



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

מרכז מוסאווה
לזכויות האזרחים
הערבים בישראל
(ע"ר)

Mossawa Center
The Advocacy
Center for Arab
Citizens of Israel

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NGO's Submission

The Mossawa Center is pleased to present its submission, to the UN Universal Periodic Working Group to assist in its review of Israel at the 15th session, on the promotion and protection of the rights of the Arab minority in Israel.

16 July 2012

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

Implementation of international human rights obligations

1. Equality and non-discrimination

1. Without an expressed constitutional guarantee to the right to equality and non-discrimination in the *Basic Law: Human Dignity and Liberty - 1992* or legislation and the self-definition as a “Jewish and democratic” state, the exercise of rights of Arab minority in Israel is restricted. Despite its obligations under international human rights law, the development and current structure of Israel is characterized as a State that privileges its Jewish citizens over its non-Jewish citizens through State policies, legislative measures, court decisions and official institutions, thereby jeopardizing the status of citizenship within Israel and the safeguarding of equality.

We urge the Working Group to call on Israel to amend its *Basic Laws* and legislation to include the principle of non-discrimination.

2. Right to privacy, marriage and family life

2. The *Citizenship and Entry into Israel Law (Temporary Order) - 2003*ⁱ was initially passed as a temporary order on July 31, 2003, restricting the eligibility of spouses from the oPt and “enemy states” of Israeli citizens to gain citizenship or permanent residency. Following a second legal challenge, in January 2012, the Supreme Court of Israel upheld constitutionality of the law, affirming that national security outweighs the right to family life.ⁱⁱ

We urge the Working Group to call on Israel to revoke the *Citizenship and Entry into Israel Law (Temporary Order) - 2003* and to review its policy with a view to facilitating family reunifications for all citizens and permanent residents without discrimination.

3. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

3. The Bedouin community in Be’er Sheva continues to be denied public places of worship, which contrasts to 200 synagogues for the Jewish community. The “Big Mosque” was converted into a museum, after the High Court ruled in June 2011 that it should be used as an Islamic museum for the Muslim community.ⁱⁱⁱ In 2011, the Be’er Sheva municipal authorities permitted the use of the grounds for general use, not focused on Islamic culture.^{iv}

We urge the Working Group to call on Israel to increase its efforts to protect the religious rights of minorities and ensure equal and non-discriminatory access to places of worship.

4. In response to the Gaza offensive in 2008 and 2009 the Arab minority in Israel mobilized in peaceful demonstrations. Israel responded to these demonstrations with disproportionate police force, arresting and detaining some 700 demonstrators.^v Similarly, demonstrators were subject to excessive use of force and arbitrary arrest during non-violent protests against the village demolition of Al-Araqib in the Negev in 2010 and 2011, on Nakba Day in May 2011, and in solidarity with Palestinian political prisoners in 2011 and 2012.

We urge the Working Group to call on Israel to ensure that police authorities respect the rights of all its citizens, without discrimination, including freedom of expression and the right to peaceful assembly.

5. Following the release of the “Breaking the Silence” report concerning the Gaza offensive, the government publicly announced its intention to wage an “aggressive battle against NGOs it deems biased against Israel”.^{vi} NGOs have come under an increased legislative assault from Knesset that aims to limit and delegitimize their operations and existence^{vii} as well as a severe and sustained attack by high-level political figures and cabinet members.^{viii}

We urge the Working Group to call on Israel to ensure that NGOs are not restricted with respect to their establishment and operations and that they are able to function independently.

6. On January 12, 2009, Israel’s Central Election Committee, which is comprised of members of all party factions, prohibited the Knesset’s two Arab political parties, the United Arab List Ta’al and Balad, from participating in the 2009 elections on charges that they do not recognize the Jewish character of the State and call for armed uprising against it, which was challenged and subsequently overturned by the Supreme Court.^{ix} The civil and political rights of the Arab political and civil society leadership continue to be threatened. A number of Arab MKs face criminal prosecution and arbitrary measures for legitimate political activities.^x

We urge the Working Group to call on the Israel to ensure that Arab political and civil society leaders enjoy equal civil and political rights.

4. Administration of justice and the rule of law

7. The incidence of race-based lethal violence has increased since October 2000 with almost 50 Palestinian Arab citizens being killed by Jewish citizens or Israeli security, in which only two perpetrators were convicted.^{xi} The Or Commission, established following the killing of 12 Palestinian Arab citizens in peaceful protests during the Second Intifada in October 2000, found that excessive force was used by the Israeli security. Nonetheless, no Israeli security officer was indicted, underscoring the culture of impunity within the Israeli security.

We urge the Working Group to call on Israel to conduct prompt, independent and full investigations into the responsibility of Israeli security for violence and lethal force and to remind public prosecutors and the judiciary of the importance of evenhandedly prosecuting acts of violence and lethal force, irrespective of the alleged perpetrators’ status.

8. Since 2008, there has been an escalation in incitement against the Arab community from the political and religious establishment. Although incitement is prohibited under Israeli law, there are serious impediments with its enforcement.^{xii}

We urge the Working Group to call on Israel to step-up its efforts and use all possible means to counter and stem racism and xenophobia in public discourse, by strongly

condemning such statements by public officials and political and religious leaders, and by implementing appropriate measures to combat the proliferation of acts and manifestations of racism targeting the Arab minority.

9. Settlers' violence expanded in pace and space, manifesting itself in "Price Tag" attacks involving destruction and vandalism inside Arab localities and against human rights defenders.^{xiii} Following these incidents, the Israeli government and law enforcement failed to prosecute those responsible.^{xiv}

We urge the Working Group to call on Israel to carry out impartial and independent investigation of settlers' violence, those responsible be prosecuted, and if found guilty, appropriately punished.

5. Right to work and to just and favorable conditions of work

10. Preference in hiring in civil service jobs is granted to applicants who completed military service, even where there is no link between the applicant's military service experience and the skills and knowledge required for the position.^{xv}

We urge the Working Group to call on Israel to ensure equal enjoyment of the right to work for the Arab minority, irrespective of military service participation.

11. Arab employees comprise only 7.5% of the public sector workforce, though the target participation quota set by the *Law for Fair Representation of Palestinian Arab citizens* was 10% by 2010.^{xvi} Only 2.4% of industrial zones are located in Arab towns and the lack of public transportation and day-care facilities for Arab workers contribute to significantly higher unemployment rates in the community. 13.2% of Arab employees work in unskilled labor compared to 7.4% of Jewish employees, and a higher percentage of Jewish employees work in management, business, and finance than Arab employees.^{xvii} In 2010, the overall unemployment rate was 6.8% with a slightly higher rate of 7.7% among Palestinian Arab citizens. Moreover, the 36 out of 40 towns with the highest unemployment rates are Arab. Furthermore, the extremely low rate of participation in the workforce by Palestinian Arab women – 22.5% in 2010 compared to 58.8% among their Jewish counterparts^{xviii} – is among the lowest in the world, and far below the average (62%) in OECD countries.^{xix}

We urge the Working Group to call on Israel to take immediate steps to increase employment opportunities in Arab localities, and redouble its efforts to achieve equality in Arab women's access to employment.

6. Right to social security and to an adequate standard of living

12. Approximately 200,000 Bedouin live in 45 unrecognized villages throughout the Negev, 36 are unrecognized, also called "illegal clusters". 1,000 Bedouin homes were demolished in 2011, compared to 350 in 2010. In contrast, the State continues to establish new Jewish settlements in the Negev, and illegally constructed Jewish residences have been retroactively legalized.

13. Despite the *National Healthcare Law - 1994*, which guarantees equal access to healthcare to all, the Bedouin in the Negev do not receive adequate healthcare due to lack of basic infrastructure and services. Bedouin villages have no pharmacies, few medical clinics, and fewer medical personnel than Jewish villages resulting in shorter life expectancy and higher infant mortality rate.

14. Unrecognized villages in the Negev are not connected to the national water grid, although water is a basic right and all other Israeli citizens have running water in their homes. Bedouin citizens in unrecognized villages are forced to obtain drinking water from access points located kilometers from their villages. They do this through an improvised plastic hose system, or by transporting the water in unhygienic metal containers by vehicle or donkey. In many instances, due to the heavy use of the source, the water is intermittent or frequently stops. Moreover, inhabitants are exposed to the health risks due to drinking poor quality water.

We urge the Working Group to call on Israel to cease its practice of home demolitions and to guarantee the Bedouin community's access to basic services.

7. Right to education and to participate in the cultural life of the community

15. Public spending on children in Arab localities is estimated to be at least one-third lower than its spending for children in Jewish municipalities. There is a shortage of over 9,000 classrooms in Arab municipalities. The drop-out rate for Arab students is 8.1% compared to 3.9% for Jewish Israelis.^{xx} Arab students score an average of 100 points lower than Jewish students on college entrance exams due in part to a lack of consideration for cultural and linguistic differences.^{xxi} Age requirements imposed for many university programs discriminate against Arabs who are not required to serve in the military prior to attending university. Requests for an Arab university have been continually rejected, while the first Arab college was established in Nazareth on the condition that it does not apply for government funding.^{xxii}

We urge the Working Group to call on Israel to ensure equal enjoyment of the right to education, irrespective of national belonging.

16. The *Basic Law on Israel as the Nation-State of the Jewish People* proposes to make Hebrew the only official language of the State, cancelling the official status of Arabic, an official language since 1924.

17. The Ministry of Culture consistently discriminates against the Arab community in allocation of its budget.^{xxiii} Over the previous six years, the Ministry has consistently allotted less than 3% of its funds to approximately 400 Arab organizations; only 2.3% of the Ministry of Culture budget was designated to Arab institutions in 2012. It has taken ten years of advocacy to establish the first Arabic-language television station in Israel.^{xxiv}

We urge the Working Group to call on Israel to increase its efforts to guarantee the right of the Arab minority to enjoy its own culture and language.

8. Minorities and indigenous people

18. Approximately 35 laws perpetuate inequality and discrimination, restricting the rights of the Arab minority in Israel. Following the 2009 election, the Knesset has introduced and enacted a raft of legislative measures which further harm the rights of the Arab minority in Israel.^{xxv}

We urge the Working Group to call on Israel to abrogate all discriminatory laws, rescind all discriminatory bills.

19. An analysis of the 2012 State Budget revealed that although this Arab minority comprises over 20% of the total population, they will receive less than 6.25% of the budget. 7 billion NIS are allocated for budget lines that deal exclusively with Jewish citizens of Israel.^{xxvi}

We urge the Working Group to call on Israel to allocate the State Budget so as to ensure non-discrimination.

19. In September 2011, the government approved the Praver Plan, which aims to evacuate up to 70,000 Bedouin citizens from their lands. The plan was devised without properly consulting the Bedouin community, and is entirely unacceptable to those that it directly affects. It disregards the recommendations of the Goldberg Commission, making no effort to address historical land claims, and eschewing the idea of recognition of existing villages.^{xxvii}

We urge the Working Group to call on Israel to revoke the Praver Plan and in its planning in the Negev, to respect the Bedouin's right to their ancestral land and their traditional agricultural livelihood.

ENDNOTES

ⁱ For more information about the *Citizenship and Entry into Israel Law (Temporary Order) - 2003* see, *The Mossawa Center's Briefing Paper on Israel's Citizenship and Entry Law*, 2012. Available at, <http://www.mossawa.org/files/File/Publications/Citizenship%20Law.pdf>.

ⁱⁱ Ha'aretz, *Israel's High Court Rejects Petitions against Citizenship Law*, January 11 2012. Available at, <http://www.haaretz.com/news/national/israel-s-high-court-rejects-petitions-against-citizenship-law-1.406794>

ⁱⁱⁱ The Big Mosque dates back to 1906 and is currently the only mosque to operate in Be'er Sheva.

^{iv} For example, on September 14 and 15, 2011, the "Big Mosque" and its grounds were used for the fifth annual wine festival, in flagrant disregard of the sanctity of the Mosque as a holy site and the sensitivity of worshippers. OHCHR, "Israel / OPT: UN expert calls for freedom of expression for minority views and dissenting opinions," 19 December 2011. Available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11731&LangID=E>. For further information about the legal proceedings see, Adalah, "Israeli Supreme Court Rules to Turn Big Mosque in Beer el-Sabe into an "Islamic Museum"", 24 June 2011. Available at, http://www.adalah.org/eng/pressreleases/pr.php?file=24_06_11

^v Ha'aretz, *Israel Arrests 700 People, Mostly Arabs, in Protests against IDF Gaza Op*, January 12, 2009. Available at, <http://www.haaretz.com/hasen/spages/1054763.html>

^{vi} Jerusalem Post, *European funding 'Breaking the Silence'* July 17, 2009. Available at: <http://www.jpost.com/servlet/Satellite?apage=2&cid=1246443834129&pagename=JPost%2FJPArticle%2FShowFull>

^{vii} The Laws include: *Law on Disclosure Requirements for Recipients of Funds from Foreign Entities – 2011*(*The Foreign Funding Law*), the *Associations Law Amendment – Exceptions to the Registration and Activity of an Association*

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- ^{viii} Israel's Foreign Minister, Avigdor Lieberman, continuously speaks against NGOs and has even branded them as "terror groups and terror supporters." See, YNet, *Lieberman: PM backed Tibi but not Us*, July 17, 2011. Available at, <http://www.ynetnews.com/articles/0,7340,L-4096299,00.html>
- ^{ix} YNET, *Arab Parties Disqualified from Elections*, January 12, 2009. Available at, <http://www.ynet.co.il/english/articles/0,7340,L-3654866,00.html>
- ^x MKs currently facing prosecution include MK Mohammad Barekeh, Said Naffaa and Hanin Zoabi. For example, see YNET, *MK Zoabi suspended from Knesset debates*, July 18, 2011. Available at, <http://www.ynetnews.com/articles/0,7340,L-4096788,00.html>.
- ^{xi} Ha'aretz, *Ha'aretz Poll: Intolerance and Homophobia amongst Israelis*. Available (in Hebrew) at <http://www.haaretz.co.il/hasite/spages/1105758.html?more=1#g1>
- ^{xii} Please refer to Mossawa Centers' Report, *The Palestinian Arab Minority and the 2009 Israeli Elections*, 2009. Available at <http://www.mossawacenter.org/files/files/File/Publications/eng.pdf> for detailed examples of political incitement in Israel pp. 17. See also, *The Coalition Against Racism, Shadow Report, UN Committee Against All Forms of Racial Discrimination*, January 2012. Hardcopy available on file.
- ^{xiii} Mossawa, *The Mossawa Center Blames the Government Indifference toward Racial Incitement for Mosque Attack in Tuba*, 3 October 2011. Available at, <http://www.mossawa.org/files/files/File/Press%20Releases/2011/THE%20MOSSAWA%20CENTER%20BLAMES%20THE%20GOVERNMENT%20C3%A2%C2%80%C2%99S%20INDIFFERENCE%20TOWARDS%20RACIAL%20INCITEMENT%20FOR%20MOSQUE%20ATTACK%20IN%20TUBA.pdf> and Mossawa, *Desecration of Tombs in Jaffa Adds to a Sequence of Racist Attacks in Israel*, 11 October 2011, available at, <http://www.mossawa.org/files/files/File/Press%20Releases/2011/DESECRATION%20OF%20TOMBS%20IN%20JAFFA%20ADDS%20TO%20A%20SEQUENCE%20OF%20RACIST%20ATTACKS%20IN%20ISRAEL.pdf>
- ^{xiv} Ha'aretz, *'Rabin is Waiting Sprayed on Peace Activist's Door*, November 9, 2011. Available at, <http://www.haaretz.com/print-edition/news/rabin-is-waiting-sprayed-on-peace-activist-s-door-1.394450>
- ^{xv} See, the amendment entitled *Civil Service Law (Appointments) -2002, (Proposed Amendment – Affirmative Action)*, which ties civil service employment to military service or national service. The amendment grants Coalition against Racism, *Bill Granting Preference to Release Army Personnel is Widening the Gap*, July 19, 2011. Available at, <http://www.fightracism.org/en/Article.asp?aid=103>
- ^{xvi} English translation of extracts of the report by the Parliamentary Enquiry Committee on the Employment of Arabs in the Public Sector, the Israeli Knesset, February 2008
- ^{xvii} Central Bureau of Statistics (CBS), *Statistical Abstract of Israel 2011*, Table 12.12; Table 12.18.
- ^{xviii} CBS, *Statistical Abstract of Israel, 2011*, Table 12.1.
- ^{xix} OECD, *Overview of Gender Differences in OECD Countries*, available at, http://www.oecd.org/document/51/0,3746,en_2649_34819_44720243_1_1_1_1,00.html.
- ^{xx} OECD, *Review of Labor, Market And Social Policies, ISRAEL*, Paris, 2010.
- ^{xxi} Ha'aretz, *Israel's standardized testing gives the wrong results*, February 23, 2011. Available at, <http://www.haaretz.com/print-edition/opinion/israel-s-standardized-testing-gives-the-wrong-results-1.345165>
- ^{xxii} Ha'aretz, *OECD urges Israel to fund new Arab college in Nazareth*, December 24, 2010, <http://www.haaretz.com/print-edition/news/oecd-urges-israel-to-fund-new-arab-college-in-nazareth-1.332596>
- ^{xxiii} Mossawa, *Ministry of Culture Discriminates against Arab Citizens in Budget Allocation*, March 1, 2011. Available at, [http://www.mossawa.org/files/files/File/Press%20Releases/2011/MINISTRY%20OF%20CULTURE%20DISCRIMINATES%20AGAINST%20ARAB%20CITIZENS%20IN%20BUDGET%20ALLOCATION\(1\).pdf](http://www.mossawa.org/files/files/File/Press%20Releases/2011/MINISTRY%20OF%20CULTURE%20DISCRIMINATES%20AGAINST%20ARAB%20CITIZENS%20IN%20BUDGET%20ALLOCATION(1).pdf)
- ^{xxiv} Mossawa, *"Hala TV" to be the First Independent Arabic Language Station in Israel*, May 5, 2011. Available at, <http://www.mossawa.org/files/files/File/Press%20Releases/2011/BID%20APPROVED%20FOR%20FIRST%20ARABIC-LANGUAGE%20TV%20STATION%20IN%20ISRAEL.pdf>
- ^{xxv} Some discriminatory laws include, *inter alia*; *Law for Prevention of Damage to the State of Israel through Boycott – 2011 (Anti-Boycott Law)*; *Law to Amend the Budgets Foundations Law, Amendment No. 40 - 2011 (The Nakba Law)*; *Law to Amend the Communal Societies (Admission Committees in Galilee and Negev Communal Settlements) – 2011 (The Admissions Committee Law)* and *Israeli Lands Law (Amendment No. 3) – 2011*.
- ^{xxvi} See, *The Mossawa Center's Main Findings of the 2012 State Budget*. Available at, <http://www.mossawacenter.org/files/files/File/Publications/State%20Budget%20Main%20Findings.pdf>
- ^{xxvii} For more information see, *Dispossession Instead of Recognition: The Prawer Plan*, July 2012. Available at, <http://www.mossawa.org/default.php?lng=3&pg=6&dp=2&fl=13>.