.6% decrease in day care, nursery and after-school funding. Despite an average increase of between 3% and 5% in the allocation of per pupil hours amongst schools in the three lowest quintiles, the number of hours per pupil for Arab school children is still much lower than the number of hours in the Jewish sector. The gap between the two sectors in each quintile remained substantial, especially in the lowest two quintiles where most Arab schools in Israel are concentrated.<sup>17</sup>

In October 2017, Arab schools in Israel lacked 7,000 much-needed classrooms.<sup>18</sup> The Ministry of Education is well aware of this crisis and has been for years. The March 2007 Compulsory Education Law stipulated that, by 2011, there would be 3,200 classrooms built in Arab towns. Furthermore, nearly two-thirds of the buildings for Arab kindergarten classes were missing when the aforementioned Compulsory Education Law was passed. This meant that 2,026 preschools were missing in 2012. Consequently, kindergarten classes could accommodate a mere 3,325 Arab children in the whole of Israel.

Despite classroom shortages in Arab schools, there is actually a surplus of qualified Arab teachers. 40% of qualified Arab teachers are unemployed.<sup>19</sup> Rather than building classrooms for these teachers in Arab schools or placing them in Jewish schools, the Ministry of Education released a new plan in mid-July 2016 to drastically cut funding to colleges that train Arabic-speaking teachers. For every Arabic-speaking teacher that a college trains, they will now receive only 56% of the per-student allocation that they would receive for training a Jewish teacher.<sup>20</sup> The Ministry presents this as a solution to the surplus of unemployed Arab teachers flooding the job market. The plan, which will only affect institutions in the north of Israel, also seeks to increase the number of qualified teachers for high demand subjects such as science and mathematics. It incentivizes these fields by offering colleges with a per-student funding bonus for each trainee specializing in a high-demand field. This only applies for Jewish trainees, however. If Arabic-speaking students specialize in these high-demand areas, the college will still only receive 56% of the funding they would receive if the student were Jewish, specializing in a low-demand field.

Further investigation shows that the Ministry of Education is refusing to implement the government decision regarding changing the budgeting method for Arab students. According to Decision 922, the Ministry of Education is to use differential budgeting based on need to allocate funding. The annual amount allocated from Decision 922 for differential budgeting is approximately NIS 1.9 billion (\$400 million).<sup>21</sup> Compulsory education, the foundation for young Arabs' educational and professional endeavors in Israel, requires serious attention in

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<sup>13</sup> The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>14</sup> Arlosoroff, M, (2014, March 11), 'Ignoring Arab Education Imperils Israel's Future', (Haaretz)

<sup>15</sup> *ibid.*

<sup>16</sup> *ibid.*

<sup>17</sup> The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>18</sup> The Mossawa Center, (August 2016), 'The 2016 State Budget and Arab Citizens'

<sup>19</sup> The Mossawa Center, (August 2016), 'The 2016 State Budget and Arab Citizens'

<sup>20</sup> Mossawa, (2016, November, 11), 'Ministry of Education to Cut Funding for Arab Teachers while Arab Students Struggle'

<sup>21</sup> Mossawa, 'State Budget and Government Decision 922'

order to prepare Arab students for higher education and life outside of school. The current budgets proposed for the construction of classrooms – of which Arab localities require 7000 – and for improving teaching quality remain lacking.

Private church schools also suffer from the discriminatory allocation of the education budget. Although managed by churches, church schools in Israel serve students of all religions and fall under the category of “recognized but unofficial”. These schools formerly received 65% of their budgets from the state, but, after the state cut funding in 2015, that number decreased to 35-40%.<sup>22</sup> The rest of the schools’ budgets are covered by tuition costs, which have become increasingly burdensome to Arab families. In contrast, the Orthodox Jewish schools in Israel, which fall under the same category as the church schools, that is “recognized and unofficial”, are not subject to the aforementioned budget cuts. This discrimination led to a schools strike in September 2015 until the government agreed to a one-time allocation of 50 million NIS and to a discussion about the future budgets.<sup>23</sup> Allocations to church schools are still, however, not equal to the funding for Jewish schools under the same category.

Access to Arabic reading material is also structurally limited.<sup>24</sup> Since 2008, the government has refused to renew licenses to import books published in “enemy states,” even if the books are imported via another country. The only exception is Kol Bo Books, a book importer which imports Arabic books published in Syria and Lebanon from Egypt to Israel, as 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, 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 their importance to “the residents of Israel”.<sup>25</sup> This ban not only infringes on the right of Arabic readers to freedom of information, culture and education, but it also gives the Israeli Ministry of Industry, Trade and Labor, and the Israeli courts complete power of censorship over Arabic books, including academic books, in the Arab community. 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 public libraries in Israel are printed either in Syria or Lebanon.<sup>26</sup> Banning these books from entering Israel means denying readers of Arabic in Israel access to Arabic translations of international publications, such as dictionaries, encyclopedias and classic world literature: this, again, is a deliberate violation of the right to freedom of information, expression, and the press.

In light of these numbers, we would like to emphasize that a truly democratic country cannot afford to discriminate between children on the basis of religion, race, nationality, ethnicity 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 state of Israel spends NIS 4000 (\$1135) more per Jewish student compared to his or her Arab counterpart, meaning that Arab students and Arab schools suffer from long-term educational disadvantages.<sup>27</sup>

Due to the inadequate resources for elementary and high school education, many Arab students are unprepared for graduation and eventual employment. Only 59.5% of students who attend Arab schools are eligible for matriculation certificates in contrast to 75.1% of

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<sup>22</sup>Arlosoroff, M, (2015, October 2), ‘Church Schools Are Caught in a Crossfire of Israel’s Fight Against Elitism’, Haaretz

<sup>23</sup> ibid.

<sup>24</sup>Kashti, O, (2015, December 31), ‘Israel Bans Novel on Arab-Jewish Romance From Schools for ‘Threatening Jewish Identity’’, Haaretz

<sup>25</sup>Naamnih, H, (2009, November), ‘Prohibiting Contact with Enemy Aliens: The Case of the Palestinians in Israel’, Adalah’s Newsletter, Volume 66

<sup>26</sup>Eldar, A, (2012, May 15), ‘Israel Bans Lebanese Edition of Jewish Philosophical Work’, Haaretz

<sup>27</sup>Maltz, J, (2017, August 30), ‘How have some Arab high schools become Israel’s top performers?’, Haaretz

their Jewish counterparts.<sup>28</sup> Arab Muslims in particular 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 the minimal amount needed for university.<sup>29</sup> If Arab students do pass the exam, many leave the country for higher education as a result of the shortage of higher educational facilities for Arabs. It is estimated that between 6,000-8,000 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.<sup>30</sup> Only 9% of the Arab population in Israel holds a bachelor's degree, while only 8% hold a master's degree. Only 4% complete doctorates.<sup>31</sup> Arabs constitute a mere 3.23% of professors in Israeli higher education institutions. Similarly, Arabs work in only 2.2% of administrative roles.<sup>32</sup> Not only do these figures suggest discrimination in employment, but they also point to limitations on free speech in Israeli academic institutions, where Arab, Palestinian, and progressive voices are often silenced if given the opportunity to speak in the first place.

Such statistics are in no way happenstance. There are no universities in Israel that offer studies in Arabic and the few colleges that exist have limited funds and resources. Quality education at all levels is necessary to encourage students to remain in their home country and, in turn, crucial to the success of individuals and communities alike.

In 2016, the Arab community also suffered from discrimination as it relates to content and curriculum. The Ministry of Education revised the standard civics textbook, used by all students in preparation for Israel's matriculation exam, but the Arab community is calling for a new version that does justice to the historical and social reality of the Arab community in Israel. The new textbook divides Arab citizens in Israel into subgroups (Druze, Christian, Bedouins, Muslims and Circassians) but ignores the relationship between Arab citizens in Israel and Palestinians throughout the Middle East.<sup>33</sup> Dirasat, a think tank based in Nazareth, and ACRI, the Association for Civil Rights in Israel, conducted a survey of recent changes in the Israeli curriculum and found that it had become increasingly right-wing and nationalist.

## **Media and the Press**

Although Arabs make up about one fifth of Israel's population, very few media outlets offer programs in Arabic. In fact, Arabic content, original and dubbed, represents less than five percent of broadcasted material on Israeli channels and, despite the law requiring a certain amount of content with Arabic subtitles, many of these programs only appear after midnight for a few hours or at other inconvenient times.

One can, in part, attribute this lack of Arabic programming to a lack of state funding. The only existing Arabic television station, Hala TV, does not receive state funding.<sup>34</sup> The station recently won a case with the Supreme Court to broadcast during Yom Kippur. In 2016 the channel's requests to broadcast during the holiday were ignored by the Communications

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<sup>28</sup> Position Paper from the Mossawa Center on the Israeli State Budget and The Government Decision for Economic Development in the Arab Community for the Years 2016-2020

<sup>29</sup> Designated Budget for the Arab Sector, The Knesset Center for Research and Information, Tamir Agmon, 10(2014)

<sup>30</sup> Main Findings of 2013-2014 Budget Analysis, MossawaCenter, 2(2013)

<sup>31</sup> Arlosoroff, M, (2014, March 11), 'Ignoring Arab Education Imperils Israel's Future', Haaretz

<sup>32</sup> Mossawa, (2017, June 20), 'Disparities in higher education demonstrate the need for increased state investments in education in the Arab community and the creation of an Arab university in Israel'

<sup>33</sup> Cook, J, (2016, March 10), 'Israeli textbook 'bad for Arabs, bad for Jews'', Al Jazeera

<sup>34</sup> Tucker, N. (2017, July 20), 'High Hopes for Israel's Arabic TV Channel Collapse in Debt', Haaretz

Ministry, effectively banning the station from broadcasting during the Yom Kippur holiday. The appeal, won in 2017, stated that the channel's broadcasting is intended for the Arab population in Israel, who have no religious, cultural, or social connection to Yom Kippur, and should not be coerced to follow the rules of another religion. To do so would be "a serious blow to freedom of religion" and the "free expression of the Arab public... and free expression and journalistic freedom of [Hala TV] and its employees."<sup>35</sup> While the state dedicates about NIS one billion annually to its television stations, Channel 2 and Channel 10, only 0.5% of this large budget goes to programming for the Arab minority. Arabs, especially women, are also poorly represented in the media. Only 2-3.5% of all experts interviewed on radio and television are Arab, while Arab women make up less than one percent of this figure.<sup>36</sup>

When the Arab population does try to establish its own networks, the Israeli state often reacts in a hostile manner, censoring prospective Arab media projects and, in turn, violating the community's right to freedom of expression. In 2015, for example, the Arab community attempted to launch the Palestine 48 Arabic language station, the first Arabic TV channel to broadcast in Israel. Citing the fact that the station would be partially funded by the Palestinian Authority, Prime Minister Benjamin Netanyahu called for its shut down before the station even launched.<sup>37</sup> He claimed that it was a foreign entity and had no right to broadcast in Israel. About a month later, the Public Security Minister, Gilad Erdan, signed an order shutting down the station. Despite the nonexistent legal basis for this move, Palestine 48 was forced to close. The Arab community persisted, however, and created a new station, called Musawa TV, to take its place. On June 23, Minister Erdan ordered Musawa TV to cease operations for six months.<sup>38</sup> Although the station broadcasted content related to the lives of Arab citizens of Israel, produced in Nazareth and other Arab localities in Israel, Minister Erdan claimed that he acted to protect Israeli sovereignty, framing Musawa TV as an external threat to the state and the nation.<sup>39</sup> In practice, his order attempted to silence a minority that was already nearly invisible in Israeli media.

The government's undemocratic orders against Palestine 48 and Musawa TV are not isolated incidents, but, rather, representative of the state's larger campaign to restrict freedom of speech in the Arab community in Israel. The Israeli government has used similar orders against Arab media institutions in the past. In November 2015 alone, the Ministry of Defense closed both Sawt al-Haq wa al-Hurriya, an Arabic-language newspaper, and PLS48, a Palestinian news website.<sup>40</sup> Similar orders were made against the Communist Party newspapers, El Itihah and KolHaAm. Not only do these moves silence an entire community, but they further undermine Israel's democracy by silencing voices of political dissent.

The Arab community in Israel also suffers from a lack of Arabic radio broadcasting, especially in the south and central areas of the country. Arab radio stations are often forced off the air. For example, the Israeli-Palestinian Radio, All for Peace, which promoted the cultivation of the peace camp in Israel, was forced to operate exclusively online in 2011. Although the station had been operating for seven years, the state cited a lack of appropriate licensing as the reason for the shut down. It did not refer to the fact that Danny Danon, the then Likud MK, had lobbied the Communications Ministry to close the station for political

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<sup>35</sup> Adalah, (2017, September 27), 'Israel responds to Adalah petition: Arabic-language Hala TV allowed to broadcast on Yom Kippur'

<sup>36</sup> Stern, I. (2016, May 17). Study: Arab Women Are Less Than 1 Percent of radio/TV Interviewees. Haaretz.

<sup>37</sup> Tucker, N. and J. Khoury. (2015, June 18). Netanyahu Trying to Shut Down 'Palestine 48' TV Channel. Haaretz.

<sup>38</sup> Staff, T. (2016, June 24), 'Erdan shuts PA-funded Israeli TV channel for 6 months', The Times of Israel

<sup>39</sup> Kubovich, Y. (2016, June 25), 'Public Security Minister Orders Palestinian TV Station Operating From Israel Shut Down', Haaretz.

<sup>40</sup> Mattar, H. (2015, November 26), 'Israeli journalists slam Netanyahu over closure of Arabic media outlets', +972

reasons.<sup>41</sup> This move occurred despite the nearly nonexistent state of Arabic radio programming in Israel. The Second Authority for Television & Radio, which supervises sixteen local radio stations, only allows for one Arabic radio station in the entire country. For the State of Israel to operate in a way that does not favor one ethnic group over another, it must provide more incentives to encourage the existence of Arab radio stations. However, because of difficulties in acquiring broadcasting licenses, the opposite is taking place. Resultantly, more than sixteen Arabic radio stations broadcast without licenses in Arab localities throughout Israel. Government authorities frequently impose heavy fines on these stations and shut them down.

Instances of bias in the media against the Arab community were noted in the media's response to the Haifa wildfires in November of 2016 and the event in Umm al-Hiran on January 18, 2017. In both instances, politicians and the media automatically assumed the culpability of the Arab community, despite its innocence in both cases.<sup>42</sup> The lack of Arab representation in journalism contributes to the community's misrepresentation, with Haaretz, the leading progressive newspaper, only employing four Arabs. A prevalent media discourse of far-right settler groups has also been noted, with its penchant for exploiting incitement against the Arab community to engender a sense of political isolation amongst Jews in an Arab Middle East.<sup>43</sup> The Ministry of Justice, although responsible for dealing with cases of racist incitement, rarely holds Jewish politicians, journalists or individuals accountable for their racist propaganda.

The general lack of state funding and infrastructure for Arab and Arabic-language media silences Arab voices in Israel and, in turn, violates their freedoms of the press and expression, two of the pillars of a strong democracy. Moreover, the state's suppression of discourse and its perpetuation of inaccurate representations of the Arab public only serve to deepen the divisions amongst Israel's communities.

### **Pending and Current Discriminatory and Anti-Democratic Legislation**

The Basic Law proposal: Israel as the Nation-State of the Jewish People is in the final round of voting by the Knesset for entrance into Israeli Basic Law. In the absence of a constitution, Israel's Basic Laws are various pieces of legislation from the Knesset that outline the nation's political structure. This most recent proposal aims to define Israel as the nation state of the Jewish people, deeming the right to self-determination in Israel exclusively to Jewish people. It also states that Israel should establish ethnic communities in which every resident can preserve their culture and heritage. This threatens to undermine the rights of non-Jewish populations in Israel, and exacerbate divisions in communities. The proposal also makes clear that Hebrew would be considered as the only official language of Israel, with the Arabic language demoted to a secondary language of special status. This threatens to discriminate against Arab citizens in Israel by legally disavowing their presence in the country.

In 2017, with the support of Prime Minister Benjamin Netanyahu, Article 10 of the Planning and Construction bill, 1965, will be amended with the Kaminitz law enacted on April 5, 2017. The amendment aims to increase home demolitions and further criminalize unofficial construction. The bill seeks to criminalize building violations and intensify enforcement of the law through increased larger fines, and heavier sentences for offenders. It will do this, in

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<sup>41</sup> Jeffay, N, (2011, December 5), 'Israeli Journalists Fear New Restrictions', Forward.

<sup>42</sup> Mossawa, (2017, July 27), 'Mossawa Center holds Knesset conference on racial incitement and the media'

<sup>43</sup> Mossawa, (2017, July 27), 'Position Paper on Racial Incitement and the Media', (Hebrew)



part, by concentrating power in the Treasury and by diminishing the jurisdiction and discretion of the court. As a result of the government's refusal to provide comprehensive planning solutions to the Arab community, unofficial construction is highly prevalent in the Arab sector.

The government systematically refuses to recognize many of the pre-existing Arab villages. In the Negev, there are thirty-five unrecognized Bedouin Arab villages. These communities, with populations ranging from the hundreds to the upper thousands, do not have permits for their homes, fields, places of worship, or other communal spaces. Their status as "unrecognized" also precludes them from accessing basic services, such as water, electricity, sewage, and roads. The state refuses to provide these services on the basis of the villages' "illegal" status, leaving them with little choice but to construct without permission. The law aims to increase the enforcement of the rule of law, assuming that every individual was given a reasonable opportunity to act in accordance with the law but chose not to do so. The state's deliberate unwillingness to approve master plans for Arab localities and distribute building permits leaves many with no option other than to build and inhabit structures that are not officially recognized, making them unjustly sanctioned by the enactment of the Kaminitz law. The law also violates the right to due process, denying individuals the right to contest before a court demolitions and eviction orders issued against them.

In July 2016 the 'Transparency Requirements for Parties Supported by Foreign State Entities Bill' passed its final vote. Ostensibly aiming to improve the transparency requirements of those Israeli NGOs that receive funding from foreign governments, the law requires that those NGOs who receive more than 50% of their funding from foreign governments report this fact each year to the NGO Registrar in the Justice Ministry, which will then publish a list of said NGOs. These NGOs must also declare this fact on their websites for the entirety of the year of funding received, note it on any publications related to their advocacy that is readily available to members of the public, as well as stating it in any communications with public servants and elected officials. Many of the requirements stated by the law have already been legally required from all registered NGOs, all of whom are expected to comply with invasive reporting requirements that oblige them to publish quarterly reports on any funding received from foreign governments or publicly-funded donors.<sup>44</sup> This information is already publicly available and found on websites of those NGOs targeted by this new law, as well as on the Registrar of Associations. The political motivations of this additional NGO law are clear since twenty-five of the twenty-seven Israeli NGOs that currently receive more than half of their budget from foreign governments are human rights organisations. Critics argue that the bill will inevitably target NGOs critical of the Israeli government and its policies toward the Palestinian community who turn to foreign governments for financial aid.<sup>45</sup> In contrast, the law does not require the same level of transparency from donations received by private individuals, leaving many right-wing settler organizations entirely unaffected.<sup>46</sup>

In June 2017, Prime Minister Netanyahu hinted at additional amendments to the law which would further target the same organizations by restricting the amount of funding received from foreign governments.<sup>47</sup>

The Law of Citizenship and Entry was renewed on June 12, 2017. This law denies citizenship and residency to spouses of Israeli citizens from the occupied Palestinian territories (excluding East Jerusalem), in addition to several other states: Iran, Iraq, Syria, and Lebanon.

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<sup>44</sup> Adalah, (2017, September 14), 'Israel: New Discriminatory and Anti-Democratic Legislation', pg. 4

<sup>45</sup> Staff, T. 'After contentious debate, Knesset passes NGO law', (2016, July 12), The Times of Israel

<sup>46</sup> Blau, U. (2015, December 7) 'Haaretz Investigation: U.S. Donors Gave Settlements More Than \$220 Million in Tax-exempt Funds Over Five Years', Haaretz

<sup>47</sup> Newman, M. (2017, June 12), 'Netanyahu vows Knesset to limit NGOs' foreign funding', The Times of Israel

The law disproportionately impacts Arab citizens in Israel as a result of cross-border social ties between the Palestinian Arab communities in Israel and the Occupied Territories. Where spouses manage to gain entry, the law keeps them from driving, giving rise to economic strife and isolation, especially amongst women. It also limits access to health services for the spouses and their children, depending on their visa status. In total, the law affects about 30,000 Arab families in Israel, not including residents of occupied East Jerusalem, to whom the law also applies.

Enacted by the Knesset in February 2017, the Regulation Law, or Settlements Regularization Law allows the Israeli State to expropriate large amounts of private Palestinian land in the West Bank to allow for settlement construction. This is in direct violation of international law and of Palestinians' property rights. Through a process of retroactive expropriation, planning, and zoning regulations established by the law, Israeli settlements built on private Palestinian land in the West Bank can be 'legalized' or 'regularized'.<sup>48</sup> As stated by the law, the land on which the residences are constructed will remain that of the legal owners, but their usage will be expropriated by the State of Israel with an exchange of compensation at a rate of 125% for its Palestinian owners. The transfer of the Occupying Power's civilian population into the occupied territory is defined as a war crime by the Rome Statute of the International Criminal Court. The Regulation law initiates a process to legalise approximately half of Israel's settlement outposts as well as approximately 3500 additional homes built on settlements and considered illegal by the international consensus but legal by Israel. The law thus allows for a form of ethnic domination by one group over another group, something strictly prohibited under international law as stated in the Rome Statute.<sup>49</sup> The application of Israeli law in the occupied territory and the exploitation of the occupied territory for the political and civilian needs of the Occupying Power are additional violations of international law.<sup>50</sup>

Amendment No. 44 to Basic Law: The Knesset, or the 'Expulsion of MKs' law, enacted in July 2016 allows a majority of 90 Knesset Members (MKs) - of a total of 120 members, at least ten of which are required to be from the opposition - to expel a serving MK for the full period of the Knesset's remaining term on two grounds established in Section 7A of the Basic Law: The Knesset.<sup>51</sup> The grounds, incitement to racism and/or support for the armed struggle of an enemy state or terrorist organization against Israel threaten to restrict further the freedom of expression in Israeli politics. According to the law, parties and individual MKs, as well as new candidates running for Knesset elections, who in their goals or actions explicitly or implicitly negate the existence of the State of Israel as a "Jewish and democratic state" can be disqualified from the Knesset or elections.<sup>52</sup> The law threatens the most fundamental right in any democratic society: the right to vote and the right to be elected. The conditions allowing for expulsion remain deliberately vague to allow for overly-broad interpretation, making it easier to disqualify particular candidates and parties. Inevitably, it provides the Israeli Jewish majority the ability to oust democratically elected Arab MKs and political lists on the grounds of political/ideological considerations. Such an act undermines the values of political debate integral to a multi-party parliamentary democracy, and also disregards the problematic conflict of interest in being able to vote to expel political rivals. Basic Law: The Knesset already states that an MK can be expelled if he or she commits a criminal offence showing moral turpitude. This renders Amendment No.44 a superfluous addition seemingly targeting Arab MKs to erode political dissent and thus limit the freedom of political debate integral to any modern democracy.<sup>53</sup>

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<sup>48</sup>Adalah, (2017, September 14), 'Israel: New Discriminatory and Anti-Democratic Legislation', pg. 1

<sup>49</sup> Rome Statute of the International Criminal Court, Article 7, 2.(h)

<sup>50</sup> Rome Statute of the International Criminal Court, Article 8, 2.b.(viii)

<sup>51</sup>Azulay, M, (2016, July 20), Knesset passes legislation allowing for expulsion of MKs, Ynetnews.com

<sup>52</sup>Adalah, (2017, September 14), 'Israel: New Discriminatory and Anti-Democratic Legislation', pg. 6

<sup>53</sup> Basic Law: The Knesset, Article 42A.a

The 'Counter-Terrorism Law' enacted in June 2016 aims to broaden the scope of Israel's penal law by including elements of the British Mandate Emergency Regulations and other severe emergency orders. Its broad and ambiguous definitions of terrorism and terrorist organizations allow for interpretation and exploitation by the police and the General Security Services in their attempts to suppress and criminalize legitimate political action. The law can potentially be used to suppress and ultimately criminalize humanitarian and cultural activities against Israeli policies and the Occupation carried out by Palestinian citizens of Israel and Palestinians in the occupied territories.<sup>54</sup> The law establishes public expressions of 'support and empathy' for terror organizations as a criminal offence, and significantly lengthens the maximum sentences that can be given for such offences.<sup>55</sup> The new law foresees significantly harming the rights of Palestinians detained for suspected security-related offenses. An example of which can be found with the use of 'secret evidence' by the state prosecution, which obscures the reasons for punitive decisions made by the prosecution and consequently impedes the ability to substantively object to such decisions relative to their evidence before the judiciary. The law also adds to a pre-existing system for investigating security detainees that makes it easier to use illegal methods in the interrogation room; removes procedural safeguards from security detainees that are provided to criminal suspects, including prompt access to a lawyer and judicial review; and lowers the amount of evidence required by the state.

The Entry to Israel Law, Amendment No. 27, Denying a Visa and Residency Permit for Advocates of Boycotting Israel, would prevent any foreign national or non-resident who has expressed public support for the boycott, divestment, and sanctions campaign from entering Israel and the Occupied Palestinian Territory. A decidedly political law, the bill aims to prevent entry of any foreign national to Israel who does not support Israeli state policy and the majority political perspective, in a further move to undermine Israel's ostensibly democratic society. This law overlaps with those Palestinian residents of East Jerusalem already impacted by terms of the Citizenship and Entry into Israel Law as they are likely to hold dissident political opinion, again serving to threaten freedom of speech in Israel.<sup>56</sup>

### **Discriminatory Budget Allocations**

Government Decision 922, 'Economic Development Plan for the Arab Sector 2016-2020', a non-legally binding agreement established on December 30, 2015 is in an attempt to 'narrow the gaps' between the Arab and Jewish communities in Israel. Over a period of five years (2016-2020 inclusive), a total of NIS 9.7 billion (originally, NIS 15 billion) has been pledged exclusively for the Arab community. The amount specified, however, amounts to only 2% of the overall total of the state's social budgets: a disproportionate allocation relative to the size of the Arab population in the country. This disproportionately inadequate allocation of funding to the Arab community is seen throughout the budget and relevant government departments. There is no legal obligation to carry out the Decision and fulfill commitments to implement the allocation of funds, leaving 922 vulnerable to political uncertainty and inertia.

Decision 922 does not address the needs of the Arab community regarding welfare or poverty. As we know, more than 52.6% of Arab families live under the poverty line, compared to only 13.6% of Jewish families. Decision 922 does not once take into consideration the poorest communities in Israel, many of whom live in unrecognized villages.

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<sup>54</sup>Adalah, (2016, June 19), 'Israel's new Anti-Terror Law violates Arab citizens' human rights'

<sup>55</sup>Adalah, (2017, September 14), 'Israel: New Discriminatory and Anti-Democratic Legislation', pg. 7

<sup>56</sup>Adalah, (2017, February 20), 'Is a new Israeli law about to ban BDS supporters from entering the country?'

Decision 922 also fails to address agriculture in Arab localities. Of the entire 2017 budget for the Ministry of Agriculture and Rural Development, which totals NIS 1.93 billion, the government did not designate a single budget line for the Arab community.<sup>57</sup>

The state budget discriminates against the Arab community in almost all aspects of life. As it relates to education, the budgets proposed for the construction of classrooms (of which Arab localities require 7,000) and for improving teaching quality remain lacking.

Although 40 Arab localities have completed the planning process to get day care centers, the budget does not delineate how much funding will be allocated for this purpose. This also greatly impacts women who, without access to affordable day care, often are forced to stay at home with their children rather than work or pursue other activities. In regard to the business sector, the state budget does not dedicate any funds to the Arab community. Similarly, although Decision 922 calls for the allocation of funds for the development of industrial zones in Arab localities, it is not yet clear whether or not the Ministry of Economy will implement these funds. Returning to the issue of welfare in the Arab sector, according to the recommendations of the Alaluf Committee for Fighting Poverty, funds were allocated to open new centers for poor families in need. The budget, however, only allows for about twenty families in each locality to access these services.

The Ministry of Culture budgets for the Arab community in 2017 and 2018 amount to NIS 23 and 29 million (\$6.6 and \$8.3 million) respectively. With overall budgets of NIS 960 million (\$275 million) and NIS 1 billion (\$290 million), the budget allocated to Arab cultural activities amounts to less than three percent of the total culture budget for both years.

The Central Bureau of Statistics recently reported on data from 2016 that shows a 24% increase in car accidents in the Arab community. Although the Arab community accounts for about 20% of the population, 35% of fatalities associated with car accidents in Israel involved Arabs. This is largely a result of the unsafe road conditions that are the result of years of state budgetary neglect. The Ministry of Transportation is set to allocate NIS 93.4 million in 2017 and NIS 138 million in 2018, an insufficient amount considering the derelict state of the roads, especially those connecting Arab localities.

In February 2017, the state adopted Government Decision 2397, the 'Economic Plan for the Bedouin Community in the Negev'. Rather than support Bedouins in the Negev, however, this plan, at the bequest of Uri Ariel, the Minister of Agriculture, will largely serve to target the Bedouin Arab community through home demolitions.

## **Employment Issues and Poverty**

According to a report from the Israeli government appointed committee to fight poverty, the Arab minority makes up 38.9% of the total population in Israel living in poverty, relative to constituting 20% of the total population of Israel. The percentage of Arab citizens of Israel who participate in the labour force is substantially lower than that of its Jewish citizens, with just 52% compared to 72%.<sup>58</sup> Sixty percent of Arab children live in poverty.<sup>59</sup> A 2016 report

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<sup>57</sup>Mossawa, 'State Budget and Government Decision 922': all information taken from article unless otherwise stated.

<sup>58</sup>The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>59</sup>Ministry of Social Affairs and Social Services, Bureau of the Minister, (2013, November 5), Retrieved from: [http://brookdale.jdc.org.il/\\_Uploads/dbsAttachedFiles/Poverty-Report-English-July-2014.pdf](http://brookdale.jdc.org.il/_Uploads/dbsAttachedFiles/Poverty-Report-English-July-2014.pdf)

by the OECD found Israel to have one of the most unequal economies amongst its member states.<sup>60</sup> Arab men's salaries are only 61% of the amount earned by their Jewish counterparts. The monthly monetary income of employed Arab citizens is NIS 5,600 compared to NIS 7,400 for Jewish citizens.<sup>61</sup> Only 21% of Arab women in Israel are employed compared to a 57.9% employment rate amongst Jewish women. In 2016 the rate of Arab women employed part-time for lack of choice was more than three times the rate found among their Jewish counterparts with 35% versus 11%.<sup>62</sup> In addition, of those Arab women with an elementary or high school education (76%), only 28% are in the workforce. Despite high levels of unemployment and morbidity among Arab women, the Authority for the Advancement of the Status of Women has abandoned this issue and is not currently engaging in any efforts to meet the exceptional needs of Arab women.

Lacking training, many in the Arab minority become unskilled laborers and work intermittently.<sup>63</sup> Partially due to this general lack of training, Arab citizens of Israel are paid considerably less than their Jewish counterparts, even if they work the same hours. However, the problem is not just about providing employment training. A great deal of funding has gone towards training in the Arab sector, with the number of employment centers rising by 215% in 2014.<sup>64</sup> This push for greater access to skills-based training, however, must be complemented by a greater willingness to hire Arabs in the public and private sectors.

In searching for employment many Arabs face formal and informal discrimination from many sources. Despite the Equal Employment Opportunities Law stating that employers shall not ask applicants for employment or employees for their military profile, employers continue to use military service as a prerequisite for consideration and acceptance for employment. In many cases, requests for such information bear no relation to the nature of the work but are used to directly exclude all Arab workers as they are exempted as a minority group from the obligation of military service.

This form of discrimination based on military service is incorporated both explicitly and implicitly in several national laws. This includes the 'Absorption of Discharged Soldiers Law' that states that individuals who have served in the Israeli military are entitled to a broad range of social and economic benefits - incorporating educational and housing grants - that automatically exclude Arab citizens. Jewish Israelis serving in the army finish their compulsory military service at ages 21 for men and 20 for women. Under the 'Insurance Agreement' of 2007 and its extension order of 2008, employers are not legally obliged to pay pension insurance for male workers under 21 and female workers under 20. This disproportionately denies workplace coverage by law from all young Arab citizens not pursuing further education, and not their Jewish counterparts who are completing military service.<sup>65</sup>

Arab employees face violations of their rights by their employers in many ways. In many workplaces, the use of Arabic is banned either in communication with other employees or with customers. Such a practice not only undermines the position of Arabic in Israeli society but inevitably directly discriminates against Arab employees. Many Arab Muslim workers have also faced discrimination for their religious dress, with women receiving prejudice in the case of hijab and with men for their long beards. Religious preference is also shown under the

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<sup>60</sup> (2016, January), OECD Economic Surveys Israel, Retrieved from: <http://www.oecd.org/eco/surveys/Israel-Overview-OECD-Economic-Survey-2016.pdf>

<sup>61</sup> The Taub Center, (December 2017), 'State of the Nation Report: Society, Economy and Policy in Israel 2017'

<sup>62</sup> Khoury, J, (2016, August 2), 'More Israeli Arab Women Out of Work Despite Government Funding', Haaretz

<sup>63</sup> The economic status of Arab Citizens of Israel: An Overview, Mossawa Center 2(2008)

<sup>64</sup> Designated Budget for the Arab Sector, The Knesset Center for Research and Information, Tamir Agmon, pg. 10, 2014

<sup>65</sup> Adalah, 'Demanding the Amendment of the Pension Insurance Agreement to Extend its Application to All Workers Over the Age of 18',

implications of Israeli labour law that allows every employee the entitlement to nine paid days of religious holiday per year and, in accordance with the Jewish religious calendar, many workplaces close. This, in practice, disregards the different religious calendars for non-Jewish holidays, with many Arab employees given no choice but to use their vacation days for Jewish religious holidays. This deprives Arab workers from practicing their own religion, with the Working Hour and Rest Law giving the decision for holiday allowance to the employer.

Unemployment is a large problem in the Arab community, as 24.6% of Arab men between the ages of 25 and 64 are unemployed, compared with 14.3% of non-Haredi Jewish men.<sup>66</sup> Arab workers face a number of different issues in terms of employment opportunities. There are currently 17 active Arab members of the Knesset. Only 1.9% of employees of the Prime Minister's Office and Foreign Ministry are Arab. Whilst a target of representation of Arab participation in civil service was supposed to be reached by 2012, this target was not met until 2016. The Public Security Ministry employs only 1.7% Arabs and the Social Equality ministry only 1.4%. The Finance Ministry employs 3%, the courts administration 3.5%, and the tax authority 4.4%.<sup>67</sup> There are still entire government departments and bodies that contain no Arab employees, including the Ministry of Strategic Affairs, the Government Publications Office, the Department of Transportation, and the Knesset Television station.<sup>68</sup>

Arab workers are over-represented in low-wage, labor-intensive and generally un-skilled industries such as construction and agriculture, and are almost completely absent from branches of the economy considered more valuable and offering higher salaries. For example, of more than 85,000 employees in high tech companies, only 1,200 are Arabs. Only 1.5% of researchers in Israel are Arab and less than 1% of the research and development institutions have Arab employees. Arabs constitute a mere 3.23% of professors in Israeli higher education institutions. Similarly, Arabs work in only 2.2% of administrative roles.

The number of workers employed on an hourly basis, rather than on a monthly basis, is increasing in Israel. It is estimated that more than 45% of these workers are Arab given their over-representation in low-wage and subcontracted work most affected by hourly-pay.<sup>69</sup> These hourly workers are often amongst the most vulnerable groups in the labour market: they receive minimum wage or less and are not entitled to any of the many benefits usually offered by an individual contract or collective agreements. As outlined by the Worker's Hotline, hourly workers are given a shorter notice period compared to monthly workers employed for a similar period, with many not being employed long enough to gain any benefit from stability and improving working conditions. The nature of their employment also means that they often work for periods beyond what is considered enough to be a temporary worker. The hourly calculation of salary, compared to a monthly calculation, means that hourly-paid workers are severely affected by shorter months and public holidays without any possibility of recuperating hours compared to longer months. This results in reduced overall pay when, for example, every February sees hourly-paid workers earn NIS 278 (\$80) less than those paid monthly.<sup>70</sup>

The most vulnerable populations of Arab citizens in Israel, such as Bedouins and women, often fare the worst when it comes to employment. Only 53% of Bedouin men and 12.5% of Bedouin women participate in the workforce.<sup>71</sup>

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<sup>66</sup> Mossawa, 'State Budget and Government Decision 922'

<sup>67</sup> Lynfield, B, (2017, July 19), 'Many Ministries Failing to Boost Arab Employment Rates, Report Finds', The Jerusalem Post

<sup>68</sup> Mossawa, (March 2016), 'Israeli government policy toward the Arab community'

<sup>69</sup> Arab Citizens of Israel and work: trends of workplace discrimination and violation of labour rights, Worker's Hotline, January 2013

<sup>70</sup> *ibid.*

<sup>71</sup> Participation in the Committee on Poverty Meeting, Mossawa Center, Eyad Snunu, pg. 2. 2014

In 2015, the portion of women among higher education students was 67.2%, with 14.4% of Arabs pursuing bachelor degrees.<sup>72</sup> Arab women in Israel who have graduated from university are employed at a much higher rate than their non-graduate counterparts with 74% employed relative to 25% among women aged 25-54. Arab Israeli men are employed at relatively high rates without higher education, but their share among professions at risk of computerisation is especially high.<sup>73</sup> Israel has not succeeded in tapping into the resource of Arab women as well-educated skilled labor and too many remain unemployed. 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. Overcoming 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.

State discrimination in education funding contributes to a vicious circle in which low levels of education result in low economic performance. As a result, 53.3 % of Arab families in Israel live below the poverty line, compared to 14% of Jewish families.<sup>74</sup> The poverty rate among both families and children in Israel is the highest among all developed countries.

Negev Bedouin are by far Israel's most disadvantaged community in terms of per capita income, unemployment, and poverty rates, levels of education and nonexistent or substandard public infrastructure. Of the Arab Bedouin localities, Ar'arat an-Naqab boasts the highest average monthly salary of about NIS 5,618 (about \$1,500). This, however, is approximately 40% less than the average national monthly salary. Rahat, which is the largest Arab Bedouin locality in the world, has the lowest average monthly salary at NIS 4,543, about 50% less than the national average.<sup>75</sup>

A report published in 2017 by the Israel National Council for the Child stated that the poverty rate among children was 30.3% in 2015, the highest rate among developed countries. Huge gaps in poverty were noted between Jewish and Arab children, with a fifth of Jewish children living beneath the poverty line in 2015, whilst two-thirds of non-Jewish children did so. The rate of impoverished Arab families with children rose between 2000 and 2015 from 52.8% to 65.6%.<sup>76</sup>

## **Land Discrimination**

Arab communities in Israel have consistently faced discriminatory land policies, including disproportionate budget allocations and home demolitions. Rather than providing necessary services, since 2012, much of the budget designated for the Arab population has been used to evacuate the unrecognized villages in the Negev.<sup>77</sup>

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<sup>72</sup>Yarden, S, (2015, October 15), 'More Arab Students in Israel Attending University in New Academic Year', Haaretz

<sup>73</sup>The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>74</sup>Gravé-Lazi, L, (2016, December 15), 'More than 1 in 5 Israelis live in poverty, highest in developed world', The Jerusalem Post

<sup>75</sup>Mossawa, (2017, May), 'The Palestinian Arab Bedouin Naqab-Negev'

<sup>76</sup>Yaron, L, (2017, Jan 17) '30% of Israeli Children Living in Poverty; Arabs, Haredim Worst Affected, Report Claims', Haaretz

<sup>77</sup>Mossawa, Main Findings of the 2013 State Budget

Israeli forces have demolished over a thousand Bedouin Arab homes in the Negev since 2011.<sup>78</sup> The village of Al-Araqib in the Negev has been demolished 101 times since 2010.<sup>79</sup> Six residents of the village recently lost their case against the state prosecution and have been ordered to pay NIS 262,000 (\$75,000) with an additional NIS 100,000 (\$28,000) in legal fees for six rounds of demolitions that took place between July and December 2010.<sup>80</sup>

In May 2015, the Supreme Court approved a government plan to evacuate the Umm El-Hiran village to make way for a new Jewish town despite village leaders willing to discuss almost any option that would allow them to remain in the same location, including living alongside new Jewish neighbours in a newly-expanded community. The state refused this request as the town planned - and already under construction - will be exclusively Jewish.<sup>81</sup> As of November 30, some villagers agreed to move to the nearby Bedouin town of Hura, despite concerns regarding poor infrastructure, an unwillingness to accommodate to villager's needs, and a low quality of life. These residents nonetheless began self-demolishing in order to avoid steep fines and to reuse often expensive building materials. It has been reported that the Southern Director of Land Law Enforcement - the state body that enforces Israel's house demolition policy - has itself admitted to the increased efficacy of Israel's house demolition policy, without providing any solution to the housing crisis of the expanding Bedouin community.<sup>82</sup> Clashes broke out on Wednesday January 18, 2017 as the village's remaining inhabitants were forcibly evacuated. Tear gas and rubber bullets were used by Israeli police forces to evacuate residents. Two people were reportedly killed and another five were injured.

The Be'er Sheva region makes up 60% of the land of Israel but only 8.2% of its population, with 230,000 Bedouins of a total population of 680,000 people. Arab-Bedouins thus comprise 31.4% of the region's population but with only 18 of the 114 settlements in the region designated to the community. Of these 18 villages, only 11 have been recognised by the Israeli government, and in most of these villages there is no infrastructure with limited services. The only solution offered by the state to the Bedouin communities is to designate for them only 12.5% of the settlements in the Negev.<sup>83</sup> The settlements offered are large, dense, urban environments entirely at odds with the many Bedouins who live in rural areas and depend on farming spaces for their income: their relocation would sever them from their livelihoods. Not only this, but such a re-location would shatter community ties and a historic way of life. Women in the Bedouin communities, whether in recognized or unrecognized villages, have one of the highest rates of unemployment in the country. This is at odds with the residential choices offered to Jewish settler communities, who can choose between urban, communal kibbutzim, cooperative settlements or private ranches. Indeed, a long-standing practice by the Israeli state bans Arab citizens from choosing their place of residence in different settlements in the Negev, and demonstrates an ongoing systemic discrimination that continues deliberately to separate communities based on ethnic grounds. A practice that directly violates the UN Convention on the Elimination of All Forms of Racial Discrimination, a convention signed by Israel in 1966 and ratified in 1979.<sup>84</sup>

Approximately 45% of Arab towns and villages do not have an authorized master plan. Resultantly, many new structures are built without permits. More than 50% of Arab towns and villages have requested expansions of their jurisdictions. Forty-five percent of these

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<sup>78</sup> Dr. Thabet Abu Rass, "Two years since Praver Plan," Communist Party of Israel, Sept 28, 2013

<sup>79</sup> Lindsay, S, (2016, August 2), 'Life in a Bedouin village that's been destroyed 101 times', The Week

<sup>80</sup> Ben Zikri, A, (2017, August 22), 'Israeli Court Orders Bedouin to Reimburse State for Cost of Demolishing Their Homes', Haaretz

<sup>81</sup> Mossawa, (2017, January 18), 'Clashes Break Out as Israeli Police Forcibly Evacuate Umm al-Hiran'

<sup>82</sup> Negev Coexistence Forum for Civil Equality, (June 2016), Enforcing Distress: House Demolition Policy in the Bedouin Community in the Negev, pg. 7

<sup>83</sup> Negev Coexistence Forum for Civil Equality, (March 2016) 'Segregated Space: The Spatial Discrimination Policies among Jewish and Arab Citizens in the Negev-Naqab', pg. 4

<sup>84</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Article 5, (d), (i)



expansions were approved, but the towns and villages are still waiting for their implementation. Approximately 30% of Arab towns and villages do not have state lands for schools, community centers or other public spaces.<sup>85</sup>This situation leaves Arab citizens of Israel with little choice but to build illegally, leading to a vicious cycle of construction and destruction that does nothing to resolve the urgent needs of an expanding community and perpetuates instability.

It is crucial that Israel begins to build new neighborhoods and develop existing neighborhoods in order to meet the urgent need for residential units. Twenty seven percent of Arab households are not connected to sewage infrastructures.<sup>86</sup>The MossawaCenter State Budget Analysis shows that the 2017-2018 Ministry of Housing budget allocated NIS 170.5 million (\$49 million) for the development of housing in the Arab sector.<sup>87</sup> This amount is not nearly enough to remedy decades of urban neglect, with no adequate provision for city planning. The budget provides no solutions for those citizens who, in response to the state's refusal to provide planning solutions, are forced to construct homes without permits. Despite not offering any solutions for these citizens and their housing needs, the budget allocated funding for the enforcement of housing and planning laws through home demolitions, arrests, and fines. This will be exacerbated by the passing of the Kaminitz bill in April 2017, which will increase home demolitions, further criminalise unauthorised constructions, and increase the severity of fines.

The Ministry and the Minister's Council is responsible for the development of new neighborhoods and infrastructure, but the Ministry has cancelled assistance for the construction of public buildings and development in old neighborhoods.<sup>88</sup> This also applies to subsidies for purchasing housing.<sup>89</sup>While no new Arab villages have been established since 1948, Jewish settlements are regularly established. The state of Israel puts pressure on the Bedouin community via tactics that include a legal framework that combines criminal and civil punishment, a large range of orders and lawsuits, and the threatening - and potentially violent - presence of inspectors and police officers that coerce citizens to demolish their homes themselves and/or enter negotiations which then do not go ahead. These tools serve to shape the Negev region according to the discriminatory vision of the state that ignores the natural growth of Arab communities and their needs, and continues to approve new settlements for Jewish-only communities.

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

Since 2000, state authorities have killed forty-eight Arab citizens, with only three officers even having been convicted, and none having served more than fourteen months in prison. In 2003, the Or Commission, established to investigate the deaths of fourteen Arab citizens in October 2000, found that there had been no real threat posed to police officers and thus the use of live gunfire leading to the thirteen fatalities was not justified. In a September 2005 report issued by the Justice Ministry's Police Investigations Department (PID) it was decided that no indictment would be pursued. The commission also determined that the use of rubber-

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<sup>85</sup> Mossawa, (March 2016), 'Israeli government policy toward the Arab community'

<sup>86</sup> *ibid.*

<sup>87</sup> Mossawa, 'State Budget and Government Decision 922'

<sup>88</sup> Yaron, L and Khoury, J, (2015, December 28), 'Israel Looks to Address Funding Gaps for Arab Community With \$3.9 Billion Plan', Haaretz

<sup>89</sup> The Communist Party, January 27, 2016, <http://maki.org.il/en/?p=6856>

coated steel bullets – “rubber bullets” – by the police was contrary to police regulations and that the use of live ammunition as a means to disperse crowds is illegal.<sup>90</sup> As the events of 2017 demonstrate, however, the Israeli police and its affiliates ignore this determination in their dealings with Arab citizens.

Following home demolitions in Qalansawa on January 10 and Umm al-Hiran on January 18, 2017, the Arab community began demonstrations against ongoing home demolitions and the discriminatory planning and building policies of the Israeli government. Thousands of demonstrators protested home demolitions and incitement against the Arab community on January 14, 2017 and called on the Israeli government to end discriminatory home demolitions and incitement against the Arab community. Seven protesters were injured by stun grenades and stink spray used by the police to disperse the crowd.

Clashes broke out on Wednesday January 18, 2017 against residents of the Bedouin unrecognized village, Umm al-Hiran who were being forcibly evacuated. Tear gas and rubber bullets were used by Israeli police forces to evacuate residents. Two people were reportedly killed and another five were injured.<sup>91</sup>

On Monday June 5, 2017, residents of the Arab locality Kafr Qasim gathered to protest police negligence despite rising violence. Amidst clashes, a security officer killed twenty-year-old MuhammedTaha in an excessive use of force.<sup>92</sup> Clashes subsequently ensued, with protesters setting fire to two police cars and throwing stones. In the past five years, such violence has taken the lives of twelve KafrQasim residents, yet the police have not arrested a single suspect for any of these murders.

On July 27, 2017, clashes broke out between Jaffa residents and police after police shot and killed a 22 year old, Mahdi al-Saadi, and wounded another after the two men were involved in an incident and fled the scene on a scooter. According to police reports, there was no exchange of fire prior to the fatal shot, and the victim had not endangered the officers.<sup>93</sup>

## **Respect for Political Rights**

Arab political participation is constantly under threat. Israel’s electoral system is based on nation-wide proportional representation, meaning that the number of seats each political party list receives is in proportion to each party’s percentage of the total national vote. In March 2014, the Knesset passed the Governance Bill, which raised the minimum threshold required in order for a party to receive a seat from 2% to 3.25%.<sup>94</sup> According to this system, the voters vote for a party list and not for a particular person on the list.<sup>95</sup> Approximately half of the political parties that the 2014 Governance Bill would eliminate are Arab. Indeed, no Arab party would have cleared the 3.25% threshold if the Bill had been applied in the last elections.<sup>96</sup> Furthermore, Israel requires political parties to recognize the Jewish character of

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<sup>90</sup> Adalah, (2017, March 10), ‘17 years after October 2000 killings, Israeli police still kill Arab citizens with impunity’

<sup>91</sup> Mossawa, (2017, January 18), ‘Clashes Break Out as Israeli Police Forcibly Evacuate Umm al-Hiran’

<sup>92</sup> Mossawa, (2017, June 16), ‘Security officer kills twenty-year old Arab citizen in Kafr Qasim during demonstration calling for a state response to organized crime in the Arab community’

<sup>93</sup> Eisenbud, D. K, (2017, July 31), ‘Jaffa residents say weekend police shooting was excessive force’, The Jerusalem Post

<sup>94</sup> Rettig Gur, H, (2014, March 11), ‘Governance Bill is a game-changer for Israeli politics’, The Times of Israel

<sup>95</sup> The Knesset, ‘The Electoral System in Israel’, Retrieved from:

[http://www.knesset.gov.il/description/eng/eng\\_mimshal\\_beh.htm](http://www.knesset.gov.il/description/eng/eng_mimshal_beh.htm)

<sup>96</sup> Fiske, G, (2014, March 11), ‘Governance Bill approved by Knesset’, The Times of Israel

the state. This condition, which may soon be added to with the implementation of the 'Basic Law proposal: Israel as the Nation-State of the Jewish People' will continue to undermine dissident non-Jewish political voices in Israel. The consequences of this bill would have far-reaching implications for the human rights of the Arab minority in Israel, many of which are discussed in the subsequent section on legislation; it is the impact that the bill would have on democracy and political activity in Israel that merit additional commentary.

The Association of Civil Rights in Israel's (ACRI) September 2017 position paper on the 'Nation-State' Bill emphasises the highly problematic prioritising of the Jewish character of the Israeli state over its democratic character.<sup>97</sup> The bill subjugates the state's democratic character to its Jewish identity, using 'democratic' as a formal description of the type of regime in Israel as one form from many possible others. The ACRI also notes that the proposed law makes no reference to the significance of Israel as a substantive democracy, with no mention of guarantees to the absolute equality of rights of all its citizens, nor any commitment to protect human rights. Also absent in the bill is any commitment to undertaking to maintain state institutions that ensure the democratic regime and separation of powers, or that ensure the rule of law.

Arab elected officials are also frequently subjected to ridicule by their colleagues in the Knesset, particularly during times of "war." Despite laws criminalizing hate speech and incitement to violence, Members of the Knesset frequently use hate speech against Arab MKs and Arab citizen voters. Public statements of discrimination and incitement were rampant throughout the 2014 war on Gaza. For example, MK MiriRegev responded to Arab MK Haneen Zoabi's statements, in which she made a distinction between terrorists and frustrated individuals with no political recourse who resort to kidnapping by calling her a "traitor" and a "Trojan horse" and telling her in Arabic to "Go to Gaza." Although this type of incitement by Jewish MKs goes unchecked by the Israeli legal system, the Knesset Ethics Committee did not hesitate to suspend MK Zoabi from plenary sessions for six months for her statements.

In July 2016, the Knesset passed a new bill, Amendment No. 44 to Basic Law: The Knesset, often referred to as the "Expulsion Law," allowing the legislature to expel its own members. This undemocratic bill serves as a tool to restrict the political rights of the Arab community and their political representatives. See 'Pending and Current Discriminatory and Anti-Democratic Legislation' for further details.

In 2016, the Knesset passed the controversial "Anti-Terror" law, broadly expanding the definition of terrorism and imposing much longer sentences for terror-related crimes. The law criminalises public expressions of support or empathy for state-defined "terror organisations", and significantly increases the potential sentences for these offences.<sup>98</sup> Applied only in Israel, the law will directly impact Palestinian citizens of Israel, targeting them as suspects because they are Arab.<sup>99</sup> The legislation criminalizes support for any organizations deemed "unlawful" by the Israeli government and severely threatens Arab citizens' due process of law. These extensive measures may be exploited to punish Palestinians for opposing Israeli policies and expressing dissident political views.<sup>100</sup>

The law criminalises social and political affinity that Arab citizens of Israel feel with the Palestinian people, and their struggle against the occupation. It also gives the government the power to designate illegal organizations based on its own, often obscured, reasoning. First, the decisions are usually based on intelligence information that is kept confidential - "secret evidence" - by the state prosecution and the organizations concerned are unable to review or

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<sup>97</sup> The Association for Civil Rights in Israel, (2017, September 12), letter to MK Amir Ohana, Retrieved from: <http://www.acri.org.il/en/wp-content/uploads/2017/09/nation-state-september-2017-1.pdf>

<sup>98</sup> Adalah, (2016, June 19), 'Israel's new Anti-Terror Law violates Arab citizens' human rights'

<sup>99</sup> Lis, J, (2016, June 15), 'Knesset Passes Sweeping Anti-terrorism Law', Haaretz

<sup>100</sup> Cook, J, (2016, June 19), 'Israel's anti-terror law 'dangerous' and 'anti-Arab', Al Jazeera

respond to any of the findings or the allegations brought against them based on this information. Second, the law itself limits this ability in terms of the burden of proof and evidentiary weight. For example, according to Article 8 of the Prevention of Terrorism Ordinance, “If the Government, by notice in the Official Gazette, declares that a particular body of persons is a terrorist organization, the notice shall serve, in any legal proceeding, as proof that that body of persons is a terrorist organization, unless the contrary is proved.”<sup>101</sup>

## **Discrimination in Business and Tourism**

The State of Israel continues to stymie Arab businesses through extra-legal activities such as unofficial calls for boycott. For example, then Foreign Minister, Avigdor Lieberman, called for a boycott of Arab businesses striking in protest of Operation Protective Edge and in solidarity with Palestinian civilians in Gaza.<sup>102</sup> Lieberman has a long history of inflammatory statements against Arab citizens. He has continuously called for moving the border between Israel and the West Bank, a move that would effectively transfer thousands of Arab citizens in the triangle area to the jurisdiction of the Palestinian Authority.<sup>103</sup> In reaction to a strike and day of mourning for lives lost in Gaza, which was observed by many in the Arab community, Lieberman called for a boycott of all Arab businesses that participated in the daylong strike.<sup>104</sup> The Knesset Ethics Committee has not called any of these actions into question.

Generally, Arab business owners feel they receive less business and governmental bids, according to a survey of Arab business owners by the Ministry of Economy.<sup>105</sup> Land allocations are not given to Arabs and therefore fewer businesses are run by Arabs.<sup>106</sup>

The Mossawa Center’s State Budget Analysis for 2017-2018 shows that in regard to the business sector, the state budget does not dedicate any funds to the Arab community.<sup>107</sup> Although Decision 922 calls for the allocation of funds for the development of industrial zones in Arab localities, it is not yet clear whether the Ministry of Economy will implement these funds.

## **Cultural Rights**

The Mossawa Center’s budget analysis for 2017-2018 highlights a total of NIS 52 million (\$15 million) from the Ministry of Culture for the Arab community and its culture. This amount is relevant to an overall budget of NIS 960 million (\$275 million) for 2017 and NIS 1 billion for 2018 (\$290 million). The budget thus allotted to Arab cultural activities is only 3% of the total culture budget for both years.

The Minister for Culture, MiriRegev, upon entering her position as Minister of Culture was quoted as saying that she would not “lend a hand to undermining the image of the State of

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<sup>101</sup> Israel Ministry of Foreign Affairs, ‘Prevention of Terrorism Ordinance No 33 of 5708-1948’

<sup>102</sup> Khoury, J and Lis, J, (2014, July 21), ‘Lieberman Urges Israelis: Boycott Businesses of Arabs Striking Over Gaza Op’, Haaretz

<sup>103</sup> Winer, S, (2014, January 8), ‘Lieberman defends his population transfer plan’, The Times of Israel

<sup>104</sup> Khoury, J and Lis, J, (2014, July 21), ‘Lieberman Urges Israelis: Boycott Businesses of Arabs Striking Over Gaza Op’, Haaretz

<sup>105</sup> Frenkel, B, (2013, June 11), ‘Arab employers complain of discrimination’, Ynetnews.com

<sup>106</sup> Arlosoroff, M, (2013, March 7), ‘It Ain’t East Being an Arab citizen of Israel, Statistics Show’, Haaretz

<sup>107</sup> Mossawa, ‘State Budget and Government Decision 922’

Israel, Israel Defense Forces soldiers or the state's heritage as a Jewish and democratic state".<sup>108</sup> The political dissent integral to artistic expression in a democratic society has since been challenged implicitly, with funding for Arab culture often dependent on political conformity.

In the spring of 2015 the Al-Midan Theater showed a play about a Palestinian citizen in Israel who is sentenced to imprisonment for abducting and killing an Israeli Jewish soldier in 1984. Soon after the performance, the Ministry for Culture halted funding for the theater, citing financial mismanagement of the theater as the reason behind the decision. The timing of this decision upon the performance of the play renders questionable the Ministry's explanation. In March 2016, the Ministry retracted its decision to withhold funds to Al-Midan after a petition submitted by Adalah and an opinion from the Attorney General who, in August 2015, stated that public funds could not be allocated pending artistic content. The Ministry thus formally agreed to transfer NIS 1.1 million for 2016, in addition to the first installment for 2017, however, the Ministry has frozen the transfer caused by bureaucratic procrastination and has refused to pay the first installment for 2017, pushing the theater to the point of closure. The Ministry has attempted to justify its decision, citing an inadequate scope of activity by the theatre in 2016 to qualify for funding in 2017.<sup>109</sup> Whilst the theater's director agrees that this is the case, he explains that the small scope of activity was a result of a lack of funds after the first freezing of funding by the Ministry in 2015.<sup>110</sup> In March 2017 Minister Miri Regev was quoted in an interview describing the theater as "subversive" and "working against the state of Israel".<sup>111</sup>

The provision of the so-called 'Nation State' law will relegate the status of Arabic to a 'special status' language, whilst placing Hebrew as the official language of the state of Israel. Such a move would inevitably contribute to lessening the importance of Arab culture in Israel, where a 2016 report revealed that only 10% of Jewish Israelis claim to speak or understand Arabic well, with those claiming to be able to read a newspaper or piece of literature in Arabic dropping to 2.6% and 1% respectively.<sup>112</sup>

## Expression and Incitement on the Internet

The Internet is an extremely valuable resource to many Arab citizens but it has also been used against them. Many poorer Arabs do not have access to the internet. In 2013, only 53% of the Arab population in Israel had access to the Internet in their homes, compared to 77.5% of the Jewish population.<sup>113</sup> 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 the economic boycott of Arab citizens.<sup>114</sup> A page was set up calling for the removal of Beram Kayal, a football player from the Arab town of Jadeidi, who played for Maccabi Haifa. The page states, "It is not possible in the time of war that he puts

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<sup>108</sup> Mossawa, (2017, March 30), 'Arab theater in Haifa announces a general strike, in protest of the Ministry of Culture's restrictions on freedom of expression'

<sup>109</sup> Ashkenazi, Y, (2017, March 26), 'After the freezing of support: The Ministry of Culture held a hearing for the Al-Midan Theater', Haaretz

<sup>110</sup> Abraham, Y, (2017, May 22), 'Our people will open Al-Midan': Theatre refuses to die in face of Israeli funding axe', Middle East Eye

<sup>111</sup> Ashkenazi, Y, (2017, March 10), 'Minister Regev attacks the administration of al-Midan, who called Walid Daka a security', Haaretz

<sup>112</sup> The Van Leer Jerusalem Institute, 'Command of Arabic among Israeli Jews', 2015

<sup>113</sup> Lissitsa, S, (2013, July 13), 'Patterns of digital uses among Israeli Arabs – between citizenship in modern society and traditional cultural roots', Asian Journal of communication

<sup>114</sup> The Coalition Against Racism in Israel, (2014, July 19), '50% of the discussions on the internet concerning escalation of violence in the past week call for revocation of citizenship economic boycott of Arab citizens'

up pictures of Palestinian flags and at the same time he wears the uniform of the State of Israel.” The page also features a list of online Palestinian “traitors” in Israel and pictures of their activity on Facebook. Indeed, the number of extremist right-wing views receiving ‘likes’ has risen sharply since 2015. Hateful statements include calls for death to Arabs, and for a second Nakba (‘catastrophe’), the first expelled hundreds of thousands of Arabs from Palestine in 1948. According to data, incitement was most prevalent on Facebook, accounting for 40% of violent comments, followed by Twitter with 38%.<sup>115</sup>

In the summer of 2014, during Operative Protective Edge, many private and public Arab employees were fired or suspended for expressing opinions against the war on Facebook or other public sites. The private companies included Shufer Sol, Tiv Tam, Cellcom, Bank Hapoalim and Iskar. Public institutions such as colleges, hospitals and municipalities also disciplined and dismissed workers for expressing their views. Both Ben Gurion University and Tel Aviv University 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 the public employees sanctioned worked at hospitals. Sheba Hospital, for example, suspended a male Arab nurse for criticizing the IDF and only rescinded his suspension after legal proceedings and a written apology from the nurse. Shaare Zedek Hospital fired a specialist in Emergency Medicine. Dismissal for expressing political opinions outside of work runs counter to the Employers (Equal Opportunity) Law.

The intrusion by the IDF in the online activity of citizens in Israel shows how companies in the country do not focus on tracking suspected criminals, but participate in the extensive collection of all public data available in Israel, not limited solely to posts published on social media platforms. Companies are able to use monitoring software to focus special attention on any person who writes certain keywords like ‘protest’ in Hebrew or ‘martyr’ in Arabic.<sup>116</sup> This wide network of companies works in tandem with the IDF not only to monitor the use of specific language in Arabic and Hebrew, but also to analyse the way that social media users feel towards different bodies and organizations in Israel, including the state itself. This online surveillance state, in which the army monitors the daily digital lives of Israeli citizens, has been in practice for years, with 43 veterans of the elite Unit 8200 signing a protest letter in 2014 against the intelligence unit’s abusive collation of Palestinian’s private information to use for state coercion.

The establishment by the IDF in 2011 of an anti “de-legitimization branch” as part of the same Unit 8200 began efforts to gather intelligence on foreign organizations that oppose Israeli policies. The branch specifically targets foreign organizations by gaining intelligence on them, including those bodies, like the International Criminal Court, at the forefront of legal struggles targeting Israel. After Operative Protective Edge in 2014, the unit focussed on gathering intelligence that would aid Israel in its struggle against UN reports on war crimes that allegedly took place during the war. Such activity demonstrates the intervention of a military body, the IDF, in political and policy based issues. The IDF has also formed relationships with private tech companies and other civilian groups, including the cyber department at Ben-Gurion University, with contracts worth tens of millions of shekels, with studies completed by the department showing how words like ‘martyr’ and ‘the Zionist’ in Arabic, ascribe the author to the category of ‘terror’.<sup>117</sup>

The information of the investigation by +972 magazine shows a discrepancy in information monitoring between Jews and Arabs in Israel, with Hebrew language content focussing on

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<sup>115</sup> Edelman, O, (2015, October 13), ‘Internet Incitement Against Arabs in Israel on the Rise’, Haaretz

<sup>116</sup> Brown, J and Rotem, N, (2015, July 15), ‘Exclusive: The IDF is monitoring what Israeli citizens say on Facebook’, +972

<sup>117</sup> *ibid.*

political activity and incitement, whilst Arabic language content monitoring extends far beyond to far more commonly used language like 'Al-Quds' - the Arabic word for Jerusalem - with most of it put to use by law enforcement. This has inevitably led to a disparity between the number of indictments failed against Arabs and against Jews.

In July 2015, 23-year-old UdayBiyumi from Jerusalem was sentenced to 17 months in prison for publishing posts on Facebook "systematically and widely". Other Arab citizens in Israel have faced sentences of eight to nine months for published statuses on Facebook considered "incitement to violence or terrorism" and, even, "support for a terrorist organization". This renders guilty anyone who publishes messages to incite racism or violence and terrorism, as well as anyone who expresses support for a terrorist organisation. Not a single Jewish citizen of Israel has been sent to prison for publishing a status on social media, despite the aforementioned murderous incitement found on several social media platforms. Indeed, according to the BerIKatznelson Foundation, between June 2015 and May 2016 there were 175,000 calls for violence posted online in Hebrew, 50% of which being directed at Arabs. Despite this, of the 594 investigations opened by Israeli police between September 2015 and May 2016 that pertained to incitement, more than half involved Arab suspects. Key to determining the length of the accused's sentence is the number of 'likes' received for the incriminating post: Sami Da'is received a total of 14 likes for two of his Facebook status updates - both of which were used in his indictment - and was jailed for eight months. Da'is had posted the logo of the Popular Front for the Liberation of Palestine - a political party that was elected in the last Palestinian elections - in 2014 as a status on his Facebook feed with the words 'The Popular Front for the Liberation of Palestine'. The upload received six likes and was mentioned in his indictment. In October 2015, poet Dareen Tatour was arrested for a poem published on Facebook, and charged with incitement to violence and identifying with a terrorist organization. Her trial in March 2017 explores the complexities and discrimination inherent to the translation of Arabic to Hebrew, with a report cited that only 0.4% of Israeli Jews are capable of understanding a complex text in Arabic.<sup>118</sup> In October 2017, a Palestinian construction worker was arrested after posting a photo of himself leaning against a bulldozer with the caption 'Good Morning' in Arabic that was mistakenly translated to "attack them" in Hebrew and "hurt them" in English.<sup>119</sup> This is in stark contrast to a total lack of response from the State Attorney's Office or police when figures like Avi Swissa and Etzion express support for ISIS, or when Naor Elmaliach and Leroy Kaufman articulate support for the Nazi regime.<sup>120</sup> Shockingly, such impunity seems to apply to prominent figures in public office with the prominent example of the Facebook publication of MK, now Justice Minister, Ayelet Shaked on July 1, 2014. Whilst racist right-wingers were provoking violence in the streets of Jerusalem, seeking to attack Arabs, Shaked published a call to murder Palestinians, specifically Arab mothers, explaining:

"They need to go the way of their sons. There is nothing more true than that. They must go, same as the house in which they raised the snake. Otherwise they will raise other little snakes there."<sup>121</sup>

Her post was swiftly deleted, but after receiving 4900 likes and more than 1200 shares. Eighteen hours after its publication, Muhammad Abu-Khdeir was kidnapped from his neighborhood in East Jerusalem and burned alive.<sup>122</sup> In 2017 Shaked remains in the position

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<sup>118</sup> Shenhav, Y and Hovel, R, (2017, August 8), 'Theater of the Absurd: The Jewish State vs. Palestinian Poet Dareen Tatour', Haaretz

<sup>119</sup> Sumner, E, (2017, October 22), 'Palestinian Mistakenly Arrested, Police Relied on Mistranslated Facebook Post', The Jerusalem Post

<sup>120</sup> Brown, J and Rotem, N, (2015, July 10), 'Imprisoned for incitement on Facebook? Only if you're Arab', +972

<sup>121</sup> Abunimah, A, (2015, May 8), 'Israeli lawmaker's call for genocide of Palestinians gets thousands of Facebook likes', The Electronic Intifada

<sup>122</sup> Salisbuty-Corech, M, (2015, July 5), 'Hundreds march in memorial service for murdered Palestinian teen', +972

of Justice Minister and one of the most powerful figures in Israeli politics and lawmaking: she was never questioned by police for her actions.

According to the Israeli police data, the number of indictments filed against Arabs was nearly three times the number filed against Jewish suspects.<sup>123</sup> In September the Israeli government made a deal with Facebook to work together to monitor online “incitement,” however the details of the agreement have not been articulated to the public.<sup>124</sup> This practice of online intrusion in the name of counter-terrorism presents a startling violation of privacy, and serves to continue to profile Arab citizens as potential criminals. It shows how military personnel collaborate with private companies against Israeli citizens, disproportionately targeting Arab citizens, to erode democratic integrity and free speech in Israel and a worrying trend of complicity amongst powerful social media organizations.

## **Freedom of Movement**

Transportation and mobility in Arab communities have a huge impact on the employment rate, trade, and the daily life of residents. Currently, Arab local authorities only receive 7% of government funds for public transportation.<sup>125</sup> For many years there was no internal, working public transportation in Arab towns, with the exception of Nazareth. Only in recent years did the Ministry of Transportation begin subsidizing internal bus lines in Arab communities. The Arab communities are hopeful for improvement since the Ministry recently designated 40% of subsidized public transportation, or at least NIS 100 million (\$29 million), to Arab villages as a part of the five-year plan for the development of the Arab community. Public transportation in Arab localities is expected to be on par with services in Jewish communities by 2022.

In September 2017, the Ministry of Transportation announced the addition of 10 special bus lines and the change of those existing bus lines arriving from Arab communities in Karmiel and the surrounding area. The Ministry also promised that all passengers boarding the train from the Karmiel station, as well as residents from 15 other Arab towns and villages, will be entitled to receive free tickets for three months with tickets at a 50% discount for two years.<sup>126</sup> This is a positive step forward after decades of discrimination faced by Arab citizens on public transportation in Israel.

Nevertheless, there are huge gaps with regard to transportation infrastructure in Arab communities due to years of neglect. For example, despite the huge investments made by the government in laying railway lines, no line exists to connect an Arab locality to the rest of the country.<sup>127</sup> Instead, we witness the government give priority to affluent Jewish communities such as Afula and Karmiel over large Arab cities such as Nazareth and Umm El-Fahm. In recent years, many highways have been developed in the Galilee, but unfortunately, the roads stopped short of Arab communities because of a lack of funds.<sup>128</sup> Worse, the high number of automotive accidents has destroyed much of the interurban road infrastructure surrounding

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<sup>123</sup>Hurschhauge, O and Shezaf, H, (2017, May 31), ‘How Israel Jails Palestinians Because They Fit the ‘Terrorist Profile’

<sup>124</sup> Associated Press in Jerusalem. (2016, September 12). Facebook and Israel to work to monitor posts that incite violence. The Guardian.

<sup>125</sup>Position Paper from the Mossawa Center on the Israeli State Budget and The Government Decision for Economic Development in the Arab Community for the Years 2016-2020

<sup>126</sup> Alliance for Middle East Peace, (2017, September 21), Sikkuy increases public transport for Arab communities in Israel’

<sup>127</sup>Israeli Railways, <https://www.rail.co.il/en>

<sup>128</sup>Mossawa State Budget Analyzes 2015; Also see Ministry of Transportation Work Plan 2010-2015



Arab communities, creating a huge obstacle for development. Moreover, there are far fewer bus and train terminals in Arab areas than in Jewish areas, limiting the Arab public's access to jobs. The average number of weekly bus trips per resident is six times higher in Jewish localities than in Arab localities.<sup>129</sup> This startlingly low figure demonstrates the deficiencies of transportation services in Arab communities.<sup>130</sup>

Arab localities have also reported difficulties in creating transportation services inside many Arab areas due to infrastructure problems such as narrow streets, topography, and traffic safety issues. The Ministry of Transportation is set to allocate NIS 93.4 million (\$26.7 million) in 2017 and NIS 138 million (\$39.45 million) in 2018 towards the infrastructure of urban roads, an insufficient amount considering the derelict state of the roads, especially those connecting Arab localities.<sup>131</sup> This all equates to limited freedom of movement and livelihood – both being among the most basic human rights.

## Right to Health

Israel's high quality healthcare system is not equally accessible to Jews and Arabs. Research from the Central Bureau of Statistics has shown that the average life expectancy for Israeli Jews exceeds that of Arab citizens by more than three years: by 4 years for men and 3.3 years for women in 2014.<sup>132</sup> Israel has one of the lowest infant mortality rates in the world, at 3.3 deaths for every of 1,000 live births in the general population.<sup>133</sup> Infant mortality among Arab citizens, however, was 6.4 deaths per 1,000 live births, three times higher than the infant mortality rate of 2.2 deaths per 1,000 live births in the Jewish population.<sup>134</sup>

The highest rates of infant mortality are found in I'billin, Jisr Al-Zarka, Fureidis and Qalansawe. Despite a drop in infant mortality rates in the last decade, the gap between the rates for Jews and Arabs has increased. The same study also revealed that Arab citizens in Israel are more likely to suffer from mental health issues, including depression, than their Jewish counterparts. Close to 50% of Arab respondents reported feeling depressed, compared to 31% of their Jewish counterparts. The causes of death that differ most between Jewish and Arab citizens – with a difference of double or more, negatively impacting the Arab community – are congenital disorders, road accidents, chronic lower respiratory diseases and diabetes.<sup>135</sup> Geographic districts with high concentrations of Arab citizens relative to the national average show a marked dearth of medical doctors and nurses. Similarly, medical infrastructure in areas of high Arab populations is inferior relative to the rest of the country.<sup>136</sup> Also noted is a stark discrepancy in the private healthcare service expenditures between Arab and Jewish families: Arab citizens pay 15% of the Arab community's overall income on private healthcare, compared to 7% of the total Jewish income paid by Jewish citizens. This difference in expenditure is thought to be insurance-related, indicating a lower awareness amongst the Arab community of the value of insurance and how to utilize it. It is possible that this low awareness is linked to a lack of knowledge regarding medical rights, leading to

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<sup>129</sup>Position Paper from the Mossawa Center on the Israeli State Budget and The Government Decision for Economic Development in the Arab Community for the Years 2016-2020

<sup>130</sup> Ibid.

<sup>131</sup>Mossawa, 'State Budget and Government Decision 922'

<sup>132</sup> Jewish Virtual Library, A Project of AICE, 'Israel Health and Medicine: Life Expectancy (1996-Present)', Retrieved from: <http://www.jewishvirtuallibrary.org/statistics-on-life-expectancy-in-israel>

<sup>133</sup> State of Israel, Ministry of Health, 'Rights of the Insured under the National Health Insurance Law', Retrieved from: <http://www.health.gov.il/English/Topics/RightsInsured/RightsUnderLaw/Pages/default.aspx>

<sup>134</sup> ibid.

<sup>135</sup> The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>136</sup> ibid.

duplicate insurance payments in medical situations that are already covered by state insurance.<sup>137</sup>

The budget does not provide funding to Arab hospitals to expand the availability of emergency medical services.<sup>138</sup> The National Healthcare Law guarantees equal healthcare access to all, but the 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 the refrigeration required for medicine.<sup>139</sup>

The Mossawa Center's budget report for 2017-2018 has found that despite the major disparities in healthcare access between the Arab community and the Jewish community, Decision 922 does nothing to address the issue.<sup>140</sup>

### **Outlawing Islamic Institutions**

Since 2000, under the global pretext of the War on Terror, the Israeli Government has increased its authority to declare that particular associations and organizations are "terror" organizations. As of 2000, Israel had identified fifty-five organizations as "terrorist organizations" and/or "unlawful associations". Between 2001 and August 2016, this number increased to 333.<sup>141</sup> Until recently, the Israeli Government has relied on two pieces of legislation for most of these actions: 1) The Defense (Emergency) Regulations and 2) the Prevention of Terrorism Ordinance (1948). Both are draconian in nature, encompass several unconstitutional components, and are meant to apply to situations of armed conflict. Nevertheless, the power given to the Minister of Security to declare that an organization is a "terrorist organization" or an "unlawful association" has been used widely in recent years.

In November 2015, under the Defense (emergency) Regulations declaration (1945), the the Israeli government declared the Northern Branch of the Islamic Movement illegal and, thus, any organisation or individual affiliated to the movement, or who had provided it with a service, or worked for it, had committed a criminal offense and was liable to imprisonment. The declaration, which dates to the British Mandate, allows the Israeli authorities to confiscate all property belonging to the movement.<sup>142</sup> Consequently, they shut down and confiscated seventeen of the Islamic movement's properties in localities and cities across Israel.

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<sup>137</sup> The Taub Center, (December 2017), 'State of the Nation Report: Society. Economy and Policy in Israel 2017'

<sup>138</sup> Mossawa, 'State Budget and Government Decision 922'

<sup>139</sup> Aderet, O, (2013, September 16), 'Israelis' Life Expectancy Has Risen by Two Years Over Past Decade', Haaretz

<sup>140</sup> Mossawa, 'State Budget and Government Decision 922'

<sup>141</sup> State of Israel, Ministry of Defense, Retrieved from: [http://www.mod.gov.il/Defence-and-Security/Fighting\\_terrorism/Pages/default.aspx](http://www.mod.gov.il/Defence-and-Security/Fighting_terrorism/Pages/default.aspx)

<sup>142</sup> Adalah, (2015, November 17), 'Israeli government declares Islamic Movement in Israel an unlawful association'

## **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, being accepted into university, getting a job, procuring books or watching television programming in their own language. The Bedouins have their lands confiscated, their homes are demolished and they can be forced to pay for it or are 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 shape its legislation and budget to reflect democratic values of equal rights and free speech.

The international community, including the US government, European Parliament, and the United Nations must not compromise on their professed commitment to democracy and peace, nor allow for intolerance and discrimination to continue to erode the fundamental democratic rights of Arab citizens in Israel. We ask these international entities, each with their own relationships and agreements with the State of Israel, to speak out against the gross contravention of basic fundamental rights for millions of Arab citizens in Israel. In practice, Israel prioritises its citizens on ethno-religious grounds, whilst directly and indirectly discriminating against its Arab minority; 20% of its overall population. Not to speak out, and not to act, threatens not only the integrity of democratic governments and organizations around the world, but any chance of a tangible resolution for peace in Israel.

## **Annex 1**

### **Laws in Israel currently discriminating against the Arab minority:**

2014

Increased Governance and Raising the Qualifying Election Threshold a Bill to Amend Basic Law: The Government;  
Law for separate representation on the public advisory board of the Equal Employment Opportunity Commission

2012

Israeli Prisons Ordinance Amendment No. 43 - Prisoner-Attorney Meetings;

2011

Citizenship Law - Amendment No. 10;  
"Anti-Boycott Law" - Prevention of Damage to the State of Israel through Boycott;  
"Nakba Law" - Amendment No. 40 to the Budgets Foundations Law;  
Israeli Prisons Ordinance - Amendment No. 40 (Meetings with Lawyers);  
Law to Strip Payments from a Current or Former Member of Knesset due to a Crime;  
"Foreign Government Funding Law" - Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity;  
Foreign Property Ownership - Israel Lands Law (Amendment No. 3);  
"Admissions Committees Law" - Cooperative Societies Ordinance - Amendment No. 8;

2010

"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;  
Absorption of Discharged Soldiers Law - Amendment No. 12;  
"Negev Individual Settlements" - Negev Development Authority Law - Amendment No. 4;  
Land (Acquisition for Public Purposes) Ordinance - Amendment No. 10;

2009

National Priority Areas - The Economic Efficiency Law - Legislative Amendments for Implementing the Economic Plan for 2009-2010;  
Child Vaccinations and Child Allowances - Economic Efficiency Law;  
Israel Land Administration Law - Amendment No. 7;  
Regional Councils Law (Date of General Elections) Special Amendment No. 6;  
Criminal Procedure Law - Interrogating Suspects - Amendment No. 4;

2008

Absorption of Discharged Soldiers Law - Amendment No. 7: Benefits for Discharged Soldiers;

2006

Criminal Procedure Law - Interrogating Suspects - Amendment No. 6;

Criminal Procedure Law (Detainee Suspected of Security Offence) (Temporary Order);

2003

"Ban on Family Unification" - Citizenship and Entry into Israel Law (Temporary Order);

2002

Law of Political Parties - Amendment No. 12; Use of Hebrew Date Law; Knesset Law; Basic Law: The Government;

1990

Second Authority for Television and Radio Law; Public Lands Law (Eviction of Squatters);

1981

Interpretation Law;

1980

Foundations of Law Act;

1971

Religious Jewish Services Law;

1969

Law of Yad Yitzhak Ben-Zvi

1976

Law of Mikve Israel Agricultural School;

1967

Protection of Holy Sites Law;

1965

Broadcasting Authority Law;

National Planning and Building Law -Limitation of Water, Electricity and Telephone;

National Planning and Building Law; Basic Law: Israel Lands;

1960

Israel Land Administration Law;

1958

Basic Law: The Knesset;

1953

State Education Law;

Jewish National Fund Law;

Land Acquisition Law (Actions and Compensation);

1952

Entry into Israel Law;

Citizenship Law;

World Zionist Organization-Jewish Agency (Status) Law;

1950

Law of Return;

Absentees' Property Law;

1949

State Stamp Law;

Flag and Emblem Law;

1948

Law and Government Ordinance, Article 18A;

1945

Defense Regulations (Times of Emergency), Regulation 125 (Closed Zones);

1939

Trade with the Enemy Ordinance

## Annex 2

### Racially discriminatory legislation currently pending in the 20<sup>th</sup> Knesset

(March 2015 onwards)

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. Exceptions to the Registration of an Association – Bill to Amend Associations [Amutot] Law;
16. 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;
17. Rights of those who Performed Military or National Service Bill; Civil Service Law (Appointments) - Amendment (Affirmative Action) Bill;
18. Contributors to the State Bill; Exemption of Discharged Soldiers from National Insurance Fees a Bill to amend National Insurance Law;
19. Rewarding the Perseverance of Compulsory Military Service Soldiers and Civil Service Volunteers in order to Ensure their Ability to Acquire a Higher Education Bill;
20. Reduction of the Tax Rate that Applies to the Special Remuneration a Bill to amend the Reserve Service Law;
21. Encouragement of the Study of Engineering and Technology a Bill to amend the Absorption of Discharged Soldiers Law;
22. Exemption of Lone Soldiers from Payment of Television Fee a Bill to amend the Broadcasting Authority Law;
23. Mandatory Recruitment a Bill to amend the Security Service Law; Civil Service Bill;
24. 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;

25. Prevention of Environmental hazards Bill; Prohibits the use of Public Address Systems in religious institutions(Amendment-2014)
26. Bill to amend the Penal Law; Prohibits wearing face veils in public (2010)
27. Official Language of the State of Israel Bill; Strip the Arabic Language of its official status.
28. Bill imposing loyalty oath for persons seeking to become public servants or local council members.
29. Basic Law Bills; State of Israel – Nation State of the Jewish People
30. Governmental Bill: Regulation of Bedouin Settlements in the Negev
31. Exemption of Discharged Soldiers from Payment of National Insurance Fee; a Bill to amend the National Insurance Law
32. Bill granting discount in property tax to discharged soldiers
33. Denial of Privileges and citizenship from Members of Knesset who support the enemy in times of war Bill
34. Prohibition of Funding for Sport and Cultural Events with Participation of IDF Deserters Bill
35. Law revoking child allowances from parents of children convicted of security offenses: a Bill to amend the National Insurance Law
36. Law imposing a mandatory minimum sentence on convicted stone-throwers; a Bill to amend the Penal Law
37. Law imposing fines on the parents of stone-throwers and others