



مركز مساواة
Mossawa Center
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One Year for Israel's New Government and the Arab Minority in Israel

April 2010

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The Mossawa Center would like to acknowledge the following for their contribution to this document:

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This report was produced with thanks to the generous financial support of:



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Published in Haifa, Israel by

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Introduction

The Palestinian Arab citizens in Israel are members of the Palestinian people dispersed in 1948, who, with the establishment of the State of Israel, became citizens of the State. As such, they share deep familial, national, religious, social and cultural ties with Palestinians in the occupied Palestinian territories of the West Bank, Gaza, East Jerusalem and beyond. While identified as part of a wider Arab world, the Palestinian Arab citizens of Israel represent a national (Palestinian), ethnic/racial (Arab), linguistic (Arabic) and religious (Muslim, Christian and Druze) minority in Israel. As citizens of the State of Israel, and as part of the Palestinian people, they have a unique status and are uniquely positioned to contribute to a just, sustainable, human rights-based resolution of the conflict between Israel, the Palestinians and the wider Arab world.

The Palestinian Arab community, about 20% of the Israeli population and 10% of the Palestinian people, is a potentially formidable force for peace and coexistence between Palestinians and Israeli Jews. While community members preserve their Arabic language and identity, they are also fluent in Hebrew, the State's first official language and adeptly navigate and understand Israeli institutions, and its political, social and economic systems.

Despite a growing trend of racism and systemic and institutional discrimination against the community, the overwhelming majority of Palestinian Arabs citizens of Israel wish to remain in their homeland, and believe in future friendly relations between Jews and Arabs in Israel. As the community forms part of the Palestinian nation, it is often seen as part of the "problem," but not as an integral part of the solution. As stakeholders in the resolution of the Israeli-Arab conflict, whose status and future will be affected by any solution to the conflict, the Palestinian Arab citizens of Israel seek to be included as active participants and partners in the peace-building process.

The national election in February 2009 produced an extreme right national-religious coalition government, led by Likud leader Benyamin Netanyahu and ultranationalist Yisrael Beiteinu party leader Avigdor Lieberman. Key portfolios in the government are now occupied by individuals who have in the past been openly hostile to the Arab minority, calling for a removal of their citizenship or their collective transfer to a future Palestinian State.

As a consequence, the past year has seen the introduction of discriminatory legislation, increased inequality in the allocation of the State budget, and continued political delegitimization and incitement against the Arab minority, especially by political leaders of the coalition. Governmental inaction in addressing the socio-economic needs of the Arab minority, such as the issue of house demolitions and the housing needs of the Palestinian citizens of Israel, or the issue of unlawful killings of Arab citizens, has also had severe repercussions on the status of the Palestinian citizens of Israel. Rising discrimination and racism of this type could potentially further complicate the Middle East reality by exacerbating tensions between Israel's Jewish majority and the Palestinian Arab minority.

Established in 1997, the Mossawa Center, the Advocacy Center for Arab citizens in Israel, seeks to improve the social, economic, legal and political status of the Palestinian Arab citizens of Israel. The Center sees as part of its role to monitor the decisions and policies of the government with regards to the situation of the Arab Palestinian minority.

This report aims at analyzing the impact of the first year of the current government on the Palestinian citizens of Israel. It highlights the current political climate in Israel after the 2009 elections, the issue of racism, violence and incitement against Palestinian citizens of Israel by public institutions, security forces and Jewish citizens, as well as in the legislation, discusses the current socio-economic situation of the Palestinian minority in Israel and focuses attention on the marginalized status of women. This report also provides a detailed analysis of the State budget allocation with regards to the needs of the Palestinian Arab community.

The Mossawa Center proposes a series of recommendations to the International Community on each of the issues addressed by this paper, to ensure that the basic standards of democracy are respected in Israel, though the protection of the Human, civil and political rights of the Palestinian Arab minority in Israel.

Israel's 2009 Government – An Analysis of the First Year

Brief overview of Israel's 2009 elections

Israel's 2009 national elections ushered in an extreme religious-nationalist coalition government, dominated by Likud and Yisrael Beiteinu.¹ Significantly, the 2009 elections saw the deterioration of the Zionist left, parties traditionally associated with the Israeli peace camp.² Mossawa believes that in light of these results, the upcoming two to three years present a challenge for both internal relations between Arabs and Jewish in Israel, and for external relations in the region.

Mossawa's research into voting patterns in elections shows that the Arab vote strengthened the three parties representing the Palestinian Arab community (Ta'al - the Arab Movement for Renewal, Balad - the National Democratic Assembly and Hadash - the Democratic Front for Peace and Equality or DFPE, an Arab-Jewish party).³ 54% of the Arab community participated in the 2009 elections, a record low, although this figure was not as low as anticipated in the wake of the war on Gaza.⁴ The weak participation of the Arab community can be explained by its frustration at the continued marginalization and delegitimization of Arab political leaders in the Knesset and the results of past elections, which reveal a pattern of blocked collective access and influence on the national level. Arab parties gained a total of 304,794 votes in 2009, which is an increase of 51,850 votes from the 2006 election. In total 11 members of the newly elected Knesset (10 Arabs and one Jew) were elected by the Arab community. These Members of Knesset (MKs) were all from non-Zionist i.e. Arab or Arab-Jewish parties. Another three Arab MKs were elected to Zionist parties (Kadima, Likud and Yisrael Beiteinu).

Composition of the 2009 Coalition

On March 31 2009, the Knesset approved Binyamin Netanyahu as Prime Minister for the second time in the last 15 years (he was last elected in 1996) as head of a national unity coalition government. The coalition, consisting of Likud, Yisrael Beiteinu (Israel is our Home), Shas and Labor, represents a shift from the previous right-wing government towards the extreme, nationalist right wing. Simultaneously, the presence of widespread dissension against the coalition, particularly at the beginning of the term (54% of Israel's public are dissatisfied with the new government⁵), is indicative of uncertainty regarding both the stability and the life-span of the new government. Sixty-nine MKs gave their support to the new government, forty-five MKs voted against it, and five Labor MKs abstained from voting.⁶

¹ Mossawa Center (2009) '*The Palestinian Arab Minority and the 2009 Israeli Elections: March Update*' available at <http://www.mossawacenter.org/files/files/File/Publications/eng.pdf>

² *Id.*

³ Mossawa Center Press Release (2009) '*Israel's new government will not be legitimate if includes racist bloc in the coalition*' available at http://www.mossawa.org/files/files/File/Press%20Releases/2009/Mossawa%20Center%20launches%20campaign%20against%20racism%20and%20facism_2_.pdf

⁴ Voting did drop lower in 2001, when only 18% of the Arab community participated in the direct elections for Prime Minister after a successful boycott campaign in response to the Events of October 2000.

⁵ Verter, Y. (2009) 'Haaretz poll: 54% of public dissatisfied with new government', April 1, 2009, available at <http://www.haaretz.com/hasen/spages/1075358.html>

⁶ Ynet (2009) 'Knesset green lights new government', March 31, 2009, available at <http://www.ynetnews.com/articles/0,7340,L-3695338,00.html>

The conspicuous presence in the coalition of the traditionally left-of-center Labor denotes conflict and potential weakness within the coalition government and a crisis of Israel's traditional left. To justify entering the coalition, Labor leader Ehud Barak advocated that the presence of the Labor party would put a break on the more belligerent instincts of some of the government's coalition partners.⁷ However, the entry of the Labor party into the government actually undermined the credibility and cohesion of the Israeli left. By entering into the coalition, the party offers support and legitimacy to the extremist actions of its partners. In joining the governmental coalition, Labor is also missing the opportunity to support and build the opposition during the transition before the next elections. The decision to enter into the coalition divided the party itself as around half of Labor's left-leaning members rejected a partnership with the extreme right. Three Labor MKs even discussed legally splitting from the party after the Labor party conference in July 2009.

The Cabinet

The new government yields the largest cabinet in Israel's history with 30 Ministers and 9 Deputy Ministers.⁸ Likud dominates the cabinet with 15 Ministers, securing the areas of finance and education and two Ministers without portfolio. Each of the principal coalition partners (Yisrael Beiteinu, Labour, and Shas) was awarded five cabinet positions. Significantly, anti-Arab Yisrael Beiteinu controls the Ministries in charge of law enforcement.⁹ However, Yisrael Beiteinu does not stand alone in its unequivocally anti-Arab stance; similar sentiments have been expressed by Jewish Home and United Torah Judaism (both members of the coalition), both oppose negotiations with Palestinians, support the expansion and creation of new settlements, and have been active in the promotion of discriminatory legislation targeting the Arab minority. Furthermore, there are only two female MKs in the cabinet, holding relatively low profile posts — Immigrant Absorption Minister and Culture and Sports Minister. As has historically been the case, there is no representation of the Arab community close to the center of power in the cabinet.

Outline of Coalition members:

Likud: 27 seats, 15 ministers

Yisrael Beiteinu: 15 seats, 5 ministers

Labor: 13 seats, 5 ministers

Shas: 11 seats, 4 ministers

Jewish Home: 3 seats, 1 minister

United Torah Judaism: 5 seats

The Opposition

Following its failure to form a coalition despite winning 28 seats in the February 2009 elections, Tzipi Livni's Kadima party was relegated to the official opposition. Kadima will sit alongside an emaciated Meretz party, which received just three seats in the election, and the three parties representing the Arab community, which include Balad, United Arab List (Ta'al) and Hadash (DFPE). Interestingly, the one far right religious-nationalist party that did not

⁷ Karon, T (2009) 'Israel's New Coalition Won't Make Obama's Job Easier', March 25, 2009 *available at* <http://www.time.com/time/world/article/0,8599,1887644,00.html>

⁸ See website of the Israeli Ministry of Foreign Affairs for the composition of the current government, *available at* http://www.mfa.gov.il/MFA/Government/Current+Government+of+Israel/Ministers_Senior_Officials_32nd_Government_Israel.htm

⁹ See Adalah (2009) 'Briefing note on 'New Legal Developments'', *available at* http://www.adalah.org/newsletter/eng/jun09/Adalah_HRA_Briefing_note_FINAL_4.6.09.pdf

enter Netanyahu's coalition was the National Union (Ha'echud Ha'Leumi), which is a coalition of four smaller extremist parties including Moledet, Hatikva, Eretz Yisrael Shelanu and Tkuma.

In summary, the opposition is a mosaic of extreme right, center and left parties, and has thus been inefficient and unable to consistently oppose legislation proposed in the past year, legislation which is both harmful to the Arab minority and to Israeli democracy in general.

Brief overview of the political environment leading to the February 2009 elections

Israel's 2009 elections were held at a low-point in Arab-Jewish relations inside Israel. Both the national election campaign and the election's results exasperated these tensions. The main events that shaped Arab-Jewish relations leading up to the February 2009 elections are outlined below.

The October 2008 Events in Acre

October 2008 saw some of the worst inter-community violence to take place in Israel since the Second Intifada in 2000. In the northern city of Acre on the evening of October 9, at the end of the Jewish high holiday of Yom Kippur, clashes between the Jewish and Arab communities resulted in damage and destruction to more than one hundred Arab and Jewish shops and properties, with 14 families being forced to evacuate their houses and 3 homes being burned to the ground, leaving those families with nothing.¹⁰ The conflict in Acre revealed the striking lack of progress in remedying the enduring discrimination against the Arab minority and the persistence of incitement, harassment and systematic socio-economic discrimination in housing, education and public services.¹¹

Acre also serves as a strong example of the government's political agenda to 'Judaize' Arab neighborhoods by promoting the transfer of Jewish populations to towns and cities across Israel. This process of developing hesder-yeshivot¹², that attract former Jewish settlers from the West Bank and Gaza to Arab and mixed cities, is also taking place in Haifa and in Ajami, an Arab neighborhood of Jaffa (Yafo) in Tel Aviv.¹³ As seen in Acre, the development of these yeshivot and the larger process of Judaization not only serve as catalysts for racial incidents, violence and incitement that contribute to the politics of fear and distrust impeding the peace process, but Judaization also disregards the needs of the local communities in these neighborhoods. The situation in Acre is an early-warning signal of a potentially explosive nationwide conflict between Arabs and Jews, and it further highlights the need for the implementation of the Or Commission's recommendations that remained shelved throughout 2009.¹⁴

¹⁰ See The Mossawa Report (2009) 'Acre: city of the front', available at <http://www.mossawa.org/files/files/File/Reports/2009/akka.pdf>

¹¹ The Or commission's report officially recognizes these issues after the events in October 2000

¹² A hesder yeshiva combines military service with religious studies for young Jewish men.

¹³ Senyor, E (2008) 'Jaffa: Yeshiva to be built in heart of Arab neighbourhood', Ynet, September 24, 2009, available at <http://www.ynet.co.il/english/articles/0.7340.L-3601062.00.html>

¹⁴ For the official Or Commission report see http://elyon1.court.gov.il/heb/veadot/or/inside_index.htm (in Hebrew) and for the official summary in English see <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=335594>

Racial incitement from Political Leadership

Throughout 2008 and extending into the peak of the local and the national election campaign in Dec-Feb 2009, there was continuing political incitement against the Arab community from members of the Knesset and high profile party leaders, as well as from religious leaders. Most notably current Foreign Minister Lieberman led a successful election campaign by capitalizing on the polarization of Arab-Jewish relations national security fears and the Israeli public's collective disillusionment with the peace process.¹⁵

In January 2009, for example, during Israel's war on Gaza, Lieberman argued that Israel "must continue to fight Hamas just like the United States did with the Japanese in World War II. Then, too, the occupation of the country was unnecessary."¹⁶ This statement was interpreted as a reference to the dropping of atomic bombs on Hiroshima and Nagasaki. Lieberman was later quoted saying to Arab Knesset members "we will take care of you like we take care of every terrorist", thus indirectly equating Arab Members of the Knesset with terrorists.¹⁷ As noted previously, Lieberman's Yisrael Beiteinu party is currently the third largest party in the Knesset.¹⁸

The War on Gaza

The campaign leading up to the 2009 national elections took place during Israel's aerial and ground attacks of the Gaza Strip that began December 27, 2008. The war on Gaza and the policy that formed in its wake seriously affected Arab citizens inside Israel, particularly due to the repression of anti-war sentiments and the increased hostility towards the Arab community within the State. In response to the Gaza attacks, the Arab minority in Israel mobilized in demonstration against the war in an expression of solidarity with Palestinians under occupation. The Government and the Israeli Security forces responded to these demonstrations with disproportionate police force, arresting some 700 demonstrators.¹⁹ Eighty one percent of the Jewish public expressed unequivocal support of the war.²⁰ This number slightly diminished despite media reports of the rapidly rising number of Palestinian civilian casualties, totaling an estimated 1,400 people.²¹ This polarization threw Arab-Jewish relations inside Israel into deeper crisis, with the Arab community strongly opposing the war and experiencing as a result marginalization and political paralysis. A year after the attacks on Gaza, Arab-Jewish relations have reverted to pre-war normalcy, although this means re-

¹⁵ Please refer to Mossawa Centers' Report (2009) 'The Palestinian Arab Minority and the 2009 Israeli Elections', available at <http://www.mossawacenter.org/files/files/File/Publications/eng.pdf> for detailed examples of political incitement in Israel pp. 17

¹⁶ *Id.*

¹⁷ Jerusalem Post (2009) 'Lieberman: Do to Hamas what the US did to Japan' January 13, 2009, available at <http://jpost.com/Home/Article.aspx?id=129109>

¹⁸ For further examples of incitement, also see the Mossawa Center report (2007) 'The Limits of Freedom of Expression of the Arab MKs' which outlines the conflict between Arab elected representatives and law enforcement entities between the years 1999 and 2007 – available on request from the Mossawa Center.

¹⁹ Lis, J. (2009) 'Israel arrests 700 people, mostly Arabs, in protests against IDF Gaza op', available at <http://www.haaretz.com/hasen/spages/1054763.html>

²⁰ Allyn Fisher Ilan, 'Analysis: Gaza Offensive set to boost Israel's Livni', Reuters, December 29, 2008, available at <http://www.reuters.com/article/idUSLT138249>

²¹ Estimates of the number of civilian casualties vary from 1166 according to the Israeli Defence Force (See <http://www.webcitation.org/5niwZTV9K>) to 1440 according to the Palestinian Ministry of Health (See <http://unispal.un.org/unispal.nsf/85255db800470aa485255d8b004e349a/50a7789ce959e0c285257554006d3e56?OpenDocument>) and 1385 according to B'Tselem (See http://www.btselem.org/Download/20090909_Cast_Lead_Fatalities_Eng.pdf)

establishing the status quo of negative peace, with high levels of voluntary segregation and animosity between the two populations.

The Central Elections Committee ban on Arab parties

On January 12, 2009, Israel's Central Election Committee (CEC), which comprises members of all party factions, decided to ban two out of three political parties in the Knesset representing the Arab community, the United Arab List Ta'al and Balad from participating in the February 2009 elections on charges that they do not recognize the Jewish character of the State and call for armed uprising against it. Balad was disqualified by a vote of 26 to three, with one abstention, while 21 committee members voted in favor of disqualifying the United Arab List-Ta'al, with eight members voting against and two members abstaining.²²

Although the CEC's decision was ultimately overturned in the Supreme Court on January 21, this was not the first time a ban on Arab parties was attempted²³, and the actions of the CEC are part of an increasing trend to infringe upon the civil and political rights of the Palestinian Arab community in Israel. These types of actions highlight the process of institutionalization of racism and discrimination in the State apparatus.

Stagnation of the Middle East Peace Process

The 2009 elections occurred during a period of complete stagnation of the regional peace process, especially following the war on Gaza, which led, for example, to the freezing of all communications between Syria and Israel.²⁴ The Arab citizens of Israel, who have an immense potential to promote and contribute to the peace building process, have been further alienated and marginalized since the beginning of 2009 and the first year of the new government. The war on Gaza has also fuelled increased resentment and frustration within the Arab community of Israel towards the State and the peace process. The violence and police brutality which Arab demonstrators were met with during the war on Gaza further eroded the faith of the Arab community in the State and its commitment to a future peace settlement between Palestinians and Israelis. For example, the events (protests and demonstrations) that occurred in Jerusalem starting January 2010, in response to several announcements by the government, regarding its intention to allow construction of new housing units in ultra-orthodox Jewish neighborhoods of East-Jerusalem, as well as the construction of a synagogue in the occupied territories, were also met with violence and police brutality and led to the death of several demonstrators.²⁵ Such feelings may have the effect of shifting the Arab citizens of Israel away from dialogue and engagement with their Jewish Israeli neighbors, a situation which could result in further hostility or even violence that may spread to the wider region.

²² Glickman, A, (2009) 'Arab Parties Disqualified from Elections' Israel News, December 1, 2009, *available at* <http://www.ynet.co.il/english/articles/0.7340.L-3654866.00.html>

²³ During the 2003 parliamentary elections, petitions to the Central Elections Committee (CEC) disqualified MK Bishara and his Balad party, as well as MK Tibi (Ta'al). The CEC, considered a highly politicized body, disqualified these candidates and the Balad political party based on the allegation that they support the armed struggle of an enemy state or a terrorist organization against the state of Israel, primarily for comments made in support of the Palestinians' struggle against Israeli occupation. The High Court reversed the decision of the CEC. See Mossawa Center Report 'The Palestinian Arab Citizens of Israel' (2006) *available on* www.mossawa.org

²⁴ George Baghdadi, 'U.S, Syria Hold Talks on Mideast Peace', March 19, 2010, *available at* http://www.cbsnews.com/8301-503543_162-20000787-503543.html

²⁵ Shmulik Grossman, 'Arrests follow Jerusalem riots; West Bank closure lifted', Y Net News, March 17, 2010, *available at* <http://www.ynetnews.com/articles/0.7340.L-3863966.00.html>

Key portfolios

The ideology and political activity of key Ministers from Netanyahu's government have significant implications for the Arab minority in Israel. This section will focus on specific individuals whose political and voting history are particularly alarming in relation to the future of civil, human and minority rights protection in Israel.

Foreign Minister

The most controversial appointment in the government was Avigdor Lieberman, former member of the outlawed racist Kach party, as Minister of Foreign Affairs. Lieberman has made repeated statements rejecting the Annapolis peace process in 2006 — announcing Israel would not be bound by the internationally-recognized process, and would instead backtrack to the 2003 Road Map²⁶, a move criticized by opposition leader Tzipi Livni as erasing “in twenty minutes years of efforts to advance the peace process.”²⁷ He has also directly spoken out against facilitating regional third party talks.²⁸ During the time of his electoral campaign, Lieberman's hateful incitement almost sparked regional violence when he declared that the President of Egypt, Hosni Mubarak, could “go to hell.”²⁹ Lieberman, who has steadily and consistently incited against the Arab minority, has unfortunately become a mainstream influence.

In August, Lieberman faced indictment for corruption charges after Israeli police recommended that he be tried for charges including bribery, money laundering, and obstruction of justice.³⁰ Despite this corruption investigation, he continues to serve in government, promoting racist ideology and legislation.

Lieberman has worked to incorporate anti-Arab rhetoric into the Foreign Ministry's policy, including conducting international advocacy in favor of the idea of ethnic transfer. Lieberman's appointment into one of the most significant cabinet spots in the government both legitimates racist ideology in the political sphere, and further isolates the Arab population from Israeli politics.

Minister for Regional Development and Minister for Development of the Negev and Galilee

Silvan Shalom, a previous Foreign Minister and Finance Minister, currently holds the positions of Vice Prime Minister, as well as Minister for the Development of the Negev and Galilee. This cabinet was established in 2005 in order to focus efforts on the development of the Galilee and Negev areas. However under Shalom, the development projects have been conducted in an unequal and discriminatory manner. Projects are focused on Jewish districts despite the significant needs of Arab communities in both regions. Furthermore, the policy initiatives imply the Judaization of the region, particularly in mixed cities. For example, one

²⁶ Barack, R. (2009) 'U.S. says it's closer to Israel-Palestinian talks', Ha'aretz, August 24, 2009, available at <http://www.haaretz.com/hasen/spages/1109616.html>

²⁷ Haaretz, 'Livni: Lieberman ruined years of peace efforts in just 20 minutes', March 4, 2009, available at <http://www.haaretz.com/hasen/spages/1076196.html>

²⁸ Sagpal, S. (2009) '3rd Round: Israel not Lieberman bound by Annapolis Agreement', TopNews January 4, 2009, available at <http://www.topnews.in/3rd-roundup-lieberman-israel-not-bound-annapolis-process-2146280> available at <http://www.haaretz.com/hasen/spages/1032604.html>

³⁰ McCathy, R. (2009) 'Israeli police recommend corruption charges for Avigdor Lieberman', The Guardian, August 2, 2009 available at <http://www.guardian.co.uk/world/2009/aug/02/israel-avigdor-lieberman-police-investigation>

of the “Change Generating Projects” introduced by the Ministry is to provide housing for career Israeli Defense Force (IDF) officers in Acre. Placing Israeli military personnel, an exclusively Jewish group, in a city known for its diverse population, is an act of aggression towards the Arab minority.³¹ A similar project was carried out in the Negev where the city of Habahadim was built and now exclusively houses soldiers of the IDF.³²

The Judaization of the Galilee is a joint objective of the Israeli government and of local authorities. In the last few months, communities in the regional councils have begun to condition acceptance into their communities to the taking of “loyalty tests” to “the Zionist vision”. Some communities have amended their by-laws to prevent the admission of non-Jews and non-Zionists.³³ The priority placed on Jewish communities for development initiatives can also be seen in the decision to place the Northern region’s first medical school in Tzfat, a Jewish city. The city of Nazareth, the largest Arab city in the region, which holds three hospitals and is located an hour away from Haifa’s hospitals and universities, was not chosen for this project. This decision represents a tragic loss of opportunity to enhance the capacity of the Arab population in the North and to encourage cooperation between Arab and Jewish medical students, physicians and researchers.

Minister of Minority Affairs

Perhaps one of the most interesting portfolios to be resurrected by the current government is the office of the Ministry of Minority Affairs, which is now held by Labor MK Avishay Braverman, former Head of Ben Gurion University in Be’er Sheva.

Originally established in 1948 by the provisional Israeli government, this Ministry was an institution that attempted to promote integration and equality. However, it was largely hamstrung by the increasingly broad powers of the government and Prime Minister David Ben-Gurion, who vetoed Meir Sheerit’s proposal for an Arab advisory council in the Ministry (something that would have made the Ministry more responsive to the needs of the Arab minority and thus more democratic).³⁴ Ultimately, the Ministry was eliminated a year later, eclipsed by the military government that controlled the Arab minority from 1949 to 1966. The position was reestablished briefly in 1999 through the creation of an Arab Affairs advisor in the Prime Minister’s office, but was closed the same year during a change of government.³⁵

The current resurrection of the position raises a number of questions. First, while most Arab civil society activist and human rights groups speak highly of Braverman as someone who has conducted outreach to the Bedouin community in the Negev and worked to promote Arab professors and businesses, there still is criticism and doubt about the need for such a position. The Mossawa Center has questioned whether the portfolio would meet the same fate it did in 1949. Moreover, while the Arab minority in Israel is both a national minority (20% of the population) and an indigenous minority (as part of the Palestinian People), the Ministry purposefully refuses to recognize the uniqueness of its situation and the Minister designates

³¹ Vice President’s Office e-newsletter (2006) ‘*Change-Generating programs in the Negev and Galilee*’, <http://www.jewishagency.org/NR/rdonlyres/A0D1B083-E38B-4B33-BA17-85C7F1D126A9/25240/nevegalilee.doc> , accessed April 4 2008.

³² Haaretz, ‘New town for IDF bases is great hope for Negev, Be’er Sheva’, October 22, 2008, available at <http://www.haaretz.com/hasen/spages/1029950.html>

³³ For more information, please refer to Mada al-Carmel ‘Israel and the Palestinian Minority: Political Monitoring Report’ (2010), Mtanes Shihadeh available on <http://www.mada-research.org/?LanguageId=1>

³⁴ Dowty, A. (1988) ‘*The Jewish State: A Century Later*’, California: University of California Press.

³⁵ Korn, A. (2008) ‘*Good Intentions: The short history of the Minority Affairs Ministry*’, found in The annuals of Eretz Yisrael and the Yishuv, Jerusalem, Israel.

himself as the Minister of “minorities”, without any particular reference to the Arab Palestinian minority.

In addition, Mossawa and other Human and civil rights groups consider the existence of such a position to be “a step backwards.”³⁶ Indeed, the management of minority-majority relations is part of the successful consolidation of democratic structures. But the existence of a special Ministry to allocate services further reinforces, and in fact extenuates, the widespread institutional discrimination that exists within the organs of the Israeli government and in Israeli society at large. The Ministry is a clear reminder that equality is not guaranteed in Israel, and of the lack of integration and parity between the majority and minority communities. Moreover, the Ministry’s position within the Netanyahu government and the influence of right-wing officials threaten to limit Braverman and the capacity of the Ministry. For example, in 2009 the capacity of Braverman’s Ministry to invest in change and in the economic and human development of the Arab community was limited, because the Ministry did not even have a dedicated budget within the government.³⁷

Regardless of skepticism surrounding the Ministry itself, Braverman has been an outspoken critic of legislative moves undertaken in 2009 to undermine the status of Arab citizens in Israel. After a meeting of the Knesset Constitution, Law and Justice Committee in response to legislation introduced by Lieberman’s Yisrael Beiteinu party on the “Nakba law”,³⁸ Braverman commented “to my sorrow, instead of acting to strengthen the connection with the Arab citizens of Israel and to grant them equal rights, there are people today who for political reasons adopt bills to please the voting public, but which harm the fragile fabric of Jewish-Arab relations in Israel and also defame Israel in the world.”³⁹

Minister of Internal Affairs

Shas MK Eli Yishai remains deputy Prime Minister but has also been designated Minister of Internal Affairs for the second time — in 2001 Yishai was Interior Minister in Sharon’s national unity government. In 2002, Yishai was heavily criticized by Arab Knesset members after he revoked the citizenship of an Arab citizen who was allegedly involved in violent activities.⁴⁰ In 2009, Yishai initiated a process to revoke the citizenship of four Arab citizens suspected of hostile activity against the State of Israel. The amendment made to the Citizenship Law in August 2008 transferred authority to revoke citizenship to district courts sitting as courts for administrative affairs, so that such action could not be taken by a politically-motivated official such as the Interior Minister. However Yishai says he is seeking to change the law to bring it under his Ministry’s mandate.⁴¹ In 2003, Yishai spearheaded the introduction of the Citizenship and Entry Law which implicitly targets Palestinian Arab citizens of Israel by preventing their Palestinian spouses from gaining Israeli citizenship upon marriage. The bill, which was intended to be “temporary”, has continuously been renewed

³⁶ Ibid. Gazzar, B.

³⁷ The American Prospect, ‘Israeli Minister of Minority Affairs visits U.S., Talks Civil Rights’, September 16, 2009, available at http://www.prospect.org/csnc/blogs/tapped_archive?month=09&year=2009&base_name=israeli_minister_of_minority_a

³⁸ Ha’aretz (2009) ‘Labor Min. to Lieberman: Nakba bill sullies Israel's image’ July 19, 2009 available at <http://www.haaretz.com/hasen/spages/1101208.html>

³⁹ *Id.*

⁴⁰ IsraelNationalNews.com (2002) ‘Yishai Says He Will Also Revoke Citizenship Of Jews’, September 12, 2002 available at <http://www.allbusiness.com/middle-east/israel/262862-1.htm>

⁴¹ Ha’aretz (2009) ‘Caution in revoking citizenship’ May 8, 2009 available at <http://www.haaretz.com/hasen/spages/1083700.html>

since 2003, despite the tremendous cost to Palestinian families on both sides of the Green Line.

Another major area of responsibility of the Minister of Internal Affairs is the planning of cities and localities. However, while the previous Interior Minister, Meir Sheerit, had announced in February 2008 the planning of an Arab city in the Galilee, and obtained agreement from his government to form a ministerial committee to ensure follow through with the project, the current government has simply aborted the project.⁴² Since 1948, no Arab city has been founded in Israel. This project was considered to be an important and much needed step for the development of the Arab Palestinian community in Israel.

Moreover, the Interior Minister has in the recent past actively enforced numerous home demolitions, mainly in the Negev and East-Jerusalem, while approving the construction of new housing unit exclusively for Jewish citizens, as exemplified by the decision made in early March 2010, during U.S. Vice President Biden's visit to the region, to authorize the building of 1600 new homes in occupied East-Jerusalem, in an ultra-orthodox neighborhood.⁴³

Minister of Justice

In the last year Minister of Justice Yaakov Neeman has been responsible for advancing discriminatory bills in his position as the head of the Ministerial Committee for Legislation. His vote tipped the balance and allowed for the original "Nakba law"⁴⁴ – which criminalized the observance of what the Palestinians call the Nakba (the national tragedy - a mourning day in remembrance of the events of 1948) and entailed a three year prison sentence – to pass examination by the Ministerial Committee for Legislation, thus allowing it to be discussed in the Knesset.⁴⁵ The Justice Ministry, one of the most important and sensitive areas in any government, is dominated by the Yisrael Beiteinu party⁴⁶, de facto tilting the management and development of legal reform towards promoting an ethno-nationalist narrative and against upholding principles of equality for all of Israel's citizens. This impedes the necessary collective recognition that would be part of a future reconciliation process between the Jewish majority and the Arab Palestinian minority.

In August, Minister Neeman nominated 21 judges for the district court, none of which were Palestinian Arab citizens. This move was made against the backdrop of a parliamentary inquiry commission on the severe underrepresentation of Arabs in the judicial system.⁴⁷

The Mossawa Center advocates that the Minister of Justice's activities and decisions must not be polarized in a way which would undermine both the independence of the judiciary and civil legal rights protection in Israel.

⁴² Ha'aretz, 'New Arab city nears creation, as ministers okay planning committee', July 25, 2008, available at <http://www.haaretz.com/hasen/spages/1003720.html>

⁴³ Ha'aretz, 'Biden: East Jerusalem Plan undermines peace talks', March 23, 2010, available at <http://haaretz.com/hasen/spages/1155171.html>

⁴⁴ Ha'aretz, 'EDITORIAL / Netanyahu must rein in Lieberman's racist proposals, May 31, 2009, available at <http://www.haaretz.com/hasen/spages/1089216.html>

⁴⁵ However, the law did not pass in its original form. For more information on the "Nakba law" as adopted by the Knesset, see the chapter in this report on Discriminatory legislation.

⁴⁶ Yaakov Neeman was co-appointed by the Likud and Yisrael Beiteinu.

⁴⁷ Khoury, J. (2009) 'MK Tibi criticized the fact that no Arab judge was not included in the list of 21 judges appointed to the district courts' August 29, 2009 available at <http://www.haaretz.com/hasite/objects/pages/PrintArticle.jhtml?itemNo=1110859>

Minister of Education

In the last year, Education Minister Gideon Sa'ar has promoted a series of dangerous legislative moves. These include a ban on commemorating the Arab Palestinian Nakba in schools, making military and national service a criterion for rewarding schools and staff members, as well as forcing students to sing the national anthem, a State symbol with exclusive link to the Jewish majority. Indeed, "Hatikva" (the Israeli anthem) states:

*'As long as deep in the heart, The Soul of a Jew yearns,
And forward to the East – To Zion, an eye looks,
Our hope will not be lost, The hope of two thousand years
To be a free nation in our land, The land of Zion and Jerusalem'*

Needless to say, this is an exclusive Jewish-Zionist anthem, and it is clear to all that it cannot serve as the anthem for Arab citizens.⁴⁸

In addition to discriminatory legislation, the neglect of Arab students and communities within the education system is striking. The Arab community lacks 9,300 classrooms, but the Ministry plans to build only 2,850 classrooms in the next two years within the entire educational system, only a small fraction of which will be built in the Arab community.⁴⁹ In addition, according to the State budget proposals, there is currently a 20-30% gap between the achievements of Arab and Jewish students in all matriculation exams, and as a result higher education is only accessible to one out of every four Arab high school graduates, compared to one out of every two Jewish graduates.⁵⁰ Public spending on children in Arab localities is estimated to be at least one-third lower than for children in Jewish municipalities. Around 475,000 Arab students will study in Israel in the upcoming 2010 school year, constituting about 25% of all students in Israel, in 2,776 educational institutions (including the Druze and Bedouin groups).⁵¹

Indeed, the current situation is alarming. Compared with outcomes for the Jewish population, educational participation and degree attainment among the Arab population, though improving, still lag behind. Among the population aged 15 years and older, the average number of years of schooling is 10.2 for Arabs and 13 for Jews.⁵² Nearly half of the Jewish population have 13 or more years of schooling compared with only a fifth of the Arab population. Drop-out rates for Arab students in 9th and 11th grade were 8.1% in the mid-2000s compared with 3.9% for Jews; with Arab students (and students from low-income families in general) being most likely to encounter bullying and violence at schools. In all, the percentage of Arabs with a post secondary certificate is about one-third the proportion of Jews, and the majority of Arabs are not as proficient in Hebrew as Jewish students when they enter university, which further hinders their labor market prospects.⁵³

The Mossawa Center contends that the Education Ministry systematically overlooks the needs of Arab students and resists implementing effective educational policy in Arab communities.

⁴⁸ See Ha'aretz, Shahar Ilan, 'The Soul of a Jew Yearns', July 7, 2005, on the idea of composing a neutral civilian anthem alongside "Hatikva."

⁴⁹ See Mossawa Center publication 'Main findings of the 2009-2010 State Budget Proposal and the needs of the Arab citizens in Israel', July 2009, available at [http://www.mossawacenter.org/files/files/File/Publications/Main%20findings%20of%20the%202009-2010%20State%20Budget%20Proposal%20and%20the%20needs%20of%20Arab%20Citizens\[1\].pdf](http://www.mossawacenter.org/files/files/File/Publications/Main%20findings%20of%20the%202009-2010%20State%20Budget%20Proposal%20and%20the%20needs%20of%20Arab%20Citizens[1].pdf)

⁵⁰ Organization for Economic Co-Operation and Development. *OECD Review of Labour Market and Social Policies ISRAEL*. Paris, France: OECD, 2010. Print.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 46.

This neglect contributes to the underdevelopment and lack of human capital in these areas. Rather than viewing the education system as an area in which to build connections and instigate economic advancement, the legislation put forward by the Ministry is discriminatory, nationalist and isolationist.

The educational system itself promotes discrimination as it institutionally separates Jews from Arabs. Indeed, there are no public mixed schools, but only private, very costly, schools. As the education system represents a significant factor in the creation of a national identity, the marginalization of the minority from within schools threatens the democratic and inclusive character of the State. A worrying trend in public opinion was revealed in a survey commissioned by Maagar Mochot, an Israeli research institution, published early March 2010. According to this survey, nearly half of Israeli's high school students do not believe that the Palestinian citizens of Israel are entitled to the same rights as Jews in Israel, and more than half the students would deny Arabs the right to be elected to the Knesset.⁵⁴ The state of public opinion as expressed by Israeli high-school students is partly the result of the separatist policy of the State, as well as of the lack of educational programs promoting reconciliation and coexistence. Since the publication of this survey, the Ministry of Education has made no comment as to if and how it intended to face this reality, possibly one of the main challenges to a peaceful relationship between the Jewish majority and the Arab Palestinian minority in the coming years.

Minister of Culture and Sports

Limor Livnat, who now serves as Minister of Culture, has in the past utilized an openly anti-Arab rhetoric, introducing discriminatory legislation exclusively targeting the Arab minority such as a bill intending to ban Arabic as one of Israel's two official languages. In support of the bill, she argued that this was an urgent issue, "particularly in these days – when extremist organizations among Arab Israelis are trying to turn Israel into a bi-national State, and, consequently, into a bilingual State, in which Hebrew and Arabic would become official languages with equal status."⁵⁵

As Minister of Culture, Livnat has also harshly criticized Oscar-nominee Scandar Copti, director of the movie *Ajami*, for stating that he did not represent Israel, saying that he would not have been nominated without funding from the State of Israel.⁵⁶

⁵⁴ Haaretz, 'Poll: Half of Israeli high schoolers oppose equal rights for Arabs', March 12, 2010, *available at* <http://www.haaretz.com/hasen/spages/1155627.html>

⁵⁵ Jerusalem Post, 'Livnat: Arabic shouldn't be official language', May 19, 2008, *available at* <http://www.jpost.com/Israel/Article.aspx?id=101610>

⁵⁶ Israel National News, 'Livnat : Without Israel's support "Ajami" director wouldn't make it to the Oscars', March 7, 2010, *available at* <http://www.ynetnews.com/articles/0,7340,L-3858972,00.html>

Recommendations:

The appointment of individuals known for their ethno-nationalistic politics to key cabinet positions legitimizes discriminatory ideology and legislation and threatens peace building in the region.

In order to prevent escalation and promote Human Rights, Peace and Reconciliation in the region, the Mossawa center calls for the International Community to:

- Recognize the unique status of the Arab minority in Israel as an indigenous national minority protected under international law⁵⁷;
- Use its diplomatic relationship with Israel to ensure the respect of the basic Human Rights of the Palestinian minority;
- Publicly reject racist policies and take a clear stand against racism and the racist attitude of the State;
- Create conditionality in programs between the International Community and Israel to ensure at least a 19% participation of Palestinian Arab citizens;
- Promote affirmative action policies;
- Cooperate with institutions within the Arab Palestinian community.

⁵⁷ See UN Declaration on the Rights of Indigenous People *available at* <http://www.iwgia.org/sw248.asp> and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities *available at* <http://www.ohchr.org/Documents/Publications/GuideMinoritiesDeclarationen.pdf>

Racial and political incitement

The discriminatory behavior and ethno-nationalism espoused by Israel's political leadership threatens to legitimize racist incitement by right-wing and religious sectors of Israeli society. Provocation largely emanates from former settlement populations that were evacuated during Israel's unilateral disengagement from the Gaza Strip in 2005, and have now settled in mixed towns and cities such as Acre, Jaffa and Ramle. It is often these groups of citizens that escalate tensions between Arab and Jewish residents, as for example in the case of the violent riots that occurred in October 2008 in Acre.⁵⁸ Simultaneously, politicians do not take the necessary steps to protect the Arab minority in Israel from these verbal and physical attacks, and ultimately participate in this extremely harmful behavior and declarations either through tacit approval or direct participation.

Foreign Minister Lieberman

Avigdor Lieberman continuously spoke against the Arab political leadership in Israel during his first year as Foreign Minister. On August 5, 2009, Lieberman stated that Arab MK Ahmad Tibi, head of the United Arab List is "more dangerous to Israel than the Islamic Resistance Movement, Hamas, and the Islamic Jihad" and that Israel's "main problem is not the Palestinians but Ahmed Tibi and others like him".⁵⁹ The statement was made in response to Tibi's statement, during the Fatah conference in Bethlehem in August, that the future Palestinian State should be free of Israeli settlers. This is yet another attack by Lieberman against the political legitimacy of Arab MKs, adding to a catalogue of racial incitement targeted at high profile Arab leaders, which serves to further undermine the legitimacy of the political participation of the Palestinian Arab citizens of Israel.

While incidents of incitement against the Arab minority by Lieberman and other political leaders from coalition parties are rarely, if ever, investigated, and most often considered to fall within the exercise of freedom of speech, Arab political leaders almost always face indictments by the Courts on charges of incitement and disloyalty to the State of Israel when expressing views contradicting the governmental position. Examples of this policy of double standards include MK Mohammed Barakeh's loss of parliamentary immunity and subsequent trials for showing solidarity with the Palestinian intifada and insulting an IDF officer, MK Said Naffaa's indictment and loss of immunity on charges of visiting Syria, an enemy State,⁶⁰ and the Head of the Islamic Movement's northern branch Raed Saleh's indictment on charges of public disorder and for allegedly telling a police officer that he was a racist, a murderer and had no honor.⁶¹

Mainstreaming the Idea of Ethnic Transfer

Throughout his 2009 election campaign Lieberman put forward the idea of transferring the Arab population of Israel to the future Palestinian State in exchange for Jewish settlement blocs in the West Bank. Although the idea of transfer appeared like mere election rhetoric without a timetable or framework for implementation, the effect of the very idea of transferring 1.5 million citizens of Israel against their will seriously undermines the legitimacy of the Arab minority's existence as equal citizens of Israel. In his position as

⁵⁸ *Supra*. The Mossawa Center (2009) 'Akka: City on the Front'

⁵⁹ Khoury, J. (2009) 'Lieberman: MK Tibi endangers Israel more than Hamas, Jihad, Ha'aretz, August 10, 2009 available at <http://www.haaretz.com/hasen/spages/1105441.html>

⁶⁰ See p. 37 of this report for further details on the cases of Mks Barakeh and Naffaa

⁶¹ YNetNews.com, 'Stop helping the radicals!', February 25, 2007, available at <http://www.ynetnews.com/articles/0,7340,L-3369199,00.html>

Foreign Minister, Lieberman has continued to voice the idea of ethnic transfer as a strategy for conflict resolution, even during high-level political and diplomatic missions abroad.

For example, on May 4, 2009 in an exchange in Rome with his Italian counterpart, Franco Frattini, Foreign Minister Avigdor Lieberman raised again the idea of population transfer of highly concentrated areas of the Palestinian Arab minority from Israel to a future Palestinian State. Lieberman cited the "Cypriot model" as a past example and future template for a solution to the Arab-Israeli conflict. In the 1970s, Cyprus was partitioned in two, with Turks in the north and Greeks in the south. "Since then, there have been security, economic prosperity, and stability" Lieberman said of the partition. "When we have [a two-State solution] in our region, then we can talk about a political solution. Everything before this will simply fail."⁶² However, today, property and land issues, as well as the right to return are two of the major obstacles to settling the Cyprus conflict.⁶³ Exchanges of inhabited territories have no precedent since World War II, and population transfers are now no longer accepted as a form of conflict management.⁶⁴ As a result of the atrocities that were committed in the former Yugoslavia, the term "ethnic cleansing" rose to prominence to describe the forced uprooting and displacement of populations, which is now identified as a war crime under the statute of the International Criminal Court (ICC).

Early in February 2010, deputy Foreign Minister Danny Ayalon commented on the peace process, stating that a deal between Israel and the Palestinians could include a land and population swap of Arab towns and villages in Israel's Northern region, known as "the triangle" in exchange for Israeli settlement blocs in the West Bank. Arab MK Ahmad Tibi (United Arab List – Ta'al chairman) responded to Ayalon's remarks, saying they reflect a "complete defect in the understanding of the basic values of democracy and civil rights."⁶⁵

The Mossawa Center submits that mainstreaming the idea of illegal population transfer not only further delegitimizes the Arab community in Israel, but serves to greatly complicate the Middle East conflict.⁶⁶

Internal Security Minister Aharonovitch uses anti-Arab slang

Israel's Internal Security Minister, Yitzhak Aharonovitch, a member of Foreign Minister Avigdor Lieberman's Yisrael Beiteinu party, was caught on film saying to a police officer that he had to apologize to the Minister for his appearance asking "What do you mean dirty? You look like a real Araboosh,"⁶⁷ The use of this highly derogatory Hebrew slang for 'Arab' reflects the impunity of coalition members and influential political figures for harmful racist rhetoric and behavior.

Furthermore, despite the responsibility of the Internal Security Ministry towards the Palestinian Arab citizenry, since his time in office, Minister Aharonovitch has not made any

⁶² Ravid, B. (2009) 'Lieberman: 'Peace industry' nothing but a waste of money' May 18, 2009 *available at* <http://www.haaretz.com/hasen/spages/1083471.html>

⁶³ Selig, A. (2009) 'Analysis: Can Cyprus be a model for Middle East peace?' July 26, 2009 *available at* <http://www.jpost.com/Home/Article.aspx?id=149916>

⁶⁴ Shaul Arieli, Doubi Schwartz and Hadas Tagari, 'Injustice and folly, On the proposals to cede Arab localities from Israel to Palestine' (June 2006)

⁶⁵ The Jerusalem Post, 'Population Swap as Part of Peace', February 13, 2010 *available at* <http://www.jpost.com/Israel/Article.aspx?id=168584>

⁶⁶ *Id.*

⁶⁷ BBC News(2009) 'Israeli minister in Arab slur row', June 17, 2009 *available at* http://news.bbc.co.uk/2/hi/middle_east/8104723.stm

significant effort to follow up on the unlawful killing of 13 Palestinian citizens of Israel by Israeli security forces during the October 2000 demonstrations.

One of the most striking examples of the acceptance of police violence against Arab citizens is the Mahmoud Ghanayem case, where a police officer responsible for the murder of a Palestinian citizen of Israel was convicted but has not yet suspended from his duties.⁶⁸

Despite the clear need for systematic change within law enforcement authorities in Israel, the Minister has failed to bring about any progress regarding the implementation of the Or Commission report. The report is of the highest pertinence to the police department because it emphasizes the institutionalized ethnic discrimination and the impunity of members of the police force for acts of race-based violence and killings.

Housing Minister Ariel Atias Acts Against Integration

On July 2, 2009, MK Atias proclaimed that preventing the spread of the Palestinian Arab population into various parts of Israel was no less than a national responsibility. "I see [it] as a national duty to prevent the spread of a population that, to say the least, does not love the State of Israel," Atias told a conference of the Israel Bar Association, which focused on reforming Israel's Land Administration. The Shas Minister referred to Harish, a housing project built for the Haredi community in northern Israel, saying that "populations that should not mix are spreading there. I don't think that it is appropriate [for Arabs and Jews] to live together."⁶⁹ Minister Atias' statements reflect the racist ideology that transforms the Palestinian Arab citizenry into a "demographic threat." Furthermore, it exemplifies the government's preference for favoring a separatist social policy, rather than building a constructive and unifying framework for housing and development based on principals of equal civil rights.

It is critical to note that while housing projects for Haredim are being developed all over Israel, and in particular in cities where Palestinian Arabs citizens are present in large numbers, such as in the mixed cities of Jaffa, Haifa or Ramle, no solution has been put forth by the Ministry to address the severe housing crises faced by the Palestinian Arab citizens of Israel. Nor has the Ministry aptly dealt with the housing issues faced by Bedouin citizens in the Negev. In addition, while there have been dozens of Jewish localities created since 1948, not a single Arab city has been created.⁷⁰ On the contrary, the government has agreed to the creation of de facto exclusively Jewish cities such as Nevatim or Habahadim in the Negev – cities for military use, only housing Jewish Israelis.⁷¹ Moreover, the government is actively supporting such projects, as illustrated by the allocation of 1.6 billion NIS to the creation of the military city of Nevatim by the Ministry of Security, out of its 2009-2010 budget.

Settler Rabbi: Israel Must "Judaize" Nazareth Illit

"Israel should follow Hebron's example and "Judaize" the town of Nazareth Illit," settler Rabbi Dov Lior said on July 26, 2009. He went on to add, "In Nazareth, much like in Hebron, it takes a determined Jewish community to transform an area that has always been Jewish and

⁶⁸ Jerusalem Post, 'Cop gets 15-month sentence for killing car theft suspect', September 3, 2009, *available at* <http://www.jpost.com/Israel/Article.aspx?id=153840>

⁶⁹ Lieberman, G. (2009) 'Housing Minister: Spread of Arab population must be stopped'; Ha'aretz, February 7, 2010 *available at* <http://www.haaretz.com/hasen/spages/1097411.html>

⁷⁰ Stern, Y. (2008) 'Majadele: New Arab city will bolster our sense of belonging', Ha'aretz, February 20, 2008 *available at* <http://www.haaretz.com/hasen/spages/953568.html>

⁷¹ YNetNews.com, 'Longest landing field in Middle East to be constructed in Nevatim', February 18, 2008, *available at* <http://www.ynetnews.com/articles/0.7340.L-3508174.00.html>

that is currently inhabited by Arabs, into an area of emerging Jewish life and Jewish revival.”⁷²

Colonel Mikhael Mikhael, a former northern military governor of Israel, said the town’s establishment was meant to “swallow up” the larger adjacent Palestinian Nazareth through “growth of the Jewish population around a hard-core group,” as well as “the transfer of the center of gravity of life from Nazareth to the Jewish neighborhood.”⁷³

Umm Al-Fahem and incitement

For the past 30 years, the city of Umm Al-Fahem has been a target of the extreme Jewish movement in Israel. On February 10, the day of the 2009 State elections, Baruch Marzel, leader of the ethno-nationalistic, right wing Jewish National Front and former member of the outlawed, extremist Kach party, planned to supervise the collection of ballots in the Palestinian Arab city of Um Al-Fahem.⁷⁴ Ultimately, high levels of resistance and protest from the citizens of Umm Al-Fahem who refused to “allow a racist into their homes”⁷⁵ turned Marzel away. He was initially to be replaced by equally extremist right wing MK Arieah Eldad of the Ehud Haleumi party, which would have further intensified the tensions.⁷⁶ A council member of Umm Al Fahem later said “we welcome any other Jewish person who does not wish to expel us.” The city’s protests were in response to the government’s tacit approval of both Marzel’s and Eldad’s constituents’ nationalistic racism shown by Marzel and Eldad’s presence during elections. Ultimately, when they were banned from the town, MK Eldad⁷⁷ and Marzel demonstrated near the city, calling for citizens of the city to have their citizenship removed and for their expulsion from the State. While they demonstrated, they were accompanied and protected by over 3000 State security personnel, in a deliberate provocation of the Arab population of the city.⁷⁸ The implicit governmental support of Eldad and Marzel, two right wing extremists who promote an anti-Palestinian ideology enforces the severe lack of commitment the State feels to the protection of the Arab minority and sends a threatening message regarding the status of the Palestinian minority’s citizenship.

A similar message was delivered to the citizens of Rahat, Israel’s largest Bedouin city when provocative right wing activists on July 26 2009 marched to protest the ‘illegal’ construction in the south of Israel, ‘while Jewish outposts in the West Bank are being evacuated’ under US pressure.⁷⁹ Hundreds of Rahat residents held a counter demonstration and several minor

⁷² (2009) ‘Settler Rabbi: Israel Must “Judaize” Nazareth Illit’, July 27, 2009 available at <http://www.ynetnews.com/articles/0.7340.L-3752578.00.html>

⁷³ Palestinian News Network, ‘New city for “religious Jews” threatening Arabs in Galilee area’, July 30, 2009, available at http://english.pnn.ps/index.php?option=com_content&task=view&id=6313

⁷⁴ Rabbi Meir Kahane’s Kach political party, voted to the 1984 Knesset, was banned from participating in elections based on a Basic Law amendment forbidding the inclusion of incitement to racism in a political platform. In 1994, Kach was officially declared a terrorist organization. See David Shyovitz, *Rabbi Meir Kahane*, Jewish Virtual Library, The American-Israeli Cooperative Enterprise cr2005, at <http://www.jewishvirtuallibrary.org/jsource/biography/kahane.html>

⁷⁵ Ashkenazi, Eli and Stern Yoav. (2009) ‘Rightest MK Swept out of Village after violent protest’, Ha’aretz, February 10, 2009 available at <http://www.haaretz.com/hasen/spages/1063070.html>

⁷⁶ Stern, Y. (2009) ‘Resident of Umm Al-Fahem will try to prevent Baruch Marzel from entering the city’ Ha’aretz, February 9, 2009 available at <http://www.haaretz.co.il/hasite/spages/1062810.html>

⁷⁷ During Eldad’s 2009 election campaign he handled a snake, telling voters that after serving alongside Arabs in the Knesset (parliament) he was no longer afraid of serpents.

⁷⁸ Nasir, L. (2009) ‘Israeli police avert clash between rightists, Arabs’ available at <http://uk.reuters.com/article/idUKLA704028>

⁷⁹ (2009) ‘Rahat residents pelt police with rocks as rightists march through town’, Ha’aretz, July 26, 2009 available at <http://www.haaretz.com/hasen/spages/1102908.html>

confrontations between the two groups took place. The tragic irony of protesting the “illegal” housing projects in the Negev is apparent when compared to the consistent building of settlement homes in the West Bank, which are actually illegal under international law and which the International Community is pressuring Israel to stop building. These hostile rightist demonstrations, spearheaded by well-known political figures, amount to unchecked public racial incitement against the indigenous minority population. The inaction of the government is a sign of tacit tolerance of this behavior, and reinforces the Palestinian citizens of Israel’s inaccessibility to legal recourse.

Racist graffiti in Israeli cities

Local councils and the government have failed to eradicate racist graffiti such as painted slogans calling for ‘Death to Arabs’ around the country’s cities and towns. For example, for three years, the Petah Tikva Municipality failed to paint over racist slogans, and the organization ‘The Other Voice’ alone undertook to compensate for the Municipality’s inaction. The inactivity of the local authorities further demonstrates that the safety of the Arab community is not a concern for the State of Israel and that the government does not exist to protect them or meet their basic needs.

Racism in Football 2009

In 2009, there was a 66% increase in the number of racist incidents on football fields, reaching 65 in number. This can primarily be explained by the lack of punishment of the offenders.⁸⁰ An example would be Amit Ben-Shushan, a football player with the Beitar Jerusalem club, who appeared before the Israel Football Association disciplinary court in June 2009 after being charged with making racist remarks during his club’s State Cup celebrations in May. Ben-Shushan was caught on camera singing racist songs with Beitar fans. Ben-Shushan apologized for his behavior, but IFA prosecutor Shalom Eben-Ezra decided to press charges against Ben-Shushan. Historically linked to the ultra-nationalist right and the Beitar political movement, the club’s supporters are reputed for their extreme – often violent – behavior and their anti-Arab chants, which largely remain unchallenged by any government action.⁸¹

Moreover, the fact that a football club such as Beitar Jerusalem openly declares that it did not hire any Arab players and got away without sanctions can only legitimate racism on the football fields. Data shows that these statements are warning sign and lead to actual cases of racist aggressions. In fact, we learn from past experiences that with proper sanctions against hate speech, there is a significant decrease in incidents of racist attacks.

Racial and political incitement against other communities in Israel

The Mossawa Center identifies a reoccurring and alarming correlation between racial, religious and homophobic speech and action originating from the highest political levels, and violence within and between different ethnic communities in Israel. Specifically, unchecked incitement in the Knesset and in the media has fed tensions between both Arabs and Jews and also within different religious sects in the Jewish community. For example, the August 1st attacks against the gay community in Tel Aviv were preceded by a high-level homophobic

⁸⁰ See Mossawa Center’s publication ‘2010 Racism in Israel’ report, published in March 2010, available on www.mossawa.org

⁸¹ Sinai, A. (2009) ‘Local Soccer: Ben-Shushan to face IFA disciplinary court’, June 17, 2009 available at <http://www.tmp-origin.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1245184849884>

incitement, most notably from Shas party members who have in the past publicly blamed gays for natural disasters including earthquakes and diseases.⁸²

Another community which has been systematically discriminated against is the Ethiopian immigrant community in Israel. Approaching the end of the summer vacation, a large number of Ethiopian children found that they were unable to enroll in schools as a number of private orthodox schools in Petah Tikva refused to admit them based on their ethnicity.⁸³ The Petah Tikva municipality has urged the schools to change their policy and accept the students or else face budget cuts. In addition, at the start of the school year, a private school was also found to be discriminating against its Ethiopian students by isolating them from the rest of the students and teaching them in separate classrooms.⁸⁴

Recommendations:

The Mossawa Center calls for the International Community to:

- Monitor the statements and proposals released by current cabinet members for discriminatory and racist content;
- Respond to racist incidents by using its relationship with Israel as a tool to ensure that Israel's political leadership follows internationally agreed upon human rights norms;
- Ensure that the security situation in the region is not used as justification for racial incitement and discriminatory policy by political leadership;
- Ensure that security arguments are not used as a justification for using racial profiling, such as is sometimes currently done in international airports;
- Promote the creation of anti-racism educational programs in Israel;
- Recognize and publicly denounce the implications of incitement by both the Israeli media and the political establishment, as having led to an increased marginalization of minority groups within Israel.

The Mossawa Center urges the international governing body for football, the FIFA (Fédération Internationale de Football Association), in accordance with its anti-racism campaign, to:

- Ban the Beitar Jerusalem club and the involved players from participating in any international activities.

⁸² Lappin, Y. (2009) 'Police Affairs: Anything but gay' *available at* <http://www.jpost.com/servlet/Satellite?cid=1249418545625&pagename=JPost%2FJPArticle%2FShowFull>

⁸³ Kashti, O. (2009) 'Petah Tikva Orthodox schools refuse Ethiopian students', Ha'aretz, August 13, 2009 *available at* <http://www.haaretz.com/hasen/spages/1107230.html>

⁸⁴ Ravid, B. (2009) 'Petah Tikva to half funds to schools refusing to enrol Ethiopians', Ha'aretz, September 8, 2008 *available at* <http://www.haaretz.com/hasen/spages/933013.html>

Discriminatory legislation and policy in 2009

The formal legal status of the Palestinian Arab citizens of Israel has always been unclear, in a large part due to the double definition of the State as both Jewish and democratic. Although one in every five Israeli citizens is a Palestinian Arab, the Israeli government has yet to recognize this group as a national minority. Instead, the government refers to the Arab minority as “non-Jews,” or generally as “minorities.”⁸⁵

There already is formal discrimination in the legislation against the Arab minority, as for example with respect to immigration and citizenship, as established in the Law of Return (1950), in the Citizenship Law (1952), and in the Entry into Israel Law (1952). Under these laws Jews and their families (including non-Jews) are granted Israeli citizenship almost automatically upon their arrival in Israel, by virtue of the principle of “return”, while, as will be shown below, residence in Israel - not to mention citizenship – of non-Jewish spouses of Palestinian citizens of Israel is today almost impossible. Moreover, despite the electoral system of proportional representation, the Arab minority in Israel has never gained “full and equal citizenship.”⁸⁶ And, as Israel does not have a formal constitution, there is no legal guarantee for equality in civil rights. The absence of constitutional equality for the Arab minority and the fundamental definition of the State of Israel as Jewish have permitted a system of structural and institutional discrimination against Arab citizens.

But the current government intends to further and deepen this pre-existing legal and political discrimination. In 2009, 21 new discriminatory bills were introduced by coalition members.⁸⁷ Indeed, the rise of the Israeli extreme religious-national right in the government has come to be characterized by a series of discriminatory legislation, which both directly and indirectly undermine the legitimacy of the Arab community in Israel. These legislative developments do not come as a surprise given the anti-Arab nature of the party platforms of various parties in the coalition. Lieberman, who has been quoted describing Arab citizens as the ‘enemy within’, has followed through with many of his promises to alienate the Arab minority with the intention of encouraging their transfer to a future Palestinian State.

While not every discriminatory bill introduced has been fully passed in its original form, the mere existence of such legislative proposals, including the allocation of time in the Knesset to hearings, the media coverage surrounding such hearings, and of course their approval in any form, has had and will continue to have a dangerous impact on the status of the Palestinian citizens of Israel. The proposal of such legislation undermines the legitimacy of the Arab community as equal citizens in Israel and has the effect of strengthening the perception of Arab citizens by the Jewish majority as threats to the State, thus hampering the necessary of a future reconciliation process between the Jewish majority and the Palestinian Arab minority.

⁸⁵ Please refer to Mossawa Centers’ Report (2008) ‘The Human Rights Status of the Palestinian Arab Minority, Citizens of Israel’ available at <http://www.mossawacenter.org/files/files/File/Reports/2008/Mossawa%20HR%20report%202008%20update%20Nov%202008.pdf>

⁸⁶ See Yousef T. Jabareen, ‘An Equal Constitution for All? On a Constitution and Collective Rights for Arab Citizens in Israel’, May 2007, available on www.mossawa.org

⁸⁷ See Mossawa Center 2010 Racism Report available on www.mossawa.org

Bill to revoke citizenship

A bill introduced by Shas MK David Azoulay in June 2009 seeks to give the Interior Minister the authority to revoke the citizenship of any citizen without appealing to the Attorney General, whose consent is currently necessary to undertake such a procedure. The bill would give the Attorney General the power to revoke the citizenship of individuals who are deemed disloyal to the State, if the person has alternative citizenship rights.

Interior Minister Yishai has already announced that if the bill passes, he will revoke the citizenship of former MK Azmi Bishara, as well as that of 34 other Arab citizens. This call for citizenship revocations does not include Israeli Jews connected with terrorist activity, such as Yitzhak Rabin's killer, Yigal Amir.⁸⁸

Citizenship and Entry into Israel Law

The Citizenship and Entry into Israel Law was passed in 2003 and, despite being originally intended to be temporary, has since been annually renewed. On July 31, 2009, the ninth extension of the law to date was approved by the Knesset. This law denies citizenship and Israeli residence to Palestinians from the West Bank or in the Gaza Strip who marry citizens of Israel. In August 2004, upon expiration (the legislation requires renewal every six months), the law was extended for six additional months, and again for four months in February 2005. In 2005, the Israeli Ministerial Committee on legislative matters amended the Citizenship and Entry into Israel Law to allow residence in Israel exclusively to Palestinian men over the age of 35, and Palestinian women over the age of 25. However, amendments were introduced in 2007, which expanded the scope of the legislation to prohibit the entrance of spouses from Syria, Lebanon, Iraq and Iran, i.e. all countries identified as "enemy States" under Israeli law, and to "anyone living in an area in which operations that constitute a threat to the State of Israel are being carried out." Although this law theoretically applies to all Israelis, it has disproportionately affected Arab citizens of Israel because of the evident fact that they are far more likely to have Palestinian spouses or spouses from the above listed countries. This law, which has been widely considered discriminatory, was the target of a resolution adopted unanimously by the United Nations Committee on the Elimination of Racial Discrimination, which states that it violates International Human Rights law.⁸⁹

Despite the four petitions pending before the Supreme Court to challenge the law's constitutionality, in December 2009, yet another step was taken in the Knesset towards making the law permanent. MK David Rotem, member of the Yisrael Beiteinu party and Chairman of the Knesset Constitution, Law and Justice Committee, submitted an amendment along with 44 other MKs (including members of the Kadima party) to the Basic Law Human Dignity and Freedom in order to eliminate all incompatibilities in it with the Citizenship and Entry into Israel Law.⁹⁰ This move would have effectively protected the Citizenship and Entry into Israel Law from annulment, making it de facto a permanent piece of legislation.

While the amendment was not adopted, its mere proposal sets a dangerous precedent. It represents an attempt by the Yisrael Beiteinu party to enshrine racist legislation within one of the Basic Laws of Israel - principles of law of constitutional level which require an absolute

⁸⁸ Haaretz, 'Shas seeks authority to strip Israelis of citizenship', June 3, 2009, *available at* http://www.haaretz.com/hasen/pages/ShArtStEng.jhtml?itemNo=1090173&contrassID=1&subContrassID=1&title=Shas%20seeks%20authority%20to%20strip%20Israelis%20of%20citizenship&dyn_server=172.20.5.5

⁸⁹ See decision on [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.65.Dec.2.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.65.Dec.2.En?Opendocument)

⁹⁰ Haaretz, 'MK aims to keep Palestinians married to Israelis from gaining citizenship', December 18, 2009, *available at* <http://www.haaretz.com/hasen/pages/1135963.html>

majority in the Knesset to be modified. Since 1994 two of these laws have become part of Israel's unofficial 'Bill of Rights.' A successful attempt to alter this legislation, which officially protects all citizens of the State regardless of their ethnic, racial, linguistic, or religious background, would threaten the very base of Israel's standards of democracy.

The Supreme Court started hearing the petitions challenging the Citizenship and Entry into Israel Law's constitutionality in March 2010.⁹¹ The State argued the necessity of prolonging the temporary law because of the existence of threats by Palestinian terrorist organizations on the State of Israel, explaining that young Palestinian males under the age of 35 and females under the age of 25 were more likely to be terrorists.⁹²

This outrageous argument, which also implicitly targets the Palestinian citizens of Israel by using the rhetoric of the "enemy within", prompted Supreme Court President Dorit Beinisch to ask how this was "relevant to the discussion."⁹³

The Supreme Court is expected to hand down its decision in April. The Citizenship and Entry into Israel Law is due to expire on July 31, 2010 and is estimated to currently affect 15,000 couples.⁹⁴

Bill to outlaw Nakba mourning

Israel's Independence Day is observed by Palestinian citizens of Israel who mourn the dispersal of hundreds of thousands of Palestinians who were forced to leave their homes during the 1948-9 war. They commemorate the 'Nakba' (collective catastrophe) every year, usually through ceremonies, seminars, lectures or other cultural and educational public gatherings.

A private member's bill, initiated by Yisrael Beiteinu MK Alex Miller, proposed a prohibition on marking Israel's Independence Day as a day of mourning, which would have effectively outlawed all forms of commemoration of the Nakba.⁹⁵ Nakba demonstrations are an integral part of the Palestinian Arab minority's national identity and history and should be protected as minority rights under international law. In June, the proposed legislation, which entailed a jail term of up to three years for violators for a ban on Nakba demonstrations, passed the first reading in the Knesset.⁹⁶ However, given several ministerial objections to the bill, it was later amended so as not to criminalize the commemoration of the Nakba, but to instead prohibit the allocation of money to any State funded institute in any way involved with the Nakba commemorations.⁹⁷ In February 2010, the Knesset's Constitution, Law and Justice Committee passed in second reading of the new version of the bill, according to which the Ministry of Finance will be allowed to cut off funding to institutions that support activities undermining

⁹¹ YNetNews.com, 'High Court hears citizenship law petition', March 2, 2010, *available at* <http://www.ynetnews.com/articles/0,7340,L-3856861,00.html>

⁹² Jerusalem Post, 'We need citizenship law because of Palestinian terror', March 3, 2010, *available at* <http://www.jpost.com/Israel/Article.aspx?id=170067>

⁹³ *Id* at 68.

⁹⁴ BBC News 'Families fight 'racist' Israeli citizenship law', March 9, 2010 *available at* http://news.bbc.co.uk/2/hi/middle_east/8552816.stm

⁹⁵ The bill is presented under the title "Proposed Foundations of the Budget (Amendment – Prohibited Expenditure) Law, 5769 - 2009

⁹⁶ Haaretz, 'Ministers okay bill banning Nakba Day', May 26, 2009, *available at* <http://www.haaretz.com/hasen/spages/1087978.html>

⁹⁷ Daily Start citing Agence France Presse, 'Israel softens Nakba bill, rejects proposed loyalty oath', June 1, 2009, *available at* <http://www.unhcr.org/refworld/country...PSE..4b9e52e961.0.html>

the Jewish and democratic character of the State of Israel.⁹⁸ If adopted by the Knesset, (it passed the first reading in March 2010) this law will have a particularly severe impact on Arab institutions and organizations, such as Arab local councils, that are already subject to discrimination by governmental bodies and will further delegitimize them. Moreover, the implementation of this law will in effect destabilize the already weakened ability of political activists and Human Rights NGOs to challenge discriminatory practices against the Arab minority.

By denying Arab institutions of their cultural and historic rights to commemorate an event that in many ways defines the existence of the Arab minority, the “Nakba law” violates the freedom of expression and association of the Palestinian citizens of Israel, as well as their right to human dignity.⁹⁹

The Abraham Fund Initiatives, an Arab-Jewish non-governmental organization that works for Jewish-Arab coexistence in Israel, issued a statement criticizing the bill. The NGO stated: "The refusal to acknowledge the historical narrative of Arab citizens will not diminish the importance of the issue to them, but it will make the path to reconciliation, compromise, and building a shared future for Jews and Arabs of the State more difficult."¹⁰⁰

Bill to criminalize publicly denying Israel's right to define itself as a Jewish State

A bill was introduced to criminalize any public denial of Israel's right to define itself as a Jewish State by outlawing the publication of any material that could be interpreted as negating the identity of Israel as a Jewish and democratic State. The bill, which passed preliminary reading in May 2009, envisions a sentence of up to a year in prison for any breach. Forty-seven MKs voted in favor of the bill and 34 voted against.¹⁰¹ This bill would prevent Arab citizens from continuing their struggle for equal rights and against discrimination, and would further erode their freedom of expression.¹⁰²

Bill to discriminate in the allocation of child allowances

The Office of the Prime Minister intends to reduce or end child allowances to families in which the father has children from more than one wife. The current law conditions child allowances on school registration and immunization from certain diseases, and thus in its current form it adversely affects Bedouin children and families living in unrecognized villages, because of the lack of access citizens in the Negev face to basic services such as schools and health care. But a further move to reduce or end child allowances altogether, regardless of its aim to combat polygamy, would be detrimental to large Jewish and Arab families.

⁹⁸ YNetNews.com, 'Bill amended: no criminal aspect to mourning Nakba Day', February 23, 2010, *available at* <http://www.jpost.com/Israel/Article.aspx?id=170067>

⁹⁹ For more information on this issue, please refer to Mossawa Center's report (2007), 'An Equal Constitution for All? On a Constitution and Collective Rights for Arab Citizens in Israel', *available at* <http://www.mossawacenter.org/files/files/File/An%20Equal%20Constitution%20For%20All.pdf>

¹⁰⁰ Barak Ravid, 'Barak, Labor ministers to fight bill banning Nakba events', Ha'aretz, May 26, 2009, *available at* <http://www.haaretz.com/hasen/spages/1088046.html>

¹⁰¹ Nadav Shragai, 'Knesset okays initial bill to outlaw denial of 'Jewish state'', Ha'aretz, May 27, 2009, *available at* <http://www.haaretz.com/hasen/spages/1088712.html>

¹⁰² Jack Khoury, 'Israeli Arab Committee slams 'racist, fascist' bills', Ha'aretz, May 30, 2009, *available at* <http://www.haaretz.com/hasen/spages/1088949.html>

Bill to establish a Loyalty Oath

Yisrael Beiteinu MK David Rotem introduced in May 2009, a bill to establish as mandatory the taking of a loyalty oath for any person requesting citizenship. The oath was to include a pledge of loyalty to Israel as a 'Jewish, Zionist, and democratic State', to its emblems and values, and to serving Israel either through military service or through any equivalent alternative, as a condition to the obtainment of a national identity card.¹⁰³ The proposed oath, which was perceived as a reaction to the Arab community's dissent during the War on Gaza earlier in 2009, was to apply to all citizens, but would have overwhelmingly discriminated against the Arab citizens of Israel. On June 7, the Ministerial Legislative Committee rejected the proposed legislation.¹⁰⁴ Given that the bill was central to Yisrael Beiteinu's campaign during the February 2009 elections, it is expected to be presented in a slightly different form again in the near future.

Jewish National Fund: Land swaps and organized discrimination

The Jewish National Fund (JNF) is a semi-private institution close to the State whose historic mandate was, and continues to be, the purchase of land and its lease to Jewish people only. As explained on the Ministry of Infrastructure's website, "93% of the land in Israel is in the public domain; that is, either property of the State, the Jewish National Fund (JNF) or the Development Authority. The Israel Land Administration (ILA) is the government agency responsible for managing this land which comprises 4,820,500 acres."¹⁰⁵ Significantly, the JNF nominates 10 of the 22 directors of the ILA, and thus has serious leverage over the State land policy.

Until January 26, 2005 the ILA's policy permitted the marketing of JNF lands only to Jewish people. Three Palestinian Arab Human Rights organizations, including the Mossawa Center and Adalah, filed a petition to the High Court. In his response, then Attorney General Menachem Mazuz ruled that the ILA was also obligated to market JNF lands to Palestinian citizens of Israel. However, the Attorney General's decision also provided that whenever a non-Jewish citizen wins an ILA tender for JNF-owned land, the ILA will compensate the JNF with an equal amount of land. This allows the JNF to maintain its current hold over 13% of the total land in Israel.¹⁰⁶

Yet, in July 2007 the Knesset approved in a preliminary reading, the Jewish National Fund bill, which contradicts the 2005 ruling by providing that land in the possession of the JNF is to be allocated exclusively to Jewish people, which would effectively authorize the JNF to refuse to lease lands to Palestinian citizens of Israel.¹⁰⁷

Furthermore, in May 2009, the State and the JNF signed "Principles of the Agreement between the State and the JNF" which provide for land swaps between them. The agreement, signed by the director general of the Israel Land Administration, Yaron Bibi, and the vice chairman of the JNF's board of director, Menachem Leibowitz, provided that the JNF will transfer to the State all the lands it has rented to third parties for housing or employment. In

¹⁰³ Tomer Zarchin, 'Yisrael Beiteinu to advance bill on loyalty oath', Ha'aretz, May 28, 2009, available at <http://www.haaretz.com/hasen/spages/1088919.html>

¹⁰⁴ Barack Ravid, 'Ministers reject Yisrael Beiteinu's loyalty oath bill', Ha'aretz, June 2, 2009, available at <http://haaretz.com/hasen/spages/1089462.html>

¹⁰⁵ See http://www.mmi.gov.il/Envelope/indexeng.asp?page=/static/eng/f_general.html

¹⁰⁶ For more information see the special report on the JNF of the NGO Adalah available at <http://www.adalah.org/eng/jnf.php#>

¹⁰⁷ Yoav Stern and Shahar Ilan, 'Bill allocating JNF land to Jews only passes preliminary reading', Ha'aretz, July 26, 2007, available at <http://www.haaretz.com/hasen/spages/883536.html>

return, the State agreed to transfer to the JNF, ownership of “available and unplanned” land in the Negev and in the Galilee, namely the heart of the Arab Palestinian communities. The exchanged land will be administered by a land authority which will manage the land, according to the agreement, to preserve the principles of the JNF. In effect, this will prohibit the allocation of these lands, in the Negev and the Galilee, to Palestinian Arab citizens, given that the principles of the JNF prevent it from allocating land to non-Jews.¹⁰⁸

Proposition to uniformly Hebraicize road signs

In July 2009, the transport minister proposed to uniformly Hebraicize the appearance of about 2500 destination signs. This proposal would call for all signs to display only the Hebrew names of locations, in Hebrew, Arabic and English letters, regardless of the common or historical Arabic and English name of the place. For example, Jerusalem would be written as “Yerushalayim” in all three languages, and “Al-Quds” (the Arabic name for Jerusalem) would no longer appear on road signs. The NGO Adalah claimed that this policy violates the 2002 Supreme court ruling that states that mixed cities must add Arabic to traffic, warning and informational signs. As of the end of 2009, the attorney general had not responded to a letter sent on July 15 by Adalah demanding the annulment of this proposal.¹⁰⁹

Using military service as a justification for discrimination

Military service constitutes the most explicit practice separating Israeli citizens based on their nationality. Regardless of the Palestinian Arab minority of Israel’s legitimate refusal to serve in the army – primarily because it would most likely imply serving against fellow Palestinians, but also for strategic reasons, in order not to feed the regional conflict – the State of Israel automatically excludes its Arab Palestinian citizens from serving, over concerns of “double loyalty” issues. The Israeli government then uses the “equality in rights and duties” rhetoric as an argument for using military service as a justification for discrimination. The Mossawa Center contends that neither military nor civilian service should constitute a precondition for the State to guarantee equal rights of Palestinian Arab citizens in Israel. Given the continued discrimination and lower status of the community, including the lack of observable socio-economic progress of Arab Druze, who already serve in the military¹¹⁰, any State attempt to condition rights on duties should be denounced. Specifically, the rights to adequate living standards, employment, health and development should not be contingent upon military or national (civilian) service.

Below are outlined a few examples of attempts by the State to use military service as a justification for discrimination:

A bill introduced by MKs Avigdor Lieberman and David Rotem and four other Yisrael Beiteinu MKs on April 1, 2009 proposed an amendment to the Security Services Law – 1986 (bill no. 8/18) creating an obligation for individuals who do not perform military or alternative national service to pay an additional tax of 1% of their annual income until the age of 41, as

¹⁰⁸ For more information see the report from Adalah on the issue

http://www.adalah.org/features/land/Adalah_ACRI_letter_re_Israel_and_JNF_land_swap_july_2009.doc

¹⁰⁹ For more information, see United States Department of State, 2009 Country Reports on Human Rights Practices – Israel and the Palestinian Territories (published March 11, 2010), available at

<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136070.htm>

¹¹⁰ By agreement with the relevant communities, since 1957 Druze and Circassian men are required to service in the Israel Defence Forces (IDF). See Liat Yitzkhak, ‘The Druze in Israel’ (1998), available at <http://www.e-mago.co.il/e-magazine/druze.html>. Bedouins and Christians may volunteer for service but Muslim Arab citizens are banned from even volunteering.

long as they are found fit to serve.¹¹¹ The bill would effectively strip Palestinian Arab citizens of their current group exemption from performing military or national service, and can only be seen as seeking to penalize them for their refusal to serve in the Israeli army or provide other national or civic services to the State. The bill further stipulates that the revenue generated by the law should be used for the benefit of those who perform military or national service.

A bill introduced by MK Chaim Katz of the Likud proposed an amendment to the Council for Higher Education Law – 1958 (bill no. 348/18) seeking to prohibit universities that receive state funding from admitting Israeli citizens between the ages of 18 and 21 who did not serve in the Israeli military or perform national service, unless they are certified as unfit to serve.¹¹²

A bill introduced by MK David Rotem and three other Yisrael Beiteinu MKs on April 1, 2009 proposed a new law entitled “Rights of those who serve in the military or national service – 2009” (bill no. 1/18) which contains a long list of special financial, housing and educational benefits exclusively reserved for citizens who perform military or national service, including priority access to higher education and employment in the civil service. The bill also provides for the establishment of a quota to employ citizens in the civil service.¹¹³

It is important to note that military service already grants access to financial benefits, amongst others advantages. The Israeli Ministry of Defense allocated from its 2009 budget, 1,520,881,000 NIS (one billion five hundred and twenty million Shekels) to compensate soldiers who complete their military service.¹¹⁴

On August 24, 2009 Foreign Minister Avigdor Lieberman put forth yet another discriminatory proposal that would in effect prevent Palestinian Arab citizens of Israel from pursuing a career in Israel’s diplomatic service.¹¹⁵ In line with his “no citizenship without loyalty” campaign, Lieberman asserted that he plans to limit entry to the Foreign Ministry’s cadet program to those who either served in the IDF or did national service. Needless to say that conditioning access to diplomatic service employment to army or national service seriously disadvantages Israel’s 1.5 million Arab citizens.

Lack of emergency facilities in Arab localities

On June 3, 2009 the Home Front Command and the National Emergency Authority worked to prepare the Israeli public for possible attacks on the country, including a secure room drill and testing national siren systems. This was the largest emergency exercise Israel has ever undertaken.¹¹⁶

¹¹¹ See Adalah (2009) Briefing note on ‘New Legal Developments’ available at http://www.adalah.org/newsletter/eng/jun09/Adalah_HRA_Briefing_note_FINAL_4.6.09.pdf

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *See*

<http://www.mof.gov.il/BudgetSite/StateBudget/Budget2009/MinisteriesBudget/Safety/Lists/List/Attachments/4/bitahonShonot2009.pdf> at p.13

¹¹⁵ Mossawa Center Press Release (2009) ‘Lieberman continues his anti-Arab political policy’ available at <http://mossawa.org/default.php?lng=3&pg=1&dp=2&fl=5>

¹¹⁶ See the website of the Israeli Ministry of Foreign Affairs

http://www.mfa.gov.il/mfa/government/communiques/2009/national_home_front_training_exercise_31-may-2009.htm

The Arab community has generally been excluded from large-scale emergency trainings such as this one. With the exception of small-scale local ambulance companies, there are no emergency services in the majority of Arab towns and villages, as the services of the Magen David Adom are not available in many Arab localities. The readiness of emergency services in Arab villages has not been sufficiently addressed. This exclusion of services and infrastructure comes with a heavy price: according to Mossawa Center's figures, 46% of civilian casualties during the Lebanon war 2006 were Arab citizens of Israel.¹¹⁷ Similarly, on a number of occasions, Education Minister Yuli Tamir failed to respond to the demand to solve the problem of a shortage of shelters in Arab schools. For example, 80% of students at schools of Nazareth are without shelters.¹¹⁸

The Mossawa Center continues to monitor the readiness of the Arab community to respond to emergency situations. According to a report by the NGO coalition Mubadara, 70% of Arab houses do not have bomb shelters or suitable emergency protection, and 30% of schools in the Arab community are without shelter. The report also found that 80% of Arab villages in Israel are not prepared to handle a crisis situation, including an escalated military situation, missile strikes or a natural disaster. In Israel's largest Arab city, Nazareth, there are no public shelters. In the Arava region, Mubadara found that 99% of residents have no access to shelters.¹¹⁹

The Mossawa Center condemns the Interior Ministry's neglect of the community and its deliberate disregard for the needs of Arab towns and villages in case of emergency. The Mossawa Center strongly urges the Ministry of Finance and other government ministries to implement the recommendations of the State Controller to investigate the gap in emergency services between Arabs and Jews.¹²⁰

Police simulate major riots: provoking atmosphere of fear

On September 7, 2009, the police simulated a series of major riots between Jews and Arabs. The training was held nine years after the 2000 demonstrations, and a year after the October 2008 riots in Acre. Among the scenarios officers were asked to respond to, was the possibility of riots over the planned construction of a city for the Haredi-religious community in Nachal Eeron, an area south of Haifa known as Wadi Ara, which is currently predominantly Arab populated.

These trainings contribute to the atmosphere of fear and intolerance being cultivated in Israel and intensified during protests against the war on Gaza early last year. Trainings such as this one provoke fear and a sense of insecurity across the country, raising tensions which could have serious implications for the long term relations between the Arab and Jewish communities, as well as the general stability and peace within the State.

¹¹⁷ Mossawa Center (2006) 'The Arab Citizens of Israel and the 2006 War in Lebanon: Reflections and Realities' available at

<http://www.mossawa.org/files/files/File/Reports/2006/The%20Arab%20Citizens%20of%20Israel%20and%20the%202006%20War%20in%20Lebanon.pdf>

¹¹⁸ See Shatil/Mubadara Report (2006) available at www.shati.org.il/lebanon2

¹¹⁹ *Id.*

¹²⁰ Mossawa Center Press Release (2009) 'Arab community is excluded from state emergency response tests' available at <http://www.mossawacenter.org/files/files/File/Press%20Releases/2009/JUNE.pdf>

Extremists groups acting against mixed marriages

Several extremist Jewish groups launched campaigns meant to deter Jewish women from dating Arab men but also to “free” Jewish women who are dating Arab men.¹²¹

For the last year and a half, the Petah Tikva Municipality, in cooperation with ELEM ‘Youth In Distress In Israel’ and the Israel Anti-Drug Authority, has been operating a street crew of youth-care professionals and volunteers in an effort to prevent Jewish teens and young women from mixing with Arab men in the city.¹²² The Mossawa Center contends that this initiative amounts to incitement to racism and violence and to the dehumanization of the Arab public.

Another example of civil society perpetuating racism is the organization Yad L’Achim, which has as one of its main focus points the prevention of assimilation. As their website reads, “facts show an increasing number of Jewish girls getting involved with foreign workers and, even more so, with Arab men.” The organization explains that it responds to such situations in some cases by “launching military-like rescues from hostile Arab villages and setting the women up in safe houses around the country”.¹²³

¹²¹ The National, ‘Israeli drive to prevent Jewish Girls dating Arabs’, September 25, 2009 *available at* <http://www.thenational.ae/apps/pbcs.dll/article?AID=/20090925/FOREIGN/709249932/0/rss>

¹²² Friedman, R. (2009) ‘Petah Tikva tries to discourage young girls’ relationships with older men’, September 18, 2009 *available at*

<http://www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1253198149215>

¹²³ See the website of the organisation <http://www.yadlachimusa.org.il/Index.asp?CategoryID=188>

Legitimacy for violence against Arab Citizens

The incidence of race-based violence has grown alarmingly in the past ten years with a total of 45 Palestinian citizens of Israel being killed by Jewish citizens or Israeli Security Forces. In only two of these 45 cases were the killers convicted.¹²⁴ As seen above, the new administration has so far shown tolerance towards race and ethnic-based violence and has not taken any action to tackle this crucial issue. The following cases illustrate the policy of impunity which exists in relation to the killing of Arab citizens.

The Ghanayem case

In July 2006, in Pardes Hanna, Mahmoud Ghanayem was killed by a close-range gunshot in the head by Shahar Mizrahi, a policeman.¹²⁵ Despite a testimony by the director of *Mahash* (Police Investigation Department at the Ministry of Justice) in October 2007 stating that a police officer should only use his gun as a last option resort (which was not the case in the present example), Shahar Mizrahi received the full support of the Police Department and Minister of Internal Security. The National Commander of the Police force rejected the Mossawa Center's and the family's demands to suspend the police officer from his duties during the trial. To show their support for their colleague, senior ranking officers even witnessed Mizrahi's character at his hearings. In June 2009, a judge determined that the killing was not justified because the policeman was in no immediate danger when he fired the gunshot, and convicted Mr. Mizrahi of manslaughter.¹²⁶ On September 3, 2009, Mizrahi was sentenced to merely 15 months in jail and to a 15 months suspended sentence, a relatively light punishment for the crime of manslaughter. However, until now, he still has not been suspended from his duties.¹²⁷

This case is particularly significant for the message it sends out to Israeli police officers as Mizrahi retained his position and privileges and received the full support of his superiors and the security establishment. This attitude is part of a larger "culture of impunity" which affects the Israeli police and its relationship with the Arab community.

The Mossawa Center, which stood by Mahmoud Ghanayem's family and provided them with additional legal support, denounced this case as being the latest in a series of unjustified violent attacks and unlawful killings by policemen and Israeli citizens against Arab citizens that remained unchecked. The Mossawa Center stated that the lenient sentencing is the result of "the political legitimization of police violence against Arab citizens since October 2000" (i.e. the repression of demonstrations in support of the al-Aqsa intifada). It must be remembered that while no Jewish citizens were killed as a result of the recent period of violent resistance against the Gaza disengagement in 2005, or during the demonstrations of the Haredi community in Har Homa this past summer in Jerusalem, 13 Arab citizens were killed during the October 2000 demonstrations alone.

¹²⁴ Haaretz (2009). 'Haaretz Poll: Intolerance and Homophobia amongst Israelis', August 7, 2009, available in Hebrew at <http://www.haaretz.co.il/hasite/spages/1105758.html?more=1#g1>.

¹²⁵ See Mossawa Press Release(2009) 'Policemen on trial for the killing of Arab citizens' available at www.mossawacenter.org/.../Ghanayem%20and%20Milhem%20Killings%2016-10-07.pdf

¹²⁶ The Jerusalem Post, 'Cop gets 15-month sentence for killing car theft suspect', September 9, 2009, available at <http://www.jpost.com/servlet/Satellite?cid=1251804486388&pagename=JPost%2FJPArticle%2FShowFull>

¹²⁷ Haaretz, 'Cops gets 15 months in prison for killing Israeli Arab', September 9, 2009, available at <http://www.haaretz.com/hasen/spages/1112164.html>

The Hussein Al-Atrash case

On September 1st, 2009 a security guard shot and killed Hussein Al-Atrash, a Palestinian citizen of Israel. After only an initial interrogation by the police, it was hastily determined that the security guard had acted according to procedure and that his actions were justified, a conclusion reached solely on the basis of the security guard's own account of the event. The security guard is not expected to be prosecuted for his actions.

The Mossawa Center warns that this pattern of impunity for violence against and the killing of Arab citizens further delegitimizes the basic rights of the 1.5 million Palestinian citizens of Israel as equal citizens, and destabilizes the rule of law. This trend could lead to an anarchical situation in which families' quests for justice and avengement might be taken into their own hands, and outside the judicial institutions of the State.

The "Dromi Laws"

On July 15th, 2009, a controversial case ended with the acquittal of Israeli farmer Shai Dromi. Dromi shot two introducers, Khaled al-Atrash and Ayoub al-Hawashleh, and killed one of them. However, he was only convicted of illegal possession of an unlicensed weapon.¹²⁸ Dromi was cleared of all charges despite the fact that he was under no immediate threat at the time of the shooting and that he continued to shoot at the victims as they were fleeing.

In addition to the verdict, the degree of support and sympathy enjoyed by Shai Dromi prompted the passing of four laws which came to be known as the 'Dromi laws'. These laws legalize the shooting of trespassers in Israel.¹²⁹ Such legislation will undoubtedly provide leeway for Israeli farmers to deal with problems of burglary in the same way as Dromi did (especially in areas with large Arab communities and poorly defined land holdings such as in the Negev).

The Natan Zada case

In August 2005, defecting Israel Defense Force soldier Natan Zada opened fire in a bus in the northern Arab city of Shefa'amer, murdering four Arab citizens and wounding twenty-four others. After he was disarmed and restrained by passengers, the bus was swarmed by an angry mob and the man was killed. The Haifa court subsequently indicted twelve rioters as being responsible for his death. Seven of the 12 defendants were charged with attempted murder while the rest faced charges for assaulting the police officers who were present during the incident. The investigation into the soldier's own crime remains incomplete.¹³⁰ The municipality of Shefa'amer later organized a strike in protest of what they considered to be poor judgment on the part of the General Attorney and the unjust targeting of members of the Arab community.

The rapidness of the procedures against those involved prompted Arab MK Ahmad Tibi to point out that while the General Attorney appeared to be rushing to press charges against the victims of Shefa'amer, who acted in self-defense during the shooting, he had so far failed to

¹²⁸ Yanir Yagana (2009) 'Farmer cleared of manslaughter in death of Bedouin intruder', Haaretz, *available at* <http://www.haaretz.com/hasen/spages/1100361.html>

¹²⁹ IsraelNationalNews (2009), 'Knesset passes "Dromi Laws' *available at* <http://www.israelnationalnews.com/News/Flash.aspx/121605>

¹³⁰ Hagai Einav (2009), '12 people indicted in Eden Natan Zata lynching case', *available at* <http://www.ynetnews.com/articles/0,7340,L-3727320,00.html>

press charges against those responsible for the murder of 13 Arab citizens of Israel during the October 2000 demonstrations.¹³¹

The Mohammed Mansur case

On January 26, 2009, Mohammed Mansur, 20, was brutally attacked and beaten by ten young Jewish males.¹³² While resting after a day of work and prior to returning to the hotel room where he temporarily resided while he worked in Tiberias, Mansour was stopped by a mob of young men who began speaking to him in order to find out his ethnic origins. When they discovered that he was Arab, they physically attacked him using sticks and sharp objects. Mansour was left behind, injured, until an ambulance arrived to the scene. However, a camera caught the actions of the young men on tape, which allowed Mossawa's lawyer, to press charges against seven of the offenders. Since the scene had been recorded on tape, the young men quickly confessed and are now awaiting sentencing.

¹³¹ Jacky Khoury (2009), 'Charges pressed against Shfa'amer citizens suspected of the lynching of Natan Zada' Ha'aretz, June 28, 2009, available at <http://haaretz.com/hasite/spages/1090943.html>

¹³² Eli Ashkenazi, 'Police arrest Jewish teens for allegedly assaulting Arab youth in Galilee', Ha'aretz, January 1, 2009, available at <http://www.haaretz.com/hasen/spages/1059164.html>

State infringement on basic civil and political rights

This past year has seen a series of arrest of prominent political and civil society leaders, especially during peaceful demonstrations, which are indicative of the effect of the current government's policies and actions on the exercise of basic civil and political rights, such as the freedom of speech and the right to demonstrate. Moreover, a government-backed bill threatening the independence and the work of Human Rights NGOs in Israel is currently being discussed at the Knesset. While these actions undertaken by the current government are threatening Israel's very standards of democracy, it is undeniable that they target primarily, as will be shown by the following cases, the Arab community in Israel.

Restrictions on the Freedoms of civil society organizations

Proposed legislation to restrict foreign funding to Human Rights NGOs

Following the release of the "Breaking the Silence" Testimony Report - a compilation of soldier's testimonies which contradicted the official government version of what took place during operation Cast Lead in December and January 2009 in Gaza - the Israeli government publicly announced its intention to wage an 'aggressive battle against NGOs it deems biased against Israel'.¹³³ In essence, such a discussion threatens almost all Human Rights groups in Israel that advocate for the rights of Palestinians, as well as groups that actively oppose the inhumanity of the occupation, the illegality of the Wall, the construction of settlements, and war crimes committed in the West Bank and Gaza.

Currently, discussions are taking place in the Knesset in order to define what constitutes a 'political NGO', and how to find ways to make foreign funding to such organizations illegal, a discussion which in effect could incapacitate a crucial part of the Israeli civil society.¹³⁴ These efforts are being spearheaded by the Prime Minister's office and supported by the NGO-Monitor, a Jerusalem-based NGO that takes as its mandate the surveillance of NGOs it deems anti-Israeli.

The bill is intended to prohibit the reception or request of funding from foreign countries by NGOs who do not register and receive a permit from the NGO Registrar in Israel. The government-back bill stipulates that any organization "seeking to influence public opinion in Israel" is therefore a political organization and should register as a political party. If adopted, this bill, which passed preliminary reading at the Knesset on February 14, 2010¹³⁵, will limit the capacity of Human Rights NGOs to receive foreign funding. Targeted NGOs would also lose their tax-exempt status.

While this bill is a very real threat to the work of Human Rights NGOs in Israel and thus to the very standards of democracy in the State, it also openly targets the Palestinian community in Israel. Indeed, while the Israeli government is questioning the legitimacy of funding by foreign donors to these Human Rights groups, and raising questions about the political bias of such NGOs, it has not made any similar assertion or taken a strong stance against wealthy

¹³³ Katz Y. and Keinon H. (2009). 'European funding 'Breaking the Silence' The Jerusalem Post, July 17, 2009 available at <http://www.jpost.com/Home/Article.aspx?id=148994>

¹³⁴ Keinon H. (2009). 'Israel targets foreign gov't NGO funds' The Jerusalem Post, July 31, 2009, available at <http://www.jpost.com/Home/Article.aspx?id=150444>

¹³⁵ One World Trust, February 23, 2010, 'Controversial NGO Transparency Bill in preparation in Israel', available at http://www.oneworldtrust.org/index.php?option=com_content&view=article&id=314:ngo-transparency-bill-passed-in-israel-amid-criticisms&catid=47:news-alerts&Itemid=97!

foreign Jewish organizations funding and supporting the expansion of settlements, despite the fact that these settlements are recognized as illegal under international law by the International Community. Simultaneously, Israel has not doubted the legitimacy of its own State subsidy to, or of US funding for, controversial Israeli NGOs such as ‘Ateret Cohanim’, which both supports and engages in the building of illegal Israeli settlements in the occupied Palestinian territories or of ‘Yad Le Akhiv’, an NGO that sees as part of its mission to ‘rescue’ Jewish women who have married Arab men.

The Mossawa Center asserts that for the government to take such a stance against NGOs that promote Human Rights and defend against violations will have dangerous implications not only for Palestinians citizens of Israel and of the occupied Palestinian territories, but also for the State of Israel. If such legislation were to be passed, it would undoubtedly have a destructive affect on the already under-funded and weak Arab NGOs within Israel that promote equality and democracy while challenging the exclusionist ‘Jewish’ nature of the State.

Work visa denials to international humanitarian workers

Last September 2009, the Ministry of Interior decided to stop granting work permits to foreign nationals working in most NGOs operating in the Palestinian Territories, including East Jerusalem, and instead begun to grant tourist visas only. Moreover, the change in policy included subjecting international workers to registration before the Defense Ministry, instead of the Social Affairs Ministry. In February 2010, deputy foreign minister Danny Ayalon notified the United Nations of a policy change, stating that Israel will resume the issuance of work permits for international workers. However, as of March 2010, the issue is still pending and we will need to wait and see if the policy changes are actually implemented.¹³⁶

The New Israel Fund under attack

The New Israel Fund (NIF) was accused in January 2010 of bearing direct responsibility for the UN Goldstone Report. According to the principal accusatory, the organization Im Tirtzu (a Zionist student-group), 92% of the Goldstone Report “allegations” criticizing the IDF’s conduct came from 16 Israel NGOs that received around 8 million NIS in 2007-2008 from the NIF.¹³⁷ In a press release following these accusations, the NIF stated “the NIF became the latest target of what appears to be a coordinated effort to stifle dissent and shut down the human rights community in Israel,” implicitly making reference to the current government’s attacks on other Human Rights NGOs, of few examples of which are outlined below.

Limitations of civil and political freedoms

In the past ten years, over a dozen investigations were initiated against Arab MKs, with several indictments being pronounced and multiple cases of immunity removals, on charges of incitement, either for participating in protests against discriminatory governmental policies or for issuing statements on such policies. At the same time, Israeli Jewish MKs have introduced bills comparing Arab MKs to collaborators with the Nazis, proposing the physical transfer of Arab citizens to the future Palestinian State, or have publicly insulted the Arab minority and referred to them as the “enemy within”, all without facing any criticism or actual investigation. This reveals an outrageous and worrying double standard in the treatment of

¹³⁶ Ha’aretz, ‘Israel withholding NGO employees’ work permit’, January 21, 2010, *available at* <http://www.haaretz.com/hasen/spages/1143854.html>

¹³⁷ Jerusalem Post, ‘New Israel Fund comes out swinging against Im Tirtzu report’, February 2, 2010, *available at* <http://www.jpost.com/Israel/Article.aspx?id=167527>

Arab and Jewish MKs. The harassment of civil society leaders by the law enforcement authorities, on similar charges, further attests to the systematic violation of the political rights of the Arab minority in Israel.

Furthermore, 2009 has seen a worrying increase of ostensive limitations on the exercise of civil and political freedoms by the Arab Palestinian minority. In 2009, over 70 people were arrested during a weekly peaceful demonstration in Sheikh Jarrah.¹³⁸ In addition, seven hundred protesters were arrested during demonstrations to protest the war on Gaza.¹³⁹ When considering these arrests, one must also take into account the recent government backed law granting amnesty to all 400 settlers who violently demonstrated against the Gaza disengagement.¹⁴⁰ Again, in March 2010, the Israeli law enforcement authorities responded to protests in Jerusalem against the stagnation of the peace process by locking the city, which proceeded to massive arrests of demonstrators and the use of grenades and rubber-bullets on unarmed people.¹⁴¹

MK Mohammed Barakeh's trial

In November 2009, Attorney General Menachem Mazuz indicted MK Mohammed Barakeh for allegedly assaulting police officers. The indictment compiled four different incidents which occurred over a period of two and a half years during peaceful political protests, including a demonstration against the West Bank wall. MK Barakeh argued that gathering the four separate incidents into a unique indictment was a political move to “create a negative image [of him].”¹⁴² The trial before the Tel Aviv Magistrate Court opened on March 10, 2010 and was attended by a representative of the European Union. The Inter-Parliamentary Union is considering sending observers to the trial, thus effectively forcing the Court to consider MK Barakeh's appeal to split the one indictment into four separate ones.¹⁴³

MK Said Naffaa's trial and immunity protection denial

Earlier this year, MK Said Naffaa was charged with contacting a foreign agent and visiting an enemy State, as a result of a trip in 2007, during which he accompanied 280 Druze clerics to visit Syria. According to the indictment, he allegedly met with Talal Naji, deputy director-general of the Popular Front for the Liberation of Palestine. MK Naffaa, who stated that he had been surprised by the indictment, argued that he was targeted because of his Druze origins as similar cases had been brought against Jewish MKs but had never actually been accepted by a Court.¹⁴⁴ He thus applied for diplomatic immunity, which his MK status

¹³⁸ Jerusalem Post, ‘Court releases 17 Sheikh Jarrah protesters without charges’, January 18, 2010, *available at* <http://www.jpost.com/Home/Article.aspx?id=165997>

¹³⁹ Jonathan Liz, ‘Israel arrests 700 people, mostly Arabs, in protests against IDF Gaza op’, January 12, 2010 *available at* <http://www.acri.org.il/eng/story.aspx?id=702>

¹⁴⁰ Ha'aretz, ‘Israel to expunge criminal record of 400 Gaza pullout opponents’, January 26, 2010, *available at* <http://www.haaretz.com/hasen/spages/1145014.html>

¹⁴¹ Joshua Mitnick and Jay Solomon, ‘Mideast dispute hits Jerusalem Streets’, The Wall Street Journal, March 17, 2010, *available at* http://online.wsj.com/article/SB10001424052748703734504575125103657347766.html?mod=WSJ_World_MI_DDLENews

¹⁴² Jerusalem Post, ‘Barakeh charges indictment against him as political’, March 10, 2010, *available at* <http://www.jpost.com/Israel/Article.aspx?id=170690>

¹⁴³ Haaretz, ‘European group may probe Israel decision to indict Arab MK’, March 9, 2010, *available at* <http://www.haaretz.com/hasen/spages/1155188.html>

¹⁴⁴ YNetNews.com, ‘MK Naffaa to be indicted for contact with foreign agent in Syria’, December 13, 2009, *available at* <http://www.haaretz.com/hasen/spages/1155188.html>

normally grants him, but the Knesset House Committee rejected his request.¹⁴⁵ This prompted MK Ahmad Tibi to question why Interior Minister Eli Alishai, who tried to organize talks with Hamas political leader Khaled Meshal and Tourism Minister Mizezhnikov, and who shook hands with his Iranian counterpart during a meeting in Madrid, had not been prosecuted.¹⁴⁶

Arrest of the director of the Mossawa Center

In February 2009, during a non-violent protest against the presence of Yisrael Beiteinu's chairman, Avigdor Lieberman at a conference in Haifa, Jafar Farah, director of the Mossawa Center, was arrested on charges of assaulting a police officer. During the emergency trial that followed his arrest, lawyer Alber Nahas demanded that Jafar Farah be freed, arguing that there was "no logic and no fairness in detaining a man the public knows and who knows the Law, who works for the protection of Human Rights".¹⁴⁷ While the police department appealed to extend the detention, Judge Lifshitz rejected this demand, stating that there was "no need for further detention."¹⁴⁸

Arrest of the director of the Association for Civil Rights in Israel (ACRI)

In January 2010, Hagai Elad, director of ACRI was arrested, along with 16 other left-wing activists, during a weekly demonstration in Sheikh Jarrah, a neighborhood in Jerusalem, to protest the Jewish appropriation of Palestinian homes. The Jerusalem Magistrate Court later decided that the defendant's arrest was illegal and ordered their release.¹⁴⁹ The subsequent ACRI press release stated that these arrests were "part of a worrying trend on the part of the authorities to limit freedoms of demonstration and arrest demonstrators under false or illegitimate pretenses".¹⁵⁰ The New Israel Fund further commented that there is a "disturbing pattern of police intimidations beginning to emerge."

¹⁴⁵ YNetNews.com, 'MK Naffaa's immunity removed', January 26, 2010, *available at* <http://www.ynet.co.il/english/articles/0,7340,L-3839742,00.html>

¹⁴⁶ Haaretz, 'Knesset panel: no immunity for MK who visited Syria', February 7, 2010, *available at* <http://www.haaretz.com/hasen/spages/1145247.html>

¹⁴⁷ See Mossawa Press Release, *available at* <http://www.mossawa.org/files/files/File/Press%20Releases/2009/PR%20-%20Haifa%20police%20limit%20peace%20activists%20freedom%20of%20expression.pdf>

¹⁴⁸ YNetNews.com, 'Mossawa Center director released to house arrest', February 8, 2009, *available at* <http://www.ynetnews.com/articles/0,7340,L-3668719,00.html>

¹⁴⁹ Haaretz, 'Court frees 17 Sheikh Jarrah protesters, says arrest was illegal', January 18, 2010, *available at* <http://www.haaretz.com/hasen/spages/1143284.html>

¹⁵⁰ See ACRI Press Release, January 17, 2010, *available at* <http://www.acri.org.il/eng/story.aspx?id=702>

Recommendations:

The current government has, since its election, consistently discriminated against the Palestinian citizens of Israel actively, through the introduction and adoption of racist legislation and through the enforcement of racist policy targeting the Arab minority, and passively, through neglecting to address the urgent needs of the Arab community and refusing to address the culture of impunity surrounding the issue of unlawful killings of Arab citizens.

To ensure that the basic standards of democracy are respected in Israel, the Mossawa Center calls for the International Community to:

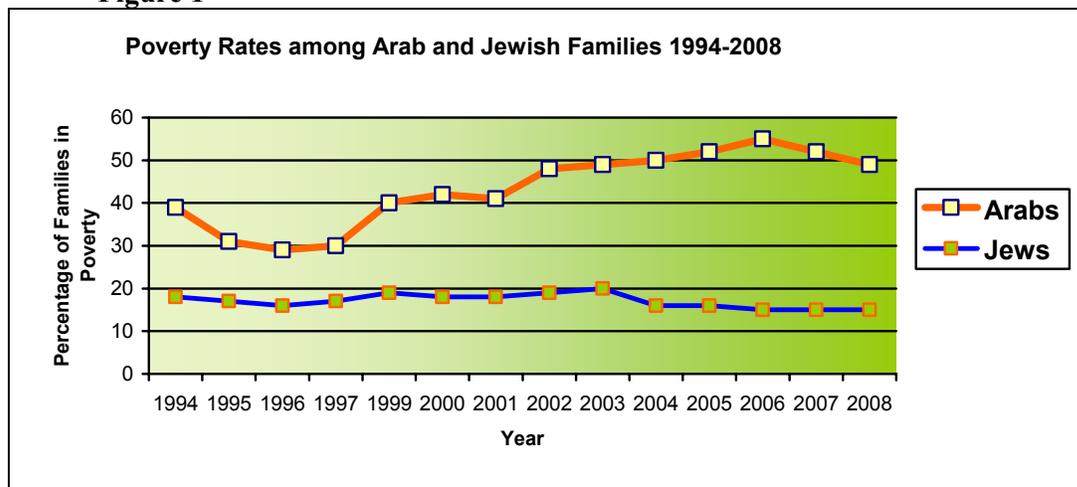
- Use its diplomatic relationship with Israel to oppose the introduction and adoption of racist legislation which violate the basic Human Rights of the Palestinian citizens of Israel;
- Promote real equality before the Law for all citizens, and the end of Israel's policy of double standards;
- Condemn the unlawful killing of Arab citizens of Israel by Israeli security forces and Jewish Israeli citizens, and call for the indictment of individuals responsible for those killings;
- Condemn and call for an end to the continuous harassment of Arab civil society leaders and Human Rights NGOs.

The Government's State Budget 2009-2010 and the needs of the Arab minority

A key indicator of the impact that the new government has had on the Arab minority is the State budget and the ways in which it affects Arab citizens of Israel both collectively and as individuals.

An analysis of the percentages of Jews and Palestinian Arab citizens living in poverty shows that the percentage of Palestinian Arab citizens in poverty has reached an all-time high in the past several years, while the number of Jews living in poverty has decreased (as shown by figure 1). In the year 2007, over 50% of Palestinian Arab citizens were living in poverty. Such statistics highlight the need for special government funds to be allotted to address this issue.

Figure 1



Amin Fares – The Mossawa Center

An analysis of the 2009-2010 State budget and the Arab citizens' share has revealed that although Arabs comprise 19% of the total population, they will receive less than 5% of the governmental development funds, and less than 6.7% of the salary budget allocated to civil service employees.

Currently, a database recording the breakdown of the percentage of funds in the regular budget that are allocated to the Arab minority does not exist, however a breakdown of the budgets of most ministries shows that the percentages of funds allotted to the development of the Palestinian Arab citizenry are consistently and proportionately lower than their size as a collect, relative to the total population.¹⁵¹ And while the government prides itself with having allocated 18 million New Israeli Shekels to the Economic Development Commission of the Arab community, the total budget the State allots to development is 32 billion New Israeli Shekels (NIS).

¹⁵¹ For a more detailed analysis on the 2009-2010 State Budget Analysis and the Arab minority, please refer to Mossawa Centres' Report (2009) 'Main findings of the 2009-2010 State Budget proposal and the needs of the Arab citizens in Israel', available at <http://mossawa.org/default.php?lng=3&pg=1&dp=2&fl=3>

Indeed, the government's development budget for the year 2009 is 32 billion NIS. According to an analysis of the State budget by the Mossawa center, only 580 million NIS were allocated to the development needs of the Arab localities.

As a reaction to the 2010 OECD report on Israel, the government approved a development plan for 12 localities. The total funds allocated to this program are 778.45 million NIS, which will be distributed over the next five years. The allocated funds will not actually bridge the economic gaps between both communities and the program excludes the poorest Arab localities. The approved program is important but follows cuts of over 200 million NIS in grants to Arab local councils' that were part of the State budget changes for the years 2009-2010.¹⁵²

The question of the State budget and the Arab minority must be approached not only with the understanding that the Arab community is an indigenous minority, but also with an appreciation of the unique context of the needs of the Arab communities in Israel, as a result of the historical institutionalized socio-economic discrimination the collective has faced. A report published in August 2009 by the Ministry of Education reveals the overwhelming shortage in classrooms in Arab localities¹⁵³. While a committee initiated by the Ministry of Education recognized this shortage and the great need of assistance for Arab students, the Ministry continues to allocate its budget unequally, which leads to under-resourced schools. Furthermore, despite the greater needs of Arab students who tend to come from a much lower socio-economic standing than their Jewish counterparts, a study published by Prof. Sorel Cahan of the Hebrew University's School of Education, shows that the average per student allocation to Arab junior high schools is only 20% of that allocated to Jewish junior high schools, even under the budget for special assistance which is intended to focus on students from low socio-economic backgrounds.¹⁵⁴ The 2010 OECD report on Israel showed that in general public spending on children in Arab localities is estimated to be at least one-third lower than for children in Jewish municipalities.¹⁵⁵

In another instance, it has been found that less than 1% of the Ministry of Health's development budget has been allotted to Arab localities. Although most of the budget is divided by Health Maintenance Organizations (HMOs), some special circumstances and needs exist in the Arab localities that require special consideration. Problems such as infant mortality, a shortage in trained psychologists, and a lack of emergency mobile units, are all issues that are not being addressed adequately and require special and immediate attention. Similarly, while there is a severe transportation crisis in Arab localities, less than 2% of the Ministry of Transport's 2008 budget was allotted to solve the transportation crisis in Arab localities. While this Ministry received a raise in its budget for the next two years, they have chosen not to allot a part of their budget to address this deficit.

As previously mentioned, a close study of the use of the budget in previous years shows that the Arab minority is not only allocated a disproportionately small percentage of the budget, but often the expenditure levels tend to be even more disappointing. For instance, compared to the previous year, the 2009 budget for the Ministry of Housing and Construction reduces

¹⁵² See website of the government at <http://pmo.gov.il/PMO/Secretarial/Decisions/2010103/des1539.htm>

¹⁵³ Ha'aretz (2009) 'Israel Aids its needy Jewish students more than Arab Counterparts', August 13, 2009, available at <http://www.haaretz.com/hasen/pages/1106955.html>

¹⁵⁴ *Id*

¹⁵⁵ Organization for Economic Co-Operation and Development. *OECD Review of Labour Market and Social Policies ISRAEL*. Paris, France: OECD, 2010. Print.

the amount allotted to Arab localities from 116 million NIS to 85 million NIS. This should be considered in light of the fact that in 2008, the Ministry used only 12 million NIS of the original 21 million NIS that it had committed to spend on new construction in Arab localities, which translates into an implementation rate that stands at a mere 57%.¹⁵⁶

A comparable problem appears to be taking place in several other ministries, including the Ministry of Internal Affairs, which does not appear to be committed to its duty to promote plans for the development of Arab localities. In 2008, a mere 21% of the planning budget for the Arab localities was utilized. As a result, there appears to be over 40,000 unlicensed houses, most of which have been fined or prosecuted instead of being processed for permits.

However, due to the poor economic standing of Arab communities, they remain underserved particularly in the area of basic social services, such as the availability of social workers, who are often in greater demand in poorer communities.¹⁵⁷ Furthermore, while Arab communities often sit on the periphery of larger commercial zones and cities, they lack sufficient public transportation services which are integral to development and job security. Indeed, lack of transportation is widely cited as a key barrier to employment opportunities, and particularly affects the poorest families who often do not own a car. Administrative evidence is scant, but survey-based indications suggest that many Arab communities face transport constraints, and these are particularly severe for Bedouin communities in the Southern part of Israel (the Negev).¹⁵⁸

Correspondingly, the part of the Israel Land Administration (ILA) budget that is earmarked for urban planning and development in Arab localities comprises less than 1% of the planning and development budget. In 2007, the ILA allotted about 117 million NIS, but out of these, only 60 million were put in use and the execution level stood at only 50% when compared to what had been planned.

In addition to the discrimination evident in the State budget, ethnic inequalities are striking in the private sector as well. In 2007, the average hourly wage of Arab workers amounted to around 70% of Jewish workers. Such violation of basic workers rights continues to occur because of the inaccessibility to accepted legal recourses. One of the most pressing issues in Israel is the lack of enforcement of labor laws. This falls heavily on Arab workers who make up a large percentage of low-income employees in precarious employment conditions. Due to the standard of discrimination, and risk of job loss, few Arab workers are willing to bring charges against their employers. The main labor union is also viewed as an “essentially Jewish organization” whose resources are unavailable to the Arab minority.¹⁵⁹

An overall look at the 2009-2010 State budget shows that the new administration is in no way committed to improving the standard of living of the Arab minority, which when examined as a whole is the most disadvantaged collective in Israel. This is evident from the consistent pattern of under-allocation across almost every ministry’s budget.¹⁶⁰ Despite the greater need

¹⁵⁶ Mossawa Center report (2009) ‘The Economic Status of Arab Citizens of Israel: An Overview’ available at <http://www.mossawa.org/files/files/File/Reports/2008/Overview%20economic%20status.pdf>

¹⁵⁷ Organization for Economic Co-Operation and Development. *OECD Review of Labour Market and Social Policies ISRAEL*. 26. Paris, France: OECD, 2010. Print

¹⁵⁸ *Id* at 118.

¹⁵⁹ *Ibid.* 27, 146, 157.

¹⁶⁰ For a more detailed analysis on the 2009-2010 State Budget Analysis and the Arab minority, please refer to Mossawa Centres’ Report (2009) ‘Main findings of the 2009-2010 State Budget proposal and the needs of the Arab citizens in Israel’, available at <http://mossawa.org/default.php?lng=3&pg=1&dp=2&fl=3>

that can be found amongst lower socio-economic villages or towns within Israel (a large percentage of which is composed of Arab citizens), an analysis of the budget shows that the socio-economic needs of this community are not being met and in some cases are being blatantly ignored by the State.

The Mossawa Center continues to advocate regarding the massive economic potential of the Arab community that can contribute to economic stability and growth in Israel. Improving the economic standing of the Arab minority in Israel must be targeted from various fronts. A priority must be placed on improving the education system in Arab communities, beginning at the primary level. The growing gap in achievement between Jewish and Arab students shown in the 2009 matriculation statistics published by the Education Ministry must not be allowed to continue growing. Increased investment in a school in Umm al Fahem or Rahat has the potential to be a catalyst for significant change by creating a generation of high school graduates who will contribute to their community's development. At an economic level, addressing discrimination within the private sector would also make more jobs accessible to educated Arab students, particularly in the booming high-tech sector, which in turn would create purchasing power and drive both the national economy and that of Arab communities.

Recent private sector endeavors have brought the spotlight to the Arab community in Israel as representing not only a hidden business potential for corporate Israel, but also the next economic breakthrough for Israel (similar to the economic growth induced by the Russian immigration wave).¹⁶¹ One interesting major example is the Al Bawader fund, launched in 2008, a \$50 million private equity fund to invest in the economic development of the Arab minority, largely financed by Jewish and Arab businessmen, with some governmental assistance. Far from being initiated by the government, with whom lies the primary responsibility for securing the human and economic development of the Arab minority,¹⁶² the current focus on the potential of the Arab community in Israel suffers from a lack of financial and political governmental support.

While the creation of a private fund like Al-Bawader is an important and promising step towards improving the socio-economic conditions of the Arab minority in Israel and a project that the Mossawa Center has historically recommended, it is important to emphasize that such a project is not sufficient to address the needs of the Arab community. The Arab minority in Israel continues to face significant inequalities in the allocation of public services, including a lack of accessible public transportation to and from Arab communities, significant wage gaps between Arab and Jewish workers, and poorly enforced labor laws especially regarding discrimination in the workplace. In addition, while the Arab minority makes up about 20% of the population, it receives only 5% of the State budget, contributing to under resourced schools, inadequate health care, poorly funded municipal governments and inadequate housing.¹⁶³

A priority should also be placed on promoting female employment. This would include investing more in day cares and transportation as well as confronting gender discrimination in

¹⁶¹ Meirav Arlosoroff, 'The Arab you don't know may be about to change the market', Ha'aretz, March 5, 2010, available at <http://www.haaretz.com/hasen/spages/1153843.html>

¹⁶² Nehad Zarkawy with The Marker, 'Israel starts tapping into hidden business potential of Arab market', Ha'aretz, March 14, 2010, available at <http://www.haaretz.com/hasen/spages/1155651.html>

¹⁶³ See Mossawa Center Press Release 'Private Equity Fund to Invest in Arab Minority', available on the website of the Mossawa Center www.mossawa.org

the workplace and within Arab communities. The economic potential of the Palestinian Israeli community must be viewed as an opportunity by the Israeli government, both as a socio-political and economic investment. Separatist legislation and investment in the suppression of freedom of speech, expression and association must be eliminated and replaced with a commitment to supporting improved education policy, non-discriminatory enforcement of labor laws, and local initiatives for economic development.

Addressing the basic needs of the Palestinian Israeli community, promoting the development of both its human and economic capital, and access to political and legislative power will in turn contribute to the Israeli economy as a whole, and the ultimate goal of peace-building.

Recommendations:

The Mossawa Center calls for the International Community to:

- Use economic tools such as Israel's pending OECD membership to promote improvements in Israel's budgetary allocations to the Arab communities;
- Recognize the economic potential of the Arab community in Israel and the importance of economic development to the peace process;
- Invest in the economic development of the Arab community, especially in the fields of Research & Development and High-Tech;
- Support private sector investment in the economic development of the Arab community;
- Initiate and support private development fund initiatives;
- Promote and support capacity-building for local councils and facilitate the exchange of experiences with local councils abroad.

The Status of Arab women¹⁶⁴

Female Palestinian citizens of Israel confront multi-layered discrimination. They face the challenges of an unrecognized and marginalized indigenous minority and, as women, they struggle simultaneously against gender-based oppression and the constraints of traditional patriarchal frameworks. Compounding these problems, they lack access to social services to address their specific needs. While the struggle for women's rights is ongoing and must target multiple sectors of society, the Israeli government's policy has the potential to influence this issue through budgetary allocations, and making the issue a priority within law enforcement, the judiciary and the Knesset.

Within their own communities, and despite significant advancements, Palestinian women often confront a traditional patriarchal society that incorporates strictly defined gender roles. Women often continue to be shouldered with all household duties and as a result, are either not permitted to pursue higher education, or may not pursue employment in a demanding field after graduation. Furthermore, they may be seen as responsible for maintaining the family honor and reputation, which in extreme cases, has resulted in violence without repercussions for the perpetrators.

This section will explore the effect of insufficient State funding allocated to Arab local authorities for childcare, social workers, shelters, and crisis centers. It will also address the inadequacies of the Israeli legal system in dealing with cases of violence against women.

State policy on crisis centers and Palestinian women

Currently, there is only one shelter for Arab girls in crisis. It hosts only 12 girls at a time, between the ages of 12-25. Another shelter, the Al-Swasan Center was recently closed by the Ministry of Welfare which claimed that not enough women were contacting it. The NGO Violence Against Women is the primary center serving women experiencing sexual and domestic abuse.

Various policy issues contribute to the paucity of crisis centers, shelters and social workers. First of all the funding allocated for social welfare services and social workers, particularly in Arab communities, is very low. As a result, social workers are overloaded and not accessible to the number of clients in need.¹⁶⁵

Second, despite the need for increased budget allocations, the State policy on funding women's centers is based on a system that prevents funding from reaching organizations that need it most. Currently the preconditions for funding domestic and sexual abuse centers are decided by the following quotas: the number of calls received reporting sexual harassment or abuse, the number of meetings with callers, the number of awareness raising lectures, the number of support groups for *abused* women, the number of jobs offered by the center, and the number of training courses for employees the center holds. Because many centers are not eligible for State support as a result of these prerequisites, small low-budget community based

¹⁶⁴ The following information was collected from Women Against Violence, a women's rights organization dedicated to the advancement of Palestinian women inside Israel.

¹⁶⁵ Dr. Ibrahim Mahajneh 'On Welfare Services in the Arab Society' in Arabic, (2008) *available at* <http://www.dirasat-aclp.org/arabic/isdarat/1/book1new12.pdf>

centers do not have the capacity to grow, improve their services or reach out to more women in need.

The Ministry of Welfare often claims that the inattention to the protection of women's rights in Arab communities corresponds to respecting cultural norms within Arab communities. However, in a survey conducted by Women Against Violence, 62.9% of the people questioned said that they support addressing social welfare services (by girls and women in crisis), and 65.7% said they support receiving services from feminist organizations.

Perpetuating the idea that "second class citizenship" is part of respecting cultural relativism for Palestinian communities and Palestinian women, contributes to the dangerous stereotyping of Arab communities in Israel and allows the government to justify the continuation of inadequate funding, under the guise of respect and "acceptance."

Killings of Palestinian Women and the legal system

Between 1984 and 2004, there were 33 cases of female murders in Palestinian Israeli communities in the name of family honor. In 25 of these cases, the victim came to the police and asked for protection and assistance before they were killed. When this occurred, the police would often return the victim back to the family. This exemplifies the low commitment to law enforcement and protection of human rights in Arab communities by the Israeli police force.¹⁶⁶

As a result of the laxity of law enforcement, combined with a general distrust of the police force, only 16% of women who experience abuse or threats go to police. Many women fear that even if they were to seek justice, the punishment for the offender will be significantly low in comparison to the crime committed.

Bedouin women are the population most at risk for sexual and domestic abuse. The low economic status combined with the practice of polygamy and little emphasis on female education, has put them in a dangerous social space where they have little access to resources, social mobility and power. They are also a population which receives the least amount of social services or attention from the State.

Arab Women in the Workforce

Only 23% of Arab women are in the labor force. This statistic is related to the low funding for childcare services in Arab communities. Only 10% of Arab children aged 0-2 receive formal care, compared with 45% for the rest of the population.¹⁶⁷

In a positive development, a close look at the 2009-2010 State budget shows that there is an increase in funds available that could potentially increase employment and promote fair wages for Arab women.¹⁶⁸ Specifically, the budget for the branch for the employment of women, under the Ministry of Trade and Industry, mainly funds systems that aid women in integrating into the labor forces, generally by providing kindergartens and daycare centers.

¹⁶⁶ For more information on the issue of honor crimes, see Aida Touma-Sliman (2006) 'Culture, National Minority and the State: working against the "Crime of family honour" within the Palestinian Community in Israel

¹⁶⁷ Organization for Economic Co-Operation and Development. *OECD Review of Labour Market and Social Policies ISRAEL*. Paris, France: OECD, 2010. Print

¹⁶⁸ Noah Korashek (2009). 'Arab women - the most exploited group in Israeli workforce', Haaretz, available at <http://www.haaretz.com/hasen/spages/1069598.html>

The government decided to enlarge this budget by approximately 150 million NIS every year, and by 200 million starting in 2010.

Arab women's political representation

Palestinian Arab women in Israel continue to be severely marginalized and underrepresented in the political arena. Currently there is only one Arab woman serving in Israel's 120-member parliament, though Arabs with Israeli citizenship make up approximately 20% percent of the nation's population.¹⁶⁹ Hanin Zoabi, the first Arab female MK to represent an Arab party (Balad), is only the 3rd Arab woman in the history of the Israeli Knesset.

Female representation on local councils is only slightly better. Three Arab women were elected to local Arab councils during the 2003 local elections. In the 2008 local council elections, just two women were elected, and in 2009 there are still no Arab women mayors. In light of this, Balad allocated its third seat to a woman candidate, and Hadash allocated its fifth seat to a woman.

Recommendations:

The Mossawa center calls for the International Community to:

- Recognize the unique challenges facing female Palestinian citizens in Israel as women and as members of an indigenous minority;
- Emphasize the importance of investing in female education and promoting women's rights in Israel through its foreign policy towards Israel;
- Ensure the accessibility of the Israeli legal system to female Palestinian citizens;
- Encourage legislation in favor of political representation of women at local and national levels;
- Share experience in, for example quota systems, and promote the appointment of Arab women in all fields;
- Encourage the implementation of OECD recommendations, especially the creation of public transportation linking Arab communities to the general transportation network.

¹⁶⁹ Gazzar, B. (2006) 'Israeli Women Push to Change Knesset Politics', Women's e-News, *available at* <http://www.womensenews.org/article.cfm?aid=2675>

House demolitions

The declaration by the Housing Minister, MK Ariel Atias, at a conference of the Israel Bar Association, that the spread of the Arab population must be stopped and that this is nothing less than a national responsibility, reflects the attitude of the government and of the Israel Land Administration (ILA) towards the Palestinian citizens of Israel who have come to be viewed as an unwelcomed population.¹⁷⁰ This attitude towards Palestinian Arab citizens is exemplified in mixed cities like Jaffa, Haifa and Ramle where the Arab populations struggle with ethno-gentrification, such as the building of new housing projects for the Haredi community in the north, as part of plans to 'Judaize' Arab localities in Israel¹⁷¹, and creating a severe shortage of affordable housing for the native citizens (Arab citizens) of the city.

The current government's unwillingness to adequately treat the housing crises faced by Palestinian Arab citizens can also be understood from the challenges faced by Bedouins in the Negev who live under the constant threat of their homes being demolished. In 2009, the government ordered the demolition of 254 Bedouin homes, approximately one out of every 50 Bedouin homes in existence. This exemplifies the growing de-legitimization of Palestinian Arab citizens in their home towns and cities, and the failure of the Housing Ministry and the ILA to address these issues. Moreover, the issue of house demolitions offers another example of the State practice of double standards, because while the homes of Palestinian citizens of Israel are being demolished, erased from the map, or at best are not being recognized, Kibbutzim are being enlarged in the north and the illegal houses of Jewish settlers are being recognized and thus de facto granted legal status.

While the practice of house demolitions has long been used against occupied Palestinians, the media often covers only those demolitions that take place in East Jerusalem, the West Bank and the Gaza Strip. The fact that Israel also demolishes the homes of its own Arab citizens is therefore often overlooked both domestically and by the International Community.

The Mayor of Umm Al-Fahem, Khaled Hamdan, declared earlier this year that, "the State planning authorities are busy demolishing houses and buildings in the Arab community instead of supplying development plans for the city. For the last twenty years we have been fighting for an industrial zone to be developed, but the lack of funding and plans are preventing our basic right as a city to develop housing and industry."¹⁷² It must be noted that no new Arab town has been planned since the creation of Israel in 1948.

The following are a few examples of recent demolitions:

In February 2009, in Hallisa (East Haifa), the Abu Shamlas, a family of eleven, was forcefully evicted from their home. The whole Hallisa area was closed by over 230 police officers and special units during the eviction. In August 2009, an additional 5 houses were slated for evictions.¹⁷³

¹⁷⁰ Haaretz (2009) 'Housing Minister: Spread of Arab population must be stopped', February 14, 2010, available at <http://www.haaretz.com/hasen/spages/1094711.html>

¹⁷¹ *Id.*

¹⁷² (2009) Mossawa Press Release '*Lieberman presses for population transfer of Arab citizens of Israel*' <http://www.mossawacenter.org/files/files/File/Press%20Releases/2009/transfer.pdf>

¹⁷³ See <http://hallisa.tripod.com/>

The Saadi market in the city of Um El Fahem, which has already been demolished once in June of last year, was demolished once again by the State planning authorities, who were accompanied by hundreds of police officers in July. Seventeen civilians were arrested for protesting during the demolition.

On July 21st, 2009, the government of Israel demolished three homes in Bedouin villages in the Negev. Two of the homes were in the unrecognized village of A-Sir. The first home belonged to a young couple of newlyweds. The second home was demolished in the recognized village of Bir Hadaj. In this case, the demolition of the house occurred after the father asked permission from the Abu-Basma Regional Council to build his son a home to live in.

On August 18th 2009, all the homes of the residents of Twail Abu-Jarwal were demolished. This is the 15th time in the last three years that this has occurred in the village. The residents of this Negev village live in scanty tents, a fact that did not prevent the Israeli Government from destroying these dwellings. Not only were they broken down, but also slashed and buried under rubbles in order to ensure that the women of Twail Abu-Jarwal would not attempt to rebuild them.¹⁷⁴ On September 8th two additional homes in the village of Twail Abu-Jarwal were bulldozed during the fasting period of Ramadan, leaving 12 people exposed to the desert sun in the middle of the summer.¹⁷⁵ The Regional Council for the Unrecognized Bedouin Villages in the Negev reports that in 2009 alone, over 53 homes of Arabs in the Negev have been demolished.¹⁷⁶

This wave of demolitions occurred less than a year after the publication of the Goldberg Commission report, an official government inquiry into the “regulation of the Bedouin in the Negev.” The Goldberg Commission worked between January and March 2008, conducting its investigation and hearing testimonies in the Negev and from the surrounding unrecognized villages. The Commission submitted its findings to the Ministry of Housing on December 11, 2008. The recommendations included allowing villages that do not gain formal recognition to move to alternate sites; compensating some Bedouin complainants monetarily and others with land; and establishing a committee to formally recognize illegally constructed buildings in Bedouin villages.¹⁷⁷ The conclusions were submitted to the government and discussed in January 2009, but to date no action had been undertaken to implement any of the recommendations. While the Goldberg Commission’s recommendations do not solve the problem of the Bedouin community in the unrecognized villages, their implementation would allow for the recognition of some villages and establish a system of compensation.¹⁷⁸ The Israeli government’s failure to consider these recommendations only compounds the already substantial problem faced by the Bedouin community.

¹⁷⁴ Dr. Raanan, Y. (2009). ‘Home Demolitions Again-Twail Abu Jarwal’ Regional Council for the Unrecognized Bedouin Villages in the Negev’. Report available at <http://www.rcuv.net/en/roll.asp?id=15>

¹⁷⁵ Dr. Raanan, Y. (2009) ‘Government of Israel Demolishes an Unrecognized Bedouin Village in the Negev. – Today, during the Ramadan’, Press release, March 4, 2008 available at <http://www.rcuv.net/en/roll.asp?id=15>

¹⁷⁶ *Id.*

¹⁷⁷ Shachar Ilan, Uanir Yagna, ;Gov’t should formally recognize Bedouin Villages in Negev’. Ha’aretz, December 14 2008.

¹⁷⁸ Negev Coexistence Forum for Civic Equality. ‘The Bedouin -Arabs in the Negev-Naqab Desert in Israel,’ Shadow Report, August 2009.

The Mossawa Center condemns the Israeli Government's attempt to erase Arab villages from the map by destroying Arab-owned homes. The Mossawa Center asserts that any issue of legality that may arise from the question of housing in the Bedouin community should be considered in the context of the nomadic lifestyle that Bedouins have maintained for centuries and should respect their socio-economic and cultural rights in accordance with international law¹⁷⁹, and recognize the legitimacy of their presence in the Negev. Furthermore, the Mossawa Center demands that the Israeli Government recognize the rights of the Bedouins from the Negev as citizens of Israel, entitled to equal treatment in terms of housing, access to infrastructure, healthcare and sanitation. The Mossawa Center urges the Israeli Government to cease its policy of house demolitions, both in the Negev and in the rest of Israel, and to end the policy of discrimination against these Arab citizens.

Recommendations:

The Mossawa Center calls for the International Community to:

- Urge Israel to stop its systematic policy of house demolitions, especially in the Negev and East Jerusalem;
- Urge the Israeli government to recognize the “unrecognized” villages of the Negev and thus acknowledge the legitimacy of the presence of the Bedouin community in the Negev;
- Ensure a fair and equal land allocation to all communities;
- Push for the implementation of the allocated budget for Arab housing;
- Denounce the State's policy of systematic separation of communities and promote mixed living projects;
- Ensure that the solution to the problem of house demolitions in the Negev takes into account the context of the nomadic lifestyle maintained by Bedouins for centuries;
- Use its diplomatic relationship with Israel to ensure that the Bedouin community and the Palestinian citizens of Israel as a whole receive equal treatment in terms of housing, access to infrastructure, healthcare and sanitation.

¹⁷⁹ See International Covenant on Economic, Social and Cultural Rights ICESCR, General Comment 7, The Right to Adequate Housing; Forced Evictions under Article 11.

The International Community – reactions to Israel's government and the future for minority rights protection

The situation in the Middle East is today more than ever a central geopolitical focus for the International Community. The sharp turn to the extreme right in Israel, coupled with both the internal rise in racism and external disregard for humanitarian norms and Human Rights, is reverberating throughout the Middle East, making cooperation with Israel more difficult for moderate neighbours like Egypt and Jordan, and making reconciliation with Israel near impossible for Syria and Saudi Arabia.¹⁸⁰ Relations with Turkey, a key peace broker, have also been hindered, following Turkey's very public condemnation of Operation Cast Lead, but also the diplomatic incident between Deputy Foreign Minister Ayalon and the Turkish Ambassador in January 2010.¹⁸¹ Netanyahu's tough rhetoric towards Iran, an issue featuring high on Likud's agenda, raises fears of a potentially future catastrophic confrontation. Internationally, Israel has faced intense criticism as a result of the attacks on Gaza and the subsequent Goldstone report. Despite growing pressure from the United Nations, the Quartet and the International Community, Israel still refuses to acknowledge the legitimacy of the report.

Conflicts in the Middle East, which are still all too frequent, directly and incrementally affect one another. The Mossawa Center encourages the United Nations Security Council and the Quartet to continue to strengthen their efforts towards preventing war and achieving sustainable peace in the region. The Mossawa Center wishes to stress the importance of securing stability within Israel, in order to successfully impact regional stability, as internal tensions have in the past proven their ability to derail any peace process. Thus it is essential for peace to be consolidated at the grassroots level, between Israel's majority-minority communities.

The current government is trying to pressure the International Community into recognizing the Jewish character of Israel, by setting it a pre-requisite to the pursuing of peace negotiations. The Mossawa Center wishes to stress the considerable implications of such recognition on the future of the Arab Palestinian minority and of the State of Israel itself. As emphasized above, there can be no regional stability without securing stability within Israel. And there can be no hope of stability without the possibility of equality between the Jewish majority and the Arab Palestinian minority. Recognizing the State of Israel as Jewish by nature would not mean the realization of the right to self-determination of the Jewish majority, but rather the annihilation of the dreams of an entire people, the Palestinian citizens of Israel. The 2009 election of President Obama galvanized a sense of optimism within the Arab Palestinian minority in Israel. It offered the Palestinian citizens of Israel a dream; that if a predominantly white country, with a history of hundreds of years of racism and segregation, could choose its President from within its African American minority, there was hope that one day, Israel would guarantee equality to its minority. The Mossawa Center urges the International Community to consider the devastating effects of such recognition of Israel as a Jewish State on the future of the Palestinian citizens of Israel, and to instead allow the people

¹⁸⁰ Klien, J. (2009) 'Israel's Angry Elections', Time, February 12, 2009, <http://www.time.com/time/politics/article/0,8599,1878891,00.html>

¹⁸¹ Barak Ravid, 'Deputy FM Ayalon apologizes to Turkish Ambassador', Ha'aretz, January 14, 2010, available at <http://www.haaretz.com/hasen/pages/1142304.html>

of this land to determine the nature of their State on their own, as commanded by International Law and Human Rights Principles.

While the new U.S. administration has yet to recognize the potential role that Arab citizens of Israel can play in the building of a stable Middle Eastern peace process, President Obama's attempt to rebuild Arab-American relations marks a positive step towards this goal. His Cairo speech on June 4th signalled an end to the 9/11 era, a fundamental shift in US Middle East policy and a willingness to correct the US-Israel imbalance to include the Arab region as an equal partner. The US laxity on the policy of the current Israeli government affects the Palestinian minority in Israel. Thus far, little attention has been brought to domestic discriminatory legislation and actions that infringe on the rights of Palestinian Israeli citizens.

In addition, the European Union has since the War on Gaza frozen the planned upgrading in EU-Israel economic and political relations under the Association Agreement.¹⁸² The Mossawa Center expressly urges the continuation of the freeze until there are both developments in the regional peace process, and there exists security and human rights protection internally for the minority under Article 2 of the Association Agreement.¹⁸³ The Mossawa Center proposes to create a conditionality system to promote peace, reconciliation and respect for Human Rights through utilising the economic and political benefits of the Association Agreement and EU-Israel Action Plan.

Israel has significant economic and trade relations with States throughout Asia, Africa and Latin America. These economic relationships provide potential leverage for these States to positively influence, not only the socio-economic situation of the State but also the Human Rights situation of the Arab Minority. As such, the Mossawa Center encourages all States with economic relations with Israel to use the diplomatic and economic tools available to them to urge Israel to ensure the protection of the Human, civil and political rights of the Arab minority. In doing so, these States will demonstrate their commitment to these democratic standards.

Recommendations:

The Mossawa Center calls for the International Community to:

- Recognize the key role of the Palestinian citizens of Israel to the peace process;
- Monitor the Israel's government efforts to undermine the civil rights of the Arab citizens of Israel;
- Create a conditionality system to promote peace, reconciliation and respect for human rights in Israel, both domestically and cross-border, by using potential economic and political benefits as incentives;
- Continue efforts towards preventing war in the region;
- Promote civil dialogue in order to provide constitutional protection of basic rights of both groups and as part of the reconciliation process between the Jewish majority and the Arab Palestinian minority.

¹⁸² Mossawa Center (2009) 'Position Paper on EU-Israel Upgrade 2009', *available on request from the Mossawa Center.*

¹⁸³ See the Euro-Mediterranean Agreement (June 2000) *available at*
http://www.delisr.ec.europa.eu/english/content/eu_and_country/asso_agree_en.pdf

Conclusion and Recommendations

The Netanyahu government represents the current trend towards extreme right wing ethno-nationalism in Israel. This shift is especially threatening to Palestinian citizens of Israel who face political, social and economic discrimination in the public and private sector. The appointment of individuals who publicly espouse racist rhetoric and advance discriminatory legislation to key positions in the cabinet legitimizes a politics of separation and inequality. The unequal budget distribution, unresponsive legal system, hostile police force and general marginalization of the Palestinian minority are all symptoms of a deeper crisis in State-society relations. Finally, legislation that limits the freedom of speech, movement, expression and association of Palestinian citizens, threatens to severely impinge on their basic human and civil rights and on Israeli democracy as a whole.

In light of the current political trend, the Mossawa Center predicts a difficult period ahead for Arab-Jewish relations, which will include more domestic confrontations and challenges to democracy and civil liberties in Israel. Simultaneously, the Palestinian minority, as a population with connections to both the Jewish majority in Israel and the Palestinian population in the oPt has great potential to be a key actor in peace-building. In light of these conditions and the continued international investment in the region, the Mossawa Center calls for the International Community to:

- 1) Monitor and react to racial incitement by Israeli political, religious and civil society leaders, including the drafting of discriminatory legislation;
- 2) Recognize the economic potential of the Arab minority in Israel and encourage the Israeli government to invest in its development;
- 3) Condemn the continued practice of demolishing homes and the abhorrent conditions in the unrecognized villages as a violation of the human right to adequate housing;
- 4) Promote increased allocations of the State budget for the Palestinian community in Israel (both the regular budget and the development budget);
- 5) Address Palestinian women, employment, labour issues and education gaps within Palestinian Israeli communities;
- 6) Denounce the limits placed on freedoms and activities of human and civil rights NGOs, including attempts to hamper international funding to these organisations;
- 7) Recognize the potential of the Palestinian minority in peace-building and the importance of their role throughout this process.

Annex: Watch List for the international community

Following the 2009 election of the current government, the Mossawa Center released a “watch list” of indicators for monitoring developments vis-à-vis the Israeli State and the Palestinian Arab citizens of Israel. Mossawa publicly released this watch list to alert the International Community so that it could both monitor and pressure the new government of Israel to prevent conflict escalation.

- ✘ The Coalition Agreement between the Likud, Yisrael Beiteinu (the extreme right party led by Avigdor Lieberman), and the National Unity parties, to establish a "loyalty law" and other racist legislation, such as those described in the report and the implications of these legislations.
- ✘ Continued renewal of Israel's "temporary" Citizenship Law, initiated in 2003, which bans married couples from living together in Israel, when one partner is a resident of the oPt.
- ✘ Continued disproportionately low allocation of the State development budget to Arab Local Councils and, in general, the lack of government funding allocated to Arab civic projects and infrastructure.
- ✘ Continued confiscation of Arab lands in the Negev, which adversely affects 160,000 Bedouin residents.
- ✘ Failure of the State to recognize 45 Arab villages in the Negev and Galilee.
- ✘ Budget cuts to local councils. These cuts will have a disproportionately adverse effect on Arab Local Councils.
- ✘ Media and political incitement by members of the Knesset that targets Arab citizens of Israel.
- ✘ Violent community conflict, such as the confrontations that occurred in Umm el-Fahm in March 2009 and Acre in October 2008.
- ✘ Home demolitions in politically sensitive areas such as East Jerusalem, the Negev and Galilee, and also in mixed cities such as Haifa and Jaffa-Tel Aviv.
- ✘ Police violence against civilians, especially at demonstrations.
- ✘ Actions to further erode the freedom of speech such as arrests of demonstrators and control of the media.
- ✘ The killing of Arab citizens by civilians and other forms of civilian violence.
- ✘ The Knesset passing large amounts of illegal legislation that could overburden and undermine the neutrality of the Supreme Court, which already operates without the framework of a constitution.
- ✘ Political acts that delegitimize Arab political leadership, such as the attempt by the Knesset to ban Arab parties from participating in the 2009 election.