**THE MOSSAWA CENTER’S BRIEFING PAPER ON HUMAN RIGHTS FOR ARAB CITIZENS IN ISRAEL:**

**Discrimination Against the Arab Minority in Israel**

May 2016

*The Mossawa Center is pleased to publish this report for the international community. This paper provides a concise update of the key developments and discrepancies in the civil and political, socio-economic and the cultural status of the Arab minority in Israel over the past year.*

**Introduction**

Equality and non-discrimination, fundamental principles of a democracy, are consistently ignored by Israel to protect its status as a Jewish state. Israel’s Basic Laws state that Israel is both a ‘Jewish and democratic state.’[[1]](#footnote-2) While Israeli Basic Law grants the right to “life, body, and dignity,” this right is subjugated to the protection of a Jewish state.[[2]](#footnote-3)This is exemplified in the way that the Supreme Court of Israel categorizes “nationality” versus “citizenship” which was again reiterated in October 2013.[[3]](#footnote-4) The Supreme Court distinguishes between ‘civic nationalism’ in which one’s nationality and political citizenship are identical, and ‘ethnic nationalism,’ in which the individual’s belonging to anational group stems mainly from shared characteristics such as language, culture and religion.[[4]](#footnote-5) Thus, recognition of Israeli nationality, independent of being Jewish, undermines the Jewish state and is not allowed. Whether the state can be Jewish and democratic is an on-going debate. Meanwhile the discrimination from the Jewish state effects many different freedoms.

Corruption in Israel is often ignored when the result is discriminatory policy against the Arab minority and protects the Jewish state. Recent reports within Israel and by the OECD show Jewish discrimination against the Arab minority is actually costing Israel billions.[[5]](#footnote-6) Leading researchers in Israel, Professor Eran Yashiv, head of Tel Aviv University’s Department of Public Policy, and Dr. Nitza Kasir of the Bank of Israel’s Research Department, to show how Israel’s policies are economically flawed and will drag the economy down with the poor Arab sector.[[6]](#footnote-7) Lastly, Israel has one of the highest poverty rates among OECD members due to the continued discrimination against the Arab minority.[[7]](#footnote-8)

**Media and the Press**

Arabic media is very limited in comparison to Hebrew media in Israel. For one, funding is very hard to obtain given that the couple existing Arab television stations do not receive state funding. Additionally, as Arabic content, original or dubbed, represents less than 5% of broadcasted material on Israeli channels; and despite the law requiring a certain amount of content to have Arabic subtitles, many only appear after midnight for a few hours or at other inconvenient times. When the Arab population does try to establish its own network for its own audience, Israel often reacts in a hostile manner, often publicly censoring any prospective Arab media projects and violating the right of freedom of expression. In 2013 there was an attempt to launch one of the first Arabic TV stations to broadcast in Israel, called Palestine 48. The station was intended to highlight the lives of Arab citizens of Israel, while production companies would offer content produced in the Galilee, the Triangle Area, and the Negev. However because the station was partly funded by the Palestinian Authority, Prime Minister Netanyahu, who also serves as the Communication Minister called for its shutdown claiming it is a foreign entity and has no right broadcasting in Israel. The station is currently undergoing a legal battle with the help of human rights organizations and legal advisors to combat the attempt to silence the Arab community in Israel. As for the legal basis as purported by the Prime Minister, it has already been stated as unfounded given that the station bought all the licensing rights to broadcast in Israel from Nazareth – a process that took over a year to accomplish.[[8]](#footnote-9) Such an attempt to censor a whole community is a direct violation of human rights and should not go unnoticed. In response to the developments in Israeli media, Freedom House downgraded Israel in its annual Freedom of the Press report from “free” to “partly free” in 2016.[[9]](#footnote-10)

There is also a lack of Arabic radio stations, specifically in the south and central areas of Israel. Many are prohibited from functioning due to systematic obstacles. For example, an Israeli-Palestinian radio station, *All for Peace Radio*, was forced to operate exclusively on-line for lack of an operating license within Israel, even though its station is outside Israeli jurisdiction- in other words, the satellite was not within Israeli territory.[[10]](#footnote-11) Nevertheless, the station contributed to the audience in Israel, broadcasting in Hebrew and Arabic and promoting the cultivation of the peace camp in Israel. Also, the Second Authority for Television & Radio, which, supervises 16 local radio stations only allows for one Arabic radio station in the whole country. This station, which is based in Nazareth, cannot serve as the only radio outlet for 20 % of the population.[[11]](#footnote-12) We believe there should be more state funded incentives to allow for more Arab radio stations to exist; and yet because of difficulty in acquiring broadcasting licenses, we see the counter effect taking place. More than sixteen local Arabic radio stations broadcast without a license in Arab localities throughout Israel; however, frequently the stations are shut down by government authorities and heavy fines are imposed, reducing any aspirations to reach the Arab minority through the airways of radio. The lack of state funding and infrastructure quells the Arab voice in Israel violating the right of freedom of press and freedom of expression.

Consider that the annual total budget for both Israeli television stations, Channel 2 and Channel 10, is about 1 billion NIS for production and programming.[[12]](#footnote-13) Despite its large budget, less than half of one percent goes to the programming for the Arab minority, which makes up twenty percent of the population. Further, Arabs, especially women, are poorly represented in the media. Only between 2 - 3.5% of all experts interviewed in the media are Arabs, and only a marginal number of these are women[[13]](#footnote-14). Implementation of proportionate-to-the-population practices continues to be a problem in Israel, and remains a tool for institutional discrimination against the Arab minority. [[14]](#footnote-15)

**Expression and Incitement on the Internet**

The Internet is an extremely valuable resource to many Arab citizens that also has been used against them. Many poorer Arabs do not have access to the internet In 2012 roughly 60% of Arab homes were still not connected.[[15]](#footnote-16) According to a report published by the Coalition Against Racism, 50% of the discussions on the internet concerning the escalation of violence in summer 2014 called for revocation of citizenship and economic boycott of Arab citizens.[[16]](#footnote-17) A page was set up calling for the removal of Biram Kayal, a football player from the Arab town of Jadeidi, who played for Maccabi Haifa. The page states that “it is not possible in the time of war that he puts up pictures of Palestinian flags and the same time he wears the uniform of the State of Israel.” It also features a list of online Palestinian “traitors” in Israel and pictures of their activity on Facebook.

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

**Education**

Employment and education for Arab citizens of Israel are threatened by structural issues of discrimination. Jews and Arabs have two separate school systems, each in their native language. These schools are treated very differently by the government. Budget cuts for lower schools make it extremely unlikely that Arab citizens will gain higher education and employment. Education for the younger Arab population is in jeopardy as day care centers, nurseries and after school programs funding fell by 39.6%.[[17]](#footnote-18) Amid all of the reports and studies about the differences between the Arab education budget and the Jewish education budget, we see a very worrying picture. According to the CBS, the Ministry of Education and official publications, most of the students in the Arab education system in Israel come from low socioeconomic backgrounds: two-thirds of them live in families living below the poverty line. The data demonstrates that the education level among Arabs adults is low when compared to the adult Jewish population. To be specific, among Arabs aged 15 and over, 37% were poorly educated, only finishing elementary school, while the percentage of poor education among the Jewish population is 16%.[[18]](#footnote-19) Further, the CBS also demonstrates that the percentage of employees with higher education among the Arab population is 17%, while the number stands at 40% among Jews.[[19]](#footnote-20) Moreover, a study shows that PISA exam scores of Arab students are 20% lower than those of Jewish students regardless of their socioeconomic background.[[20]](#footnote-21) This means that the best Arab pupils still perform 20% worse than the best Jewish ones. Other statistics of primary school drop out rates further demonstrate an immense educational gap between the Jewish and Arab population. Whereas only 8% of the Jewish students leave high school early, the figure for Arab students is 32%.[[21]](#footnote-22) In fact, we would like to draw your attention to the classroom shortage issue that the Arab communities’ faces - a problem which, may lay as the foundation of the statistics mentioned above.

The shortage of classrooms in Arab society has been a problem known in the education sector for many years. The reason for the issue is simple: not enough classrooms were built in the Arab schools, despite promises made by the Ministry of Education. For example, a government decision of March 2007 called the Compulsory Education Law stipulated that by 2011, there should have been 3,200 classrooms built in Arab towns- this being defined as a need in 2007 in Arab schools. However, at the end of 2011, the shortage of classrooms in the Arab communities was over 4502 classes, a number that is equivalent to the total of approximately 30% of all classrooms in the Arab communities.[[22]](#footnote-23)Moreover, nearly two-thirds of the buildings in Arab education kindergarten classes were missing on the eve of the Compulsory Education Law mentioned above. This meant that 2,026 preschools were missing in 2012. And more astonishingly, this means that kindergarten classes operated for only 3,325 Arab children in Israel. In other words there was already a 61% shortage of classrooms for children starting their education at age3,4, or 5.[[23]](#footnote-24)

Besides the shortage of classrooms, Arab schools are also lacking the resources needed to stimulate the children. For example, in 2000, the Ministry of Education set a target of placing one computer for every five students, but in 2011 there was only one computer station for every 12 children on average in Israel. When one looks at the numbers by sectors, one can see that when it came to the religious sector, there was actually one computer station for every 9 students while when it came to the Arab sector, there was one computer for every 20 students. Furthermore, there is a shortage of services such as psychological and educational counseling in these Arab schools.[[24]](#footnote-25) Building classrooms and providing services will prove difficult given that 62.9% of the Education Ministry’s payments are transferred to Jews, 22.1% to Arabs, 14.9% to mixed cities.[[25]](#footnote-26) Compulsory education, the foundation for young Arabs’ educational endeavors in Israel, requires serious attention in order to prepare Arab students for higher education.

Private church schools also suffer from the discriminatory allocation of the education budget. Church schools in Israel are run by the churches, but serve students of all religions. They fall into the category of “recognized but unofficial”, and formerly received 65% of their budgets from the state, but that figure was cut to 35 - 40 percent in 2015.[[26]](#footnote-27) The rest of the school’s budget is covered by tuition costs, which have increasingly become a costly burden to Arab families. In contrast, the Orthodox Jewish schools in Israel, which are also “recognized and unofficial” do not have to deal with the same concessions the Church schools have to.[[27]](#footnote-28) 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.[[28]](#footnote-29) Allocations are still however not equal to the funding for Jewish schools under the same category.

Regarding the spread of Arabic reading material, structural issues also keep the Arab minority in Israel from accessing Arabic books.[[29]](#footnote-30) Since 2008, licenses to import books published in an “enemy state” have not been renewed, even if the books were imported via another country. The only exception is “Kol Bo Books”, a book importer which was bringing Arabic books published in Syria and Lebanon from Egypt to Israel on the basis that about 80% of the books required by the Palestinians in Israel are published exclusively in Lebanon and Syria. Initially, the court attempted to shut down the book importer, but after a legal petition took place, the court decided that “Kol Bo Books” (and this company only) “would be granted an import license, to be renewed each year, in light of the nature of the “goods” and its importance to “the residents of Israel.”[[30]](#footnote-31) This ban not only infringes on the right of the readers of Arabic to the freedom of information, culture and education, but it also gives the Israeli Ministry of Industry, Trade and Labor, and the Israeli courts, a complete censorship power over the Arabic books needed for Palestinian use- this is inclusive of academic books. Moreover, due to exclusive print and distribution rights granted to publishing houses in Syria and Lebanon, most of the Arabic books in the academic and public libraries in Israel are printed either in Syria or Lebanon.[[31]](#footnote-32) Banning these books from entering Israel means preventing 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 to the right to freedom of expression and press.

In light of these numbers, we would like to emphasize that an enlightened country cannot afford to discriminate between children on the basis of religion, race or sex. Many Arab citizens have limited access to educational institutions within Israel and the Arab schools that do exist in Israel are insufficient for the growing population. The inadequate resources for elementary and high school education, many Arab students are unprepared for graduation and eventual employment. For example, Arab Muslims lag behind their peers in terms of passing the exit exam for university. Only 35% of Muslims compared to 45% of Druze, 51% of students from Hebrew schools and 61% of Christian students passed the exit exam by minimal amount needed for university.[[32]](#footnote-33) If Arab students do pass the exam, many leave the country for higher education given the shortage of both compulsory and higher educational facilities. It is estimated that between 6000-8000 Arab students study in various universities in Jordan, hundreds in higher education institutions in the Palestinian authority, and thousands in various institutions around the world.[[33]](#footnote-34) Figures show that only 9% of the Arab population in Israel holds a bachelor’s degree and 8% a master’s degree. Only 4% complete a doctorate[[34]](#footnote-35). Such statistics cannot be passed as a mere coincidence. Currently there are no Universities in Israel that offer studies in Arabic and the few colleges that exist have limited funds and resources. Education is the foundation of success for individuals and it is necessary to provide proper compulsory education as well as offer quality higher education within the country in order to keep promising students working in their home country.

**Cultural Rights**

Discrimination against Arab culture is rampant in the implementation of the state budget.
The proposed budget for 2015-2016 ignores the basic prerequisites of Arab society put forth by the National Committee of Arab Local Authorities. These requirements aim to close the enormous gaps and discrimination that have been stifling the progress of the Arab communities in Israel for decades.[[35]](#footnote-36) The Mossawa analysis of the State Budget shows gross inequalities in the treatment of the Arab minority’s cultural rights, specifically revealing that 40 million NIS of the Ministry of Culture’s budget was allocated under exclusive criteria giving funds solely to Jewish institutions such as “Ben Gurion Institutes” and “Jewish Heritage Communities”. There are no equivalent categories for Palestinian Arab organizations, which makes the criteria discriminatory and illegal. The budget analysis also revealed the Ministry of Culture allocates less than 4% of its budget to Arab culture for the Arab community, which is approximately 20% of the population. In other words, the entire State Budget for Culture amounted to NIS 642 million, from which the Arab culture receives about NIS 12 million, including the allocation for the Arabic Language Academy.[[36]](#footnote-37)In March 2016 the Ministry of Culture promised to double the allocation for the next five years but this is still not enough to close the gaps between Jewish and Arab culture institutions. Over the last six years, the community has been repeatedly allotted less than 4% of the Ministry’s funds, though the number of organizations applying for funding has more than doubled.[[37]](#footnote-38) No Arab heritage museum exists in Israel, and the one existing Arab school of art received minimal funding. The Minister of Culture, Miri Regev, has made several controversial decisions, that not only cut funding for theaters, but also seem to be directed against artists’ freedom of expression.[[38]](#footnote-39) Regev has also worked to stop the submission of a mapping of culture needs in the Arab community to the Supreme Court and only did so when forced by the court. This mapping found that Arab villages have no arts centers, museums or cinematheques. Additionally, important Arab cultural institutions such as the Al-Midan Theatre have lost their municipal funding. Prime Minister Netanyahu has ordered inquiry into how to shut down Palestine 48 TV station, which would serve Arab citizens. Actors and filmmaker such Mohamad Bakry, Suha Araf and Norman Issa have been threatened by government and settlers and lost funding for their projects because they are critical of the government.[[39]](#footnote-40) Mossawa calls on the Israeli government to end these discriminatory actions which violate the freedom of expression for Arab citizens.

The Mossawa State Budget Analysis also found that the Cinema Law allocates 60 million NIS each year for Hebrew cinema. Five Jewish cinema foundations control the funds allocated by Israel to Israeli cinema; however, there are no Arab employees, and no Arabs in the evaluation committees of these foundations.[[40]](#footnote-41)As a result, almost no Arabic films are selected for funding by the cinema foundations. The difficulty in acquiring core funding from the national resource also makes it problematic in accessing international funding opportunities as the vast majority of the cinema funds require co-funding from a home country[[41]](#footnote-42).

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

Since October 2000, 53 Arab citizens have been killed. The most recent death was in February 2016. 36 of those cases involve police officers. In only 3 cases was the officer convicted of a crime and even in those cases they only served 6-14 months in jail. In 2003 the Or Commission which was established to investigate the events of October 2000 determined that it should be made unequivocally clear that firing live ammunition, including sniper fire and rubber coated bullets, is not a means to disperse crowds by the police. This determination has been ignored time after time by Israeli police when dealing with Arab citizens and has led to unnecessary deaths of innocent civilians. The department for police investigation in the ministry of justice rarely gives these cases the attention they deserve.

A few examples of Police brutality and racially instigated terrorist acts:

Sami Ziadna, aged 43, who died as a result of excessive tear gas inhalation on January 18, 2015, after police instigated violence at the funeral he was attending for 20 year old Sami Al-Ja'ar. Ja'ar was killed on January 14th during a police drug raid in Rahat.[[42]](#footnote-43) The police used live gunfire which, resulted in the fatal shooting of Sami Al Ja'ar who witnesses say had nothing to do with the drug raid by the police.[[43]](#footnote-44) The Justice Ministry announced on January 15th that they had opened an investigation in to the shooting.[[44]](#footnote-45) The autopsy for Ja'ar took an unusually long four days to be completed, only after which, was the body released for burial on the evening of January 18th. Police had initially agreed with the Rahat municipality as well as the family of Al-Ja'ar to stay away from the funeral so as to avoid any further tension and violence, but one police truck arrived at the scene provoking the community attending the funeral. Large numbers of Police backup were called and responded with tear gas cannons, sound grenades and live fire. Sami Ziadna’s death made him the fiftieth Palestinian citizen of Israel to be killed by Israeli police since October 2000; and it symbolizes the lack of protection, and instead brutality, that sthe Arab community feels from the Israeli police.[[45]](#footnote-46)

Since 2011 the number and intensity of the Jewish hate group “Price Tag” attacks has steadily increased. While often these attacks are restricted to property damage recently the violence has intensified to include bodily harm and death.[[46]](#footnote-47)

On June 18, 2015 a fire consumed much of the interior of the Church of Multiplication in Tabgha near the Sea of Galilee. A holy site for Christians, believing the Church is the place where Jesus is said to have performed the miracle of feeding 5,000 of his followers with 5 loaves of bread and 2 fishes. The fire destroyed the roof, leaving only charred remains of Bibles and other objects, and police found anti-Christian graffiti scrawled in red Hebrew lettering on a wall church reading, "Idols will have their heads cut off." Although the Israeli authorities have labeled the crime as a terror attack, the government only committed to compensating the church after intense internal and international pressure. Further, little has since been done to combat this kind of hate, and instead, the Arab population constantly faces racial incitement by political leaders such as former Minister of Foreign Affairs, Avigdor Liberman, and incumbent Minister of Culture Miri Regev.[[47]](#footnote-48)

Several incidents paint a disturbing picture of Arab discrimination in Israel. The car of a teacher at Ramat HaSharon was attacked because she was driving with an Arab colleague[[48]](#footnote-49). A pregnant women was beaten up by Jewish children at a bus station because she was Arab, and not even a near by standing police officer came to help her.[[49]](#footnote-50) An Arab cleaner in the city of Tel Aviv was attacked by a group of Jewish Israelis, again because he was an Arab.[[50]](#footnote-51) These incidents are not happening in the West Bank, they happened in Israel and are caused by an increasing violent atmosphere of racism and hatred. From racial incitement, to religious discrimination, the Arab minority in Israel is threatened by the authorities, politicians and the local population. The state of Israel needs to do more to combat the growing hostility in the country against the Arab civilians.

**Incidents of racism against Arab citizens**

From March 2015-March 2016 incidents of racism have almost doubled from 237 to 465. 311 of which were directed at the Arab community. This includes racist actions coming from elected representatives, state institutions, academic institutions, businesses, organizations, the media and members of the general population.[[51]](#footnote-52) One example of such actions against the 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 and humiliating treatment of Arab citizens attempting to travel into or from the airport.[[52]](#footnote-53)

The most recent elections in Israel saw an increase in racist and inciting rhetoric from many politicians in order to gain votes. One of the most egregious of these statements came from Prime Minister Netanyahu himself. Out of fear of losing his power in the government he made short video telling the Israeli people that “The Arabs are coming out in to vote in droves”.[[53]](#footnote-54)This statement was meant to scare Jewish Israeli voters in to going out to vote and voting for Likud so that they might be protected from the “droves” of Arab voters.[[54]](#footnote-55) Many world leaders and activists expressed concern at this obviously racist attitude towards 20% of Israeli voters. President Obama came out against Netanyahu’s statement calling it "cynical" and "divisive." Political and Religious leaders are using racial incitement and the legal system neglects these statements that have led to direct use of violence by police officers and citizens. MK Smotrich even justified 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”.[[55]](#footnote-56)

Most recently, Prime Minister Netanyahu offered MK Avigdor Lieberman the position of Minister of Defense, which he accepted. Lieberman is seen as a controversial figure, even by local media. He makes racist and inciting statements against Palestinians and other Arabs on a regular basis and has put forward several discriminatory bills aimed at the Arab community[[56]](#footnote-57)

**Freedom of Movement**

The Mossawa Center State Budget Analysis shows the funding designated for transportation development in 2015 amounted to 14 billion NIS, of which 440 million NIS, or 3.2% of the designated budget, was to be invested in projects for the "minority" sectors. There is no doubt that transportation and mobility have a huge impact on the employment rate, trading, and the daily life of residents. For many years there was no internal public transportation working in the Arab towns (except Nazareth); and only in recent years did the Ministry of Transportation begin subsidizing internal lines in Arab communities. The Arab communities are hopeful for improvement after the Ministry recently designated 40% of subsidized public transportation to Arab villages, or at least 100 million NIS to Arab localities. Public transportation in Arab localities meant to be on par with services in Jewish communities by 2022. Nevertheless, there are huge gaps in regards to needs of communities, which have undergone many years of neglect. For example, despite the huge investments made by the government in laying railway lines, no line has ever been laid to connect an Arab locality to the rest of the country.[[57]](#footnote-58) Instead, we witness the government give priority to affluent Jewish communities such as Afula and Carmiel over large Arab cities such as Nazareth and Umm El-Fahm. In recent years there has been development of highways in the Galilee; but unfortunately the Mossawa Center witnessed that as the roads approached Arab communities, the project ran out of funds.[[58]](#footnote-59) What is worse, inter-urban road infrastructure around Arab communities is often destroyed due to the high number of road accidents, making it a huge obstacle for the development of those communities.

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 number of final destinations in Arab areas is lower compared to the number in Jewish areas, thus limiting the accessibility of the Arab public to their jobs. The lower number of daily trips in Arab areas compared with the number of daily trips in Jewish areas demonstrates deficiencies of transportation services in Arab communities.[[59]](#footnote-60) This all equates to limited freedom of movement and livelihood- both being the most basic human rights.

**Respect for Political Rights**

Arab political participation is constantly under threat. Israel’s electoral system is based on nation-wide proportional representation meaning the number of seats every political party list receives in the Knesset is proportional to the number of voters who voted for it. In March 2014, the Knesset passed the Governance Bill, which raised the qualifying threshold that requires 2% to 3.25% in order for a party to receive a seat.[[60]](#footnote-61) According to this system, the voters vote for a party list, and not for a particular person on the list.[[61]](#footnote-62) Approximately half of the political parties that would have been eliminated because of this increase are Arab political parties. Furthermore, Israel’s requirement that a political party recognize the Jewish character of the state, i.e. lack of Israeli nationality, disrespects political rights. Through this legislation the State of Israel greatly limits the voice of Arab citizens in Israel.

Arab elected officials are frequently ridiculed by colleagues in the Knesset particularly during times of “war.” Despite laws criminalizing hate speech and incitement to violence,[[62]](#footnote-63) Members of the Knesset frequently use hate speech against Arab MKs and Palestinian voters. Public words of discrimination and incitement were rampant throughout the 2014 war on Gaza. For example, MK Miri Regev responded to MK Haneen Zoabi’s statements concerning the kidnappings by calling her a “traitor and a “Trojan horse” and telling her in Arabic to “Go to Gaza.”[[63]](#footnote-64) These types of incitement comments by Jewish MKs go unchecked by the Israeli legal system. While at the same time Arab MK Haneen Zaobi was suspended by the Knesset Ethic Committee from plenary sessions in the Knesset for 6 months due to her statements.

**Outlawing Islamic Institutions**

Since 2000, and 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. Until 2000, Israel declared 55 organizations to be a “terrorist organization”[[64]](#footnote-65) and/or “unlawful association,” whereas between 2001 and June 2015 the number reached 320 declarations. In November 2015 the Israeli government declared the Northern Branch of the Islamic Movement illegal and shut down 17 of its organizations and charities located in localities and cities across Israel[[65]](#footnote-66). In its practice, the Israeli Government relies on two legislations: 1) The Defense (Emergence) Regulations (1945) and 2) the Prevention of Terrorism Ordinance (1948). Both legislations 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.

Further, the ability to subject these decisions to judicial scrutiny and to have a fair trial is rather limited. First, the decisions are usually based on intelligence information that is kept confidential and the concerned organizations are unable to review or to respond to any of the findings or the allegations brought in 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.”[[66]](#footnote-67) In addition, alongside the authority given to the Minister of Security to declare that particular associations are “terrorist organization” and “unlawful association,” the law authorizes the Police Commissioner to close the offices of such organizations and associations. The properties of such organizations are subject to sequestration.[[67]](#footnote-68)

**Pending and Current Discriminatory Legislation**

Several legislative proposals have been submitted and some approved with the aim to alienate and deepen the discrimination against the Arab community.

Approximately 53 currently enforced laws perpetuate inequality and discrimination, restricting the rights of the Arab minority in Israel.[[68]](#footnote-69) Approximately 39 new discriminatory laws were proposed before the 20th Knesset, elected in March 2015.[[69]](#footnote-70) The Arab minority constantly faces discriminatory law as continued preservation of the Jewish state above a democratic state. In the last few years proposals like the citizenship Law and the Nakba Law have been approved. These types of laws limit freedom of expression and affect the daily life of thousands of families. Several Proposed legislation would also hinder the rights of Arab citizens. These include the Prawer Plan, the Jewish State Law and the NGO's Law.

Over May and June 2014, the Knesset held debates about proposals to formalize a clear preference for the “Jewish” over the “Democratic” character of the State within Israel’s law. The *Basic Law: Israel, Nation State of the Jewish People Bill (2013)* is a private member’s bill that seeks to constitutionally determine the identity of the State of Israel as the national state of the Jewish people.’[[70]](#footnote-71) The Bill states that ‘the right to realize national self-determination in the state of Israel is held exclusively by the Jewish people.’[[71]](#footnote-72) If enacted, this bill could operate as a clear legal basis to justify the already existing laws and practices of discrimination against Arab citizens as well as new ones, on the basis of their non-Jewish status. The bill caused tensions in the population and within the government, which led to early elections in 2015.[[72]](#footnote-73)

Israel has also made attempts to divide the “non-Jewish” minority through legislation. In February 2014, the Knesset enacted a law that creates a legal distinction between Muslim and Christian Arab citizens.[[73]](#footnote-74) It allocates the Christian community separate representation on the public advisory board of the Equal Employment Opportunity Commission.[[74]](#footnote-75) On its face, the law appears to target labor discrimination by giving minority groups increased representation. However, it is in fact an attempt to reclassify Christians as ‘non-Arabs’ in order to further divide and control the Palestinian community in Israel.[[75]](#footnote-76)

The Veterans Preference bill or similar bills have been introduced in the Knesset several times and favors those who served in the army for jobs (including Civil Service), salary conditions, student housing and admission to higher education and land allocations for housing. Service is compulsory in Israel with Arab citizens being one of the exempted groups. The Veterans Preference was approved in June 2013 by the Ministerial Committee for Legislation and was expected to pass in the Knesset.[[76]](#footnote-77) This bill was overruled by PM Netanyahu in the previous session after two legal opinions found the bill unconstitutional and yet the bill has reemerged again. This bill effectively excludes Arabs from Civil Service jobs contrary to the Fair Representation and Basic Law of Israel. The *Law for Fair Representation of Palestinian Arab citizens* (2000) acknowledged Arab underrepresentation in Israel’s public sector. Arab inclusion as staff in ministries, state bodies and on boards of government companies was supposed to reach 10% by 2012 but has not reached that threshold.[[77]](#footnote-78) The Veterans Preference is counter to the Fair Representation Law, a Basic Law against discrimination and to the legal exemption from the mandatory national military service. Furthermore, the Lapid’s Bill would enshrine in law Israel’s Jewishness, reserving what the prime minister called “national rights,” such as the flag and anthem and the right to immigrate for Jews alone[[78]](#footnote-79).

Israel also extended the *Citizenship and Entry into Israel Law* (2003) for another year on June 15, 2015 until June 30, 2016.[[79]](#footnote-80) It is a temporary order that requires annual approval and extension by the Knesset, which has occurred routinely since its original enactment in 2003. This law prohibits citizenship and residency to all Palestinians from the West Bank and Gaza, who are married or intend to marry Israeli citizens and residents, including Palestinians in East Jerusalem with permanent residency status in Israel.[[80]](#footnote-81)The ban was extended in 2007 to include citizens from ‘enemy states’, including Iran, Lebanon, Syria and Iraq.[[81]](#footnote-82) This prevents many newly married couples as well as those who have been married for years from being able to live together with their families in Israel and directly targets the Palestinian and wider Arab community.

On September 3, 2015 the Knesset approved the first reading of the so called “Anti-terror bill” which if accepted, broadens the definition of terror and tightens the punishment for anyone who expresses solidarity with a terrorist group. Anyone over the age of 12 can be prosecuted for “terrorist involvement” which includes also wearing a shirt with a terror organization’s name on it. Since the fight against the occupation is a “legitimate right according to all international treaties”[[82]](#footnote-83), this law oppresses the Arab Community in Israel and its right to support the liberation of the occupied Palestinian people.

**Discriminatory Budget Allocations**

Based on an analysis of the 2016 state budget the Israeli government allocates only approximately 6% of the development budget to the needs of the Arab minority, even though they make up 20% of the total population in Israel. Even when there are funds allocated for development they are often withheld from being distributed. For the year 2015, only 664 million NIS were marked for development in the Arab community and are awaiting approval from the Exceptions Committee. This disproportionate allocation of funds has a profoundly negative impact on the Arab communities in Israel in the sectors of; education, socio economic status, employment, and municipal planning. It has also had a detrimental impact on Arab culture organizations and institutions in Israel. Currently the Ministry of Culture allocates less than 4% of its budget to Arab culture organizations or projects. The Mossawa Center calls to stop socioeconomic discrimination against the Arab minority in Israel and hopes that the Israeli government will implement a more equitable allocation of funds. The Israeli government recently announced a decision to increase allocations to the Arab community but it has announced such decisions in the past and they are never fully implemented if at all. The government has yet to lay out how and to which sectors the funds will be allocated. Thorough and persistent follow up is required if there is a hope that even part of this government decision will be implemented.

**Right to Health**

The high quality of Israel’s health system is not equally accessible for both Jews and Arabs. The average life expectancy for Israeli Jews exceeds that of Arab citizens by more than three years, by 4.3 years for men and women in 2014.[[83]](#footnote-84) Israel has one of the lowest infant mortality rates in the world, 2.2 deaths in the first year of 1,000 live births.[[84]](#footnote-85) Infant mortality among Arab citizens was 6.4 per 1,000 live births, compared to a third for Jews.[[85]](#footnote-86) Even though infant mortality rates dropped over the past decade, the gap between Jews and Arabs has increased.[[86]](#footnote-87)

The Mossawa Center State Budget analysis found that the three hospitals in Nazareth, which are the only hospitals in Arab areas, were not included in the Israeli development program, keeping the Arab hospitals almost entirely from receiving development funding.[[87]](#footnote-88) The EMMS Hospital in Nazareth was the only Hospital to receive an additional 3 Million NIS from the special budget of MK Ahmad Tibi. The council of ministers passed a plan to spend an extra 3.9Billion NIS in the next five years for Arab hospitals and suggested to unite hospitals in Nazareth.[[88]](#footnote-89) Whether this plan will be implemented, is, however, uncertain. Overcrowding in hospitals harms patients and is prevalent especially in Arab communities. Funding to expand the availability of emergency medical services is not given to Arab hospitals.[[89]](#footnote-90) The National Healthcare Law guarantees equal healthcare access to all,[[90]](#footnote-91) 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 uninterrupted refrigeration for medicine.[[91]](#footnote-92)

**Land Discrimination**

The Mossawa Center State Budget Analysis shows the 2012 budget of the Israel Land Administration (ILA) amounted to 5.5 billion NIS. Most of the budget designated for the Arab population was used to evacuate the unrecognized villages in the Negev.[[92]](#footnote-93)The Mossawa Center State Budget Analysis shows the Ministry of Agriculture has disproportionately allocated the budget for agricultural development, with over 99% of the budget designated to support Jewish farmers through different agriculture institutions such as kibbutzim. Increased allocations supporting agriculture in Arab areas will help create a source of livelihood for thousands of families and especially for women.[[93]](#footnote-94)

Israeli forces are demolishing homes of Bedouin Arabs in the Negev with more than 1,000 homes destroyed since 2011.[[94]](#footnote-95) The village of Al-Araqib in the Negev has been demolished over 93 times since 2010[[95]](#footnote-96). In the Negev there are still 100,000 people living in unrecognized villages meaning they are not connected to water, electricity or sanitation services[[96]](#footnote-97). These people are calling the government to leave them to live on their land. The government wants them to move to urbanized towns, which are completely contradictory to the way of life of the Bedouin people. In May 2015 the Supreme Court approved a government plan to evacuate Umm El-Hiran village to make way for a Jewish town. Those Bedouins who did move to the urbanized towns found themselves in situations of dire poverty. Women in the Bedouin community whether in recognized or unrecognized villages have one of the highest rates of unemployment in the country. It is important that these women are supported so as to improve the economic situation of all Bedouin communities. Recently demolitions in other Arab localities such as the city of Taibe have taken place.[[97]](#footnote-98) The reason cited for these demolitions is that the structures were built with out a permit but approximately 45% of Arab towns and villages do not have an authorized master plan. About 40% of land is authorized by detailed plans in the jurisdiction area, a rather high percentage, which is explained by the lack of master plans that meets the needs of these Arab areas. More than 50% of Arab towns and villages have requested an expansion of their jurisdiction areas, 45% were approved but the towns and villages are still waiting for the expansions to be implemented. Approximately 30% of Arab towns and villages do not have state lands in order to build schools, community centers etc.[[98]](#footnote-99) This situation puts many in the situation of building illegally or dealing with over crowding.

It is crucial that Israel begin to build new neighborhoods and develop existing neighborhoods in order to meet the urgent need of residential units. 27% of Arab households are not connected to sewage infrastructures.[[99]](#footnote-100) The Mossawa Center State Budget Analysis showed the 2015-2016 Ministry of Housing budget allocated 200 million NIS for the development of housing in the Arab sector. The Ministry and the Minister Council aids in the development of new neighborhoods and infrastructure[[100]](#footnote-101), but the Ministry had cancelled assistance for the construction of public buildings and development in old neighborhoods as well as subsidies for purchasing housing.[[101]](#footnote-102) While no new Arab villages have been established since 1948, Jewish settlements are regularly established.

**Employment Issues**

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, even though they are only 20% of the population in total, and 60% of Arab children are living in poverty.[[102]](#footnote-103) A 2015 report by the OECD found Israel to have one of the most unequal economies in the western world.[[103]](#footnote-104)

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.[[104]](#footnote-105) Arab workers face a number of different issues in terms of employment opportunities. Lacking training, many in the Arab minority become unskilled laborers and work for short periods in the infrastructural industry in Israel.[[105]](#footnote-106) In the civil service sector only 5.8% are Arabs[[106]](#footnote-107). Of more than 85,000 employees in high tech companies only 1,200 are Arabs. Only 1.5% of researchers in Israel are Arab researchers, fewer than 1% of the research and development institutions have Arab employees[[107]](#footnote-108). The Israeli government has yet to fully implement its own mandate of 10% of government employees being Arab citizens by 2012. In 2015 Arabs made up only 9.25% of government employees and there are still entire government departments and bodies that contain no Arab employees, including for example the Ministry of Strategic Affairs, the Government Publications Office, the Department of Transportation, and the Knesset Television station.[[108]](#footnote-109)

Most Arab citizens end up as unskilled employees in industries like food and trade.[[109]](#footnote-110) Partially due to their skill and training deficiency, Arab citizens of Israel are paid considerably less than their Jewish counterparts, even if they work the same hours. Arab men’s salaries are 43% less than Jewish men’s salaries and Arab women’s are 21% less.[[110]](#footnote-111)The figure of female Arab workers is especially low. Only 21% are working compared with 57,9% of Jewish female workers.[[111]](#footnote-112)However, the problem is not just about providing employment training. A great deal of funding has gone towards this in the Arab sector, with employment centers rising by 215%.[[112]](#footnote-113) Greater access to skills based training is an important improvement that also must be augmented by greater openness to hiring Arabs by the government and private individuals.

The most vulnerable populations of Arab citizens in Israel, such as Bedouins and women, often fair the worst when it comes to employment. Only 53% of Bedouin men and 12.5% of Bedouin women participate in the workforce.[[113]](#footnote-114) In terms of Arab women on the whole, in 2015, 13% of Arabs in higher education were women, whereas only 33% of Arab women were employed in the workforce. Meanwhile, 65% of Jewish women are employed.[[114]](#footnote-115) Israel has not succeeded in tapping into the resource of Arab women as well-educated skilled labor and too many remain unemployed given their skill set.[[115]](#footnote-116) Moreover, the entire population of Arab citizens has many linguistic abilities that could be very beneficial in the Israeli workforce. The Israeli government, excellent at absorbing immigrants, should find it desirable to help match these citizens to proper work opportunities. Improving employment inequality is one of the best ways to improve the situation of individual Arab citizens and empower them to contribute to the Israeli economy and society.

**Discrimination in Business and Tourism**

Arab businesses continue to be stymied by the State of Israel sometimes through extra-legal activities such as unofficial calls for boycott. For example, as Foreign Minister Avigdor Lieberman called for a boycott of Arab businesses during Operation Protective Edge.[[116]](#footnote-117) Lieberman has a long history of inflammatory statements against Arab citizens. He has continuously called for the moving of the border between Israel and the West Bank which would effectively transfer thousands of Arab citizens in the triangle area to the jurisdiction of the Palestinian Authority.[[117]](#footnote-118) In reaction to a strike and day of mourning for lives lost in Gaza observed by many in the Arab community, Lieberman called for a boycott of all Arab businesses that participated in the day long strike[[118]](#footnote-119). None of these actions or speeches has been called in to question by the Knesset ethics committee.

Generally, Arab business owners feel they receive less business and governmental bids according to a survey of Arab business owners done by the Ministry of Economy.[[119]](#footnote-120) Land allocations are not given to Arabs and therefore fewer businesses are run by Arabs.[[120]](#footnote-121) The Mossawa Center State Budget Analysis shows Arab areas in Israel, including the city of Nazareth, are not included in the Ministry of Tourism's plans or on the tourism map published by the Ministry. The Ministry fails to utilize the potential, which lies in developing tourism in Arab areas. Arab cities and localities such as Jisraz-Zarqa, receive limited or no funding to increase their potential to attract tourism and government decisions for tourism allocations only mentions Nazareth. Tourism, however, in these areas can contribute in solving the employment problem by creating job opportunities, especially for Arab women.[[121]](#footnote-122)

**Conclusion**

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

**Annex 1**

**Footnote 63**

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

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

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

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;

"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;

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;

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

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

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

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

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

Interpretation Law;

Foundations of Law Act;

Religious Jewish Services Law; Law of Yad Yitzhak Ben-Zvi (1969) and Law of Mikve Israel Agricultural School (1976);

Protection of Holy Sites Law;

Broadcasting Authority Law;

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

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

Israel Land Administration Law; Basic Law: The Knesset; State Education Law; Jewish National Fund Law;

Land Acquisition Law (Actions and Compensation);

Entry into Israel Law;

Citizenship Law;

World Zionist Organization-Jewish Agency (Status) Law;

Law of Return;

Absentees’ Property Law; State Stamp Law;

Flag and Emblem Law;

Law and Government Ordinance, Article 18A; Defense Regulations (Times of Emergency), Regulation 125 (Closed Zones); and Trade with the Enemy Ordinance

Law for separate representation on the public advisory board of the Equal Employment Opportunity Commission

Increased Governance and Raising the Qualifying Election Threshold a Bill to Amend Basic Law: The Government

**Annex 2**

**Footnote 64**

**Racially discriminatory legislation currently pending in the 20th Knesset**

Bill to amend the Citizenship Law imposing loyalty oath for persons seeking naturalization in Israel and Israeli citizens seeking first ID cards;

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;

Immigration to Israel Bill;

Defamation of IDF Soldiers – The "*Jenin, Jenin* Bill" - Bill to amend the Defamation Prohibition Law;

Shalit Bill - Preventing Visits Bill;

Shalit Bill - Restriction of Visitation for a Security Prisoner Bill;

Shalit Bill - Release of Captives and Kidnapped Persons Bill;

Shalit Bill - Imprisonment of Requested Prisoners;

Bill to Fight Terrorism;

Bill to amend on Participation in an Act of War or Terrorism against the State Law;

Denial of Privileges from a Prisoner Belonging to a Terrorist Organization that is Holding an Israeli Captive and Bill to amend Prison Ordinance Law;

"The Goals of Education"– Bill to amend the State Education Law;

"Universal Jurisdiction Bill" - Associations (Amutot) Law – Amendment;

"NGO Loyalty to a Jewish and Democratic State Bill" - Preserving the Values of the State of Israel Bill;

“Bill on Foreign Funding of NGOs" - Bill on Income of Public Institutions Receiving Donations from Foreign State Entity (Legislative Amendments);

Exceptions to the Registration of an Association – Bill to Amend Associations [Amutot] Law;

Taxation of Income of Public Institutions that Receive a Donation from a Foreign State Entity a Bill to Amend Income Tax OrdinanceRegulation of Bedouin Settlement in the Negev Bill;

Rights of those who Performed Military or National Service Bill; Civil Service Law (Appointments) - Amendment (Affirmative Action)Bill;

Contributors to the State Bill; Exemption of Discharged Soldiers from National Insurance Fees a Bill to amend National Insurance Law;

Rewarding the Perseverance of Compulsory Military Service Soldiers and Civil Service Volunteers in order to Ensure their Ability to Acquire a Higher Education Bill;

Reduction of the Tax Rate that Applies to the Special Remuneration a Bill to amend the Reserve Service Law;

Encouragement of the Study of Engineering and Technology a Bill to amend the Absorption of Discharged Soldiers Law;

Exemption of Lone Soldiers from Payment of Television Fee a Bill to amend the Broadcasting Authority Law;

Mandatory Recruitment a Bill to amend the Security Service Law; Civil Service Bill;

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;

Prevention of Environmental hazards Bill; Prohibits the use of Public Address Systems in religious institutions (Amendment-2014)

Bill to amend the Penal Law; Prohibits wearing face veils in public (2010)

Official Language of the State of Israel Bill; Strip the Arabic Language of its official status.

Bill imposing loyalty oath for persons seeking to become public servants or local council members.

Basic Law Bills; State of Israel – Nation State of the Jewish People

Governmental Bill: Regulation of Bedouin Settlements in the Negev

Exemption of Discharged Soldiers from Payment of National Insurance Fee; a Bill to
amend the National Insurance Law

Bill granting discount in property tax to discharged soldiers

Denial of Privileges and citizenship from Members of Knesset who support the enemy in times of war Bill

Prohibition of Funding for Sport and Cultural Events with Participation of IDF Deserters Bill

Law revoking child allowances from parents of children convicted of security offenses3: a Bill to amend the National Insurance Law

A Bill Declaring the Northern Branch of the Islamic Movement an Illegal Organization.

Law imposing a mandatory minimum sentence on convicted stone-throwers; a Bill to amend the Penal Law

Law imposing fines on the parents of stone-throwers and others

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