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مسيرة عطاء وتواصل نحو عدالة اجتماعية

# The Human Rights Status of the Palestinian Arab Minority, Citizens of Israel October 2008

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# CONTENTS

INTRODUCTION .....	3
1. RACISM AGAINST ARAB CITIZENS .....	5
<i>Violence and attacks by law enforcement personnel</i> .....	6
<i>Incitement and racism</i> .....	7
<i>Events in Akka in October 2008</i> .....	8
2. SOCIO-ECONOMIC STATUS .....	11
<i>Budgetary needs of the Arab community from the 2008 State Budget</i> .....	11
Budgetary needs from the development budget 2008 .....	11
<i>Poverty</i> .....	12
<i>Lack of employment opportunities in the Arab community</i> .....	14
Arabs Employed in Government Offices 2000-2007 .....	15
Ministries .....	16
Governmental Authority .....	16
<i>Arab women's employment</i> .....	17
<i>Planning, housing and development</i> .....	19
<i>Land and housing in the Negev</i> .....	21
<i>Education</i> .....	22
3. Legal Status.....	25
<i>"An Equal Constitution"</i> .....	26
<i>Citizenship Law</i> .....	27
4. THE EU AND ISRAEL.....	30
<i>The EU-Israel Action Plan</i> .....	30
<i>Human Rights</i> .....	31
5. RECOMMENDATIONS .....	34

## Introduction

The Palestinian Arab citizens of Israel are members of the Palestinian peoples 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 and 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 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 percent of the Israeli population and ten percent 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. The community, constantly exposed to the dominant Jewish Israeli society and culture, adeptly navigates and understands Israeli institutions, and 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 in Israel wish to remain citizens of Israel, 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 resolution and reconciliation process.

Palestinian Arab citizens in Israel struggle on all fronts to be treated as equal citizens and a distinct minority group of the state. Israel defines itself as both Jewish and democratic. The common assumption is that the qualifying term "democratic" implies equal rights, fair treatment and justice. However, the term "democratic" in the Israeli reality translates into rule by the majority, often at the expense of the needs and rights of the minority — primarily the Palestinian Arab community and their rights as full citizens.

The poor socio-economic and political status of the Palestinian Arab community is reinforced by strategic Israeli legislation. While in most cases the rule of law does exist in Israel, certain laws were created with the intention to discriminate, exclude, marginalize and even transfer Palestinian Arab citizens. More importantly, the Israeli legal system lacks a formal constitution and complete civil rights legislation to safeguard the rights of the Palestinian Arab community. In fact, many of Israel's laws are in direct violation of international standards and treaties to which Israel is bound.

This report highlights the current social, economic, political and legal status of the Palestinian Arab community in Israel, particularly the issues of:

1. Racism and incitement against Arab citizens in Israel by public institutions, security forces and Jewish individuals
2. The current socio-economic situation of the Palestinian minority in Israel
3. The legal status of the Palestinian minority in Israel
4. EU-Israel agreements concerning the respect of international human rights values

The final section of the report provides recommendations to:

- Improve the human rights situation of the Palestinian minority in Israel
- Strengthen a dialogue with the Jewish majority in Israel
- Highlight the unique position of the Palestinian minority in the resolution of the Middle East conflict, and create stability in the region

# 1. Racism Against Arab Citizens

Racism has the potential to destroy the democratic structure of states; it attacks the respect and dignity of individuals and groups, and threatens the security of those living in the state. Fighting racism in all its forms is one of the most basic responsibilities of a democratic society.

The situation today for Arab citizens in Israel is bleak. Arab citizens face incitement — from the community level to the political level — discriminatory laws, institutional racism, attacks on the freedom of religion, racial profiling and violence that has taken the lives of dozens of Arab citizens.

The Mossawa Center's second *Racism Report*, released in March 2008, details 169 incidences of racism against the Palestinian Arab community of Israel, including the killings of 41 Arab citizens. The findings of the report, written and researched by Mossawa Center staff, reiterate that a commitment to equal rights exists only on a verbal level in Israel, and that Arab citizens still face institutional racism. In addition, the report shows that all minority groups in Israel are subject to racism, often on a daily basis, in all areas of public life.

Some key figures of concern released in the report:

- 41 Arab citizens shot dead over the past 7 years:
  - 24 Arab citizens shot dead by Israeli policemen
  - 5 Arab citizens shot dead by Israeli soldiers
  - 8 Arab citizens shot dead by Jewish citizens
  - 2 Arab citizens shot dead by private security companies
  - 2 Arab citizens shot dead by Israeli soldiers serving in police and border patrol
- 27 racist statements made by political leaders and public figures
- Thousands of cases of incitement on the internet
- 5 NGOs that directly call for racism/racist actions against the Arab community
- 8 attacks on cemeteries, churches, mosques and on freedom of religion
- 11 discriminatory laws in the Israeli legal system
- 24 cases of racial profiling in airports, train stations, coffee shops and public places
- 5 cases of racism in employment

“Indifference towards racism against Arabs leads to amplified racist events against marginalized Jewish groups,” said Rabbi Gilad Kariv, associate director of the Israel Religious Action Center during a press conference on the report on 18 March 2008. “As a rabbi, I'm concerned by religious personalities that are involved in incitement. It's alarming that rabbis who receive their salaries from the state budget speak against renting apartments to Arabs, and send inspectors to look for Arab workers in stores.”

## ***Violence and attacks by law enforcement personnel***

In early October 2000, Palestinian Arab citizens of Israel staged mass demonstrations in solidarity with the struggle against the ongoing repressive occupation of Palestinians in the occupied Palestinian territories and the killing of Palestinians on the Temple Mount compound (al-Haram al-Sharif) following the visit of former Israeli Prime Minister Ariel Sharon to the site on 28 September 2000. Initiated as a general call to strike by the High Follow-up Committee for the Arab Citizens, the demonstrations and their aftermath came to symbolize Palestinian Arab citizens' increased frustration with persistent oppression and systematic discrimination against their community in Israel. In violation of Israeli law and police regulations, security forces used live ammunition against the protestors, in addition to rubber bullets and tear gas, resulting in the deaths of 12 Palestinian Arab citizens and one resident of the Gaza Strip visiting Um al-Fahem. An additional Palestinian Arab citizen was killed in Qalqilya in the West Bank, raising the death toll of citizens to 13.

The events marked a crisis point in the already deteriorating relations between the state and the Palestinian Arab community in Israel. Violent responses by the Israeli security forces against Palestinian Arab citizens started to escalate in the late 1990s, as protests over land confiscation and demolitions of Arab homes increased. In September 1998, for example, Israeli security forces injured about 400 residents of Um al-Fahem protesting the planned expropriation of 4,500 acres of agricultural land for military use. Nonetheless, after the October 2000 events, the Palestinian Arab community could recall no event since the 1976 Land Day in which it sustained so many fatalities during a civil protest.

After nearly three years of work, the first ever Commission of Inquiry (Or Commission) appointed by the government to investigate police brutality against Palestinian Arab citizens issued its conclusions. The Commission provided much-needed acknowledgement of the government's general attitude of neglect of and discrimination against Arab citizens, and highlighted official failure "to allocate state resources in an equal manner" and "to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon."<sup>1</sup>

Despite the importance of the Or Commission's report in identifying systemic discrimination against the Palestinian Arab citizens of Israel, it failed to provide concrete justice for the victims' families and skewed blame for the events onto the local Arab leadership. While the Or Commission stressed that the police must "learn to realize that the Arab sector in Israel is not the enemy and must not be treated as such,"<sup>2</sup> Attorney General Menachem Mazuz decided at the end of January 2008 not to indict police officers involved in the killing of the 13 Arab citizens. The state's failure to properly prosecute those responsible for the deaths of 13 of its citizens — 13 security personnel

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<sup>1</sup> The official summation of the Or Commission report. Introduction, #3.

<sup>2</sup> The official summation of the Or Commission report. The Arab sector and its leadership, #27.

and their Commander, Alik Ron — has served only to further alienate the Palestinian Arab community. Since 2003, the state has also failed to fully implement the recommendations of the Or Commission, widening the rift between Arab citizens and the Israeli state.

Since October 2000, a total of 41 Arab civilians in Israel have been killed in race-based violence by police, security forces and Jewish civilians. Only three of these killings are now going through legal proceedings: the cases of Mahmoud Ghanayem, Nadim Milhem and Sameer Dari. The killing of Eiad Abo-Eiye, a West Bank Palestinian from Tarqumiya by border police in Jaffa is still in the courts, and the case of Yousef Abu Elgaan has been dismissed. These killings highlight the reality that in Israel, Arab citizens are often regarded as inherently suspect. Worse, much of the Arab community today feels they are viewed as enemies rather than citizens. There have been no cases of Jewish suspects killed in similar situations.

The Haifa Regional Court of Justice began to hear testimonies on the cases of Ghanayem and Milhem in early October 2007. Mahmoud Ghanayem was killed by a close-range gunshot wound in the head inflicted by policeman Shahar Misrahi in Ghanayem's hometown of Baka El Gharbia in July 2006. The third hearing of the case took place 8 October 2007. Several police witnesses and the director of the Police Investigation Department at the Ministry of Justice were present at the meeting. The director mentioned that a policeman should only use his weapon as the last possible resort, a protocol which was not followed in the situation of Mahmoud Ghanayem.

Nadim Milhem was killed in his own home in Arara by two shots in the back from an officer sent to arrest him. The judge at the hearing was surprised to learn that police forces decided to stop a reenactment of the crime scene even though 500 officers were protecting the site. The judge decided to visit the site himself and continued to speak with witnesses. The verdict will be announced in May 2008.

### ***Incitement and racism***

Instances of well-known and popular Jewish leaders inciting racist behavior toward the Arab community and its leaders occur regularly in Israel. For example, Knesset Member Avigdor Lieberman, called on the government to transfer the Arab population and to confiscate their land within the state of Israel in exchange for land in Palestinian territory in May 2004. On 4 May 2006 MK Lieberman stated that he hoped that Arab MKs "would be executed." In a Knesset Education Committee meeting on 24 February 2008, Lieberman called out to an Arab MK: "...you are a fifth column and we will make sure you end up where you deserve." In a Plenum debate on 5 March 2008, Lieberman was quoted as telling Arab MKs: "...why don't you leave this country and go live with your Palestinian brothers." Some Jewish non-profit organizations have also been documented encouraging racism by pushing the public to refrain from employing Arab citizens and to

prohibit Arabs from entering public places, as well as endorsing attacks against the property of Arabs.<sup>3</sup>

Additionally, mainstream Hebrew-language media helps foster a climate of racism in Israel by publishing news stories based on racist reports and permitting racist comments on their websites. The 2008 Mossawa Racism Report found numerous such comments published in print and electronic media. Editorial boards responsible for content have not removed these comments, nor taken any action on this issue to date.

Racism can also be found in the Jewish education system. Hebrew-language education books include materials that incite racism towards Arabs and ignore their history and historical rights. A survey of past and present Israeli textbooks found “use of blatant negative stereotyping which featured Arabs as: ‘unenlightened, inferior, fatalistic, unproductive and apathetic.’”<sup>4</sup> Furthermore, a law passed by the Knesset in 2005 requires Israeli textbooks to venerate Rehavam Ze’evi, an Israeli political figure known for his advocacy of Palestinian population transfer.<sup>5</sup>

### ***Events in Akka in October 2008***

The recent events in Akka in October 2008 have marked some of the worst large-scale race-based violence the Arab community has seen in years. Tensions between the Jewish and Arab communities in Akka have been escalating for some time. Against a backdrop of systematic discrimination against the Arab community in housing, education, and public services given by the city council, additional governmental benefits have, for over four years, been allocated to the city in an effort to encourage Jewish citizens to relocate to there. In particular, state authorities have provided support, designed and built housing projects for soldiers in Akka, and encouraged young Rabbis to move to Akka and establish Yeshivas. Some of the youth living around these Yeshivas conduct armed patrols of the surrounding neighborhoods. Many in the Arab community understand these armed patrols to be calculated attempts at provocation.

The ignition of the recent conflict occurred on the evening of Yom Kippur when an Arab resident of Akka, Jamal Taufik, drove into a Jewish neighborhood while on his way to pick up his daughter. Residents of the neighborhood, who claimed that Taufik was playing his stereo too loud, attacked the car, which also contained Taufik’s son. Crowds

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<sup>3</sup> SOS Israel website:

<<http://www.sos-israel.com/index.asp?iCurrentPage=3&catID=2671&siteLang=2>>

<<http://www.sos-israel.com/index.asp?catID=4143&siteLang=2>>

<<http://www.sos-israel.com/index.asp?catID=3885&siteLang=2>>

<sup>4</sup> Survey conducted by Professor Daniel Bar-Tal of Tel Aviv University.

Described in: Meehan, Maureen. “Israeli Textbooks & Children’s Literature Promote Racism & Hatred Toward Palestinians,” Washington Report On Middle East Affairs (Washington, D.C). 31 July 2001.

<[http://www.middleeastwire.com/israel/stories/20010731\\_2\\_meno.shtml](http://www.middleeastwire.com/israel/stories/20010731_2_meno.shtml)>

<sup>5</sup> Knesset law regarding Rehavam Ze’evi legacy (Hebrew):

<[http://www.knesset.gov.il/privatelaw/data/16/3/75\\_3\\_3.rtf](http://www.knesset.gov.il/privatelaw/data/16/3/75_3_3.rtf)>

later surrounded and attacked Taufik's home, throwing stones and chanting "Death to Arabs." Police forces failed to intervene to bring an end to the attack until 4 a.m.

When rumors began circulating that Jewish rioters had killed one of the Arabs in the car, groups of predominantly young male Arabs from the Old City of Akka reacted. The clashes between Jewish and Arab citizens resulted in the destruction of over one hundred shops, cars, and houses as well as extensive property damage. Police responded to the riots with tear gas and water cannons. The delayed response and inadequate protection of the police resulted in large-scale damage to public and private property and the hospitalization of four people. The homes of at least fourteen Arab families were damaged. Several of the homes were burned and looted. Over fifty people have been arrested in connection with the disturbances.

By October 9, checkpoints were placed at all entrances to the city, and in the mixed Shikon neighborhood, police offered to evacuate families from their homes which were under attack. Confrontation between police forces and civilians took place until about midnight. Intervention by Jewish and Arab political and religious leaders led to the dispatch of approximately 600 police officers from around the country. There was a lull in the violence as conciliation talks between the communities began, but the conflict began again on October 10, when, at the end of prayers, hundreds of Jewish civilians began throwing stones in the Shikon and Wolfson neighborhoods. The conflict then continued for several days, with between 200 to 300 Jewish youths threatening Arabs throughout the city. The municipal authorities of Akka provided temporary accommodations in a local hotel for those whose homes were destroyed but has now ended its assistance despite the fact that the homes of many of the displaced remain uninhabitable. The family of 53-year-old Roza Ramal was illegally ordered to leave their home again on the evening of October 23 after Ramal was beaten by her 25-year-old neighbor who shouted "We don't want Arabs in our building" and "I hate Arabs" during the attack. Roza Ramal was temporarily ordered by police not to return to her home, and her children remain in fear of attack.

Additionally, despite the fact that driving on Yom Kippur is not an illegal act in Israel, Jamal Taufik was arrested on Monday, October 13. Regardless of being assaulted and beaten, Taufik was charged with harming religious sensibilities and reckless endangerment. The Mossawa Center strongly condemns the fact that the victim of a physical assault which took place on a public street has been made, in effect, to pay a criminal penalty for being victimized and calls on the Israeli authorities to ensure that all those responsible for the assault on Taufik are brought to justice.

Documentary evidence concerning events in Akka collected by the Mossawa Center reveals numerous breaches of Israel's responsibility under international law to respect and ensure the rights of the Arab minority. The most serious of these breaches include the following:

- (1) Failure of state authorities to take adequate measures to protect the physical security and property of the Arab citizens of Akka. The response of police forces and medical

personnel to threats to the safety, property, and homes of the Arab minority was widely reported to be either delayed or denied. Police refused in some instances to respond to Arab pleas for assistance, and in at least one case, medical personnel refused to dispatch an ambulance to the home of an Arab resident, instead insisting that the man, who had collapsed from a heart attack after rocks were thrown through the windows of his home by a crowd of Jewish youths, be brought into treatment by his family. In another instance, medical personnel left the home of an Arab family without providing medical assistance after being criticized for their late response.

(2) Intentional discrimination based on race by state authorities in responding to requests for assistance. In at least one documented case, state authorities specifically asked the race — i.e., Jewish or Arab — of a citizen requesting assistance. Additionally, at least one municipal official of Akka made inflammatory and degrading racist remarks when discussing the situation in the city, stating that the Arab population should appreciate whatever help the city chose to provide.

(3) Failure to protect the Arab minority from the majority population. Despite a long and consistent record of incitement, intimidation, and attacks by parts of the Jewish majority, the Israeli authorities have failed to ensure that the Arab minority is afforded basic security. Such a failure constitutes a breach of Israel's human rights obligations, which require not only that state authorities refrain from encroaching upon the rights of the Arab minority, but that the state of Israel ensure that the rights of that population are not violated by private actors.<sup>6</sup>

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<sup>6</sup> See, for example, Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the [ICCPR] Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), which states in paragraph 8: “The positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights in so far as they are amenable to application between private persons or entities.”

## 2. Socio-Economic Status

The Israeli government implements policies that directly discriminate against its Arab citizens. From 1999 to the present, the regular governmental budget has disproportionately allocated funds to its Jewish population. Despite its 20 percent representation in the total population of Israel, each year for the past five years, Arab localities received less than five percent of funds from the development budget and only three percent of funds in the regular governmental budget. Palestinian Arab citizens are also underrepresented in the government offices, with only six percent representation despite the Law for Fair Representation of Arabs and Women in Governmental Offices. Only 3.5 percent of land in Israel remains in Palestinian Arab citizens' ownership. As a result, socio-economic gaps have been created between the Arab and Jewish communities.

### ***Budgetary needs of the Arab community from the 2008 State Budget***

With regards to the 2008 budget, the Mossawa Center recommends approximately 20 percent of the state development budget be allocated to the Arab community to reflect its status as approximately 20 percent of Israel's taxpaying population.

### **Budgetary needs from the development budget 2008**

<b>Field/Ministry</b>	<b>Needs</b>
Interior	Development budgets
Zoning Plans	Completing the preparations of the zoning plans for more than 40 Arab villages/cities
Building & Housing	<ul style="list-style-type: none"> <li>▪ Building new neighborhoods (addition of 20,000 housing units)</li> <li>▪ Continuing investment in developing old neighborhoods &amp; public institutions</li> <li>▪ Renovation of neighborhoods (social &amp; physical)</li> <li>▪ Supporting the building process for young couples</li> </ul>
Infrastructure	Sewage factories: continue to develop sewage factories and supplying 50% grants for such projects
Education	<ul style="list-style-type: none"> <li>▪ Building classrooms: closing the gap and building 5000 classrooms (immediate need for 1000 unit)</li> <li>▪ Supporting educational program: allocating 20% of the supporting budgets for pedagogical programs</li> <li>▪ Implementing the compulsory education law for clusters 1-4. (100 classes in 2008)</li> </ul>

	<ul style="list-style-type: none"> <li>▪ Supporting Arab educational NGOs</li> <li>▪ Allocating budgets for educational programs in the Naqab (Negev)</li> </ul>
Culture and Science	<ul style="list-style-type: none"> <li>▪ Developing educational institutional and supporting activities including the Cinema Fund</li> </ul>
Sport	<ul style="list-style-type: none"> <li>▪ Developing and operating sports facilities in the Arab villages</li> </ul>
Agriculture	<ul style="list-style-type: none"> <li>▪ Infrastructure and developing the field</li> </ul>
Health	<ul style="list-style-type: none"> <li>▪ Health Clinics, mainly in the Naqab</li> <li>▪ Special programs to reduce infant mortality rates in the Arab community.</li> <li>▪ Expanding nurses employment in the Arab community</li> <li>▪ Allocating funds for beds in Arab hospitals</li> </ul>
Industry & Trade	<ul style="list-style-type: none"> <li>▪ Building industrial zones in the Arab cities, mainly Nazareth, Um al-Fahem</li> <li>▪ Joint cooperation in industrial zones</li> <li>▪ Establishing special fund to support businesses, to include women in labor force and encourage initiatives</li> </ul>
Employment	<ul style="list-style-type: none"> <li>▪ Vocational training program to encourage integration in the labor force</li> </ul>
Tourism	<ul style="list-style-type: none"> <li>▪ Developing infrastructure and encourage building tourist businesses</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>▪ Developing urban (municipal) roads within the Arab villages</li> <li>▪ Road maintenance</li> <li>▪ Increasing the accessibility of public transportation for the Arab villages</li> </ul>

## **Poverty**

Poverty statistics in Israel's periphery are extremely disheartening, and the Arab population is a periphery within a periphery. In spite of all the discussion about economic growth in Israel, this economic progress is hardly felt within the Arab population.

Since 2001, the overall poverty level in Israel has skyrocketed. From a level of 17.1 percent in 2001, the rate jumped to 20.2 percent in 2005. While the government's Plan Against Poverty represented a step in the right direction, it failed to address the disproportionate incidence of poverty in the Arab community.

According to the last report of the National Insurance Institute published in September 2007, the number of Arab families living under the poverty line in 2006 was 146,400 families, in comparison to 137,000 in 2005 — meaning an increase of 9,400 families.

The percentage of Arab families that lived in poverty in 2006 stood at 54 percent compared with 52 percent in 2005. At the same time, while poverty in the Arab community has increased, poverty among Jewish families has decreased from 15.9 percent of families living in poverty in 2005 to 14.7 percent in 2006.

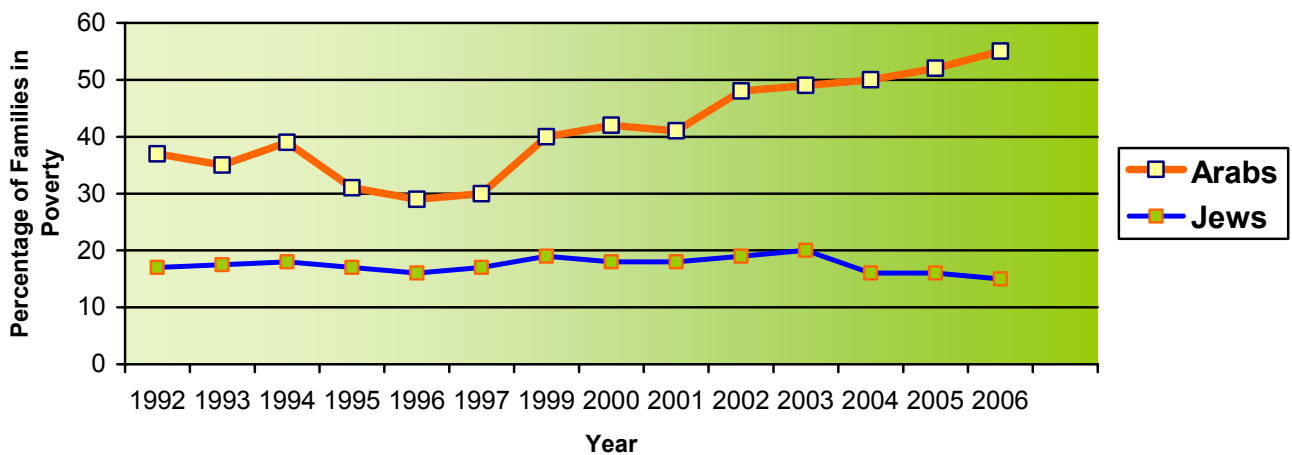
The percentage of poor Arab families is 3.6 times greater than the percentage of poor Jewish families. The percentage of Arab families from the total number poor families in Israel stood at 36.2 percent, while their percentage of the total families in Israel is only 13.4 percent.

According to the National Insurance Institute’s data, the number of poor Arab children in 2004 stood at about 335,000, about 59.2 percent of the total number of Arab children. In 2005, among the 55,000 additional children living under the poverty line, 37,000 of them were Arab. In other words, the number of poor Arab children in 2005 reached about 372,000, or 63 percent of the total Arab children.

In 2006, the situation worsened — it is estimated that the number of children living in poverty is now greater than 430,000, and the percentage of Arab children living in poverty, according to Mossawa estimates based on National Insurance Institute data, reaches 64 percent, even though Arab children make up only 35.8 percent of the children in Israel.

The following graph illustrates the increasing disparity in poverty rates between the Jewish and Arab communities in Israel:

**Poverty Rates among Arab and Jewish Families 1992-2006**



The Mossawa Center recommends that the government take the following into consideration when implementing the Plan Against Poverty:

1. Budgetary allocations should effectively correspond to the needs of each community. The Arab minority, which composes 20 percent of the country's total population, currently receives only three percent of the total national budget. Approximately only five percent of the national development budget, which provides funding for health care, education, and welfare among other services, is allocated to the Arab community. As a result, the poverty crisis continues to deepen.
2. To solve the poverty crisis, one of the most basic steps to be taken is to diversify Israel's employment sector. As an example, according to statistics released by the Mossawa Center in 2007, only 18 percent of Arab women are currently participants in Israel's job market, despite the fact that Arab women compose 51 percent of Arabs studying in the Israeli university system.
3. Since PM Benjamin Netanyahu's 2003 Emergency Economic Plan effectively cut services to Arab children, women and unemployed citizens, governmental tax allowances for families with children have decreased by 40 percent. Redesigning the tax allowance system would alleviate pressure on families with children and on those citizens unable to work, and would offer alternatives for families currently living in poverty or just above the poverty line, allowing them to provide a brighter future for their children.
4. A wide gap exists between the poverty rates in the Negev and rates in the rest of the country. This is partially due to the government's unwillingness to provide development funding to 38 unrecognized Negev Bedouin villages. The Mossawa Center requests that the government address the area of the country most drastically affected by the poverty crisis by proposing a just resolution to these issues.
5. Decreasing the national poverty rate will require a sustained and self-critical effort by all government ministries.

### ***Lack of employment opportunities in the Arab community***

In 2006, only 5.86 percent of 57,253 employees hired by the government were Arab citizens, and only 1.1 percent of employees in the Civil Service Commission were Arab. Ongoing employment discrimination in government positions persists despite the governmental decision made by Prime Minister Olmert mandating that by 2006, at least six percent of employees in all governmental, civil service or ministerial offices must be Arab, with the percentage rising to eight percent by 2008.

The following is a chart and list of the current number and percentages of Arab employees employed by governmental offices, ministries and the civil service sector:

### **Arabs Employed in Government Offices 2000-2007**

<b>Year</b>	<b>Total Number of Arab Employees</b>	<b>Total Number of Employees</b>	<b>Total percentage of that are Arab employees</b>
<b>2000</b>	2,708	56,341	4.81%
<b>2001</b>	2,806	57,742	4.86%
<b>2002</b>	2,818	56,914	4.95%
<b>2003</b>	2,798	55,409	5.05%
<b>2004</b>	3,154	56,914	5.52%
<b>2005</b>	3,251	57,085	5.70%
<b>2006</b>	3,355	57,253	5.86%
<b>2007</b>	3,577	57,946	6.17%

A 2007 Gali Tzahal Radio report presented concrete evidence of inadequate representation of Arab employees in governmental offices. Gali Tzahal Radio found that only seven of 21 government ministries employ Arab workers. This fraction of Arab employees falls short of the percentage required by law. Additionally, none of the ten utility authorities complies with the law. Furthermore, the majority of Arab employees who do work for government ministries occupy entry-level or low-level positions. There has also been a decrease in the number of Arab doctors and lawyers employed by governmental ministries in upper level positions.

As a result of this data, the Mossawa Center made the following recommendations to the Civil Service Commission and State Comptroller Committee:

1. Increase the number of positions assigned to Arabs
2. Modify the stringent requirements for obtaining national jobs so Arab workers can compete with applicants nationwide
3. Increase the number of senior Arab contacts
4. Create incentives for Arab women to work in the civil service sector
5. Relocate public sector offices to locations that are accessible to Arab villages and towns
6. Further outreach to the Arab minority by advertising job openings and opportunities in Arabic newspapers.

On 19 June 2007, the Knesset's State Comptroller Committee met to discuss the failure of the Civil Service Commission to employ Arabs. Mossawa staff present at the meeting demanded the Civil Service Commission respect government decisions and the law concerning appropriate representation of the Arab community in state employment. The Mossawa Center maintains that ignoring the decisions of the government and not implementing constructive activities regarding the adequate representation of the Arab community impedes the Arab community's right to be partners in making decisions that affect their lives.

According to the Mossawa Center legal unit, this most current employment data brings into sharp relief the inequality faced by the Arab minority. The Civil Service Commission

is responsible for setting the standard for all ministries and governmental offices, and should be attempting to increase its outreach to the Arab minority. The Commission is also responsible for supervising all other ministerial and government offices, yet it has been complicit in the ongoing employment discrimination against Arab citizens.

### Ministries

<b>Ministry</b>	<b>Percentage that are Arab Employees</b>
Ministry of Defense	0.7%
Ministry of Immigrant Absorption	0.6%
Prime Minister's Office	1.13%
Ministry of Finance	1.4%
Ministry of Foreign Affairs	1.25%
Ministry of Construction and Housing	1.6%
Ministry of Public Security	2.4%
Ministry of Transportation	2.5%
Ministry of Environmental Protection	3.5%
Ministry of Industry, Trade, and Labor	3.4%
Ministry of Communication	2.2%
Ministry of Tourism	4.4%
Ministry of Justice	4.8%
Ministry of Agriculture	4.8%
Ministry of Education	6.4%
Ministry of National Infrastructures	6.9%
Ministry of Health	7.6%
Ministry of Social Affairs and Social Services	8.15%
Ministry of Science, Culture, and Sport	9%
Ministry of Interior	22.7%

### Governmental Authority

<b>Civil Service Office</b>	<b>Percentage that are Arab Employees</b>
Water Authority	1.3%
Public Utility Authority-Electricity	4%
Israel Antitrust Authority	0.8%
Survey of Israel	2%
The Israel Land Administration	2.55%
Central Bureau of Statistics	3.7%
Israel Tax Authority	5%

## ***Arab women's employment***

Arab women are discriminated against twice — once as Arabs and once as women.

While the rate of participation of Arab men in the workforce is high and equal to that of Jewish men, a large difference exists between the participation of Arab and Jewish women in the work market. Only 18 percent of all Arab women of working age, approximately 72,000 women (out of 401,000 women 15 years of age and older), participate in the labor force, in comparison to 56 percent of Jewish women and 59 percent of Arab men.

The analysis made by the socioeconomic unit of the Mossawa Center shows that the direct loss to the economy due to the low participation of Arab women in the workforce is NIS 6.2 billion a year, an annual loss of one percent of the GNP.

This amount could significantly contribute to an increase in income per capita among the Arab population, which is particularly important when examining the poverty levels prevailing today — the average per capita income in the Arab population is about \$7,700 a year, while the national average per capita income in Israel is \$19,000.

This low level of participation has persisted for years, despite the improvements in the level of education and human capital among Arab women. The mean number of years of schooling for Arab women has recently risen to 11 years, and Arab women constitute approximately 51 percent of the Arab students studying at higher education's institutions. The failure to integrate Arab women in the workforce in Israel is prevalent in both the private and the public sectors. Figures show that less than 1,170 Arab women work in the civil service out of about 57,000 civil servants, meaning the rate of Arab women employed in various government offices is no more than two percent of total government employees. According to the Working Group on the Status of Palestinian Women Citizens of Israel however, this small number is not surprising due to the lack of public services available in Arab towns and villages. "The reluctance of the Israeli government to invest in the infrastructure of Arab villages and to make public services more accessible for their residents, create little demand for employees within small villages." <sup>7</sup>

Israeli industries seek far and wide to employ women and men from both developed and developing countries, in fields from agriculture to technology, but they have not succeeded in discovering the potential presented by Arab women as a large, well-educated work force, available right on their doorstep. The employment figures for 70,000 Arab women indicate over-concentration in three main industries: education, health services and welfare. 80 percent of employed Arab women work in these sectors,

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<sup>7</sup> "NGO Alternative Pre-Sessional Report On Israel's Implementation Of The United Nations Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW)." Prepared by the Working Group on the Status of Palestinian Women Citizens of Israel. 21 January 2005. <<http://www.akhbarna.com/360/images360/cedaw1.doc>>

all of which require an academic education. The potential of unemployed academic women remains unutilized.

Non-profit and social organizations focusing on the field of Arab women's employment, center on traditional fields of occupation. Two organizations operating in the Negev, Sidri and the Laqiya Women's Association, employ hundreds of women in traditional textile industries. These social organizations provide an example of possible directions for the development of women's employment opportunities, but need support from the state for their ongoing existence. When the market fails to cope with reality, state involvement is required to develop tools available to its citizens that will counter these situations.

In 2007, the Mossawa Center launched an initiative to convince various entities to implement a national program for the employment of Arab women. While a few government programs exist, mainly in the field of professional training, they have not achieved their goals, and have not contributed to the expansion of employment among Arab women. Effectively resolving the issues surrounding the unemployment of Arab women requires a program consisting of incentives for public and private employers and social organizations. These types of programs require budgets and timetables for the expansion of employment among Arab women. The size of the problem and its severity requires no less than a comprehensive national plan to provide practical solutions as part of the efforts to create leverage and general economic development among the Arab population at both community and individual levels.

Establishing special foundations, creating vocational centers, subsidizing the employment of women in the private sector, encouraging business entrepreneurship in certain industries, giving preference in civil service positions, establishing industrial zones close to Arab communities, attracting factories that will employ Arab workers, and developing transportation access are all integrated tools available to government ministries, particularly the Ministry of Trade and Industry, to improve the employment status of Arab women. Support frameworks for employed mothers and their children are an important component in the national program as well. Without government and private tools, Arab women will have difficulty in integrating into the workforce and contributing to the economic improvement for Arab families in general.

The Israeli economy has successfully absorbed tens of thousands of immigrants, mainly from the former USSR, in less than ten years. Hi-tech firms are outsourcing workplaces and importing foreign workers in the fields of infrastructure and agriculture. It should not be difficult for the economy to absorb similar numbers of Arab women. A state that wishes to maintain high economic growth rates cannot ignore the issue of integrating Arab women into its workforce.

As the report by Working Group on the Status of Palestinian Women Citizens of Israel points out, the United Nations Human Rights Committee specifically noted in its Concluding Observations on Israel in 2003 that "the percentage of Arab Israelis in the civil service and public sector remains very low and that progress towards improving

their participation, especially that of Arab women, has been slow,” and that Israel must “[a]dopt targeted measures with a view to improving the participation of Arab Israeli women in particular in the public sector and accelerating progress towards equality.”<sup>8</sup>

## ***Planning, housing and development***

The Universal Declaration of Human Rights and subsequent UN Charters and Covenants on economic, social, cultural, civil and political rights call on state signatories to establish minimum standards to ensure that basic human needs and rights are protected and promoted. Among these are the right to equality; to the protection of ethnic, cultural and religious identity; to housing, public services and an adequate standard of living; and the right to participate in decision-making. While most of these rights are enshrined in basic and some secondary laws in Israel, very little attention has been paid to their application in the field of planning despite the fact that planning plays a crucial role in determining the nature and quality of our physical and social environment, and thus the prospects for the well-being and development of individuals and communities alike. The right to a home, access to education, employment, health and social care provision, to a clean environment, to an adequate standard of living, public utilities and infrastructure — all depend on the needs and rights of individuals and communities being taken properly into account by the planning authorities.

In Israel, the planning process is highly centralized and largely removed from the sphere of public scrutiny and debate. All too often, decisions are rooted in ideological considerations, or based on narrow political and economic interests, without consultation or regard for the rights, needs and socio-cultural specificities of the populations concerned. Although Israel's Declaration of Independence proclaims equality for all its citizens, there are policies and regulations which, in principle or practice, discriminate against Arab minorities, such as budget and land allocations, land use policies, and representation on public bodies, all of which have clear implications for human rights and proper democratic governance. As a result, the planning process and their products are often inequitable and unsustainable for the communities concerned. Indeed, the 2003 Or Commission report cites planning discrimination towards Arab citizens as one of the root causes of civil unrest that resulted in the killing of 13 Arab citizens during demonstrations in October 2000. This discrimination is reflected at several levels:

- Insufficient land reserves for expansion and discrimination in the sale of State lands. While the Arab population constitutes about 20 percent of the total population, Arab local authorities occupy just 3.4 percent of the land. Since 1948, with the exception of seven Bedouin townships and two Bedouin villages in the Negev, no new settlements have been established for Arab communities.

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<sup>8</sup> Concluding observations of the Human Rights Committee : Israel. 21/08/2003. CCPR/CO/78/ISR. (Concluding Observations/Comments). United Nations Human Rights Committee, Seventy-eighth session. <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.78.ISR.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.78.ISR.En?Opendocument)>

- The absence or lack of adequate plans for Arab towns and villages with appropriate zoning and building provisions for housing and local economic and social development. This has led to a chronic shortage of housing and a consequent increase in unauthorized building as residents are unable to obtain building permits.
- Today in 2008, nearly all Arab townships still lack approved master plans to serve as guides for the town's future development. As a result, without master plans to serve as a guide, Arab townships lack necessary basic planning rights which results in many serious developmental problems, including a lack of industrial zones, lack of public open land space, inadequate social institutions, increases in "illegal building" and as a result in house demolitions, among others. For example, a research study conducted by ACAP found that only 14 Arab townships have approved and working industrial zones; however these only contain small businesses and there is no area for new businesses and industries. Furthermore, since there is inadequate allocation of land and no Master Plans indicating future development, these industrial zones cannot be further expanded. These planning problems directly affect the daily lives of the Arab minority and results in major gaps between Arab and Jewish citizens on all levels, including social, economical, health, and education.
- Lower budget allocations to Arab local authorities in comparison to Jewish one for planning, infrastructure public utilities and services (education, health and social welfare): All the 76 Arab and Bedouin local authorities are ranked in the lower half of the national socio-economic development scale, with some 85 percent of the localities placed in the lowest three deciles.
- Lack of Arab representation in planning authorities: There is a lack of representation of Arab citizens in Israel in the state planning committees and divisions that decide upon planning and building laws. The Arab community in Israel is rarely represented in the relevant institutions and governmental offices that have the power to change the status quo, which often involves the implementation of discriminatory plans that adversely affect their townships and do not meet their true planning needs. Due to the lack of representation, there is a gap between the planning and developmental needs and preferences of the Arab townships and the actual plans that are implemented by the State institutions. In the six district planning committees and divisions (North, Haifa, Centre, South, Jerusalem, and Tel Aviv), as well as in the regional councils, there is unequal representation of Arab citizens, based on their composition in the general population. In addition, when sub-committees are created according to need, rarely is there Arab representation. For example, in the Northern District planning committee, despite Arab citizens comprising 52.8 percent of the population, unequal representation of Arab citizens is clearly evident, with only two Arabs out of a total of 18 members. As a result, the Arab community is prevented from voicing its needs, protecting its interests or gaining the tools to achieving them.

## ***Land and housing in the Negev***

As part of the government's Negev [Naqab] and Galilee Development Plan, the Arab citizens, in particular, the Bedouin citizens of Israel, face legal and political discrimination on two counts: the Removal of Intruders Law (1981) and Amendment (2005). These laws reject the Bedouin citizens' requests for state recognition of their lands, and instead strengthens the legal mechanisms for their displacement by consolidating the body that issues demolition orders and the body that implements them — a process which will unjustly target the existing 38 unrecognized and seven newly recognized villages in the Naqab for demolition and streamline efforts to build Jewish settlements in their place.

Israel has demolished thousands of Negev Bedouin homes since the 1970s, and hundreds in 2007 alone. Authorities say that 45,000 existing Bedouin homes were built illegally and are thus potential targets for demolition. Israeli officials contend that they are simply enforcing zoning and building codes. In contrast to this claim, Human Rights Watch has published findings in a 2008 report entitled "Off the Map: Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages" detailing the way officials use existing laws to systematically demolish Bedouin homes while often overlooking or retroactively legalizing unlawful construction by Jewish citizens<sup>9</sup>.

HRW found that while the Bedouin suffer an acute need for adequate housing and for new (or recognized) residential communities, the state instead is developing new homes and communities for Jewish citizens even though some of the more than 100 existing Jewish communities in the Negev sit half-empty. In theory, any citizen can apply to live in these Negev communities, but the report observed that in practice selection committees screen applicants and accept people based on undefined notions of "suitability" that systematically exclude Bedouin.

"Israel is willing and able to build new Negev towns for Jewish Israelis seeking a rural way of life, but not for the people who have lived and worked this land for generations," said Joe Stork, Middle East director at Human Rights Watch. "This is grossly unfair."

The new HRW report notes a connection between the plight of the Negev Bedouin and institutionalized racism in Israel's legal structure, specifically in its land distribution system. 93 percent of land in Israel is controlled by the state, and a government agency, the Israel Land Administration (ILA), manages and allocates this land. The ILA is not required by Israeli law to ensure fair and just distribution of land, and furthermore, members of the Jewish National Fund, an organisation with the explicit mandate to develop land exclusively for use by Jewish citizens, comprise nearly half of its governing

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<sup>9</sup> Available in English, Arabic, and Hebrew at <http://hrw.org/reports/2008/iopt0308/>

body. According to HRW's data, the Bedouin community today comprises 25 percent of the population of the northern Negev, but controls less than two percent of the land there.

While they consistently condemn Bedouin homes without providing their inhabitants with a suitable living alternative, authorities have allocated large tracts of land and public funds for family ranches or farms rather than for township or residential areas which might absorb the newly homeless. The state connects these farms to national electric and water grids, despite the fact that some lack proper planning permits, and retroactively legalizes them rather than demolishing them.

To analyze these practices in light of the standards of international human rights law, HRW cites the United Nations committee responsible for interpreting the International Covenant on Economic, Social and Cultural Rights, which Israel ratified in 1991. The UN committee stipulated that governments can carry out forced evictions only in "the most exceptional circumstances," and in accordance with international law<sup>10</sup>. Additionally, governments bear certain responsibilities toward the evicted parties even in the most exceptional of circumstances. Human rights principles require that states consult with the affected individuals or communities, identify a clear public interest requiring the eviction, ensure that those affected have a meaningful opportunity to challenge the eviction, and provide appropriate compensation and adequate alternative land and housing arrangements.

In a 31 March 2008 press conference announcing the release of this new report, Human Rights Watch called for Israel to declare an immediate moratorium on demolitions of Bedouin homes and create an independent commission to investigate pervasive land and housing discrimination against its Bedouin citizens in the Negev.

## ***Education***

It is of primary concern to that the Arab minority, comprising 20 percent of the Israeli population, be able to participate in 20 percent of EU-Israel educational agreements such as youth exchanges, scholarships, academic research, and other programs, particularly as the discussions on upgrading EU-Israel relationships deepen. To facilitate this, the education departments in the Arab local councils and Arab education NGOs must be informed of and play a part in these agreements.

In order to protect the Arab Palestinian minority's cultural rights, as outlined by international conventions such as the International Covenant on Economic, Social, and Cultural Rights, this community should be granted the right to regulate the Arab educational, cultural, and religious institutions. Jewish Orthodox, Arab Christian, and mainstream Jewish educational, cultural, and religious institutions enjoy an independent status, and denying the same to the Arab community stands as clear discrimination. To

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<sup>10</sup> Human Rights Watch, "Israel: End Systematic Bias Against Bedouin," 31 March 2008.

this end, the Mossawa Center and the Follow-up Committee on Arab Education encourage the creation of an Arab educational management establishment whose resources, budgets, and responsibility would fall under the Ministry of Education. In addition, the Ministry of Education should establish a secretariat specializing in Arabic education within its general educational secretariat to set educational policies that respect Arab history, heritage, and culture.

Israel's public and private education system is divided into Arabic-speaking and Hebrew-speaking educational systems. Apart from the linguistic difference, the educational content in both systems is dictated by the Ministry of Education and emphasizes Jewish history, culture and literature and has not adequately adapted to the Arab community's desire to study its own unique history and celebrate its identity.

According to data from the Ministry of Education, in 2008, the Arab education system lacks at least 7,000 classrooms and will reach a shortage of 12,000 classrooms in 2012. Arab schools also face a scarcity of supplementary spaces such as playgrounds, theater halls, and computer and science laboratories. This lack of classroom facilities has created high dropout rates and low academic achievement within the Arab community.

Arab schools teach three languages as part of their mandatory courses: Arabic, Hebrew, and English. Arab students are also required to study the Jewish bible, Judaism, and Hebrew language and literature. On the other hand, Jewish schools teach only two languages, English and Hebrew, despite the status of Arabic as an official language of the state, and Jewish students are not reciprocally exposed to Arab culture and literature. Arab schools already suffer from insufficient budgetary allocations from the Ministry of Education in comparison to Jewish schools, and the fact that they are required to provide education in an additional language compounds their funding problems. Jewish schools must be encouraged to teach Arabic, an official language not only of Israel but of the entire Middle East, as a fundamental condition to help future Israelis understand and adapt to the cultural and geographical region Israel situated in. Teaching Arabic in Jewish schools will also offer employment opportunity to the 8,000 Arab teachers currently unemployed in Israel.

Indifference in the Ministry of Education toward Arab education in Israel increasingly puts Arab students at a disadvantage. Financial support received by Arab students is limited in comparison to the aid offered to Jewish students, and hence, this type of state program does not sufficiently address the specific needs of the Arab community. For example, need-based scholarships to Israeli universities allot applicants an extra point for military service, which Jewish students nearly always complete and Arab students almost never do. The inclusion of this criterion starts Jewish and Arab applicants for the scholarships who come from similar socioeconomic backgrounds on unequal footing and result in Jewish applicants receiving a much greater amount of funding.

In addition, scholarships based on academic merit are measured by student performance on the psychometric exam, the university entrance exam in Israel. In general, it is difficult for Arab students to perform well on this exam because of inherent bias in its

design: the exam, issued in Hebrew and only translated to Arabic, does not reflect the socio-cultural background of the Arab minority, and the difficult situation of the Arab schools makes it difficult for Arab students to succeed on the Psychometric Exam, this resulted on more than 130 points gaps.

The Israeli Council for Higher Education controls the national funds for research and higher education. Less than 2 percent of Israeli researchers are Arabs, and less than 10 percent of university students are Arab students. Since 1981, the Arab community has demanded the creation of a state-funded Arab university to respond to the research and teaching needs of the Arab minority in Israel. The government has yet to respond to these requests. The discrimination against Arab students in the Jewish higher education system forces more than 7,000 Arab students to leave the country and pursue further education in Jordan universities. The Evidence of the Arab community's willingness to act on behalf of such an institution came when the Nazareth city council applied for funding to start an Arab university in 1988 and again when Ibillin College, an institution which functions in cooperation with the Indianapolis University, applied for university status in 2000 . Both appeals were rejected by the Council for Higher Education in the Ministry of Education on the grounds that they were unnecessary and Israel's Arabs continue to wait for their higher education and research needs to be met.

The Ministry of Education funds hundreds of educational NGOs in Israel, however, only 1.5 percent of these funds are allocated to Arab educational NGOs, though the Arab community needs these institutions desperately for capacity building, as mentioned above. This has created gaps in the services provided to the Arab education system by NGOs. Special funds for Arab NGOs allocated by the Minister of Education from 1995 to 1999 have been canceled. As result of the discriminatory criteria in funding that neglects the Arab minority's unique status; most Arab educational NGOs do not even apply for governmental funding at all.

### **3. Legal Status**

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.” The tensions between the Jewish and democratic aspects of the state have existed since the Proclamation of Independence, which simultaneously declared the historic right of the Jewish people to Israel as a homeland and called upon the Arab inhabitants of Israel to “participate in the up building of the state on the basis of full and equal citizenship.”

The double definition of the state as both Jewish and democratic is problematic. Many theorists argue that these definitions are mutually exclusive, and point out that neither definition has been fully realized. While Israel is defined as the Jewish state, the defining culture of Israel is secular, and the political and legal systems are largely independent of Jewish tradition. Judaism has come to play a symbolic role in Israel, expressed in the national holidays, in the flag and other national symbols, and in terms of demographics. At the same time, Israel cannot be understood as a complete democracy. Despite the electoral system of proportional representation, the Arab minority in Israel has never gained “full and equal citizenship,” and a complete democracy requires equal rights for all of its citizens.

As Israel does not have a formal constitution, there is no legal guarantee for equality in civil rights. The most commonly quoted section of the Proclamation of Independence states that the state of Israel “will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture.” However, because the Proclamation of Independence is not considered a constitutional document, these elegant sentiments cannot be used as a legal instrument.

The absence of constitutional equality for the Arab minority and the fundamental definition of the state as Jewish have permitted a system of structural and institutional discrimination against the Arab citizens of Israel. At least 20 Israeli laws discriminate against the Arab minority, either by excluding the Arab minority while providing specific rights to the Jewish population, according different rights to different sectors of the population, or by abridging the rights of the Arab minority. These discriminatory laws touch on all aspects of life, including laws restricting immigration and citizenship, several legislations expropriating land and restricting land use and ownership, quasi-governmental status given to solely Jewish bodies such as the Jewish Agency and the World Zionist Organization, laws designating Jewish symbols and national holidays (while ignoring Arab holidays and religious dates), as well as laws mandating separate and unequal educational and cultural systems.

When asked to explain these discriminatory laws, legislators tend to deny that any discrimination exists. A common response compares the living conditions of Arab citizens of Israel to the living conditions in neighboring countries, and insists that the Arab citizens of Israel should be grateful. Another response questions the loyalty of the Arab minority to the state, and states that second-class treatment is all that a potential fifth column should expect. Another common response uses the Arab citizens' exemption from army service as a justification for discrimination. All of these responses demonstrate the contradiction between the definition of the state as Jewish and as democratic. As long as the Jewish character of the state dominates over the need for democratic equality, the legal status of the Arab citizens will not be secure. Contrary to popular belief, recognition of Palestinian Arabs as an Israeli minority and provision of full and equal citizenship would not threaten the Jewish right to self-determination, but may act to preserve it.

The Mossawa Center works alongside Arab-Jewish coalitions and Members of Knesset to advocate against the passing of discriminatory bills. Even when these coalitions are sometimes activated at short notice, they operate very effectively to ensure minority rights.

### ***“An Equal Constitution”***

Following analysis of the current proposal of the Constitution, Law and Justice Committee in the Knesset and the proposal's shortcomings vis-à-vis the Palestinian Arab community in Israel, the Mossawa Center proposed specific measures that protect the collective rights of the Arab community. The document outlines ten specific conditions that would guarantee the participation and rights of the Arab minority within the very fabric of the Israeli state. These demands are as follows:

1. The Palestinian Arab minority must be recognized as a national minority and an indigenous population whose distinct collective identity should be protected through historic, linguistic, religious and cultural rights.
2. Palestinian Arabs in Israel must be guaranteed full equality of rights on the civil-individual and national collective basis.
3. Arabic must be granted equal status to Hebrew in all areas of the public sector including governmental documents, educational materials, naming of road signs and buildings, recognition of cultural icons, etc.
4. The Palestinian Arab minority must be granted the right to self-government of the Arabic educational, culture and religious institutions, similar to the current status of the Hebrew culture, Orthodox education system and Christian and Jewish religious institutions.

5. The Palestinian Arab minority must be assured full democratic participation and representation in the governmental administration, decision-making bodies and the judiciary systems.
6. Special allocation of the financial and public resources must be ensured on a collective basis to address the extended discrimination and socio-economic gaps that have been created during years of discrimination in public resource allocation.
7. Appropriate expression of the Arab community in the state's system of symbols must be granted, opening a door for due expression of the presence of Arab citizens of Israel and their place in the state.
8. Equality and fairness in immigration and citizenship must be guaranteed to all citizens.
9. The state must recognize the historic rights of the Arab-Palestinian minority to its homeland. The state must respect the rights of the 25 percent of Palestinian Arab citizens who became internal refugees in their country after 1948. The status of this population should be arranged through processes of reconciliation and negotiation, as well as guaranteeing the ownership of Arab citizens in the Negev over their lands.
10. The state must recognize the Palestinian Arab minority's special relationship to the Arab region and protect the rights of the Arab citizens to develop their culture, familial and religious relationships with other Palestinians and other Arabs in the region.

## ***Citizenship Law***

One key issue highlighting the contradiction inherent in defining Israel as both a Jewish and democratic state is citizenship rights. The discussion of citizenship is directly tied to the "demographic" debate, which is based on the desire of political leaders to limit the number of non-Jews in the state, thereby preserving its Jewish character. For example, "The Law of Return" (1950) and "The Citizenship Law" (1952) allow any Jew to immigrate to Israel and gain citizenship. Meanwhile, Palestinian Arabs who were expelled from their homes and lands to become refugees are excluded.

The most pressing legislation that directly discriminates against Palestinian Arab citizens is the "Nationality and Entry into Israel Law (Citizenship Law),"<sup>11</sup> passed in July 2003 as a temporary measure that requires annual approval. The Citizenship Law retroactively

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<sup>11</sup> Temporary Order, 5763-2003.

prohibits citizenship and legal residency status to all West Bank and Gaza Palestinians married to Israeli citizens and residents, including Palestinians who live in East Jerusalem who hold special residency status in Israel.

Partially due to mounting pressure from leading Arab, Jewish and international human rights organizations and the Israeli High Court, in July 2004, the Attorney General agreed that given the punitive nature of the law it should be renewed for 6 months only. On January 17, 2005, newly elected Minister of the Interior, Ophir Pines-Paz along with a special committee set up by Prime Minister Ariel Sharon reviewed the law, and renewed it for an additional 6 months. On May 15, 2005, the committee's suggested amendments were approved through March 2006. These amendments were later approved by the Knesset in July 2005. The changes to the law include allowing Palestinian men over the age of 35 and women over the age of 25 to join their spouses in Israel; enabling the application for family unification (prior to the temporary law, application permits were rarely considered; the Citizenship Law froze the application process); and forbidding unification for families and/or their first degree-relatives who are deemed a "security threat" by Israeli authorities. On 21 March 2007, the Israeli Knesset approved the extension of the law until the end of July 2008.

The Citizenship Law affects at least 21,298 families according to the Ministry of the Interior, and not only prevents newly married couples from being able to live together, but also affects couples who have been married for years, and whose requests for residence permits are still pending. This law directly discriminates against Israeli citizens of Palestinian origin and their spouses, as Palestinian Arab citizens of Israel are almost exclusively the ones to marry West Bank and Gaza residents. The law violates the rights of both Palestinian Arab citizens and residents of the West Bank and Gaza to marry, form a family and choose a place of residence, amongst others.

This legislation does not affect marriages between Israeli citizens and other foreign spouses, including Jewish settlers illegally residing in the Occupied Palestinian Territories. As a result, this law permits discrimination on grounds of ethnicity and national origin and violates international human rights law, treaties and domestic laws by which Israel is obligated.<sup>12</sup>

Since the law's establishment in 2003, Mossawa has played an active role in advocacy efforts opposing the law. While small-scale reforms have been enacted, these reforms have not solved the underlying problem; at its base, the law is unduly discriminatory.

The U.N. Convention on the Elimination of All Forms of Racial Discrimination prohibits discrimination on the basis of race, color, descent and national or ethnic origin, and Israel's citizenship law violates this.

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Petitions against the law to the Israeli High Court of Justice are pending, with no decision yet delivered <sup>12</sup> by the Court. See Mossawa Center press releases on the issue from 2003-present at <<http://www.mossawacenter.org>>

The law has been condemned by a broad range of watchdog and human rights organizations since its creation, ranging from Amnesty International and Human Rights Watch to the U.S. State Department's human rights reports. In March 2007, the United Nations Committee on the Elimination of Racial Discrimination criticized the law as one of its four main areas of concern in Israel's domestic human rights policies. Israel is slated to report back to the commission in 2008 regarding the law's validity in its current implementation.

## 4. The EU and Israel

### *The EU-Israel Action Plan*

The EU-Israel Action Plan is best viewed as a work in progress. Nearly four years after its ratification, the Action Plan remains a relatively general document from the perspective of those advocating for human rights and social justice for minorities within Israel and the Occupied Palestinian Territories. That said, as a work in progress, there is opportunity for dialogue within and about the Action Plan to highlight and continue progressing toward a more prosperous, democratic, and just Israel.

As the Advocacy Center for Arab Citizens in Israel, the Mossawa Center analyzes international agreements from the standpoint of how these policies affect (or disregard) the distinctive human rights, socio-economic and minority status of the Palestinian Arab community within Israel. It is from this perspective that the Mossawa Center expresses its concerns and recommendations regarding the implementation of the Action Plan since 2004, with particular attention being paid to the inclusion and protection of human rights, minority rights and socio-economic rights within the EU-Israel Action Plan (AP).

To date, the EU's agreements with Israel — the Action Plan, Association Agreement, Country Strategy Paper and Israel's inclusion in the Seventh Framework Programme — run under the presumption that Israel holds a unique position vis-à-vis the EU within the Euro-Mediterranean Region in the European Neighborhood.<sup>13</sup> The European Union considers Israel to be the only “developed” country in the Middle East. The European Union is Israel's number one trading partner, with total trade reaching over 23 billion euros in 2005.<sup>14</sup> In matters of scientific research and development, Israel was the first non-European country to be fully included in the European Union's framework programmes and is a fully integrated member of the Seventh Framework Programme.<sup>15</sup>

Europe has played a fundamental historical role in the ongoing conflict and peace process in the Middle East, deepening the level of its involvement in the region. Since the creation of the state of Israel in 1948, individual European nations, and later the European Union itself, have played a major role in peace-building efforts in the region. The European Union is a member of the Quartet, which is the central mediator of negotiations between Palestine, Israel and Arab states involved in the conflict.

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<sup>13</sup> As stated on the first page of the EU-Israel Action Plan: “The Presidency conclusions of the Essen Council in December 1994 already stated that: ‘The European Council considers that Israel, on account of its high level of economic development, should enjoy special status in its relations with the EU on the basis of reciprocity and common interest ...’.”

<sup>14</sup> “Israel EU Bilateral Trade and Trade with the World.” European Commission, DG-Trade, 15 September 2006.

<sup>15</sup> EU Delegation in Israel. [http://www.eu-del.org.il/english/content/eu\\_and\\_country/1.asp#Scientific](http://www.eu-del.org.il/english/content/eu_and_country/1.asp#Scientific)

Such a multi-dimensional and interconnected partnership brings with it certain restrictions and responsibilities. The more the European Union strengthens its ties with its neighbors, the more influence it should have in the other nation's decisions and actions regarding human rights, and by consequence, over the EU's own environment. The EU-Israel Action Plan is a reflection of the complicated nature of the European Union's relationship not only with Israel, but also with Palestine and the other Arab countries in the Middle East.

While the Mossawa Center is sensitive to the limitations of the AP, it maintains that the European Union and Israel have both the duty and the ability to construct more specific stipulations and goals regarding human rights, minority rights and socio-economic justice for all citizens within the state of Israel. Within the AP, the EU and Israel have the potential to implement the following proposed recommendations in a way that is mutually beneficial to all parties, while upholding the partners' "shared values" of "democracy, respect for human rights and the rule of law and basic freedoms."<sup>16</sup>

Both the European Union and Israel have powerful incentives to fully commit to the aforementioned "shared values" in a way that will promote positive social, political and economic progress for both the Jewish majority and the Palestinian Arab minority within Israel. Furthermore, a more prosperous, just society within Israel could potentially lead to a peaceful resolution of the conflict with Palestine, which in turn would translate into a more secure, prosperous neighborhood for the European Union and the Middle East.

## ***Human Rights***

According to Articles 177 and 181a *inter alia* of *The Treaty on European Union and of the Treaty establishing the European Community*, the European Union has unequivocally committed itself to the promotion of human rights and fundamental freedoms both within the European Union and within third countries with which it enters into bilateral or cooperation agreements. Additionally, Article 177 states that Member States of the European Union are obligated to uphold "commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organizations." Therefore, as members of the United Nations and the European Union, Member States have pledged to uphold the Universal Declaration of Human Rights. Article 6 of the EU Treaty also states, "The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law."

The European Union has made it abundantly clear that it is committed to the promotion of human rights and fundamental freedoms worldwide. Mossawa asserts that the current

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<sup>16</sup> EU-Israel Action Plan, pg. 1.

version of the EU-Israel Action Plan runs contrary to that commitment because it assumes that Israel's level of development and democracy is adequate and that Israel already has a reliable record for upholding human rights among its own citizens. Various international and local human rights organizations, such as Human Rights Watch<sup>17</sup> and the Euro-Mediterranean Human Rights Network<sup>18</sup> have issued reports outlining human rights violations perpetrated against Palestinians in the occupied Palestinian territories and Palestinian Arab citizens of Israel.

In a letter to the European Parliament's Subcommittee for Human Rights, the Mossawa Center highlighted human rights violations against Palestinian Arab citizens within the borders of the 1967 Green Line.<sup>19</sup> In addition to the examples in previous sections of this report, the Nationality and Entry into Israel Law provides another case of an Israeli government policy that stands in direct violation of Section 2.1 of the current AP. The Nationality and Entry into Israel Law (Citizenship Law) was passed in July 2003 as a temporary measure requiring annual approval. The law continues to be approved by the Knesset each year with minor changes. The Citizenship Law retroactively prohibits citizenship and legal residency status to all West Bank and Gaza Palestinians married to Israeli citizens and residents, including Palestinians living in East Jerusalem who hold special residency status in Israel. According to the Ministry of the Interior, this law affects at least 21,298 families. The law not only prevents many Palestinian Arab newly-married couples from living together, but also affects couples who have been married for years, and whose requests for residence permits are still pending. In 2005, both the European Commission and UN Human Rights Council presented concerns about this legislation, yet both this law and ten additional discriminatory laws were still proposed in the Knesset. Several of these laws were approved by the government constitution committee, such as the discriminatory JLA land law.

Due to the lack of legal binding power of the current EU-Israel Action Plan, it is difficult to adequately advocate or negotiate for greater human rights protections using the mutually agreed upon AP as a jumping-off point. While the EU-Jordan Action Plan and EU-Egypt Action Plan devote multiple pages to the discussion of human rights and fundamental freedoms, including mid-term and long-term goals, the EU-Israel Action Plan only mentions the goal to "explore the possibility to join the optional protocols related to international conventions on human rights" and to "work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law." Additionally human rights, the fight against anti-Semitism, Islamophobia, xenophobia and promotion of gender equality all fall under the heading, "Shared Values: Democracy, Human Rights, and Fundamental Freedoms," which indicates that Israel has already attained an acceptable level of human rights protection and does not need to make more progress in these key fields, despite the many independent reports published to the contrary. Israel's commitment to human rights does

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<sup>17</sup> cf. "Briefing to the 59th Session of the UN Commission on Human Rights: Israel/Occupied Territories." Human Rights Watch, 27 February 2003. <http://www.hrw.org/un/chr59/israelot.htm>

<sup>18</sup> cf. "Third Annual Review on Human Rights in EU-Israel Relations: Accommodating the 'special' case of Israel, 2005-2006." Euro-Mediterranean Human Rights Network, June 2007.

<sup>19</sup> Mossawa Letter to Subcommittee on Human Rights in the European Parliament, dated 31 May 2006.

*not* constitute its own heading under the “Priorities for Action” section of the EU-Israel Action Plan as it does in the EU-Egypt and EU-Lebanon Action Plans. Finally, the EU-Israel Action Plan does not provide benchmarks from which to measure progress, diminishing the utility of documents such as the 2006 “ENP Progress Report: Israel,” compiled by the European Commission.

In fact, in the European Commission’s 2006 ENP Progress Report on Israel, progress in the area of human rights is measured by the occurrences of informal working groups and seminars held at the “expert” level on human rights issues in the fight against terrorism, non-proliferation of weapons of mass destruction, human rights and international organizations, rights of minorities, and international humanitarian law, and the fight against racism, xenophobia and anti-Semitism. The lack of a formal sub-committee on human rights within the framework of the EU-Israel Association Agreement means that the protocols of the aforementioned meetings are not public, and therefore transparency is impossible. Without transparency, human rights advocates and civil society organizations are unable to have effectual dialogue that could encourage decision-makers to develop and implement policies in line with international human rights standards.

The European Commission’s Progress Report contains a single concern regarding human rights, which focuses solely on the situation between Israel and the occupied Palestinian territories: “Differences remain on important questions relating to respect for international law and human rights in the context of the conflict, difficulties in respecting the principles of the Roadmap, and a number of issues affecting the potential to reach a final status agreement between Israel and the Palestinians.”<sup>20</sup> The Commission’s commentary on Israel’s treatment of its minority communities were essentially nonexistent with the exception of the seminar on the “Fight Against Racism, Xenophobia and Anti-Semitism” held in Brussels on 7 December 2006, which generally neglected the racism and violence against Arab citizens.

In addition to the trade benefits of the Association Agreement, the European Union bolsters Israel’s economy and foreign direct investment through a European Investment Bank pledge of 275 million euros for environmental projects and loans for small to medium-sized businesses.<sup>21</sup> These benefits, however, have failed to address and alleviate the socio-economic gaps between the Arab and Jewish communities. In the same token, EuropeAid has disqualified the Arab community from receiving development grants despite the acknowledged under-developed situation of the Bedouin community.

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<sup>20</sup> Commission Staff Working Document Accompanying the Communication on Strengthening the European Neighbourhood Policy, ENP Progress Report Israel, SEC(2006) 1507/2, 29 November 2006, p.2.

<sup>21</sup> FEMIP 2006 Annual Report, 31 May 2007.

[http://www.eib.org/attachments/country/femip\\_annual\\_report\\_2006\\_en.pdf](http://www.eib.org/attachments/country/femip_annual_report_2006_en.pdf)

## 5. Recommendations

Based on the findings of this report, the Mossawa Center summarizes its major recommendations to the EU that have the ability to influence the status of the Palestinian Arab Citizens in Israel, in order to ensure respect for human rights and to empower and enable the participation of this community to contribute to peace and justice in the region. With regards to the Action Plan, the European Institutions (European Commission, Parliament, and Council) should:

1. Create specific benchmarks and goals for the improvement of human rights within the occupied Palestinian territories and Israel, similar to Action Plans between the EU and Egypt and Jordan. The EU should refuse to enter into further agreements with Israel until blatantly racist laws, such as the law banning Arab citizens from buying land and the Nationality and Entry into Israel Law, are abolished, and hold Israel responsible for implementing its own laws regarding human rights, particularly:
  - Ending the killing of and the violence against Arab citizens by Israeli security forces, fighting against racial violence committed by Jewish citizens, and submitting a detailed report of the investigation that took place on the killing of 13 Arab citizens during the October 2000 events; ending incitement against the Arab community, and ending calls for the forcible physical transfer of the community.
  - Creating a program to establish socio-economic equality between communities, alongside a program to fight poverty, particularly child poverty; implementing legislation that prevents discrimination in employment and ensuring the number of Palestinian Arab citizens employed in the civil service increases from the current 6.1 percent of all civil service employees to 12 percent by 2012; ensuring fair distribution of development, regular and NGO budgets, and land allocation.
  - Presenting a clear and accepted solution for the Bedouin community living in unrecognized villages and the Negev; preventing house demolitions and the forced evacuation of civilians from houses without adequate housing solutions.
2. Introduce stronger language that would guarantee minority rights as more than a “shared value” or a matter of political cooperation. Non-Jewish or minority status affects every aspect of life in Israel, including but not limited to, access to higher education, financial benefits, language, recognition of holidays and employment.
3. Insist that the government of Israel, as a means of promoting democracy, come to a civil agreement with the Palestinian Arab minority in Israel that would guarantee its collective rights as a national, indigenous minority.

4. Require that representatives of the Palestinian Arab community of Israel be present and take part in all seminars or working groups dealing with agreements between the European Union and Israel.
5. Ensure the full participation of Palestinian Arab researchers in the EU's research and development initiatives with Israel.
6. Ensure the condemnation of Islamophobia and racism will become a part of international norms through, *inter alia*, appropriate UN resolutions.
7. Include the Palestinian Arab community in all peace negotiation discussions and recognize the Palestinian Arab community's status and role in achieving political stability in the region. To this end, representative bodies of the Arab public in Israel should be involved in the processes and initiatives of the European Institutions as they relate to the region in general, and to Israel in particular.
8. Include Arabic, Russian and Amharic as minority languages whose linguistic status should be protected, as is the case with Yiddish and Ladino within the EU-Israel Action Plan.