



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Fourteenth to sixteenth periodic reports of States parties due  
in 2010\***

**Israel\*\***

[25 October 2010]

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\* This document contains the fourteenth, fifteenth and sixteenth periodic reports of Israel, due on 2 February 2006, 2008 and 2010 respectively, submitted in one document. For the tenth to thirteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/471/Add.2, CERD/C/SR.1794, 1795, 1810 and 1813.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Introduction

1. The Government of Israel welcomes the opportunity to present its fourteenth periodic report to the Committee for the Elimination of Racial Discrimination in accordance with the requirements of article 9, paragraph 1(b), of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter, the "Convention" or "CERD"). This report describes the developments that have taken place since the submission of Israel's thirteenth report on 1 September 2005 (CERD/C/471/Add.2), taking into account the concluding comments adopted by the CERD Committee on June 14, 2007 (CERD/C/ISR/CO/13). In accordance with the reporting guidelines, this report builds upon Israel's previous reports. Accordingly, information and explanations that have been included in previous reports from the Government of Israel are not repeated in this Report, except where necessary.

2. In accordance with recommendation No. 41 to the concluding observations of the Committee on the Elimination of Racial Discrimination of June 14, 2007, (CERD/C/ISR/CO/1), all Israeli Government Ministries and institutions relevant to this Report were requested to supply data and information concerning their areas of operation. Israeli non-governmental organizations ("NGOs") were also invited to submit comments prior to the compilation of this Report, both through direct application and a general invitation to submit remarks posted on the Ministry of Justice's web site. Their contributions were given substantial consideration.

3. This Report was compiled by the Human Rights and Foreign Relations Department at the Ministry of Justice, in cooperation with the Ministry of Foreign Affairs and other governmental agencies.

4. Racial discrimination is prohibited in Israel. The State of Israel condemns all forms of racial discrimination, and its Government has maintained a consistent policy prohibiting such discrimination. The Israeli Government has taken comprehensive measures to uphold the provisions of CERD since its ratification of this important instrument.

5. Since the submission of Israel's thirteenth periodic report to the Committee in 2005, many significant legislative, judicial and administrative developments relevant to the Convention have occurred. This Report provides a comprehensive account of these developments.

6. A short summary of several of the most significant policy and legislative developments that have occurred in Israel since Israel's last Report to the Committee is provided below. Please note that while it will naturally take time for some of the more recent developments to translate into concrete results, in many areas substantial new measures that give effect to the provisions of the Convention have already come into effect.

7. In accordance with recommendation No. 39 to the concluding observations of the Committee on the Elimination of Racial Discrimination of June 14, 2007, (CERD/C/ISR/CO/1), we would like to note that Israel routinely considers its position with regard to Article 14 of the Convention, but that based on the experience of other states and on the current work of the Committee, it does not consider it appropriate to accept this optional procedure at this time. Under Israel's domestic legal system, any alleged victim of violations has full access to seek effective redress and judicial review in Israeli courts, as well as in many other venues, as detailed in Israel's Core Document.

## Legislative Measures

8. Since the submission of Israel's thirteenth Periodic Report, significant new steps have been taken by the Israeli Parliament (the "Knesset") to promote tolerance and the elimination of racial discrimination in all its forms. Some noteworthy examples are cited below.

9. The *Prohibition of Violence in Sport Law 5768-2008* (the "*Prohibition of Violence in Sport Law*"), came into effect on August 12, 2008. The new Law was enacted in order to facilitate safe and peaceful participation in sporting events, by broadening the definition of a racist display and facilitating training for security personnel, as well as by expanding their responsibilities and authorities. The Law further establishes a Committee for the Prevention of Violence in Sport geared towards the elimination of this phenomenon. Section 15 of the new law expands the offence, which was previously incorporated in Section 11A2, of the *Safety in Public Places Law 5723-1962* (the "*Safety in Public Places Law*"), which prohibited racial expressions during sport events, by effecting several important amendments (please see further discussion in the section addressing Article 7 below).

10. In accordance with recommendation No. 29 to the concluding observations of the Committee on the Elimination of Racial Discrimination of June 14, 2007, (CERD/C/ISR/CO/1), which calls, *inter alia*, for increasing increase efforts to prevent racially motivated offences and hate speech, and to ensure that relevant criminal law provisions are effectively implemented, on February 25, 2008, Section 145 of the *Penal Law 5737-1977* (the "*Penal Law*"), which refers to illicit association, was amended (Amendment No. 96) to include subsection 2A, which prohibits the gathering of people, associated or not, who preach, incite or encourage racism, including preaching, inciting or encouraging the principles of Nazism or the National Socialist Party. According to Sections 146 and 147 of the *Penal Law*, a person who preaches or encourages the activities forbidden in Section 145 will be sentenced to a maximum of three years' imprisonment, and a person of the age of 16 or over, who is a member, an employee or an agent of an illicit association will be sentenced to a maximum of one year's imprisonment.

11. In accordance with the Committee's recommendation No. 24 of June 14, 2007, (CERD/C/ISR/CO/1), amendment No. 1 to the *Pupil's Rights Law 5761-2000* (the "*Pupil's Rights Law*") issued on December 22, 2004, amends Section 1. The *Pupil's Rights Law* stipulates that the purpose of the Law is to establish principles for the rights of pupils in the spirit of human dignity and the principles of the Convention on the Rights of the Child (CRC), while preserving the dignity of all: the pupil, the educational employee and the education institution staff. This, in addition to preserving the uniqueness of different kinds of educational institutions, and to encouraging the creation of an atmosphere of mutual respect in the educational institution community. The amendment also serves to amend Section 4 of the *Pupil's Rights Law*, stipulating that the Director General's Directive, as well as the school-principals guidelines, must include rules for the protection of dignity, discipline and the prevention of violence.

## Judicial measures

12. The Supreme Court of Israel has played a pivotal role in the promotion of the principles enshrined in CERD through the development of jurisprudence dealing with contentious and highly charged political and security-related issues. Often, these issues also involve allegations of discrimination. As a result, the Supreme Court has issued a number of precedent setting decisions that have resulted in the modification of past practices.

13. In the criminal context, a number of criminal cases concerning incitement to racism and the commission of racist acts were decided by the Supreme Court as well as the lower courts, generally resulting in convictions.

14. On December 7, 2006, the Supreme Court rejected an appeal filed against a judgment given by the Jerusalem District Court, which convicted the two appellants with various charges of violence and assault of an Israeli Arab, and sentenced each of them to three years' imprisonment, six months' suspended imprisonment, and required each of them to make compensation to the victim, in the sum of 7,500 NIS (U.S. \$2,027). When imposing the sentence, the District Court attributed special gravity to the fact that the offences were racially motivated— the Court asserted that the racial element involved in the offences, must be reflected in the punishment as well. The Supreme Court reaffirmed this approach and emphasized that in a society which espouses the values of equality and protection of human rights, there is no room for such racially motivated crimes, and any such behavior is to be condemned and denounced. In light of the above, the appeal was rejected (Cr.A. 9040/05, *Yitzhak Orion and Yehuda Ovadia v. The State of Israel*). Note that this decision is in accordance with the Committee's recommendation No. 30 of June 14, 2007, (CERD/C/ISR/CO/1), which, *inter alia*, calls on the State to guarantee an effective remedy against perpetrators of acts of racial discrimination or acts which are racially motivated.

15. In accordance with the Committee's recommendation No. 30, in November 2008, the Jerusalem District Court convicted eight defendants who were members of a Neo-Nazi group for crimes of incitement, including hate crimes. The defendants were convicted in the frame of a plea bargain, and sentences were handed down on November 23, 2008. The first defendant was sentenced to seven years' imprisonment; the second defendant was sentenced to three years' imprisonment; the third defendant was sentenced to 26 months' imprisonment; the fourth defendant was sentenced to five years' imprisonment; the fifth defendant was sentenced to four years' imprisonment; the sixth defendant was sentenced to three years' imprisonment; the seventh defendant was sentenced to 12 months' imprisonment and the eighth defendant was sentenced to three years' imprisonment. All of the defendants were also sentenced to 18 months' suspended imprisonment (C.C. 40270/07 *The State of Israel v. Boanitov Arik et. al.* (23.11.08)).

16. In accordance with the Committee's recommendation No. 30, in the civilian context, a number of cases concerning discrimination were decided by the lower courts. Recently the Tel-Aviv Magistrate Court granted compensation in the amount of 60,000 NIS (U.S. \$16,216) for two individuals who were prevented from entering a public place on racial grounds. The Court found that entrance to the club was selective, since the selector conditioned entrance upon advance booking, while focusing on men with dark skin and eastern appearance. The court noted that the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law 5761-2000* (the "*Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*") is intended, *inter alia*, to implement the Convention. Therefore, preventing a person from entering a public place based on a suspicion that he/she will act violently, which suspicion is based on racial grounds, constitutes illegitimate discrimination. The Court emphasized that such discrimination exists even when it is not carried out sweepingly, and even when the owners of the place do not themselves harbor racial opinions but only fear potential economic losses. The Law prohibits racial discrimination regardless of the motivation behind it. The Court decided to mete out increased compensation, the maximum set by the Law, due to the difficulties of preventing discrimination based on economic motives, and in order to overcome the phenomenon of racial discrimination in public places, which has become a country-wide problem (C.C. 43168/05 *Zadok Eran et. al. v. Shevah Shalosh Company Ltd. et. al.* (26.9.09)).

17. On September 6, 2009, the Tel-Aviv Labor Court ruled that the requirement of serving military service set by Israel Railways Company as part of its requirements for employment of new supervisors constituted discrimination against citizens who do not serve in the IDF. The Court emphasized the importance of the right to equality and the prohibition of discrimination, which form the basis of all other basic rights, as well as the values of democracy, and noted that the Law also prohibits indirect discrimination. (*C.M. 3863/09 Abdul-Karim Kadi et. al. v. Israel Railways et. al.* (6.9.2009)).

18. With respect to *H.C.J. 5601/00 Ibrahim Dwiri v. Israel Land Administration et. al.*, which was presented in Israel's thirteenth Periodic Report, it should be noted that the Israel Land Administration considered the counter opinion of the Dwiri family and decided on March 1, 2006, that they were entitled to purchase land on the Kibbutz. The Kibbutz filed a petition with the High Court of Justice against this decision, which petition was rejected by the Court on January 22, 2007 (please see further details in the section addressing Article 1 below). (*H.C.J. 7574/06 Hasolelim "Young Maccabi" Group for Cooperative Agricultural Settlement Ltd. et. al. v. Israel Land Administration et. al.* (22.1.07)).

### **Administrative measures**

19. In accordance with the Committee's recommendation No. 31 of June 14, 2007, which, inter alia, calls upon the State party to consider the establishment of a national mechanism for redress of racial discrimination either as a specialized agency on racial discrimination or a national human rights institution, one of the key factors reflecting the State of Israel's commitment to comply with the basic principles enshrined in CERD in both a procedural and substantive manner is the establishment of the position of Minister of Minority Affairs in the current 32nd Israeli Government. The Minister is intended to be in a position in which he/she can better address and promote the situation of Israel's minority populations. The Minister in the Prime Minister's Office was also nominated as the Head of the Ministerial Committee of Minority Affairs (previously named the Committee for the Non-Jewish Population). The Minister's vision is of Inclusion and Equality, based on a strong conviction that inclusion in Israeli society shall result in equality amongst Israeli society (please see further details below).

20. In addition, over the past several years, the Government has made important inroads into improving the representation of the minority population within the civil service and government corporations. The Government instituted affirmative action programs and mandated specific target goals that would significantly increase the number of minority employees within public service bodies.

21. On March 21, 2010, the Government approved Government Resolution No. 1539, titled "Five Year Plan for the Economic Development of Minority Localities" (including Arab, Bedouin, Druze and Circassian local authorities). According to this Resolution, the plan will focus on the development of the economy, increasing employment, enhancing housing and real estate, providing transportation and ensuring personal safety and enforcement, in twelve chosen localities, encompassing a population of 370,000 people. The budget for the execution of the plan is 778.5 Million NIS (USD \$210,405,405). The plan will be managed by the Authority for the Economic Development of the Arab, Druze and Circassian Populations within the Prime Minister's Office, and will include, among other activities: development of industrial zones, retraining of personnel and career change, funding for the building of new housing units and operation of public transportation.

22. The Government has also been active in addressing the rights of migrant workers. Changes have been implemented that more fully protect their rights, particularly *vis à vis* their employers. This has largely been instituted by a reform in the methods of

employment, increasing the foreign workers' awareness of their rights, and the establishment of specific enforcement divisions within the relevant governmental authorities, which are provided with special training.

### **The Attorney General**

23. On April 13, 2008, the Attorney General issued an opinion in which he ruled that Ramla Mayor Yoel Lavie cannot serve as Director General of the Israel Lands Administration (ILA) because of several racist statements he made to the media in 2006 which were directed against the Arab population. The Attorney General instructed the Minister of Construction and Housing to find another candidate to head the organization, which controls all the country's publicly-owned land.

### **Other measures**

24. Several projects to promote understanding, tolerance and friendship among nations and populations are implemented in Israel, two examples of such projects are:

(a) Education Seminars by the "Peres Center for Peace," aimed to offer instruction to Palestinian and Israeli educators and teachers, in order to provide them with the educational tools to guide their pupils in dealing with issues related to the conflict, and allow them to implement peace building activities. Thus far, two seminars have been held, in which nearly 100 Israeli and Palestinian educators have taken part.

(b) Another project which is in accordance with the Committee's recommendation No. 22 of June 14, 2007, is the "*Mirkam Encounters in the Galilee*" - A joint initiative of the Abraham Fund Organization, the Ministry of Education and The Haifa, Acre and Ma'alot-Tarshihah Municipalities. The initiative intends to encourage a shared society in the mixed cities of the Galilee, by holding joint educational activities bringing together elementary school pupils, teachers and principals from ten pairs of Jewish and Arab schools. During the meetings, pupils learn about each other's culture, tradition and heritage, thus learning to appreciate and respect each other's perspectives and views.

25. The following Report addresses the main issues raised by the Convention since the submission of Israel's thirteenth Periodic Report, as well as the concerns raised by the Committee during the last session. Finally, this Report complies with the Committee's guidelines regarding the form and contents of reports to be submitted by states parties to the Convention. We trust that this report will facilitate the Committee's work and provide a more complete picture of the situation in Israel concerning the implementation of the Convention's provisions. We look forward to maintaining a constructive dialogue with the distinguished members of the Committee.

## **I. Article 2**

### **A. Measures to Eliminate Racial Discrimination**

#### *1. Measures Taken to Prevent Discrimination by all Public Authorities and Institutions*

##### *Overview*

26. Racial discrimination is prohibited in Israel as required under Article 2(1)(a) of the Convention. Several Basic Laws, laws, and court rulings operate together to guarantee that no public authority or public institution engage in any act or practice of racial discrimination against persons, groups of persons or institutions. These prohibitions apply

with equal force at the national and local levels, and all public authorities and institutions are required to comply with their directives.

a. **Judicial Measures**

27. Just as the Israeli legislature crafts and adopts both new laws and administrative measures to ensure that government agencies do not engage in any discriminatory act or practice, the country's independent judiciary serves to interpret, guide, and enforce these measures.

28. This judicial effort is guided by the Supreme Court, which has issued a number of landmark decisions against certain discriminatory practices of both government entities and private individuals.

29. As stated above, on December 7, 2006, the Supreme Court rejected an appeal filed against a judgment handed down by the Jerusalem District Court, which convicted the two appellants of various charges of violence and assault of Arab-Israelis, and sentenced each of them to three years' imprisonment, six months' suspended imprisonment, and required each of them to pay compensation to the victim in the sum of 7,500 NIS (U.S. \$2,027). When imposing the sentence, the District Court attributed special gravity to the fact that the offences were racially motivated by the Court asserted that the racial element involved in the offences, must be reflected in the punishment as well. The Supreme Court reaffirmed this approach and emphasized that in a society which espouses the value of equality and the protection of human rights, there is no room for such racially motivated crimes, and any such behavior is to be condemned and denounced. In light of the above, the appeal was rejected (Cr.A. 9040/05, *Yitzhak Orion and Yehuda Ovadia v. The State of Israel*).

b. **Administrative Measures**

The Minister of Minority Affairs

30. The current Israeli Government (the 32<sup>nd</sup> Government) has appointed a Minister of Minority Affairs, whose position is intended to better address and promote the situation of Israel's minority populations. The Minister in the Prime Minister's Office was also nominated as the Head of the Ministerial Committee of Minority Affairs (previously named the Committee for the Non-Jewish Population).

31. The Minister's annual budget is 12 Million NIS (U.S. \$3,243,243) for the year 2009, and 20 Million NIS (U.S. \$5,405,405) for the year 2010. The Minister's vision is of Inclusion and Equality, based on a strong conviction that inclusion in Israeli society shall lead to equality amongst members of Israeli society.

32. The Minister commands a staff of eight persons, dedicated to promoting this vision of inclusion and equality throughout the Israeli society. In addition, the Minister is responsible for the Authority for the Economic Development of the Arab, Druze and Circassian Populations, which was established by Government Resolution No. 1204, (February 15, 2007), and the Minister is currently in the advance stages of forming a new division in the Authority, following the addition of six employees, three of whom have already been approved and three of whom are still to be assigned.

33. The Minister and his staff, who have been operating since April 2009, are in the process of better acquainting themselves with the facts on the ground – within the minority population, and in the sphere of the various Government Ministries and bodies – regarding specific aspects of issues relevant to minorities. Existing projects for improving the lives, socio-economic, and overall conditions of the minority population are being analyzed so as to best identify any existing obstacles, obstructions and failures and formulate and implement measures to best address them.



34. The Minister and his personnel work closely with the various Ministries and enjoy a close and productive interface with them, and endeavor to improve this level of co-operation for the benefit of the minority populations. Moreover, the Minister is in the process of establishing working relations with the local authorities in minority localities, and is attempting (along with his team) to develop these relations, including by way of channeling specific applications from these authorities and from members of the minority population.

35. Another channel that is considered of the highest importance is NGOs from the minority population. In this regard, the Minister is investing significant efforts in empowering these NGOs through close and mutual cooperation.

36. Among the topics that the Minister is focusing upon:

(a) Higher Education – in accordance with the Committee's recommendation No. 27 of June 14, 2007, which, *inter alia*, calls upon the State to ensure that access to higher education is guaranteed to all without discrimination, the Minister, in his previous position as the President of Ben Gurion University located in the Negev, has contributed extensively to the immersion of the minority population of the Negev in the field of higher education, and continues to do so in his new role. This is pursued beginning with those at high school level, utilizing means such as vocational training, increasing the number of individuals entitled to matriculate, and reducing dropout rates; and at a later stage through specific programs, for instance scholarships - all conducted in full cooperation with the Ministry of Education.

(b) The Minister is striving to increase the rate of participation of members of the minority population in national-civil service, working side by side with the Public Commission for National-Civil Service in the Prime Minister's Office. Further, by increasing the extent of schooling allowed during the period of completion of such service, the Minister and Israeli Government are enabling the development of additional skills during the period of national-civil service.

(c) The Minister and his team are working in conjunction with the Ministry of Interior to promote the completion of outline plans in localities where minority populations reside, so as to bridge the gaps that currently exist between these localities, and the planning situation with respect to the overall population.

(d) In accordance with the Committee's recommendation No. 24 of June 14, 2007, the Minister is working with the Ministry of Construction and Housing towards promoting specific minority-oriented programs to better address the unique needs of the minority population in this area.

(e) The Minister and his team are also working in conjunction with the Ministry of National Infrastructure to alleviate infrastructure issues which exist in minority communities.

#### The Knesset Code

37. According to Section 134(c) of the Knesset Code, the Government chairperson and his/her deputies may refuse to authorize a bill they think is essentially racist or which denies the State of Israel's right to exist as the State of the Jewish people.

#### Attorney General Guidelines Regarding Racial Discrimination

38. As mentioned in Israel's thirteenth Periodic Report, all Government Ministries are required to operate in accordance with the guidelines prohibiting racial discrimination, which were issued by the Attorney General. Accordingly, any authority exercising any public function by virtue of the law is prohibited from discriminating on the basis of race, gender, religion, creed, political opinion or any other ground. All Ministries are prohibited

from engaging in any form of racial discrimination in all aspects of their activities (employment, services etc.). Furthermore, the Government is to take an active role in hiring women and minorities, especially via the imposition of affirmative action programs. All governmental bodies and government corporations are to actively pursue the hiring of women and minorities and achieve a fair representation of such groups.

39. As mentioned above, on April 13, 2008, the Attorney General issued an opinion in which he ruled that Ramla Mayor Yoel Lavie cannot serve as Director General of the Israel Lands Administration (ILA) because of several racist statements he made in 2006 to the media, which were directed against the Arab population. In his written opinion, the Attorney General has instructed the Minister of Construction and Housing to find another candidate to head the organization, which controls all the country's publicly-owned land.

The Attorney General refused to prosecute the Ramla Mayor prior to Lavie's candidacy for the position of Director-General of ILA for fear of infringing the right to freedom of speech. However, his decision demonstrates to public figures that racist remarks are not only abhorrent but also do not go unpunished.

#### Arab Cooperative Societies

40. All Israeli NGOs are treated equally. In 2007, The Registrar of Cooperative Societies published on its internet web site a document in Arabic entitled "The Proper Administration of Cooperative Societies," which is a translation of a Hebrew document first issued in October 2002. Additionally, the Registrar employs an Arab lawyer who handles applications submitted in Arabic, a contract lawyer who is fluent in Arabic and is particularly involved in registration, and two Arab accountants who examine NGOs' files. The Registrar and its representatives took part in a number of conferences organized by Arab representatives and attended lectures concerning the different requirements of the Registrar in order to better facilitate the operation of Arab cooperative societies.

## 2. *Not Sponsoring or Defending Discrimination by Persons or Organizations*

41. On July 9, 2008, The *Basic Law: The Knesset* was amended (amendment No. 39) in which Subsection (a1) was added to Section 7a. According to Subsection (a1), a candidate who resided in an enemy state illegally during the seven years prior to the submission of the list of candidates will be regarded as supporting the armed struggle against the State of Israel unless he/she has proven otherwise. It should be noted however that the exercise of the authority in Section 7a(a) to the Basic Law – disqualification of a candidates list – is to be carried out only in acute cases and the reasons for disqualification are to be interpreted narrowly.

42. Amendment No. 142 of March 23, 2007, to Section 1 of the *Cooling-Off Period for Persons Serving in the Security Forces Law 5767-2007* (the "*Cooling-Off Period for Persons Serving in the Security Forces Law*"), also amended Section 56 to the *Knesset Elections Law 5729-1969* (the "*Knesset Elections Law*"). According to Section 56, senior public servants, such as the head of Israel's Security Agency (ISA), Israel's Defense Force (IDF), Police officers with a rank of Major General and above, and the Israel Prisons Service (IPS) Commissioner may run for national election provided they leave office at least three years prior to the Election Day. However, for the purpose of an election which follows the abovementioned election, these persons may run for public office even if the three year period has not fully expired. Other senior public servants, IDF officers, Police or Prisons Service personnel may run for national election if they leave office at least 100 days prior to the elections (Section 56(a1)(3)). Other less senior public servants and military personnel may run for elected office so long as they vacate their positions by the date of submission of the candidates list; if elected, they are deemed to have ceased their service so long as they remain members of the Knesset (Section 56(b)).

43. Israel's *Penal Law* also counters discrimination by prohibiting racial incitement and other related offences, and was recently amended so as to include an additional offence related to racial hatred.

44. On February 25, 2008, Section 145 of the *Penal Law*, which refers to illicit association, was amended (Amendment No. 96) so as to include subsection 2A, which prohibits the gathering of people, associated or not, that preach, incite or encourage to racism, including preaching, inciting or encouraging to the principles of Nazism or the National Socialist Party. According to Sections 146 and 147 of the *Penal Law*, a person who preaches or encourages the activities forbidden in Section 145 will be sentenced to a maximum of three years' imprisonment, and a person of the age of 16 or over, who is a member, an employee or an agent of an illicit association will be sentenced to a maximum of one year imprisonment.

3. *Measures to Review, Amend, Rescind or Nullify Governmental, National and Local Policies That Create or Perpetuate Racial Discrimination*

a. **Legislative Measures**

Compensation for Victims of Hostilities

45. In accordance with the Committee's recommendation No. 30 of June 14, 2007, a recent amendment to The *Compensation for Victims of Hostilities Law* 5730-1970, (the "*Compensation for Victims of Hostilities Law*") passed on July 19, 2006, extends compensation under the Law to victims of terrorist attacks motivated by the Arab-Israeli conflict. Prior to the July amendment, the Law covered hostilities perpetrated by "enemy forces," but did not cover other hostilities.

46. The amendment to the Law adds the following grounds for compensation:

(a) Harm resulting from an act of violence, the main purpose of which is to harm a person due to his/her national-ethnic origin, provided that the act stems from the Arab-Israeli dispute.

(b) Harm resulting from an act of violence, the main purpose of which is to harm a person due to his/her national-ethnic origin, where the act of violence has been carried out by a terrorist organization, recognized as such under Section 8 of the *Terror Prevention Ordinance* – 1948, except for an organization that is a part of enemy forces, or where the said act of violence has been carried out in the service of or on behalf of such an organization.

47. The amendment also provides for the payment of compensation for damage to property resulting from an act of violence as described above, in accordance with regulations issued by the Minister of Finance, with the approval of the Knesset Finance Committee.

48. Eden Nathan-Zadah, allegedly a member of the Kach movement, who opened fired on a bus in Shfara'm in August 2005, killing four Israeli Arabs and wounding a dozen others - could not be considered as an "enemy," and thus the families of his victims could not be recognized as victims of terrorism under the *Compensation for Victims of Hostilities Law* and were not entitled to compensation under that law. However, the families of the victims were able to apply to a special committee authorized to grant compensation on an ad hoc basis, in situations not covered by the Law.

49. With regard to the Shfara'm terrorist attack, the victims' families together received a special payment of 100,000 NIS (U.S. \$27,027) from the Jewish Agency. Moreover, in its August and November 2005 sessions, the Knesset Finance Committee decided to make an exception and recognize those who were directly harmed by the Shfara'm attack as victims

of terrorism. Accordingly, compensation was granted in January 2006, for those whose property was damaged. With respect to the victims' families – the National Insurance Institute (NII) informed them of their right to receive compensation either from the Knesset Finance Committee or as a result of the amendment to the *Compensation for Victims of Hostilities Law*. All three families requested to be compensated by the Knesset Finance Committee.

#### Israeli Identity Cards

50. Until 2007, in all Israeli identification cards, the date of birth was registered according to the Gregorian calendar; but in identification cards belonging to Jews the date of birth was also stipulated according to the Jewish calendar. However, in November 2007, the *Population Registry Law* 5725-1965 (the "*Population Registry Law*"), was amended (Amendment No. 12) such that in all identification cards both dates appear, unless an individual specifically requests that his/her date of birth be presented only in accordance with the Gregorian calendar. This is geared towards removing an element that might have created an improper distinction and ensuring that all Israeli identity cards are similar.

#### **Enhancing Infrastructure Within Israel's Arab Localities**

##### Planning Scheme for the Arab Population

51. In recent years, the Department of Planning in the Ministry of Interior, has initiated an extensive project towards the preparation of updated planning schemes for the majority of Arab localities. Note that according to the law, the responsibility for initiating and promoting local planning is that of the local authorities, however, the Government decision to take this responsibility upon itself (including funding) is a form of affirmative action for those Arab localities which are unable to take such steps independently.

52. The objectives of the project are:

- The improvement of the quality of life in the localities, including a significant increase in residential areas, areas of employment, open spaces, and public facilities as well as suitable infrastructure - in order to address the long-term needs of the localities.
- The regulation of the planning situation, in order to meet the needs of the localities and their integration in the surrounding area.
- The provision of a planning basis towards the integration of the minorities' localities in the socio-economic development of the Israeli society in general.

53. Seventy (70.3) per cent of the Arab localities in Israel are included in the project (90 out of 128 localities). Most of the remaining localities (30 out of the remaining 38) have approved planning schemes, which adhere to their developmental needs; or are in the process of approving such a plan. In some of these localities, the planning schemes are promoted by the local authorities themselves.

54. Thus far, the planning stage has been completed in 62 localities and by the end of 2010, the planning stage shall be finalized in a total of 102 localities (out of 128).

55. To date, 60 Million NIS (U.S. \$16,216,216) has been allocated for the promotion of the planning project. It is notable, that in spite of wide-ranging cutbacks in the Ministries' budgets in the past few years, the budget allocated for this project has increased.

56. The project is supported by several Government Resolutions, and is based on the national planning policy as developed and adopted in the **NOP 35** - the National Outline Plan for Construction, Development and Conservation. The national planning policy indicated new developmental trends in various localities, as well as diverse density rules based on the size of the locality, its social and economic status and its demography.

57. The planning schemes implement several fundamental principles:

- Solutions for anticipated population growth.
- Designation of public areas for use as public institutions, green areas and infrastructure layout.
- Designation of State land for construction which will benefit people who seek housing and the fulfillment of public needs.
- Development of regional or joint employment areas in order to enhance the income of the various local authorities.
- Creation of a framework of regional solutions in a variety of fields such as environmental protection, public transportation, burial etc.
- Adaptability to the special needs of the different populations and the uniqueness of each locality (for example: land ownership, preservation of the rural or urban character, preservation of traditions and religious values, commerce and occupation according to the needs of the locality, etc.).
- Creation of joint employment areas for Jewish and Arab local authorities in order to promote the economic integration of the Arab localities, and in order to increase the income of both Jewish and Arab local authorities.

58. Note that the expansions of the Arab localities are much greater in comparison to the Jewish localities and reach an average of 60 per cent of the size of the locality and in certain cases even up to 100 per cent. In addition, the current total size of the Arab population in Israel is 1,450,000, out of which 1,280,000 (88 per cent) are included in the program (in comparison only 61 per cent of the Jewish population is included in the program).

59. Each plan is promoted by a professional planning panel, hired by the Department of Planning and accompanied by a broad steering committee, headed by representatives from the Department. Each committee includes representatives from the local authority, the relevant Ministries and the neighboring local authorities, the Jewish National Fund (JNF) (Keren Kayemeth Le'Israel), the Society for the Protection of Nature in Israel, and the Israel Nature and National Parks Protection Authority.

60. Stemming from the appreciation of the importance of the community's involvement in the decision-making processes affecting its daily life and the nature of its place of residence, a special emphasis is placed on the participation of the local community in the planning process.

61. In addition to the full participation of the local leadership, the effort to include the local community in the planning process is carried out through diverse methods which are varied according to the character of the locality and its social structure. These include focus groups, distribution of questionnaires, the holding of open assemblies to present the plan and receive comments, etc.

62. The success of the planning project depends, first and foremost, on the assumption of responsibility by the local leadership, and its support of the project, promotion of detailed planning compatible with the planning scheme, execution of expropriation orders issued for public purposes, collection of fees and development of taxes and law enforcement against illegal construction. The Department of Planning in the Ministry of Interior is doing its utmost in order to realize the improvement needed for all fractions of the Arab population in Israel.

63. Notice should be paid to the fact that most of the Arab localities have a planning scheme, even if not an updated one, which was initiated by the Government during the 1980's.

Recent Developments

64. Given the importance of the promotion of planning in the Arab population, the State allocated a budget of 56 Million NIS (U.S. \$15,135,135) for the promotion of planning schemes for Arab localities for the years 2000 to 2005. In recent years, the Government had allocated an additional 25 Million NIS (U.S. \$6,756,756) for the promotion of planning schemes in the Druze, Circassian and Bedouin localities in the north and additional Arab localities in the south.

**b. Judicial Measures**

65. In the case of Association of Kfar Neve-Atid - Dahamsh, the Tel-Aviv District Court, residing as an Administrative Tribunal, discussed a petition regarding the planned regularization of the Dahamsh village. The village is located near the city of Ramla, and most of its houses were built unplanned and unlawfully. The village's infrastructure is not regulated and municipal services are not provided to its residents. Thus, over the years, the planning authorities worked to prevent illegal construction in the village, by issuing demolition orders and filing indictments. The petitioners, residents of the village, prepared a detailed plan for construction in the village and submitted it in July 2006 to the relevant planning and building committee. Yet, the plan was never discussed by the committee. The Court noted that the fact that the plan was not discussed, served to perpetuate the situation in which the petitioners were considered to be lawbreakers, and contradicted the *Planning and Building Law 5725-1965* (the "*Planning and Building Law*"). The Court ordered the committee to discuss the plan, and noted that specific claims regarding demolition orders would continue to be heard in local courts (*Ad.P. 1037/07 The Association of Kfar Neve-Atid - Dahamsh et. al. v. The "Lodim" Local Planning and Building Committee* (30.1.08)).

Amending Discriminatory Land Allocation Policies

66. In accordance with the Committee's recommendation No. 19 and 23 of June 14, 2007, and as mentioned in detail in Israel's thirteenth Periodic Report, in a landmark decision in *H.C.J. 6698/95 Ka'adan v. The Israel Lands Administration (ILA)*, the Supreme Court reaffirmed the Jewish agency's role in promoting the development and fulfillment of Israel's values and goals. In particular, Chief Justice Barak asserted that the Agency played a major role in Israel's establishment, and that its many efforts to develop the State should not go unrecognized. The unique status that the Jewish Agency holds in Israeli life is reflected in Israeli legislation, where Section 3 of the *Status of World Zionist Organization and the Jewish Agency for The State of Israel Law 5713-1952*, provides that the two bodies shall strive, as they did before the enactment of the Law, to promote Jewish immigration to Israel and to co-ordinate absorption and accommodation projects.

67. The Court held in the *Ka'adan* case that the State may not allocate land directly to its citizens on the basis of religion or nationality. Following the Court's decision, the ILA adopted a decision setting out new admission criteria to be applied uniformly to all applicants seeking to move into small, communal localities established on state-owned lands.

68. On June 24, 2006, the World Zionist Organization (WZO) decided that the Jewish Agency is obligated to include Arab-Israelis in its development plans for the State, including Muslims, Christians, Druze and Circassians. The annual budget allocated for these plans is currently 60 Million NIS (U.S. \$16,216,216) and it is expected to grow.

69. Following the above mentioned petition and a number of other petitions submitted in 2004 to the Supreme Court with respect to the issue of transferring rights in real estate property, which is owned by the Jewish National Fund, to non-Jewish persons, and given the opinion released by the Attorney General according to which the ILA is bound by the principle of equality even when managing the lands of the JNF, the ILA and the JNF signed

an agreement of principles according to which the JNF would receive lands in the Negev and the Galilee, in return for the conveyance of lands in Israel's central area. The agreement was signed on June 7, 2009, and was approved by the general assembly of the JNF on June 23, 2009. The new land rotation agreement allows the conveyance of lands managed by the Israel Land Administration for every lease, with no regard to the lessee's nationality, in a manner which respects both the principle of equality and achieves the aims of the JNF. In addition, it was agreed to reduce the number of JNF representatives in the future ILA which will replace the current Israel Land Council.

70. The reform in the Israel Land Administration was further promoted by Amendment No. 7 of August 3, 2009 to the *Israel Land Administration Law 5720-1960* (the "*Israel Land Administration Law*"). The Amendment allows for the conveyance of lands managed by the ILA, to its lessees, who will be able to take any action with respect to the property, even in the absence of the ILA's approval.

71. The Israel Land Administration continues to operate in accordance with the Supreme Court's ruling of 1995 in the Ka'adan Case, according to which the principle of equality also applies to the allocation of real-estate property by the State. Thus, on July 27, 2005, the Israel Land Council approved Directive No. 1064 which updates Directive No. 1015 of August 1, 2004, and refers to the criteria for the acceptance of candidates for the purchase of rights to lease real-estate in agricultural and communal localities. The Directive contains a closed list of legitimate criteria on which to assess eligibility, including criteria regarding special characteristics of these localities, if such exists, on condition that these criteria are approved in advance by the Administration and after the approval of the Registrar of Associations, as well as a review procedure of the decision by way of appeal to the Israel Land Administration (ILA). The Ministry of Justice and the ILA continue to work together in order to examine potential improvements to Directive No. 1064.

72. In March 2010, Directive No. 1195 was approved, which further limits the grounds for refusing to accept new candidates in agricultural and communal localities with up to 500 families. According to this Directive, among other criterions, in localities with more than 120 families, a refusal may be based on avoiding harm to the daily life of the community. Refusal to accept a new candidate in smaller localities according to this criterion may be done only if the new candidate is not suitable to the social life of the community (after professional examinations). In addition, according to Directive No. 1195, an additional criterion was added for rejection of candidates – a candidate may be rejected if his/her acceptance will result in the creation of a sub-community within the locality in a way that will substantially harm the character of the community.

73. With regard to *H.C.J. 5601/00 Ibrahim Dwiri v. Israel Land Administration et. al.*, presented in Israel's thirteenth Periodic Report, it should be noted that the Israel Land Administration considered the counter opinion of the Dwiri family and decided on March 1, 2006, that they are entitled to purchase land in the Kibbutz that was in question. The Kibbutz filed a petition with the High Court of Justice against the decision, which was dismissed by the Court on January 22, 2007. The Court accepted the ILA's position as reflected by Directive No. 1064, and ruled that the ILA is not bound by the criteria of acceptance established by an examination committee of a communal locality, and is authorized to intervene when required, in accordance with the *Israel Land Administration Law* and the Court's previous rulings. A request for a further hearing was also denied by the Court on March 14, 2007 (*H.C.J. 7574/06 Hasolelim "Young Maccabi" Group for Cooperative Agricultural Settlement Ltd. et. al. v. Israel Land Administration et. al.* (22.1.07)).

74. Several petitions were filed with the High Court of Justice concerning Directive No. 1064, requesting the elimination of the involvement of committees, following the denial of the petitioners' requests to be accepted to a communal locality on the ground of

incompatibly with the communal way of life. In the State's response to the petitions it was argued that the criterion included in Directive No. 1064, which allows committees to consider the applicant's suitability to the social life of the community, is an appropriate criterion that promotes the unique fabric of communal life while preventing discrimination based on illegitimate grounds when acquiring proprietary rights in State land. The petitions are still pending (*H.C.J. 3552/08 David Kempler et.al. v. Israel Land Administration et. al.*; *H.C.J. 8036/07 Fatma Abric-Zbidat et. al. v. Israel Land Administration et. al.*).

#### Other

75. Recently, the "Heshvan 12th – the Movement for Reinforcement of Tolerance in Religious Education" Association, petitioned the High Court of Justice for an injunction against the Attorney General ordering him to justify why no indictments were filed against the Rabbis Itzhak Shapira and Yossef Elitzur for incitement to racism, violence and for calls for rebellion. The petition concerned the book entitled "The King's Torah," which was written by the two Rabbis and contains incitement for racism and calls for violence against non-Jews. On December 20, 2009, the Court ordered the State to submit its response and the case is still pending (*H.C.J. 10143/09 "Cheshvan 12th – the Movement for Reinforcement of Tolerance in Religious Education" et. al. v. The Attorney General et. al.*).

#### 4. *Measures to End Discrimination by Individuals and Organizations*

76. Racism, in its various manifestations is considered a criminal offence in Israel, as discussed in the section dealing with Article 4 below.

##### a. **Legislative Measures**

##### i. Increasing Proportional Representation in Israel's Civil Service and Within Governmental Corporations

#### Civil Service

77. The *Civil Service (Appointments) Law 5719-1959* (the "*Civil Service (Appointments) Law*") requires that the Israeli civil service maintain fair representation in terms of appointments. According to the Law, the Government is entitled to apply an affirmative action policy so as to allocate certain positions to under-represented groups for the purpose of attaining fair representation.

78. In 2000, the *Civil Service (Appointments) Law* was amended (Amendment No. 11) in order to ensure that minorities and under-represented populations such as women, persons with disabilities, and the Arab, Druze and Circassian populations are represented in the Civil Service according to their proportion in the eligible work force population. The Law requires appropriate representation of the various groups throughout the Civil Service, at all levels and in all professions.

79. The *Civil Service (Appointments) Law* was amended in 2005, in order to include persons of Ethiopian origin among the various groups entitled to appropriate representation in the Civil Service. Following this amendment, the Government accepted Resolution No. 1665 concerning the allocation of positions in the Civil Service for persons of Ethiopian origin and affording them priority in appointments and promotions.

#### Government Corporations

80. As stated in Israel's thirteenth Periodic Report, under Amendment No. 11 of May 30, 2000, to the *Government Corporations Law 5735-1975* (the "*Government Corporations Law*"), the Arab population (defined as including people of Druze and Circassian origin) must be appropriately represented on the board of directors of every government corporation and statutory corporation. In January 2001, the rate of Arab representation in



governmental corporations reached only 3.2 per cent (22 out of 695 directors). In January 2007 that rate reached 12.61 per cent (57 out of 452 directors, 10 of whom (1.91 per cent of the total) were women). The rate of directors in governmental corporations who are of Arab origin (including Druze and Circassian) decreased in 2008 to 8.02 per cent (47 out of 586).

81. In addition, the Law prescribes that until appropriate representation is achieved, Ministers will appoint Arab directors to the extent possible according to the relevant circumstances. Section 60A of the *Government Corporations Law* extends the application of Amendment 11 to encompass the appointments of directors to the board of statutory corporations and other statutory organizations.

82. Section 18(a)(1) of the Law mandates the directorate of government corporations to reflect the governmental policy of fair representation. Moreover, the amendment empowers the Government to do its utmost to appoint directors from the Arab population until the goals of the amendment are achieved. The Attorney General has provided Government Ministers with guidelines regarding the implementation of the new standards. In addition.

83. The Committee for Examination of Appointments According to the *Government Corporations Law* (operating since 1993) and the Prime Minister's Office established a database of potential Arab candidates who qualify for senior government corporation positions. The information was brought to the attention of every Minister. Additionally, efforts exist to create an official database of qualified minority candidates for senior government corporation positions.

ii. The Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law 5761-2000

84. In accordance with the Committee's recommendation No. 21 of June 14, 2007, which addresses the need to adopt measures to ensure that access to public services is guaranteed to all without discrimination, whether direct or indirect, based on race, color, descent, or national or ethnic origin, the enactment of the Law has substantially limited the possibility of discrimination occurring in the private sector. Section 3 of the *Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law*, prohibits discrimination on the basis of race, religion or religious affiliation, nationality, country of origin, gender, sexual orientation, views, political affiliation, personal status, or physical disability in the provision of public products or services, and in the admittance to a public place, by an individual who provides such products or services, or operates a public place. Violation of this prohibition is both a civil tort and a criminal offence, and according to Section 5(a) of the Law, the *Tort Ordinance* 5728-1968 (the "*Tort Ordinance*"), applies to such civil tort. Moreover, Section 5(b) allows the court to grant compensation of no more than 50,000 NIS (U.S. \$13,513), without proof of damage, due to a violation of this Law. Section 11 applies the provisions of this law to the State as well and has been interpreted broadly as applying to a host of public places, including schools, libraries, swimming pools, stores, and all other places serving the public. Court decisions have routinely upheld this broad interpretation of the law.

iii. The Patient's Rights Law 5756-1996 ("The Patient's Rights Law ")

85. In accordance with the Committee's recommendation No. 21 of June 14, 2007, and as mentioned in Israel's thirteenth Periodic Report, Section 4 of the *Patient's Rights Law* stipulates that a health care provider may not discriminate against patients on the basis of religion, race, gender, nationality, country of origin, sexual orientation or for any other reason.

- iv. The 2006 Amendment to the *Equal Employment Opportunities Law* 5748-1988 ("*The Equal Employment Opportunities Law*")

86. In accordance with the Committee's recommendation No. 31 of June 14, 2007, according to a 2006 Amendment to the *Equal Employment Opportunities Law*, the Equal Employment Opportunities Commission was established, within the Ministry of Industry, Trade and Labor (hereinafter: "the Ministry of ITL"). The Commission is charged with the promotion, implementation and civil enforcement of the following laws and statutory provisions: *Equal Employment Opportunities Law*; *Male and Female Workers (Equal Pay) Law* 5756-1996 (the "*Male and Female Workers (Equal Pay) Law*"); *Women's Employment Law* 5714-1954 (the "*Women's Employment Law*"); *Prevention of Sexual Harassment Law* 5758-1998 (the "*Prevention of Sexual Harassment Law*") (in relation to employment) and other statutory provisions relating to: discrimination on religious grounds and army reserve duty, discrimination by public and private employment agencies, affirmative action for women, people with disabilities, Israeli-Arabs and persons of Ethiopian origin in the public sector and legislation protecting workers who "blow the whistle" regarding violations of the above laws and statutory provisions.

87. On August 1, 2007, the Employment Service issued a Directive regarding the prohibition against discrimination, in accordance with Section 42(a) of the *Employment Service Law* 5719-1959 (the "*Employment Service Law*"), and Section 2 of the *Equal Employment Opportunities Law*. The Directive was distributed to the Employment Service's workers, who also received relevant training on this issue.

b. **Judicial Measures**

Prohibiting Discrimination by Private Enterprises

88. In a case of prohibited discrimination, on September 6, 2009, the Tel-Aviv Labor Court ruled that the requirement of the Israel Railways Company that a prospective supervisor have served military service constituted discrimination toward citizens who do not serve in the IDF. Moreover, the Court noted that the amendments made to these demands of the Israel Railways Company following the onset of the trial (professional experience of 18 months shift work; and employment experience in an hierarchic organization), were not sufficient, as the criteria still afforded army veterans a significant advantage, while the job itself did not demand these requirements. The Court emphasized the importance of the right to equality and the prohibition of discrimination, which constitute the basis of all other basic rights and values inherent in a democracy, and noted that the law also prohibits indirect discrimination. Thus, the Court accepted the request for an injunction against the dismissal of several Arab employees, who were dismissed on the basis that they had not served in the IDF. In doing so the Court accepted the opinion submitted by the Equal Employment Opportunities Commission, according to which Israel Railways Company had failed to show that the new employment criteria were demanded by the character and essence of the employment positions, and that they did not constitute discrimination against persons who did not serve in the IDF (*C.M. 3863/09 Abdul-Karim Kadi et. al. v. Israel Railways et. al.* (6.9.2009)).

89. In another case, the Tel-Aviv Magistrate Court ruled in favor of an award of compensation in the amount of 60,000 NIS (U.S. \$16,216) for two individuals who were prevented from entering a public place on racial grounds. The Court found that the entrance to the club was selective, since the selector conditioned entrance upon advance booking, while focusing on men with dark skin and eastern appearance. The Court noted that the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law* is intended, *inter alia*, to implement the International Convention on the Elimination of All Forms of Racial Discrimination. Therefore, preventing a person from entering a public place on the basis of a suspicion that he/she will

act violently, which suspicion is based on racial grounds, constitutes illegitimate discrimination. The Court emphasized that such discrimination exists even when it is not carried out sweepingly, and even when the owners of the place do not hold racist opinions but only fear potential economic losses. The Law prohibits racial discrimination regardless of the motivation for it. The Court finally decided to order an increased amount of compensation, above the maximum set by the Law, due to the difficulties of preventing discrimination based on economic motives, and in order to overcome the phenomenon of racial discrimination in public places, which has become a country-wide problem (C.C. 43168/05 *Zadok Eran et. al. v. Shevah Shalosh Company Ltd. et. al.* (26.9.09)).

90. In another case, on August 17, 2006, the Haifa District Court ruled that the requirement of the University of Haifa that prospective students have served military service as part of its application for dormitories discriminated against Israeli citizens who do not serve in the IDF. The university explained, *inter alia*, that this requirement was not a morally based requirement, but an economic criterion, since those who serve in the IDF were unable to work during their service and accumulate the necessary resources to fund other housing solutions. The Court held that such a requirement discriminates between students in the Jewish population and students in the Arab population and noted that according to the law, every Israeli citizen is obligated to serve military service, however in practice Non-Jewish persons are not called for service and their options to volunteer are limited. The Court stated that the actual result of such a criterion in the allocation of dormitories is discrimination against Israeli Arabs. The Court therefore ordered the university to remove this as a criterion for the allocation of housing in dormitories. The university submitted an appeal which is still pending. (O.M. 217/05 *Hanin Naamne v. The Haifa University* (17.8.06)).

#### 5. *Measures to Encourage Integrationist Multiracial Organizations*

91. There are a number of multiracial organizations in Israel, principally operating with the goal of enhancing cross-cultural understanding and co-existence. As discussed further in the section dealing with Article 7 of the CERD below, the activities range from youth orchestras to educational centers such as Givat Haviva etc.

### **B. Social, Economic, and Cultural Measures to Ensure Development and Protection of Racial Groups**

92. In line with the judicial and legislative measures and policies outlined above, the Government of Israel has turned its attention to developing proactive policies aimed at encouraging the development of racial groups, enhancing diversity, and preserving ethnic traditions and cultures.

#### **Plans to Extend Equality to Various Social, Cultural and Economic Arenas**

93. As detailed in Israel's thirteenth Periodic Report, in October 2000, the Government consolidated a comprehensive multi-year plan addressing all aspects of development for the Arab population (hereinafter: "the 2000 multi-year plan"). The 2000 multi-year plan operated from 2001 until December 31, 2004, during which time the Government successfully implemented 87 per cent of the plan.

94. Although the recent economic situation has led the Government to make overall cutbacks, figures show that during 2001 and 2002, the plan's implementation rate was 90 per cent, in 2003 – 81 per cent, and in 2004 – 85 per cent.

95. Incomplete implementation of the plan in some cases is due to the aforementioned cutbacks, as well as bureaucratic barriers and budget deficits in some of the municipalities where cooperation was required for the successful implementation of the plan.

96. In accordance with the Committee's recommendation No. 24 of June 14, 2007, Which *inter alia*, recommends that the State party increase its efforts to ensure the equal enjoyment of social, economic and cultural rights. that the State party increase its efforts to ensure the equal enjoyment of economic, social and cultural rights by Arab Israeli citizens, in August 2006, the Government resolved to implement two additional multi-year plans (2006-2009) for the socio-economic development of Arab localities in the North, particularly concerning education, housing and employment. These plans were approved in the form of Resolution No. 412 on the development of the Druze and Circassian populations, in the amount of 447 Million NIS (U.S. \$120,810,811), and Resolution No. 413 for the development of the Bedouin population, in the amount of 318 Million NIS (U.S. \$85,945,946).

97. The process of consolidation of the multi-year plans by the Government lasted for several months, as the preparations of the plans involved the heads of the Druze, Circassian and Bedouin municipalities respectively, as well as representatives of the relevant Government Ministries. Additional input was sought from a wide range of sources.

98. The new development plans focus on three main issues: investment in human resources, with a special emphasis placed on the empowerment of women, economic development, and employment – including the development of tourism as a source of income.

99. The budget required for the implementation of the plans was allocated by the relevant Government Ministries, in addition to a special budget from the Prime Minister's Office designated for the minority population. The current implementation rate of both Resolutions is 88 per cent.

100. Note that these plans build on previous multi-year plans implemented and completed since the submission of Israel's thirteenth Periodic Report.

101. Furthermore, Government Resolutions No. 412 and No. 413 are supplemental to the development budgets that the Ministry of Interior allocates to local municipalities, the subsidies given to retired soldiers in purchasing land plots and housing construction, and segments of the budget set aside for the rehabilitation of Northern Israel, adopted following the Second Lebanon War.

102. Concerning the Bedouin population in the Negev in the South, reference should be made to the aforementioned National Strategic Plan for the Development of the Negev. The Plan was devised, in part, to assist the Bedouins living in the Negev. For example, one of the plan's goals is the creation of approximately 20,000 jobs for the Negev population within 10 years. In pursuit of this end, the plan seeks to encourage the founding of businesses and the creation of employment within the Bedouin population through the provision of financial assistance to entrepreneurs, vocational training and developing commercial areas and joint industry zones.

103. In addition, Government Resolution No. Arab/40 3956 of July 18, 2005, provided a total budget of 387.7 Million NIS (U.S. \$104,783,784) for the development of infrastructure and building public structures in Abu-Basma and Al Sid between 2005 and 2008. The budget includes 285 new school and kindergarten classrooms, targeted and specialized education programs (3 Million NIS (U.S. \$810,811)), the paving of new roads (50 Million NIS (U.S. \$13,513,514)), sewage, water and electrical infrastructures (44 Million NIS (U.S. \$11,891,892)), general planning (90 Million NIS (U.S. \$24,324,324)), industrial area planning and development, employment and business entrepreneurship (20 Million NIS (U.S. \$5,405,405)), building public institutions (16 Million NIS (U.S. \$4,324,324)), as well as investment in health, welfare, religion, agriculture and more.

104. Government Resolution No. 4088 of September 14, 2008 extended the duration of resolution No. 3956 until the end of 2009, in order to use the remaining budget allocated for the abovementioned plans.

105. In accordance with the Committee's recommendation No. 24 of June 14, 2007, on March 21, 2010, the Government approved Government Resolution No. 1539, titled "Five Year Plan for the Economic Development of Minority Localities" (including Arab, Bedouin, Druze and Circassian local authorities). According to this Resolution, the plan will focus on four main issues: the development of economy and employment, housing and real estate, transportation, and personal safety and enforcement in twelve chosen localities encompassing a population of 370,000 people. The budget for the execution of the plan is 778.5 Million NIS (USD \$210,405,405). The plan will be managed by the Authority for the Economic Development of the Arab, Druze and Circassian populations within the Prime Minister's Office, and will include, *inter alia*: the development of industrial zones, retraining of personnel and career change, funding for the building of new housing units and operation of public transportation.

#### **The Prime Minister's Office**

106. **Investment Fund for Businesses in the Arab Population.** In December 2006, the Director General of the Prime Minister's Office (PMO) announced the decision to establish a private equity fund, in cooperation with the private sector geared towards the Arab population. The fund will invest an overall sum of 160 Million NIS (U.S. \$43,243,243) over a period of seven to ten years in businesses located in Arab localities. Any factory, company or business will be able to apply for an amount of between two to four Million NIS (U.S. \$540,541-\$1,081,081) in financing, thus enabling 40-80 companies to receive financial assistance in exchange for stocks.

The fund's purposes are, *inter alia*, to encourage investment in the Arab population while reducing the risks for investors, to develop and improve businesses while providing administrative and business acumen, to assist in creating new businesses, to create a meeting place to bring together sources of capital and know-how in the private market and the Arab population, to fully exhaust the unrealized entrepreneurial potential in the Arab population, to fully utilize human resources, and to increase the Arab population's involvement in business.

#### **The Ministry of Defense**

107. Currently there are approximately 900 soldiers of the Arab population serving in the Israel's Defense Force (IDF), of which, 73 per cent are the Bedouins, 17 per cent are Muslim Arabs and 10 per cent are Christian-Arabs. In addition, 39 per cent of these soldiers are ranked as corporals, 18 per cent are ranked as sergeants, 7 per cent are ranked as first sergeants, 1 per cent are ranked as first lieutenants, and 15 per cent as Academic Professional Officers. Of these soldiers – 61 per cent have combat duties, 14 per cent have driving duties, 11 per cent serve in the courses alignment, 8 per cent serve in administrative positions, 5 per cent in technical alignment and 1 per cent serve as officers in regular service.

108. There is no obligatory draft requirement for members of the Arab population - drafting is voluntary and currently stands at only 6 per cent of the draft potential.

109. However, the *Defense Service Law* 5746-1986 does apply to members of the Druze and Circassian populations. The rate of recruitment among the Druze population is high and in 2008 stood at 83 per cent. 58 per cent of the Druze soldiers serve in combat positions. 4 per cent of the total number of officers and Non-Commissioned-Officers are of the Druze population (3 per cent officers and 5 per cent Non-Commissioned-Officers). The top ranks

of officers of the Druze populations are Major General (1), Brigadier General (2) and Colonel (5).

#### **The Ministry of Interior**

110. In accordance with the Committee's recommendation No. 24 of June 14, 2007, the National Outline Plan (NOP) no. 35 that was approved in 2005, gives clear preference to the Negev and Galilee areas, in which the majority of the Minority population resides, and enables new forms of expansion for all localities and establishes new density rules according to the size of the locality, its socio-economic situation and its demographic structure. The leading principle of NOP 35 concerns the communal-religious specification of each locality and reinforcing their integration within the State of Israel. In addition, other NOPs which deal with various national infrastructure systems such as roads, railways, gas lines, water pipes, sanitation etc., make such infrastructures more accessible to peripheral areas in general, and specifically to Arab localities.

111. Local planning schemes include references to infrastructure systems in the various localities and their surrounding areas. In addition to planning infrastructure systems within each locality, the plans explore the possibility of integrating each locality into the national infrastructure layout, and sometimes even expanding the national infrastructure layout to that end. Thus, for example, planning procedures in Arab localities in central Israel (Tira, Klansawa and Taibe) led to the establishment of additional railway stations on a national line, which serves Arab localities nearby. A similar examination is currently being conducted regarding other localities in Wadi-Ara in the north

#### **The Ministry of National Infrastructures**

##### **Administration for Sewage Infrastructures – Arab Population**

112. In accordance with the Committee's recommendation No. 24 of June 14, 2007, as part of the abovementioned 2000 multi-year plan, extensive sewage infrastructure projects were completed in 73 Arab localities (affecting a total of 700,000 residents).

113. In July 2005, the Government approved Resolution No. 3958, in which it was resolved, in continuation of Resolution No. 1328 of January 14, 2004, to update the assistance program for minority localities and allocate an additional 400 Million NIS (U.S. \$108,108,108) (of which 50 per cent is in the form of a Government loan) for treating sewage in the years 2005-2007.

114. On February 4, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in Arab, Druze and Circassian localities, as well as Bedouin localities in the North (Government Resolution No. 1140). The multi-year plan is to be implemented in the years 2007-2011, and a total budget of 400 Million NIS (U.S. \$108,108,108) (of which 50 per cent is in the form of a Government loan) was allocated to that end. According to the Government Resolution, as a prerequisite for the implementation of the plan, the localities are required to establish Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law 5761-2001* (the "*Water and Sewage Corporations Law*"). Progress has been made towards the establishment of Water and Sewage Corporations by the localities, however they have yet to be completed.

115. Both of the Government Resolutions mentioned above are in addition to an additional budget of 400 Million NIS (U.S. \$108,108,108) that was allocated in 2000, for treating sewage, thus making the total budget for treating sewage from the year 2000 and up to 2011 - 1.2 Billion NIS (U.S. \$324,324,324).

##### **Administration for Sewage Infrastructures – Bedouin Population**

116. Government Resolution No. 3956 (Arab/40) of July 18, 2005, established a total budget of 387.7 Million NIS (U.S. \$104,783,784) for the development of infrastructures and building public structures in Abu-Basma and Al Sid localities between 2005 and 2008. The budget included 44 Million NIS (U.S. \$11,891,892) (of which 50 per cent is in the form of a Government loan) for development of water and sewage systems. The implementation of this resolution was delayed due to the slow population of these localities and for difficulties the localities encountered in returning the loan.

117. On October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Government Resolution, as a prerequisite condition for the implementation of the plan, the localities were required to establish Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law*. However such corporations have yet to be established.

118. In March 2010, the Be'er Sheva District Court approved an agreement between Kssaife local authority and "Adam, Teva V'din - The Israel Union for Environmental Defense" regarding arrangements of the Kssaife sewage system. The finalization of the sewage system was delayed due to the objection of one of Kssaife's residents to the laying of the sewage pipe near his property. According to the agreement, the head of Kssaife locality and the local authority shall take all necessary steps to complete the building of the sewage line by June 2010. The agreement was reached after concluding that the area in question does not belong to the objecting resident.

#### Development of Road Infrastructure

119. In accordance with the aforementioned multi-year plan of October 2000, between the years 2001 and 2004, the Ministry of Transport and Road Safety allocated a budget of 180 Million NIS (U.S. \$48,648,649) for the development of intra-municipal road infrastructure and safety projects (45 Million NIS per year), and a budget of 325 Million NIS (U.S. \$87,837,838) for the development of inter-municipal road infrastructure (81.25 Million NIS - U.S. \$21,959,459 per year) in various Arab localities.

120. During the years 2005-2007, the Ministry of Transport and Road Safety continued to advance the development of intra-municipal infrastructure in Arab localities. Furthermore, the Ministry continues to develop inter-municipal infrastructure through the allocation of budgets to the local municipalities towards their development of infrastructure in their jurisdiction, or through management companies. During these years, 94,386,900 NIS (U.S. \$25,509,973) was allocated for development projects for the Druze and Circassian population, 69,652,880 NIS (U.S. \$18,825,102) for projects in the Bedouin towns in the North, 34,790,000 NIS (U.S. \$9,402,703) for the Bedouin towns in the Negev and 230,448,321 NIS (U.S. \$62,283,330) towards Arab localities.

121. During the first half of 2008, the Ministry of Transport and Road Safety allocated a budget of 52.2 Million NIS (U.S. \$14,108,108) towards the development of intra-municipal infrastructure, from which 7.8 Million NIS (U.S. \$2,108,108) was allocated to Bedouin localities in the Negev, 11.8 Million NIS (U.S. \$3,189,189) to Bedouin localities in the North, 6.1 Million NIS (U.S. \$1,648,649) to Druze and Circassian localities and 26.4 Million NIS (U.S. \$7,135,135) to Arab localities. Furthermore, during this period of time, the Ministry allocated an additional 29.3 Million NIS (U.S. \$7,918,919) for the development of infrastructure and safety projects in these localities.

122. According to the Ministry's estimates, as of December 2008, the Ministry has allocated a further 20 Million NIS (U.S. \$5,405,405) for additional funding of uncompleted projects.

123. The inter-municipal infrastructure development is performed by 'Ma'atz' - Israel National Road Company Inc., in accordance with a five-year plan which sets out the projects to be completed. The current plan is for the years 2005-2009. According to the five-year plan, 2.333 Billion NIS (U.S. \$630,540,541) was allocated for the development, maintenance and reconstruction of inter-municipal infrastructure in the Arab localities.

124. According to information provided by 'Ma'atz', by the beginning of 2008, a total of 315.26 Million NIS (U.S. \$85,205,405) was invested in the development of inter-municipal infrastructure in the minorities' localities. An additional amount of 1.0111 Billion NIS (U.S. \$273,270,270) will be allocated for the completion of remaining projects. Furthermore, during 2008-2009, another 1.0065 Billion NIS (U.S. \$272,027,027) will be allocated according to the five-year plan, for the development, maintenance and reconstruction of inter-municipal infrastructure in minorities' localities.

### **The Ministry of Industry, Trade and Labor (ITL)**

#### **Development of Industrial Zones**

125. The Ministry of ITL has recently announced that Grants to companies and firms made by the chief scientist in the Ministry of Science and Technology will be conditioned upon the firms' undertaking to protect their employees' rights. The budget of the chief scientist for purposes of research and development is approximately 1.4 Billion NIS (U.S. \$378,378,378) annually. In addition, the companies shall have to show that they have not been convicted or fined for violations of their employees' rights, for example for the dismissal of a pregnant employee, for paying wages under the minimum wage etc. The firms have to guarantee to protect employees' rights according to the relevant laws and agreements. Firms that were convicted within the last three years, or more than twice in the year prior to the submission of a request for a grant, will not qualify to receive the grant.

126. In accordance with the Committee's recommendation No. 24 of June 14, 2007, one of the Government's central goals is to increase the participation rate of the Arab population in the workforce, thus increasing the number of employed and wage-earners. The employment potential of the Arab population is further increased by a greater participation rate of Arab women in the workforce. Within this framework, the Ministry of ITL is utilizing a number of tools to increase the number of Arab women participants in the workforce including professional training programs, employment tracks, entrepreneurship etc. In addition, the Authority for Advancement of the Status of Women has taken several steps to increase the percentage of Arabs employed, especially among women. This includes cooperation with business development centers to develop entrepreneurship programs for women, professional training programs, and loans or small businesses related to home industry. In order to improve accessibility for Arab women, a municipal project has been formed in order to establish new industrial areas and expand existing ones etc.

### **The Ministry of Tourism**

127. In the last decade the Government has invested extensive efforts towards developing tourism as a source of employment and income among the Arab population, as part of the general effort to promote and advance economic prosperity in the Arab population, thus bridging the gaps with the Jewish population. Accordingly, in the 2000 multi-year plan and the two additional multi-year plans for the development of the Arab population in the North, emphasis was placed on this issue and the required budget was allocated.

128. Between the years 2000 and 2008, the Ministry of Tourism invested 21,173,000 NIS (U.S. \$5,722,432) towards the development of tourism infrastructure in Arab localities. The Ministry of Tourism further provides financial assistance and professional guidance to entrepreneurs in establishing rural-accommodation units (Zimmers), as well as in other tourism-related initiatives.



### **The Ministry of Agricultural and Rural Development**

129. In accordance with the Committee's recommendation No. 24 of June 14, 2007, the Ministry of Agriculture and Rural Development invests significant efforts and resources towards the development and advancement of agricultural activity in the minority populations, thus maintaining and creating new employment opportunities. In 2007 and 2008, the Ministry allocated a budget of 20 Million NIS (U.S. \$5,405,405) towards agricultural development in Arab localities, in two main spheres – general infrastructure and the individual farmstead.

130. With regard to general infrastructure, the Ministry provides financial assistance (grants for 60 per cent-100 per cent of the cost) for reconstruction of agricultural roads in all of the Arab localities throughout the country. In addition, the Ministry provides financial assistance for the removal of pens and cowsheds located in the center of Arab villages, and their relocation on State lands outside these villages, as well as on private lands.

131. The Ministry participates (grants for 60 per cent of the cost) in the reconstruction and replacement of main water pipes for agricultural use in the Arab villages throughout Israel. The Ministry also assists in the preparation of programs for agricultural tourism in the Arab villages, including in the Negev.

132. The development activity concerning the individual farmstead can be divided into three major branches - livestock, vegetables crops and plantation. With regard to the livestock branch, financial assistance (60 per cent of the cost) is provided for establishing milking facilities. Activities to promote the vegetable crops branch include financial assistance (30 per cent of the cost) in order to facilitate building greenhouses for growing vegetable for the local market, in the framework of the program for strengthening northern Israel. Financial assistance is further provided for the creation of vegetable growing habitats in the Jewish fallow year, for local marketing. The activity concerning the plantation branch includes assistance in the establishment of packinghouses and ice houses (in the framework of the program for strengthening northern Israel), and financial support for planting olive and almond trees - which varies according to geographic location (20 per cent in central Israel, 25 per cent-40 per cent in the north).

133. The aforementioned development activities are additional to the utilization of funding offered to the general public.

134. In addition, the Ministry decided to allocate two million cubic meters of water for Bedouin farmers who will receive the water under a specially designated procedure.

135. In order to minimize the damage inflicted on Arab farmers due to general cutbacks in water for agriculture use in Israel, it was decided to formulate a special water allocation policy for the Arab population. Accordingly, since 2006, the water quotas for Arab farmers are determined according to their actual use in the previous three years. Consequently, these farmers have not suffered from the cutbacks implemented in recent years due to the water shortage.

### **The Authority for Economic Development of the Arab Population, including Druze and Circassian.**

136. On February 15, 2007 the Government decided to establish, within the Prime Minister's Office, the Authority for Economic Development of the Arab Population, including the Druze and Circassian (hereinafter: the "Authority"). The aim of the Authority is to realize, to its maximum ability, the economic potential of the minority population, through the encouragement of productive economic activity within this population, and its integration into the national economy. Among its functions, the Authority operates as coordinator for the purposes of integration and supervision with regard to government activities concerning the economic advancement of the Arab population.

137. Mr. Aiman Dar Saif, a former executive in the Prime Minister's Office, was appointed as the Authority's director. Alongside the Authority, an Advisory Committee will operate, with half of its members being composed of Arab experts and the other half being composed of business men and women. The Authority operates within the organizational framework of the Prime Minister's Office and the Minister of Minority Affairs.

138. The Authority's main roles in the realm of economic advancement are as follows:

(a) Developing financial tools to encourage entrepreneurship and investment in the minority populations, through, *inter alia*, encouraging the creation of private investment funds for minorities in the business sector, including through direct investments.

(b) Advancing the integration of minorities' businesses into the overall economic activity.

(c) Advancing the integration of local authorities in regional industrial zones.

(d) Encouraging factories located in minorities' localities to become suppliers of services and goods for the Government.

(e) Encouraging and promoting investments in minority populations and localities.

(f) Facilitating accessibility to Government aid.

(g) Encouraging joint Arab-Jewish business activities.

(h) Encouraging entrepreneurship by local authorities, through, *inter alia*, the preparation of detailed plans in the fields of economic development, increased investment, etc.

139. The Authority's main roles in the field of Government activity for the economic advancement of the minority population will be as follows:

(a) The Authority, in conjunction with the National Economic Council and the relevant Government Ministries, is in charge of preparing a report, regarding the proposed State budget, prior to its submission to the Government, and presenting alternatives, if needed, on socio-economic issues relating to the minority population.

(b) The Authority also prepares professional opinions, in conjunction with the relevant ministries, regarding the possible effects of proposed socio-economic resolutions currently on the Government agenda and its committees, which affect the minority populations.

(c) The Authority is responsible of Coordinating an inter-ministerial team aimed at formulating and advancing economic development initiatives. The team will act as a professional sub-committee which will advise the Authority on issues relating to the promotion of economic initiatives.

(d) Submitting an annual report to the Government regarding the socio-economic gaps between the various fractions of the Israeli population, and the Government activities to minimize these gaps.

140. The Authority's Advisory Council comprises 23 members appointed by the Prime Minister. The Advisory Council includes one representative from among the senior employees of each of the following Government Ministries, selected on the basis of a recommendation by the relevant minister: the Prime Minister's Office, the Ministries of Finance, ITL, Tourism, and Agriculture and Rural Development. In addition, the Advisory Council boasts two public representatives with experience and background in the Authority's fields of activity, two representatives of national economic organizations, twelve prominent businesspeople and economic specialists, two from each of the following

fields: industry, tourism, commerce and services, banking, real estate, hi-tech industries, and two heads of local authorities primarily responsible for minority populations. The roles of the Advisory Council are as follows:

- (a) The Council advises the Director on the formulation of policies, goals, and targets with respect to issues which fall under the Authority's jurisdiction.
- (b) The Council advises the Government, the Prime Minister and the Director, at their request, on any other issue relating to the Authority's fields of activity.
- (c) The Council also discusses the Authority's annual report.

141. Below are some of the projects currently in the process of implementation:

- (a) Establishment of a private investment fund for the Arab population.
- (b) Promotion of relevant legislation.
- (c) Plan for the advancement of employment of Arab women.
- (d) Promotion of employment of persons with academic education, in cooperation with "Kav Mashveh" (an Israeli NGO that works for the promotion of equal employment opportunities for Arab university graduates in the Israeli labor market).
- (e) Conducting opinion polls among Jewish and Arab businessmen and women.
- (f) Establishment of a database and research on issues relating to the economic development of the Arab population.
- (g) Providing assistance in facilitating accessibility to Government services – promoting cooperation with the Investment Center and the Chief Scientist of the Ministry of ITL.
- (h) Establishment of a special internet site which will constitute a business meeting place for all who seek business opportunities (similar to the initiative of the Authority for Small Businesses).

#### **Pedagogic Programs to Foster Democracy and Tolerance**

142. The Ministry of Education has made a concerted effort to advance principles of democracy and co-existence in its curriculum, and through this framework, works to combat all forms of discrimination.

143. The Administration for Society and Youth in the Ministry of Education has in recent years formulated several educational programs regarding democracy, tolerance and co-existence, which are intended, *inter alia*, to combat all forms of discrimination. The following are descriptions of some of the programs:

- (a) **Democracy at critical times** – A social educational program intended for pupils in the 7<sup>th</sup> to 12<sup>th</sup> grades, which presents substantial issues regarding the culture of democracy and challenging dilemmas for Israeli democracy. The program was developed by the Administration for Society and Youth and the national training center for employees in the field of education.
- (b) **Reelecting democracy** – this program presents the advantages of democracy over other forms of governance and governing regimes. The participants are presented with the complexity of the democratic regime, which is subject to several conflicting considerations: the obligation to protect the common good and the desire to protect individual's rights, and protecting the State's security and freedom of speech.
- (c) **Living in a multicultural society** – the purpose of this program is to reinforce the awareness that disagreements on certain matters may cause divisions in Israeli

society which may endanger the existence of the State. The program encourages pupils to develop tolerance towards others and to deal peacefully with conflict situations.

(d) **Communication** – An education program which deals with the way in which one should conduct political debates in public and in accordance with the principles of a democratic regime. The program emphasizes the threats posed to the existence of the State of Israel through the use of illegitimate avenues of protest. The program presents areas of common ground in Israeli society as foundations for partnership and provides practical tools for learning the skills of communication.

144. The Administration for Society and Youth in the Ministry of Education also publishes a monthly brochure which addresses a different issue each month. The brochure also offers educational programs relevant to the monthly issue. Among the issues published in the brochure and the programs offered are:

(a) "Operation Moses," in which approximately 8,000 immigrants from Ethiopia were brought to Israel between November 1984 and January 1985. The brochure contained information regarding the immigrants' travel while in Ethiopia, their hardships after coming to Israel, challenges while trying to integrate into Israeli society and educational programs regarding the Ethiopian culture, and teaching tolerance and respect for other cultures (published in November 2009).

(b) In September 2009, in light of the Jewish New Year, the brochure addressed the issue of social and public self-examination. The brochure analyzed events of the past year which reflected the hardships experienced by the weaker segments of Israeli society, and ways of dealing with these difficulties and of assisting these individuals to overcome these hardships.

#### **Affirmative Action in Higher Education**

145. Since 1995, the Planning and Budgeting Committee (henceforth: the Committee) in the Council for Higher Education has conducted a special program for the promotion and absorption of excellent Arab lecturers, in which four to six three-year long scholarships are granted annually. These scholarships are intended for young excellent Arab scientists who study in universities and other financed institutions. The scholars are appointed as lecturers, senior lecturers or associate professors, and the scholarship is provided for a period of three years, in addition to a special grant which is provided for the purchase of the required equipment.

146. In 2003, a permanent steering committee was established under the stewardship of the Council for Higher Education, with a budget of 5 Million NIS (U.S. \$1,351,351) per year. This Committee uses its budget for promoting higher education in the Arab population by way of three central activities:

(a) Scholarships for achieving excellence among Arab doctorates – each year up to 10 such scholarships are granted for a period of three years, in the sum of 52,000 NIS (U.S. \$14,054).

(b) Information Center – the Center's purpose is to render higher education accessible for the Arab population, by bringing the candidates together and preparing them for academic studies and advising them with respect to choosing a field of study. In 2009-10, a national information center will be operated with a budget of 1 Million NIS (U.S. \$270,270).

(c) Programs for expanding the accessibility of higher education institutions – the Committee has allocated approximately 2.5 Million NIS (U.S. \$675,676) towards supporting Arab students and promoting plans submitted by higher education institutions for that purpose, such as student tutors, counseling, preparation days, academic preparatory

classes, study assistance etc. Currently, 20 institutions submit such programs annually to the Committee at a cost of approximately 20 Million NIS (U.S. \$5,405,405).

### **The Judicial Branch**

147. In the Judicial system there are currently 569 judges. Of the twelve justices currently serving in the Supreme Court one is a Christian Arab. Of the 128 judges currently serving in the District Courts, 5 are Muslim Judges, 2 are Christian and one judge is of Druze origin. Of the 381 judges currently serving in the Magistrate Courts, 14 are Christian judges, 10 are Muslim and 5 are Druze judges. One Christian judge and one Druze Judge serve in the Labor Courts. In addition, there are 3 Druze judges in the state-funded Druze Religious Courts (Qadi Madhab) and additional 3 judges are in the final stages of approval. In total 43 judges from minority groups' function in the judiciary system.

### **Development of Industrial Zones**

148. **Development of Industrial Zones.** In accordance with the Committee's recommendation No. 24 of June 14, 2007, in 2006, following Government Resolution No. 249, the *Encouragement of Capital Investments Order (Determination of Development Areas)* 5763-2002 (the "*Encouragement of Capital Investments Order*"), was amended in order to include all minority localities within the definition of "Development Area A", thus enabling plants in industrial areas located in these localities to receive various tax benefits and grants as stipulated in the Order and the *Encouragement of Capital Investments Law* 5719-1959 (the "*Encouragement of Capital Investments Law*"). Furthermore, on January 7, 2007, the Government resolved to expedite the marketing of lands for industrial purposes in "Development Area A," thus facilitating the expedition of land marketing in these localities, as well as subsidizing the land development expenses, as stipulated in the Resolution.

149. Between the years 2005 and 2008, development activities in industrial zones in Arab and Druze localities were subsidized by the Ministry of ITL, in to the amount of 28,665,967 NIS (U.S. \$7,747,559). As part of these activities, 1,008 square kilometers of state-owned land in these areas was marketed.

150. In 2005 and 2006, the Government approved two additional resolutions (Resolution No. 3957 dated July 22, 2005, and Resolution No. 632 dated November 5, 2006), establishing a plan for the development and expansion of new and existing industrial zones, as well as assistance to small businesses in Arab, Druze and Bedouin localities. The Government allocated a total of 119 Million NIS (U.S. \$32,162,162) during the years 2005-2006 towards this purpose.

151. The Administration for Industrial Zones within the Ministry of ITL is working on the development of 32 industrial zones for Minority populations throughout Israel. The total budget allocated for this purpose in the years 2006-2009 was 122.5 Million NIS (U.S. \$33,108,108) (not including a special budget of 5 Million NIS (U.S. \$1,351,351) allocated for the establishment of joint industrial administrations).

Table 1

### **Development Budget for Industrial Areas, 2006-2009 (millions of NIS)\***

<b>Year</b>	<b>Budget allocated to minority populations' industrial areas</b>	<b>Allocation to minority population ( per cent)</b>	<b>Budget allocated to all industrial areas</b>	<b>The ratio between the minorities part in the population and their part in the budget</b>

2006	38.9	19.9	102.0	1.92
2007	27.0	20.0	79.4	1.7
2008	24.6	20.3	98.2	1.24
2009	32.0	20.5	101.0	1.54
Total	122.5	20.2	380.6	1.6

Source: The Ministry of Industry, Trade and Labor, October 2009.

\* The figures do not include a special budget of 51 Million NIS (U.S. \$13.78 Million) allocated for the establishment and development of a science park in Beer-Sheva.

### **Encouraging Local Entrepreneurs**

152. The Ministry of ITL is aware of the inherent difficulties faced by entrepreneurs from the Bedouin population, such as limited financial capability, and is therefore taking action to bridge the gaps. The Ministry of ITL has established a designated Center for Nurturing Entrepreneurship among the Arab and Bedouin populations located in Rahat that is better equipped to serve these populations' needs. Furthermore, in order to support entrepreneurs among the Bedouin population in the Negev, the Ministry of ITL has established a unique loan fund for small enterprises.

153. **Employment centers for the Bedouin population.** In accordance with the Committee's recommendation No. 24 of June 14, 2007, in the framework of cooperation between the Government and the American Jewish Joint Distribution Committee, it was decided to create unique employment centers in the Bedouin localities. These centers will assist in enhancing the number of employed persons, aid in the creation of small businesses and enterprises, provide professional training and guidance for entrepreneurs and financial solutions and will lead to change in employment-related perceptions and norms in the Bedouin population, including encouraging the employment of women while providing them with unique training for that purpose. The First employment center was inaugurated in Hura in April 2010 and two additional Centers are to be established in 2010-2011.

154. Furthermore, as mentioned under Article 2 above, the *Encouragement of Capital Investments Order*, was amended in order to strengthen the Arab localities, including the Bedouins communities. There are currently seventeen planned industrial areas in the Southern district, three (17 per cent) of which are located in Bedouin towns – Rahat, Segev Shalom and Hura. Additionally, a new industrial area, currently in the advanced stages of planning, will also service the Bedouin population – Shoket, (for Hura, Lakia, Meitar and Bnei Shimon). Development of all these areas is uniform and subject to the same general criteria.

155. In accordance with the Committee's recommendation No. 24 of June 14, 2007, a new Industrial Park in the Negev which is a result of Jewish-Bedouin cooperation was inaugurated by the Minister for the Development of the Negev and the Galilee and the Minister of ITL in April 2010. The Park – "Idan Ha-Negev" (The Negev Era) spreads over 1,700 dunams and is managed and operated by the three local authorities which established it – Bnei-Shimon local authority, Rahat municipality and Lehavim local council. The Park was established with an investment of 20 Million NIS (U.S \$5,405,405) and recently the Ministry of ITL has allocated additional 25 Million NIS (U.S \$6,756,756) for the second stage of development. 130 entrepreneurs applied to join the Park, of which 18 entrepreneurs have already purchased lots in the new park and are expected to employ approximately 700 employees. Some of the entrepreneurs are Bedouin from the Negev who wish to establish factories which will employ young Bedouins from the area in order to lower the relatively high unemployment rates among the Bedouin population.

### **Vocational Training for Arab Women**

156. Over the past few years, there has been an increase in the rate of employment among Arab women, yet this rate remains relatively low. Academic education and vocational training are the key components for the integration of Arab women into the work force, yet various barriers inhibit their integration into these educational and training systems, such as the level of education and social/cultural barriers. The traditional stances and cultural stigmas among the Arab population define the acceptable limits with respect to women traveling alone to school and work, and Arab women are therefore often reluctant to attend courses that require travel to other towns. Not all vocational courses are available in the women's residential towns, because of a lack of a proper framework, candidates, and future job opportunities.

157. Due to the above, many Arab women attend "traditional" courses that are local, and are likely to enable them to meet the requirements of local job opportunities, whether full-time or part time. This is not the case with regard to education, computers, graphics or technical assistants/engineers. Additionally, the employment opportunities in these fields, in some of the residential towns, are very limited.

158. In this regard, during 2006, an educational program was implemented for the coordinators of the Project for the Advancement of the Bedouin population in the North, dealing with the issue of social/cultural barriers, motivation, recruitment of candidates and persistency through vocational training. Also, in order to rectify the current situation, joint efforts are being made by the Ministry of ITL, local authorities, social services, vocational training institutes and employers in order to provide vocational training, and to create more feasible job offers for Arab women.

159. In addition to the general training system provided by the Ministry of ITL, there are special programs for Arab women, aimed at bridging the gaps that exist and increasing women's participation in training courses.

160. **Day Care Centers – Arab and Bedouin localities.** Arab women are considered the primary caretakers for children; this is one of the factors that explain the low percentage of Arab women who participate in the work force. The Government, through the Authority for the Advancement of the Status of Women, has invested significant efforts in enhancing awareness among women of their own career options and self-fulfillment. In recent years, the growth in the rate of Arab women's participation in the workforce, including Bedouin women, has led to a need for the establishment of day-care centers and nurseries. The Government has taken steps to meet this need.

161. In 2007, the Government allocated funding for the establishment of 150 buildings designated for use as day care centers, 17 of which are located in Arab municipalities.

162. Special vocational training and unique programs for the Bedouin population were developed in order to increase employment rates and increase the number of students, both male and female, enrolled in higher education courses.

163. An economic model for Bedouin women in the weaving, needlework and food fields was formulated, where the women market their products in special fairs and abroad. The women are also prepared for the process that includes building a business organization model, creation of a unique product line and the proper means of marketing. The project is to last three years, during which the women will open independent businesses. Currently, the project runs in Kssaife and 20 women participate in it.

### **Bedouins in the Negev**

164. The Bedouin population resides in both the North and the South of the country. The Government has initiated a number of plans that address the concerns and needs of the

Bedouin population, as fully described in the section addressing Article 5 of the CERD below. The key goals of the plans are to allow for sustainable integration of the Bedouin population into the State, while maintaining their traditional practices and lifestyle. All of the plans involve active societal participation of the relevant tribes and communities and strive to properly compensate and integrate the Bedouin population into Israeli society.

## **II. Article 3**

165. Apartheid has always been regarded as abhorrent by the Israeli Government and society, and continues to be so regarded. Apartheid has never been practiced in Israel. There exist in Israel no restrictions of any kind as to place of residence nor is there any segregation of any kind.

## **III. Article 4**

### **A. Criminal Prosecution of Racism**

#### *1. The Law*

166. As previously reported, Section 144B of the *Penal Law* provides for a penalty of up to five years' imprisonment for a person who publishes material with the intent to incite to racism, even if ineffectual in result, and Section 144D provide for a penalty of up to a year imprisonment for a person who is in possession of such a publication with the intent to publish it. Racism is defined in Section 144A of the Law as "persecution, humiliation, vilification, the display of hostility, enmity or violence, or the causing of animosity towards a community or parts of the population, by reason of color, racial origin or national-ethnic origin."

167. In May 2002, the Knesset amended Sections 144D2 and 144D3 of the *Penal Law*, criminalizing the publication of a call for acts of violence or terrorism or even praise, support or encouragement for such an act, as well as support or identification with it, where the call is likely to lead to violence or terrorism. The punishment for this offence is up to 5 years imprisonment. According to Section 144D3, a person holding publications according to Section 144D2, will be sentenced to one year imprisonment.

168. A more recent amendment, dated November 2004, added a section titled "Hate Offences," which consists of Section 144F, which stipulates that offences motivated by racism or hostility towards the public, which are committed under "aggravated circumstances," will result in punishment by the courts of either double the penalty which exists for the specific offence committed or ten years' imprisonment, whichever is the lesser of the two. This applies if the offence was racially motivated and performed against a population or hostility towards a public on the basis of religion, religious group, ethnic origin, sexual orientation or on the basis of their being migrant workers.

169. Another source of law is Section 133 of the *Penal Law* that prohibits, among others things, the encouragement of hatred between different sections of the population. This offence carries a punishment of up to 5 years' imprisonment.

170. In accordance with Section 6(25) of the *Telecommunications Law (Bezeq and Broadcasts) 5742-1982* (the "*Telecommunications Law (Bezeq and Broadcasts)*") and Section 46 (a) (2) of the *Second Authority for Television and Radio Law 5750-1990* (the "*Second Authority for Television and Radio Law*"), TV concession holders shall not transmit any broadcast which contains racial incitement. Concession holders are further bound to take all measures necessary to ensure that no broadcast is liable to incite to



discrimination on grounds of religion, race, nationality, community, lifestyle or origin. Section 6(57) of the *Telecommunications Law (Bezeq and Broadcasts)* further stipulates that this obligation also applies to satellite broadcasts. In addition, according to the *Telecommunications Rules (Bezeq and Broadcasts) (TV Concession Holders) 5748-1987* (the "*Telecommunications Rules*"), Section 2(4) determines that TV concession holder shall not transmit any broadcast which contains racial and national incitement. Furthermore, Section 3(3) to the *Telecommunications Rules* determines that during broadcasts the concession holder shall take all required steps to ensure that no broadcast contents are liable to incite to discrimination on ground of race, origin, religion, nationality and gender.

## 2. Judicial Perspectives

171. On December 7, 2006, the Supreme Court rejected an appeal filed against a judgment given by the Jerusalem District Court, which convicted the two appellants of various charges of violence and assault committed against Israeli-Arabs, and sentenced each of the appellants to three years' imprisonment, six months' suspended imprisonment and ordered each of them to pay compensation to the victims in the sum of 7,500 NIS (U.S. \$2,027). When imposing the sentence, the District Court attributed particular gravity to the fact that the offences were racially motivated – the Court asserted that the racial element involved in the offences must be reflected in the punishment as well. The Supreme Court reaffirmed this approach and emphasized that in a society which espouses the values of equality and the protection of human rights, there is no room for such racially motivated crimes, and any such behavior is to be condemned and denounced. In light of the above, the appeal was dismissed (*Cr.A. 9040/05, Yitzhak Orion and Yehuda Ovadia v. The State of Israel*). Note that this decision co-insides with the with the Committee's recommendation No. 30 of June 14, 2007.

172. In another case, the Jerusalem District Court convicted eight defendants on the basis of their membership in a Neo-Nazi group, for incitement offences which included, *inter alia*, hate crimes. The defendants were convicted in the framework of a plea bargain and were sentenced to terms of imprisonment ranging from 7 years to 12 months, including 18 months' suspended imprisonment (please see further details below, in Table No. 2) (*C.C. 40270/07, The State of Israel v. Boanitov Arik et. al. (23.11.08)*). Note that this decision also co-insides with the with the Committee's recommendation No. 30 of June 14, 2007.

173. The following table includes a detailed list of cases relating to racism, incitement and other serious offences. Some of the cases are still pending in the Courts:

Table 2

### **Indictment and Verdict Relating to Offences of Incitement to Racism, Incitement to Violence and Offences Motivated by Hate, November 2004- August 2009.**

<b>Case details</b>	<b>Relevant offences included in the Indictment</b>	<b>Current Status</b>	<b>Date of Filing the Indictment</b>
C.C. 1015/01 (Jerusalem Magistrate Court) and Cr.A. 8861/04 (Jerusalem District Court) <i>The State of Israel v. Haim Perlman</i>	The defendant allegedly participated in an illegal demonstration and screamed "Death to Arabs."	The defendant was acquitted. An appeal was filed with the District Court on January 27, 2005, which found the defendant guilty and the file was returned to the Magistrate Court for sentencing. The Court imposed a sentence of 6 months' imprisonment and 6	January 3, 2001

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
		months' suspended imprisonment (March 3, 2005).	
C.C. 3908/01 (Tiberius Magistrate Court) The State of Israel v. Haim Perlman et. al.	Possessing racist publications.	The defendant was convicted.	November 6, 2001
C.C. 3709/02 (Jerusalem Magistrate Court) The State of Israel v. Yossef Cohen. Cr.A. 8727/04 (Jerusalem District Court) Yossef Cohen v. The State of Israel	Publication of material that constituted racist incitement. The defendant allegedly shouted "Death to Arabs" in the midst of a soccer game.	The defendant was convicted of incitement to racism and on June 16, 2004, he was sentenced to 60 days of suspended imprisonment and 2,500 NIS (U.S. \$676) conditioned fine, on the condition that he did not re-commit the offence. The defendant filed an appeal with the District Court, which decided to annul the Magistrates Court's verdict and return the case to the Magistrates Court in order to enable the hearing of evidence of another witness (May 15, 2005). After hearing the additional witness, the Magistrates Court again decided to convict the defendant (March 13, 2006).	June 11, 2002
C.C. 2225/03 (Jerusalem Magistrate Court) The State of Israel v. Itamar Ben-Gvir	Publicizing information inciting to racism, and supporting a terrorist organization.	The defendant was convicted on June 25, 2007 and was sentenced to extensive community service and 60 days' suspended imprisonment. Both the State and the defendant appealed the decision. On September 17, 2008, the District Court dismissed the State's appeal and partially accepted the defendant's appeal and	March 31, 2003

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
		reduced his sentence to 200 hours of community service. An additional appeal submitted by the defendant to the Supreme Court was dismissed on December 7, 2008.	
C.C. 4393/03 (Jerusalem Magistrate Court) The State of Israel v. Richi Ziv	The defendant allegedly participated in an illegal gathering wearing a shirt on which was written "no Arabs - no bombings".	The defendant was sentenced to community service, without a conviction being imposed.	July 21, 2003
C.C. 3769/03 (Jerusalem Magistrate Court) The State of Israel v. Shmuel Tachan	The defendant screamed "Death to Arabs."	The defendant was convicted on March 31, 2005 by the Magistrates Court for incitement to racism. The defendant was sentenced to 250 hours of community service and a fine of 1,000 NIS (U.S. \$270). On December 25, 2005 the Supreme Court dismissed the defendant's criminal appeal (Cr.A 9909/05), and on April 23, 2006, the Supreme Court rejected his criminal motion to appeal (C.M.A 1252/06).	August 5, 2003
C.C. 1695/04 (Jerusalem Magistrate Court) The State of Israel v. Israel Lederman	Assault for racist motives.	The defendant was convicted of assault for racist motives.	February 4, 2004
C.C. 2714/04 (Jerusalem Magistrate Court) The State of Israel v. Mimoni Priel and Falus Eyal	The defendants were indicted for allegedly shouting "Death to Arabs" in the midst of a soccer game.	The defendants were sentenced to community service, without a conviction being given, based on a plea bargain.	June 7, 2004
C.C. 2712/04 (Jerusalem Magistrate Court) The State of Israel v. Yehuda Nissim	The defendant was indicted for allegedly shouting "Death to Arabs" in the midst of a soccer game.	The defendant was sentenced to community service, without conviction, based on a plea bargain.	June 7, 2004
C.C. 2713/04 (Jerusalem	The defendant was indicted for	The defendant was convicted of inciting to racism.	June 7, 2004

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
Magistrate Court) The State of Israel v. Golan Eliyahu	allegedly shouting "Death to Arabs" in the midst of a soccer game.		
C.C. 2716/04 (Jerusalem Magistrate Court) The State of Israel v. Yakir Amar	The defendant was indicted for allegedly shouting "Death to Arabs" in the midst of a soccer game.	The defendant was acquitted by the court on December 1, 2005.	June 7, 2004
C.C. 550/04 (Jerusalem District Court) The State of Israel v. Eli Mizrachi	Incitement to racism. A fan of a soccer team threatened a Nigerian player and called him an "Arab."	The defendant was acquitted by the Jerusalem Magistrate Court. The State's appeal was accepted by the District Court which convicted the defendant and the case was returned to the Magistrate Court for sentencing.	October 31, 2004
C.C. 4299/04 (Jerusalem Magistrate Court) The State of Israel v. Efraim Ben Yehuda Hershkovich	The defendant wore a shirt with the symbol of the illegal "Kach" movement and the slogan "Kahana Lives," and carried a flag bearing the picture of Rabbi Meir Kahana and the slogan "We are all Kahana"	On December 21, 2005, The defendant was convicted of supporting a terrorist organization. He was sentenced on June 27, 2006, to 4 months' imprisonment to be served as community service. The defendant's appeal was rejected by the District Court (Cr.A. 30533/06).	November 11, 2004
C.C. 10326/04 (Tel-Aviv Magistrate Court) The State of Israel v. Nadav Baruh	The defendant was indicted for incitement to racism after he allegedly shouted "Death to Arabs" in the midst of a soccer game.	On March 21, 2006, the defendant was convicted of inciting to racism. He was sentenced to 6 months' suspended imprisonment and a fine of 750 NIS (U.S. \$203).	December 20, 2004
C.C. 1122/05 (Jerusalem Magistrate Court) The State of Israel v. Zeev Elchanan Bloomberg et. al.	Vandalism of property, incitement to racism and supporting a terrorist organization.	On April 24, 2006, the first defendant was convicted of vandalism of property, injury to religious sentiments and supporting a terrorist organization. In addition, both defendants were convicted of six counts of vandalism of property, supporting a terrorist organization, and incitement to racism. On November 8, 2006, the first defendant was	January 19, 2005

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
		sentenced to 6 months' imprisonment, 9 months' suspended imprisonment and a fine of 1,000 NIS (U.S. \$270), and the second defendant was sentenced to 4 months' imprisonment, 9 months' suspended imprisonment and a fine of 750 NIS (U.S. \$203). An appeal was filed and on July 10, 2007, the District Court annulled the sentence as a result of the fact that evidence was not transferred to the Public Defense Office. However, both defendants were convicted again by the Magistrate Court.	
C.C. 1136/05 The State of Israel v. Saleh Sheikh Ganem C.C. 1137/05 The State of Israel v. Ihram Fatfut (Nazareth Juvenile Magistrate Court)	The defendants published an announcement directed against the Christians in the Maghar (Mrar) village, and were charged with the offences of inciting to violence and issuing threats.	The defendants were convicted and ordered to pay an amount of 5,000 NIS (U.S. \$1,351) to the association of "Maghar village Friendship Fund," in addition to 3,000 NIS (U.S. \$811), which was paid as part of an undertaking not to commit similar offences for a period of two years.	March 3, 2005
C.C. 3154/05 (Kfar-Saba Magistrate Court) The State of Israel v. Hanoh Albert	Interference with policeman in the performance of his duty and incitement to racism.	The defendant was acquitted by the Court on September 4, 2006.	August 22, 2005
C.C. 4530/05 and C.C. 4066/07 (Jerusalem Magistrate Court) The State of Israel v. Neria Ofen	The defendant placed stickers on his car with racial content. He was indicted for incitement to racism.	On July 3, 2006, the indictment was annulled by the Court, since no hearing was conducted in the presence of the defendant. The indictment was re-filed and on February 18, 2009, the defendant was convicted. On February 2010, the Court sentenced the defendant to 3 months' suspended imprisonment and to 120 hours of community service.	October 17, 2005
C.C. 5120/05 (Jerusalem)	The defendants wore shirts with the	The third defendant was convicted on September 24,	November 6, 2005

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
Magistrate Court) The state of Israel v. Abadi Ya'akov et. al.	symbol of the illegal "Kach" movement and some distributed manifests with racial content. They were indicted for supporting a terrorist organization and incitement to racism.	2007, and was sentenced to 6 months' suspended imprisonment and 200 hours of community service. His appeal was accepted and he was acquitted by the District court (Cr.A 2364/08). The proceedings against the second defendant were suspended on September 10, 2006 at the request of the State.	
C.C. 560/06 (Kfar-Sava Juvenile Magistrate Court) The State of Israel v. Binyamin Rihter	The defendant, who was a minor, wore a shirt with the symbol of the illegal "Kach" movement and attempted to injure a Palestinian woman. He was indicted, inter alia, for supporting a terrorist organization.	The case ended without a conviction. However, the defendant was fined in the sum of 1,500 NIS (U.S. \$405) and an obligation was imposed not to be involved in misconduct in a public place.	November 29, 2005
C.C. 1232/06 (Haifa Magistrate Court) The State of Israel v. Ya'akov Pauchi et. al.	The defendants distributed pamphlets which praised Eden Nathan-Zadah who killed 4 Arabs in Shfara'm in 2005. They were accused of seditious publications.	All three defendants were acquitted by the Court because of the existence of reasonable doubt (October 6, 2008).	January 1, 2006
C.C. 1395/06 (Jerusalem Magistrate Court) The State of Israel v. Itamar Ben Gvir	The defendant held in his offices propaganda materials published by the "Kach" and K"H illegal movements. The defendant was indicted for supporting a terrorist organization, incitement to racism and incitement to violence.	The case is still pending.	January 24, 2006
C.C. 1470/06 (Jerusalem	The Defendant sent and published an	After the Magistrate Court acquitted the defendant	February 9, 2006

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
Magistrate Court) and Cr.A. 30636/06 (Jerusalem District Court) The State of Israel v. Nadia Matar	insulting letter to the head of the Administration for Assisting the residents of Gaze and north Samaria, and was indicted for insulting a public servant.	(September 10, 2006), on July 19, 2007, the District Court accepted the State's appeal and the case was returned to the Magistrate Court. The proceedings against the defendant were discontinued in accordance with the Discontinuation of Proceedings and Deletion of Records in regard to the Disengagement Plan Law 5770-2010.	
C.C. 1831/06 (Jerusalem Magistrate Court) The State of Israel v. Noam Federman	Incitement to racism, incitement to violence, attempt to publish seditious publications, publication of incitement to violence or terrorism, attempt to publish incitement to racism.	The defendant was convicted of the publication of racial incitement, attempting to publish racial incitement and publication of incitement to violence or terrorism, (April 23, 2009). The defendant was acquitted of the other charges against him. The defendant was sentenced to 4 months' imprisonment to be served as community service, and 6 months' suspended imprisonment.	March 12, 2006
C.C. 2123/06 (Jerusalem Magistrate Court) The State of Israel v. Yirat Ashush et. al.	The defendants wrote insulting graffiti slogans on the walls of a store in Hebron. The defendants were indicted for incitement to racism, defacing real-estate and interference with a policeman in the performance of his duties.	The defendants were sentenced to community service.	April 5, 2006
C.C. 2365/06 (Jerusalem Magistrate Court) The State of Israel v. Muhammad Halaf	The defendant held audio cassettes praising the acts of suicide bombers in his store. He was indicted for incitement to violence.	The defendant was convicted on July 30, 2007.	April 26, 2006
C.C. 3525/06	Incitement to	On March 12, 2009, the	July 23, 2006

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
(Jerusalem Magistrate Court) The State of Israel v. Shmuel Ben Yishai	violence, interference with a policeman in the performance of his duties and assaulting a policeman.	defendant was convicted and on June 9, 2009, he was sentenced to 6 months' suspended imprisonment and a 5,000 NIS (U.S. \$1,351) fine.	
C.C. 6153/07 (Haifa District Court) The State of Israel v. Tomer Ben Simon	Arson, insult to religion malicious damage to property, malicious damage to a vehicle, assault that causes actual bodily harm.	On November 26, 2008, the defendant was convicted and sentenced to 42 months' imprisonment and 12 months' suspended imprisonment. His appeal was dismissed by the Supreme Court on July 12, 2009 (Cr.A. 206/09).	October 29, 2007
C.C. 5535/07 (Jerusalem Magistrate Court) The State of Israel v. Naser al-Hadmi	The defendant harangued on the Temple Mount while inciting against the State of Israel. He was indicted for incitement to racism.	The defendant was convicted in the framework of a plea bargain and was sentenced to 200 hours of community service and 45 days' suspended imprisonment.	December 3, 2007
C.C. 5182/08 (Tel-Aviv Magistrate Court) The State of Israel v. Gershon Trastman et. al.	The defendants were indicted for publication of an article allegedly containing racist content in a newspaper edited by the second defendant.	Both defendants were acquitted by the Court on September 22, 2009.	April 7, 2008
C.C. 183/09 (Jerusalem Juvenile District Court) The State of Israel v. Ya'acov Ben Haim et. al.	Assault which causes actual injury under aggravated circumstances, and injury caused under aggravated circumstances as a result of racist motivations or hostility towards the public due to ethnic origin.	The defendants were sentenced as follows: the first defendant – 12 months' imprisonment; the second defendant (minor) – 12 months' imprisonment; the third defendant (minor) – community service; the fourth defendant (minor) – 6 months to be served as community service; the fifth defendant – 50 hours of community service without conviction; the sixth defendant (minor) – 100 hours of community service without conviction; the seventh defendant (minor) – 150 hours of community	May 11, 2008



Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
		service; the eighth defendant (minor) – 400 hours of community service, suspended imprisonment and compensation; the ninth defendant (minor) – substantial community service, suspended imprisonment and compensation; the tenth defendant – 150 hours of community service; the eleventh defendant – 6 months of community service and the twelfth defendant – 100 hours of community service without conviction. The first defendant appealed his sentence to the Supreme Court but the appeal was rejected by the Court (C.A. 5258/09, Ya'acov Ben Haim v. The State of Israel, October 1, 2009)	
C.C. 40270/07 (Jerusalem District Court) The State of Israel v. Boanitov Arik et. al.	The defendants were members of a Neo-Nazi group and were charged for incitement crimes including hate crimes.	The defendants were convicted in the framework of a plea bargain, and the sentence was handed down on November 23, 2008. The first defendant was sentenced to 7 years' imprisonment. The second defendant was sentenced to 3 years' imprisonment. The third defendant was sentenced to 26 months' imprisonment. The fourth defendant was sentenced to 5 years' imprisonment. The fifth defendant was sentenced to 4 years' imprisonment. The sixth defendant was sentenced to 3 years' imprisonment. The seventh defendant was sentenced to 12 months' imprisonment. The eighth defendant was sentenced to 3 years' imprisonment. They were all also sentenced to 18 months'	November 23, 2008

Case details	Relevant offences included in the Indictment	Current Status	Date of Filing the Indictment
		suspended imprisonment.	
C.C. 9121/08 (Jerusalem Magistrate Court) The State of Israel v. Shalom Sa'adin	Assault that causes actual bodily harm under aggravated circumstances, as a result of a racist motive.	The case is still pending.	January 7, 2009

Source: Deputy State Attorney's Office (Special Functions), September 2009

#### **Incitement to Racism on the Internet**

174. A special department in the State Attorney's Office (the Department for Special Functions) deals with the prosecution of incitement in general and also deals with cases of incitement on the internet. The department files indictments on the basis of investigations conducted by the police.

175. In some cases, it was decided not to initiate an investigation, but to warn those responsible or draw their attention to the limits imposed upon certain publications.

## **IV. Article 5**

### **A. The Right to Equal Treatment Before National Tribunals**

176. The right to equal treatment for all persons regardless of their race or ethnic origin is a basic and fundamental principle in Israel. All governmental bodies and judicial apparatus recognize this right, and maintain and uphold equal treatment for all individuals.

177. With respect to General Recommendation XXXI (II. A. 7, 8 - Steps to be taken to prevent racial discrimination with regard to victims of racism, Access to the law and to justice and III. C. 2 - Steps to be taken to prevent racial discrimination against accused persons who are subject to judicial proceedings, the trial and the court judgment, the right to the assistance of counsel and the right to an interpreter) on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005), we wish to indicate the following:

#### **The Legal Aid Department in the Ministry of Justice.**

178. The Legal Aid Department is responsible for providing legal assistance to persons who are unable to afford it, in accordance with the *Legal Aid Law 5732-1972* (the "*Legal Aid Law*") and the *Legal Aid Regulations 5733-1973* (the "*Legal Aid Regulations*"). The Law and its Regulations determine the extent of the assistance which can be provided by the Department, as well as the conditions under which an individual is entitled to receive such assistance. Legal aid is provided in various fields, including representation of victims of trafficking in persons, representation of minors, providing legal aid in matters of finance, national insurance, labor law, family law, and persons who were forcibly hospitalized.

179. In order to be provided with legal aid, the Law and its Regulations establish three conditions: one with respect to the legal field concerned, the second regarding the economic status of the applicant, and the third relating to the likelihood of success. These conditions apply equally with respect to every applicant.

180. The right of equal access to courts for all population groups in Israel is a first and foremost goal, and the Department has invested extensively in order to provide legal aid for

those who are unable to afford legal representation or for those who have limited access to such legal aid, and for persons who are members of minority populations and who are unaware of their entitlement to legal aid. Out of the total applications for legal aid, approximately 10 per cent are drawn from the Arab population, including Druze, Bedouins and Circassians.

181. The Department's bureaus are located in all five districts of jurisdiction (Tel-Aviv, Haifa, Jerusalem, Nazareth and Be'er-Sheva) and are prepared to receive and deal with requests for legal aid from all population groups in Israel. Many of the Department's employees, including attorneys and administrative workers, are of the Arab population; this is particularly so among the bureau in Nazareth, which serves a major segment of that population. The Department also provides legal representation in the Muslim and Christian Religious Court Systems which enjoy jurisdiction over personal status issues, and external attorneys are hired when required.

182. The percentage of minorities who serve in different positions in the Department is 15 per cent (30 employees of the Arab, Druze, Bedouin and Circassian populations), which is higher than the Government's general target for 2010 (10 per cent) as established by Government Resolutions No. 4729, 2579, 4436 and 4437. Some of these employees serve in positions which were not originally designated for affirmative action.

183. The Department also invests significant efforts in increasing the awareness of the entitlement to legal aid among minorities. Thus, the Department has recently conducted meetings in this regard with welfare representatives of Bedouin localities in the south, managers of welfare bureaus of Arab localities in the north, and welfare representatives of Druze localities in the Golan Heights. The Department is continuing to arrange such meeting throughout the country.

184. In order to make legal aid more accessible for the minority populations, the Department's attorneys are conducting interviews for applicants in different welfare bureaus across the country; interviews are also conducted in prisons for prisoners who have requested legal aid. For example, the Department recently provided legal aid in a petition submitted to the High Court of Justice by an Arab-Israeli prisoner who claimed to have been discriminated against by the Israel's Prisoner Rehabilitation Authority, since he was unable to participate in a rehabilitation program (*H.C.J. 4874/09 Masarwa Hiri v. The Minister of Social Affairs and Social Services*).

185. The Department also provides legal aid for minors who came to Israel illegally; and encourages the release of such minors from detention and their placement in alternative custody, such as foster families and boarding schools.

186. Victims of trafficking in persons are entitled to legal aid from the Department, regardless of their financial standing. This entitlement applies to proceedings conducted under the *Entry into Israel Law 5712-1952* (the "*Entry into Israel Law*") or other civil proceedings stemming from offences of trafficking in persons. Legal aid is provided to victims who stay in the shelters designated for victims of trafficking, as well as to victims who are held in detention; all of whom are informed of their right to legal aid. Since 2004, the Department has provided legal aid to 170 victims of trafficking in persons for prostitution and 25 victims of trafficking in persons for slavery and forced labor. According to the 2007 report of the "Ma'agan" Shelter for Women Victims of Trafficking, established by Government Resolution No. 2806 dated December 1, 2002, 94 per cent of the women who were referred to the shelter received legal aid, which significantly advanced their rehabilitation. The Department's activity with respect to victims of trafficking was also commended by the annual Trafficking in Persons' Report of the U.S. Department of State.

The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice

187. Since the submission of Israel's thirteenth Periodic Report, the Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice has conducted many seminars, courses, and vocational training attended by hundreds of practitioners, to raise the awareness of attorneys and legal advisors of human rights issues and in particular to eliminate racial discrimination. The training focused on the following issues: the impact of international law on criminal law (February 2005), international confrontation with terrorism (March 2006), the individual in international law (February 2007), terrorism and human rights (May 2007), the battle against trafficking in persons (November 2008, October 2009, March 2010), enforcement of international law (February 2009), infiltrators, asylum seekers and refugees in Israel (June 2009), human rights in international law (September 2009) in addition to seminars on freedom of speech versus incitement, social rights etc.

188. In addition, at the beginning of 2007, a special seminar was held for all the lawyers working in the Legal Aid Department of the Ministry of Justice concerning innovations in the *Anti Trafficking Law 5767– 2006* (the "*Anti Trafficking Law*"). In November 2007, another training course took place for all the Department's lawyers concerning the salient aspects of the new *Anti Trafficking Law* and the recommendations of the inter-ministerial team for developing an action plan for the identification of victims of trafficking and slavery.

#### The Institute of Advanced Judicial Studies

189. The Institute holds lectures, seminars and courses on the various forms of discrimination for judges of all instances. In 2005 for example, the Institute held a course titled, "Equality and Discrimination," chaired by Professor Daphna Barak-Erez. The course is scheduled to be held again in December 2010. In May 2009, the institute held a four-day seminar titled: "Israeli Arabs - Culture and Customs." In addition, various forms of discrimination and the need to eliminate it are also discussed in lectures presented by the Institute regarding other issues such as trafficking in persons etc.

#### Training for Law Enforcement Officers

##### Israeli Police

190. **Police Combat against Hate Propaganda.** The Israeli Police attaches great importance to educating those serving in its ranks regarding the need to defend the rights of the ordinary citizen in a democratic society. The Police regularly conduct educational activities for police officers in order to raise their awareness of the social complexity in Israel and its impact on police work. The activities advance knowledge and understanding of the characteristics of minority populations in Israel, including Arabs, immigrants, the homosexual community and persons with disabilities, and provide tools for the provision of professional, sensitive police work among these populations. The concept of "equal and suitable service in a multi-cultural society" was formulated as the annual education target for 2007.

191. For example, police activities include special training days and educational seminars in each police station, an academic course on the Arabic language and the Arab culture, which is held in collaboration with Haifa University, a special seminar on the homosexual community delivered together with gay representatives, and distribution of information cards concerning police services offered to persons with disabilities. In addition, the Police conduct educational activities on the legacy of the holocaust and the importance of combating racism and securing democratic values. As a result of these activities, the commitment of police officers to protect minority groups from discrimination and hate propaganda and crime has increased significantly.

192. In 2008, the police' southern district commander decided to open a special preparatory course for the Bedouin population in the Negev. The decision was taken after realizing that 95 per cent of the Bedouin applicants which applied for recruitment for the southern district failed the entry exams. The preparatory course prepares young Bedouins, men and women, for the psychometric test and allows them to overcome cultural and linguistic obstacles. The first class in which 15 Bedouins participated, graduated in May 2009, after three weeks of intensive studies, and 50 per cent of the participants passed the entry exams for the Police training course and began the drafting process. The Bedouin policemen and police officers serve as a bridge between the Police and the Bedouin population and assist the population in times of need.

193. In May 2010, the Minister of Public Security presented a program that is intended to increase law enforcement in the Arab population. According to the program 400 policemen from the Arab population will be recruited during 2010 and will primarily operate in Arab communities. The program includes opening special preparatory and placement classes in order to assist candidates to prepare for the Police entry exams. The first class candidates are scheduled to take their police entry exams in a few weeks time.

194. In addition, the Ministry of Public Security is preparing two additional programs. The first program is intended to strengthen law enforcement and to fight violence and crime among the Arab population, and the second program is intended to strengthen the Police presence among the Ultra-Orthodox population. The implementation of both of these programs will include the strengthening of police services in the Arab and in the Ultra-Orthodox populations and activities to strengthen civilian prevention bodies operating in these populations, such as the Israel Anti-Drug and Alcohol Authority and the national program of City Without Violence.

195. **Trafficking in Persons Training.** In 2008, the issue of trafficking in persons remained an integral part of most of the training courses taking place in the Investigations and Intelligence Training School, and was covered in lectures by members of the relevant NGOs, State Attorney's representatives and the National Coordinator on the Battle against Trafficking in Persons. In addition, two week-long training courses on trafficking in persons are held annually. Trafficking training also takes place in combating organized crime training, courses for heads of Investigations and Intelligence offices, coordinators' courses and similar courses. In addition, as a part of the regular training of the School of Continuing Education for the Police, lectures and training regarding the *Anti Trafficking Law* and handling of trafficking offences were given to all of the Police personnel.

#### **Measures for the Investigation of Complaints**

196. The Israeli authorities vigorously investigate any complaint against law enforcement officers. The Department for Investigation of Police Officers (DIPO) was established in 1992 as an independent department within the Ministry of Justice. The Department is a civilian body which operates within the Ministry of Justice, and it is charged with investigating any complaints of involvement of police personnel in the commission of offences.

197. In 2004, Section 49I1 of the *Police Ordinance* was amended (Amendment No. 18) in order to expand the Department for Investigation of Police Officers' scope of authority over ISA interrogators. Their expanded authority of review now applies to every criminal offence committed in the course of fulfilling the ISA interrogators' duties, or in relation to their duties. The scope of review was previously limited to criminal offences committed in the course of an interrogation, or with regard to a detainee held in custody awaiting interrogation, and was recently expanded, such that every suspicion of a criminal offence committed by ISA personnel, while on duty, is investigated by the Department.

198. In 2006, in response to a State Comptroller report, the DIPO announced a six-year plan for the purpose of hiring qualified civilian investigators to replace the policemen and police officers temporarily employed in the Department. The recruitment procedure began in 2008, and after meticulous examinations and classifications, an investigators' course was opened. During the course new civilian investigators were trained, who have as of the date of this Report been working in the DIPO for over a year in place of police investigators. In 2009, a course for civil investigators was not opened, however, one civil investigator joined to the DIPO in 2009. The gradual process of replacing the former police investigators with qualitative civilian investigators is continuing, and to date, the DIPO has 25 police investigators and 19 civilian investigators.

199. As stated in Israel's thirteenth Periodic Report, any person, whether a national of Israel or otherwise, may file a complaint with the Department, directly or via mail, fax or e-mail. Complaints filed with the Police are immediately transferred to the DIPO.

Table 3

**Distribution of the Complaints Investigated by the Department for Investigation of Police Officers in 2008 (in comparison to 2004-2007)**

No.	Reason for Terminating Investigation of Case	2004	2005	2006	2007	2008
1	Criminal proceedings	144 (11 per cent)	137 (8 per cent)	148 (9 per cent)	195 (10 per cent)	172 (10 per cent)
2	Administrative proceedings	215 (16 per cent)	154 (9 per cent)	233* (13 per cent)	362* (18 per cent)	162 (10 per cent)
3	Lack of guilt	293 (22 per cent)	481 (29 per cent)	425 (25 per cent)	443 (22 per cent)	526 (31 per cent)
4	Lack of sufficient evidence	512 (38 per cent)	660 (39 per cent)	712 (41 per cent)	758 (38 per cent)	635 (38 per cent)
5	Lack of Public Interest	124 (9 per cent)	170 (10 per cent)	160 (9 per cent)	129 (7 per cent)	114 (7 per cent)
6	Offender unknown	68 (5 per cent)	76 (5 per cent)	51 (3 per cent)	103 (5 per cent)	71 (4 per cent)
<b>Total</b>		<b>1,356</b>	<b>1,678</b>	<b>1,729</b>	<b>1,990</b>	<b>1,680</b>
Cases ended for reasons 1,2,3 and 5		57.2 per cent	56.1 per cent	55.9 per cent	56.7 per cent	58 per cent

*\* Figures received from the Police' Disciplinary Department.*

Source: Department for Investigation of Police Officers, October 2009

200. In 2008, the DIPO transferred 150 cases that were closed for lack of guilt, lack of sufficient evidence and lack of public interest to the Police' Disciplinary Department for additional review and study, and to ensure that lessons are drawn from the case for the future.

201. In 2009, of the 93 cases in which the criminal proceedings had ended, 68 cases ended in conviction or a decision that an offence was committed. The punishment varies according to the case circumstances and in some cases includes imprisonment.

202. In order to fulfill their duties, police personnel have the authority to use reasonable force where necessary. The difficulty in investigating complaints regarding the improper use of force lies in the examination of the circumstances which justified the use of force, and the justification for the amount of force used.

203. In addition, since the use of force can be considered a tool available to police personnel when exercising their duties, in certain cases the complaints are handled by disciplinary procedures. Disciplinary procedures are used in cases where the Police personnel had the authority to use force, but the force used slightly deviated from the degree of reasonable force needed. The advantage of the disciplinary procedure is the fact that the event is examined from an organizational, and educational point of view.

204. Hereinafter are several examples of investigations conducted by the DIPO:

(a) On March 9, 2004, three border policemen robbed illegal aliens in the city of Lod, while beating and abusing them. As a result, the three were indicted and were convicted by the Tel Aviv District Court for the use of threats to acquire an asset, aggravated assault, theft and abuse of power. The three were sentenced to actual periods of imprisonment.

(b) On April 26, 2004, two border policemen arrested two illegal aliens, one of them a minor, and took them to an isolated grove, where they beat them with a club and abused them. The two were indicted for abuse of a minor or a person under care, and for inflicting grievous harm under aggravated circumstances. The Jerusalem District Court convicted the defendants and sentenced them to actual periods of imprisonment.

(c) On September 11, 2004, five border policemen abused two illegal aliens while threatening them with firearms. The five were indicted for abuse of a minor or a person under care and assault that causes actual bodily harm. The five defendants were convicted and were sentenced by the Jerusalem District Court to actual periods of imprisonment.

(d) During an operation conducted by the Hadera Police station detectives, the policemen noticed a person breaking into a vehicle. In the pursuit, one of the policemen shot at the suspect, who was hit in the head. The investigation determined that the gunfire was not justified since the policeman was not under any immediate threat to his life. The case was transferred to the prosecution and evidence is currently being gathered.

### **The Ombudsman**

205. In Israel, the State Comptroller also serves as Ombudsman (Public Complaints Commissioner). He/she performs this function by way of a special unit within the State Comptroller's office - the Public Complaints Commission. The Ombudsman investigates complaints against statutory bodies that are subject to audit by the State Comptroller, including Government Ministries, local authorities, state enterprises and institutions, government corporations, as well as their employees.

206. Complaints relating to the activities of public bodies which the law does not authorize the Ombudsman to investigate, such as banks, insurance companies and other non-governmental entities that serve the public, are often forwarded to the bodies

statutorily charged with their supervision, examples being the Supervisor of Banks, Supervisor of Insurance etc. Thus, the Ombudsman is an effective address for dealing with problems of discrimination within a broad array of governmental and public institutions.

207. Any person may submit a complaint to the Ombudsman, be he/she a citizen, a resident, a tourist or any other person who feels that an act of a public body, which is subject to audit, directly wronged him/her or withheld from him/her a right or a benefit. The submission of the complaint is free of charge. The complainant is only required to sign the complaint and state his/her name and address. It is possible to submit a complaint about an act that resulted in a wrong being caused to another person provided that that person agrees that another person will submit the complaint in his/her name. Members of the Knesset may also complain about an act that results in a wrong being committed against another person. The Ombudsman does not investigate anonymous complaints; however he/she forwards such complaints, as well as complaints of a general nature, to the State Comptroller's office.

208. The combination of the two functions of State Comptroller and Ombudsman enables the Office of the State Comptroller and Ombudsman to oversee the activities of the governmental administration from both a general public perspective and from the more particular perspective of specific citizens who come in contact with the administration. The Ombudsman provides assistance to every person who has been wronged by an unjust or unlawful act on the part of the authorities, whereas the State Comptroller deals directly with improving the administration and revealing defects in the activities of the executive authority. Moreover, the melding of the functions in one body allows for the combination of information and activities in a way that optimizes the oversight of governmental bodies.

#### **The Public Complaints Commission**

209. The Public Complaints Commission invests substantial efforts in order to raise the awareness of this institution among population groups which are exposed to discrimination, and to communicate with the periphery population, including minorities and immigrants. Thus, reception offices were opened in Nazareth (north) in recent years, in close vicinity to where minority localities are located, in Be'er Sheva (south) in close vicinity to many Bedouin localities and an additional office will be opened in 2010 in the central area - Ramla or Lod - where there is a high percentage of Arab residents.

210. The employees in the Commission's reception offices are fluent in Arabic, Russian or Amharic, and they carry out explanatory activities within the welfare offices of local authorities in the periphery and among different social organizations, in order to encourage people to approach the Commission for assistance.

211. The Commission receives many complaints every year (11,000 in 2008), but only few are directly related to racial discrimination. The few complaints which relate to issues of discrimination, are primarily concerned with discrimination in admission to places of work and discrimination in receiving health, education, welfare and municipal services. For example, the Commission received complaints concerning discrimination against the Druze community in the conduct of land evaluations performed for the purpose of the payment of taxes; a failure by the Ministry of Health to inquire into the circumstances in which an Arab patient died; humiliating security checks of Arabs in airports; and discrimination by an Arab female officer in a local planning and building committee against Bedouin citizens who served in the IDF. These complaints were all examined by the Commission with the relevant authorities, and eventually, after no corroborating data was found, they were dismissed.



## B. Security of the Person

212. The *Crime Victims' Rights Law* 5761-2001 (the "*Crime Victims' Rights Law*") which entered into force in 2005, requires the provision of relevant information to a victim of crime at every stage of the criminal procedure. Accordingly, the Police established a new computerized system designated for this purpose. The system gathers the necessary information from other systems including police systems, the Israeli Prisons Service (IPS) and the State Attorney's Office. Victims of crimes may receive the information by calling a designated phone number or by text or voice messages initiated by the computerized system. The information is also accessible through the internet. The system became operational in May 2005. The information is given to all crime victims without any distinction.

213. In 2007, a manned phone service center was established in order to assist persons who find it difficult to receive information via voice messages or through the internet. The following table describes the number of applications for information received by the system:

Table 4

**Requests for Information according to the Crime Victims' Rights Law, 2005-2007**

Year	Requests for information through the internet	Requests for information through the designated phone number
2005	1,014	7,110
2006	3,773	9,575
2007	4,544	37,217

Source: *The Ministry of Public Security, August 2008*

### Legal Assistance with Foreign Countries

214. The Legal Assistance Unit in the Israeli Police receives requests from foreign countries for legal assistance in the framework of investigations conducted in these countries with respect to incitement, racism and genocide offences, and crimes committed on ethnic, religious or national grounds. Such requests may relate to recently committed offences, as well as offences committed during the Second World War. Between the years 2005 and 2009, the Legal Assistance Unit received at least 27 requests of this kind, and efforts are made to give high priority to such requests.

**The Status of the Ministry of Justice investigation into the activities of police officers during the October 2000 demonstrations in which police killed 12 Israeli Arabs and one Palestinian** (Note that this section relates to the committee's recommendation No. 30 of June 14, 2007)

215. On September 18, 2005 the decision of the Head of the Department for Investigation of Police Officers concerning the October 2000 incidents was released. Despite investigation, there was a lack of evidence and unknown offenders (and in regard to one injury, the finding of "no offence").

216. Following several requests for re-examination of the decisions, and due to the highly sensitive nature of the issue, the Attorney General, the State Attorney and the Director of the Department for Investigation of Police Officers (DIPO) reached the conclusion that it would be advisable to initiate an appeal process, which would be carried out by the Deputy

State Attorney (Special Functions) with the assistance of a staff of attorneys who were appointed for this matter specifically. The findings of the additional examination were to be presented to the Attorney General for his review and approval.

217. In the framework of the team work, the evidentiary material, containing thousands of testimonies, exhibits, and documents was examined; the Commission of Inquiry's report and the protocols prepared by the Commission were studied, as was the DIPO's report. After studying and examining the material and following many team discussions, first drafts of detailed opinions regarding each of the events were prepared.

218. In September 2006, as the re-examination process had reached a highly progressive stage, the Deputy State Attorney Office had been asked by Adalah – The Legal Center for Arab Minority Rights in Israel - to postpone the publication of the State's conclusions until the publication of Adalah's report on the issue in October 2006.

219. Naturally, following the publication of Adalah's 100 pages long report, the State found it appropriate to address the relevant issues mentioned in the report, consequently extending the duration of the examination process.

220. Adalah's detailed report was conveyed to the team and it studied the report thoroughly. In light of this report, the draft opinions prepared by the team were re-examined and in all the relevant opinions, concrete references were made to the contentions and comments of Adalah.

221. Upon completion of the formulation of the team's recommendations, the team provided the Attorney General with drafts of opinions with respect to each of the events that were examined, including its findings and recommendations regarding each event. These opinions extend over a total of some 500 pages.

222. Each opinion included a detailed analysis of the facts and the findings regarding the events referred to in the Orr Commission's report and in the Department for Investigation of Police Officers investigation, an analysis of the evidentiary material, and conclusions and recommendations of the staff regarding the event.

223. Upon receipt of the draft opinions, the Attorney General held a series of lengthy discussions with the team members regarding each of the examined events. Others from the State Attorney's Office and the Ministry of Justice also participated in the discussions, and the DIPO also gave reference in the discussions. During these discussions, the opinions were examined thoroughly, one by one.

224. On January 28, 2008 the Attorney General issued a statement presenting the decision of the appeal process, carried out by the Deputy State Attorney (Special Functions) and the team members.

225. The decision stated that it would be improper to interfere with the decisions made by the DIPO, which concluded that the investigative material did not provide a sufficient evidentiary foundation that would enable the filing of indictments against any of the suspects, based on the relevant law and Supreme Court judgments ("a reasonable possibility of conviction" requirement).

226. This decision was based on several grounds. The crucial aspect was the investigative difficulty, including difficulties in the gathering of evidence and in obtaining consent to conduct autopsies on the victims, as well as a lack of ballistic, forensic and on-site investigations due to the gravity of the events, etc. The Attorney General's decision was issued in Hebrew, English and in Arabic and may be found on the Ministry of Justice website.<sup>1</sup>

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<sup>1</sup>English: <http://www.justice.gov.il/NR/rdonlyres/5B88648A-D537-47E1-9CE8-EE9D586CFCFE/9728/english2.doc>; Arabic: <http://www.justice.gov.il/NR/rdonlyres/21CA68C9->

227. Furthermore, it should be mentioned that the evidence presented before the Orr Committee, could not be used in criminal procedures, due to the difference in the rules of evidence applicable in administrative procedures as opposed to those applicable in criminal procedures. Thus, the evidentiary foundation that would be sufficient to establish findings and recommendations in a commission of inquiry are not necessarily sufficient to form the basis of a criminal indictment. This too was a major consideration in reaching the decision.

228. The Attorney General, in the above mentioned statement, decided to adopt the recommendations made by the appeal process team and therefore criminal charges were not filed against the officers involved.

### **Protection of Migrant Workers**

229. Israel is a destination country for migrant workers from Asia, Eastern Europe and Africa. The main countries of origin of foreign workers in Israel are: China, the Philippines and Thailand.

230. The Government allows for the employment of legal foreign workers in specific fields: care giving for elderly and disabled, construction, agriculture, certain restaurants and industry. Employment of a legal foreign worker in one of the permitted fields requires the submission of an application for employment permit, after which a working visa is granted to the desired foreign worker. The Government encourages the rehiring of foreign workers who are in Israel and have not completed the maximum 63 months period of employment, in order to allow workers who have arrived legally to maximize their earning potential, and to limit the abuse of foreign workers, which is more prevalent with new workers from abroad. Employment of foreign workers by employers who do not hold such permits constitutes a criminal offence punishable by a substantial administrative or criminal fine.

231. Migrant workers coming to Israel in search of employment are motivated mostly by harsh economic conditions and low wages in their countries of origin. By coming to Israel they hope to earn high wages and guarantee a solid financial future for themselves upon return to their home countries. Some enter Israel by illegally crossing the southern border of Israel or illegally enter through Israel's airports, using either a forged tourist visa or a false Jewish identity. The vulnerability of these persons exposes them to the risk of being exploited for easy financial gain. This vulnerability may be heightened by requirements to pay high middleman fees in their countries of origin.

232. Employers may be prosecuted for violations of the labor laws in Israel, including the *Foreign Workers Law* 5751-1991 (the "*Foreign Workers Law*"), which was revised in 2000 to ensure the protection of foreign workers' rights.

233. The *Foreign Workers Law* and its Regulations impose additional obligations on employers of foreign workers, including the obligation to provide the worker with a detailed employment contract in his/her language (Section 1C), the obligation to provide the employee with decent lodging (Section 1E), and the obligation to provide the employee with private medical insurance for his/her employment period (Section 1D). A violation of the above provisions, including illegal deductions from a worker's salary, is a criminal offence punishable by substantial administrative or criminal fines. The Law was amended in July 2009 (Amendment No. 11) to include Section 1N1 according to which, not-paying a peremptory fine imposed as a result of violating the *Foreign Workers Law* or the second addendum of the *Labor Court Law* 5729-1969 (the "*Labor Court Law*"), is a ground for cancellation of or refusal to issue a permit to employ foreign workers by the fined employer.

234. Amendment No. 14 of 2004, to the *Employment Service Law* criminalizes the collection of illegal excessive recruitment fees from foreign workers, and renders this crime punishable by up to six months' imprisonment and/or attended by a fine of up to 200,000 NIS (U.S. \$54,054). The Amendment also applies a temporary order (in force until July 1, 2011) amending the *Prohibition on Money Laundering Law* 5760-2000, making the collection of exorbitant fees an origin offence.

235. The *Employment Service (Recruitment Fees) Regulations* 5766-2006 (the "*Employment Service (Recruitment Fees) Regulations*") cap the permitted recruitment fees of Israeli recruitment agencies at 3,135 NIS, (U.S. \$847.3) or 88 per cent of the monthly minimum wage, minus any sum already paid by the worker to a foreign recruitment agency. The agency may, however, be legitimately reimbursed by the foreign worker for the cost of airfare from the source country to Israel. The Regulations also detail the terms under which it is permitted to collect the fee, for example, a detailed contract must be in effect between the agency and the worker. Additionally, the Regulations outline the circumstances under which a recruitment agency shall reimburse payments collected from a foreign worker.

236. The *Employment Service (Provision of Information) Regulations* 5766-2006, (the "*Employment Service (Provision of Information) Regulations*") require a recruitment agency to provide foreign workers with all relevant information relating to their rights and obligations as foreign workers in Israel, for example, the identity of his/her employer, the term of employment permit of the employer, a description of the job, information as to the permitted recruitment fees etc.

237. In recent years, the number of migrant workers arriving in Israel in search of work has significantly increased. According to the Central Bureau of Statistics, at the end of 2008, there were approximately 223,000 migrant workers. Most of these workers (approximately 115,000) entered Israel illegally or stayed in Israel after the expiry of their visas, with illegal migrant workers reaching approximately 107,000.

238. The annual quotas for foreign workers are determined by the Government, after considering the rates of unemployment and the needs of the various economic sectors. Government Resolutions concerning quotas are usually determined after informal negotiations are conducted between the relevant Government Ministries. In 2009, the Government decided on the following annual quotas of foreign workers: 28,500 in the agricultural field, 8,000 in the field of construction, 700 in restaurants, and 1,200 in the industrial field. As for the field of nursing care, the quota is determined in accordance with the demands, and to date 50,000 permits were issued in this field. Thus, the total number of permits issued for foreign workers is approximately 88,500.

239. In May 2006, the National Labor Court upheld a decision of the head of the Foreign Workers Department in the Ministry of ITL, to reduce the permitted quota of foreign workers given to a manpower agency which misreported data regarding its foreign construction workers. The Court noted that corporations which received permits to employ foreign workers are responsible for protecting the labor rights of the workers during their stay in Israel, and are required to provide reliable and specific reports regarding every foreign worker they employ (*La.C. 2/06 Milgam Manpower Management Agency Ltd. et. al. v. The Ministry of Industry, Trade and Labor* (17.5.06)).

240. Foreign workers arrive in Israel at the request of a specific employer, who has received a permit to employ a foreign worker after examination of his/her eligibility to receive such a permit under the relevant procedures. Previously, a worker who wanted to change employers was allowed to do so subject to the agreement of the original employer or in exceptional cases. This procedure was cancelled by the Government, and today all foreign workers, including care givers who arrived in the country to care for a specific individual, may leave their registered employer to look for alternative legal employment

after registering this change of status in accordance with the relevant procedures. The worker is not required to specify the reason for the requested change.

241. The ruling by the High Court of Justice November 2008 (*H.C.J. 4542/02 "Kav Laoved" Association v. The Government of Israel*), declaring that binding a foreign worker to a specific employer is illegal, required the Government to formulate new systems of employment for foreign workers which would allow for the supervision of such employment, while allowing even greater freedom for workers who wish to change employers. Thus, an intergovernmental committee was appointed and created new systems in which a worker who decides to leave his/her employer does not have to register with the Ministry of Interior, but rather with a manpower agency (in the construction field) or with recruitment agencies (in the nursing care and agriculture fields). These systems greatly ease the process of change for the worker.

242. In anticipation of the implementation of these complex new systems in the nursing care and agriculture fields (in the construction field the new system has functioned since 2005), new guidelines were issued by the Population, Immigration and Border Authority (PIBA) to allow any foreign worker who was fired or who resigned from his/her employment to search for a new employer for a period of 60 to 90 days in which he/she will not be arrested and removed from Israel, subject to the receipt of notification by PIBA of the worker's resignation (in the field of construction the period is 60 days, while in all other fields the period is 90 days).

243. As a result of this decision, visas issued to foreign workers no longer include the name of the current licensed employer, and instead, only the economic field in which the foreign worker may be employed appears in the worker's passport – agriculture, construction, nursing care, etc.

244. In addition, lists of employers authorized to employ foreign workers in the fields of agriculture, restaurants and industry are routinely published on Government web sites to allow easier placements for foreign workers who decide to change employers, and the number of employment permits of foreign workers issued in these fields has increased by 10 per cent to 30 per cent over the yearly quota of foreign workers. This, for the express purpose of allowing the workers to change employers more easily, in addition to allowing the development of competition regarding the worker's services which will result in improved employment conditions.

#### The Agricultural Field

245. According to a series of Government Resolutions, the Government is required to enter into bilateral agreements with countries of origin regarding, *inter alia*, supervision of recruitment, which is also supervised by the IOM, in order to combat overcharging and other recruitment abuses in the field of agriculture.

246. Pursuant to Government Resolution No. 147 of May 12, 2009, it was decided to increase the number of permits issued in the agricultural field by 10 per cent. In addition, in the near future PIBA will examine the gap between the number of workers in this field in comparison to the number of permits issued to employers, in order to establish what the actual demand for workers is. However, in Government Resolution No. 752 of September 14, 2009, the Government decided to decrease and limit the percentage of foreign workers recruited for the agricultural field from countries that do not have an arrangement according to which, the recruitment will be carried out with the assistance of the International Organization for Migration (IOM) or a similar body, pending the signing of bilateral agreements between these countries and the Government of Israel. Moreover, it was decided to appoint an inter-ministerial team which will operate to promote the conclusion of bilateral agreements with relevant source countries. Nonetheless, the changeover from the system of recruitment by private agencies to recruitment in accordance with bilateral

agreements is still in its early stages, and no such agreements have yet been signed. Progress was made in this regard with the Government of Thailand, with which there is an intention to enter such an agreement during 2010.

247. In addition, an agreement between the Government and the Farmer's Association of May 2009 established a gradual reduction of the quotas for foreign agricultural workers in the framework of additional budgets for research into agricultural technology and grants to farmers for purchasing agricultural machinery to replace manual labor. In addition, the Government committed to providing annual sums to encourage Israelis to work in the agricultural field by way of bonuses and additional payments for long-term work in this field. According to this agreement, the number of foreign agricultural workers is to be gradually reduced, such that by 2015 the number of such workers will be 18,900, down from 28,500 in 2008.

#### The Construction Field

248. In 2005, the Government initiated a new system for employment of foreign workers in the field of construction, which has proven successful in protecting workers' rights and related labor conditions, as well as in providing employment for foreign workers in short-term projects carried out by registered contractors in the construction industry. According to this new system, foreign workers are employed by 40 bonded and licensed manpower agencies which are responsible for their salaries and work conditions. Each agency is required to report directly to the relevant authorities each month, regarding the salary and deductions from salary of each foreign worker it employs. The limited number of licensed agencies allows authorities a closer degree of supervision over the agencies and the working conditions of the foreign workers.

249. In addition, complaints submitted by foreign workers against the manpower agency which employs them can be submitted to the Ombudsman for Foreign Worker Rights in the Ministry of ITL. The Ombudsman's phone number is printed on the monthly pay slips of the workers and posted in the worker's lodgings which are provided by the agency. In 2009, the Ombudsman received 138 new complaints, of which 105 were addressed. Of the total complaints received in 2009, the Ombudsman received 42 applications for the transfer of foreign workers between corporations in the construction field (prior to the lapsing of the requisite three months), of which 14 were approved.

250. The Manpower agencies must provide each worker with a document in his/her language, prepared by the Ministry of ITL, setting out the workers' rights and obligations. At the beginning of each year, the agency's director must issue a formal declaration to the authorities affirming that each worker has received this document. The document, translated into different languages, can also be found on government internet sites.

251. In order to counteract the problem of underreporting of the working hours of foreign workers, manpower agencies in the construction field are required to pay their foreign workers for a minimum of 211 working hours per month, which include over twenty hours of overtime.

252. In addition, the new system allows workers to change manpower agencies on a quarterly basis. However, a worker whose complaint against a manpower agency is found to be justified by the Ombudsman, may change his/her manpower agency at any time.

253. A special deposit system has been established for each foreign construction worker, in which the manpower agencies must deposit 700 NIS (U.S. \$189) every month in a bank account in the name of the worker. The accrued sum, which is, *inter alia*, in lieu of severance pay, is given to the foreign worker in cash when he leaves the country permanently. The payment is made to the worker at a special bank branch which was established at the Ben-Gurion Airport for this purpose. The workers may also opt to have

the payment transferred to their bank account abroad, after they leave the country. In cases in which the workers do not leave the country by the end of the period stamped in their visa, a portion of the deposit is deducted for each month that they overstay their visa, while a worker who overstays his/her visa by six months forfeits the sum. In cases in which the worker claims that his/her overstay was justified or was caused by events which were not under his/her control, he/she may appeal to receive the payment despite the overstay. Between July 2005 and Mid-October 2009, a sum of 112,667,768 NIS (U.S. \$33,156,154) had been transferred to 8,706 foreign construction workers as part of this system.

#### The Nursing Care Field

254. The largest number of foreign workers in Israel is employed as care givers for elderly and disabled persons, as the need for live-in nursing care givers has grown in recent years.

255. The National Insurance Institute provides up to sixteen weekly hours of nursing care assistance for this population, in addition to allowances for the severely disabled population. However, for those who need full-time care, live-in help provided by foreign workers is very important.

256. In 2009, approximately 55,000 persons held permits to employ a foreign care giver, and approximately 45,000 care givers were employed in the country. There is no quota for foreign care givers, as the need for such assistance is important in order to help elderly and disabled Israeli citizens confined to their homes and communities, especially elderly and isolated holocaust survivors.

257. The primary countries of origin of care giving workers are the Philippines, Nepal, Sri Lanka, and India, but workers also arrive from a variety of other countries.

258. Permits to employ foreign nursing care givers are currently issued by the PIBA in the Ministry of Interior, mostly to elderly persons who have been examined and found to have extremely limited ability to perform basic daily activities. Once the eligibility of the applicant has been established, and after he/she or a responsible family member has signed a statement to the effect that he/she is aware that Israeli laws apply to foreign workers in the same manner as they apply to Israeli workers, and that he/she is aware of his/her obligation to provide the worker with rights as set out by law, the applicant may contact a licensed recruitment agency which will find a foreign worker with legal status currently in the country for him/her to employ, or will recruit a suitable worker abroad.

259. Foreign workers may remain in Israel for up to 63 months after their original date of entry. An exception is made in cases in which the worker requests to stay in Israel for an additional period after having cared for an elderly or disabled employer for at least one year. In this case, if a social worker certifies that due to the close relationship between the employer and the care giver, the absence of the worker will harm the disabled employer, the worker may remain in Israel for additional periods.

260. Foreign nursing care givers may change employers throughout their 63 months of maximum stay in Israel without limitation, by notifying the recruitment agency with which they are registered of the change. Government policy is to encourage the rehiring of workers already in the country who have not completed the maximum period, instead of the recruitment of new workers from abroad, so as to provide experienced workers with continued employment and to limit opportunities for fraudulent recruitment practices.

261. In 2008, the Ministry of Interior carried out a legalization campaign for foreign nursing care givers who entered the country legally, have not completed four years in the country, and have lost their regular status in the country. Care givers who re-registered with the Ministry of Interior received a 90 day tourist visa allowing them an additional period to find legal employment in this field.

262. An additional campaign, detailed in Government Resolutions but not yet implemented, will limit the number of new nursing care givers which licensed recruitment agencies may bring from abroad, relative to the number of foreign workers with legal status currently unemployed.

263. As an additional step to limit abuses in the recruitment process, Israeli embassy officials have been directed to conduct personal interviews with foreign workers applying for entry as caregivers, in order to ensure that these workers receive the "Rights Handbook" in their language prepared by Ministry of ITL, are aware of the nature of the work they will perform as well as the remuneration set by law, and to ensure that they have the basic skills, including language skills, necessary for the work. In addition, according to Government Resolution No. 147 of May 12, 2009, the current Ministry of Interior's policy is to limit recruitment in the nursing care field of foreign workers who cannot communicate in English, except in special cases in which there is a need for a worker who speaks another language.

264. In 2009, stricter licensing requirements reduced the number of recruitment agencies for foreign care givers from over 300 to approximately 140. Every agency is required to hire qualified, experienced social workers who must examine all placements and conduct quarterly visits. Agency workers are required to sign an affidavit before recruiting foreign workers from abroad, stating that the worker has the necessary qualifications needed by the disabled employer, including knowledge of the English language, and that the agency assumes responsibility for finding the worker alternative employment in cases where the original place of employment comes to an end. The name of the recruitment agency which brought a worker into the country is registered with the Ministry of Interior, so that in cases of abuse it is possible to trace the agency.

265. The new method of employment in the nursing care field, which was implemented in 2008, continued to operate during 2009; and currently most of the employers and workers in this field are registered as belonging to a specific private bureau. Thus, foreign workers are now able to shift easily between different employers, without the need to approach the district bureau of the Ministry of Interior for registration. The new private bureaus are obliged to conduct quarterly reviews of the employers and the workers in order to assist with any problems that might arise and report unusual findings.

#### The Population, Immigration and Border Crossings Authority (PIBA)

266. On April 13, 2008, the Government approved Resolution No. 3434, which established the new Population, Immigration and Border Crossings Authority (henceforth: "PIBA"). The PIBA replaced certain functions previously falling under the authority of the Immigration Administration, and all issues related to foreign and Palestinian workers were transferred to the PIBA in January 2009. Thus, the PIBA operates as an independent body within the Ministry of Interior, which has joint authorities regarding population, immigration and border issues, which authorities previously belonged to the Immigration Administration and other Ministries.

#### Membership in the Histadrut (the General Federation of Laborers in Israel)

267. On November 24, 2009, the management of the Histadrut decided to submit a motion to the organization's board of representatives, according to which, the Histadrut's constitution would be amended in order to allow for foreign workers to become members with equal rights in the Histadrut. Previously, such membership was limited to workers who were Israeli citizens or residents. The amendment of the organization's constitution will allow any foreign worker with full and equal membership, and every foreign worker who chooses to join the Histadrut, entitlement to full rights, including the right of association, the right to vote and be elected, and to other benefits provided by the organization. The amendment will not only impact the individual foreign worker's rights,



but also the ability of the Histadrut to officially represent foreign workers and to promote their protection and improve their rights.

#### Enforcement of Foreign Workers Rights

268. In accordance with the Committee's recommendation No. 26 of June 14, 2007, as of November 2009, the Labor Laws Enforcement Division in the Ministry of ITL investigated more than 850 employers for allegedly violating the *Minimum Wage Law* 5747-1987 (the "*Minimum Wage Law*") and investigations against 500 of these employers were opened in 2009. In addition, 44 indictments were filed against employers, and 413 administrative fines were imposed in a total sum of approximately 3 Million NIS (U.S. \$810,811). The number of investigations has decreased in recent years due to better and enhanced enforcement, which has resulted in a lower number of complaints. For purposes of comparison, the numbers of investigations opened against employers of foreign workers in previous years were: 2004 - 9,834; 2005 - 4,170; 2006 - 3,743; 2007 - 3,111.

269. During 2009, the Enforcement Division of the Foreign Workers Department in the Ministry of ITL imposed approximately 2,052 administrative fines on employers of foreign workers for violating the *Foreign Workers Law*, with a total sum of approximately 29,182,500 NIS (U.S. \$7,887,162) being imposed according to the following distribution: 272 administrative fines were paid in the total sum of 2,395,000 NIS (U.S. \$647,297); 1,063 administrative fines are currently outstanding in the total sum of 14,422,500 NIS (U.S. \$3,897,973); 286 administrative fines are currently the subject of legal proceedings in a total sum of 6,310,000 NIS (U.S. \$1,705,405); 328 administrative fines are currently in the process of collection in the total sum of 4,605,000 NIS (U.S. \$1,244,595); and 94 administrative fines were annulled, in the total value of 1,340,000 NIS (U.S. \$362,162).

270. During 2009, 934 criminal indictments were filed against employers and manpower agencies for violations of labor laws relating to employment of foreign workers (up until October 2009, the Department imposed approximately 196 fines on employers of foreign workers for violating the *Minimum Wage Law*, with a total sum of approximately 1,923,000 NIS (U.S. \$506,053)) having been received and 171 judgments having been handed down. The total sum of the criminal fines imposed by the labor courts was 7,788,280 NIS (U.S. \$2,104,941) in all cases.

271. In addition, in 2009, 15 disabled employers had their permits to employ nursing foreign workers revoked, and in four cases, relevant conditions or limitations were imposed on existing permits.

272. For example, on September 6, 2009, the appeal of an agricultural cooperative society which was convicted of abusing foreign workers and required to pay the maximum fine set by law, was dismissed. In this case, two foreign workers employed by the appellants were found to be residing in inhuman conditions. The Be'er-Sheva Labor Court imposed the maximum fine of 939,600 NIS (U.S. \$253,946) on the employing company, as well as an additional fine of 261,000 NIS (U.S. \$70,541) on each of the directors of the company, which would be substituted with one year imprisonment if not paid on time. The National Labor Court affirmed the Be'er-Sheva Labor Court's decision, and emphasized that the fines imposed in such cases of abuse and objectification of foreign workers must be high, as part of the public interest and the necessity to deter such violations of the laws regarding the employment of foreign workers (*Cr.A. 13/07 Nir-Am Cohen Vegetables Agricultural Cooperative Society et. al. v. The Ministry of Industry, Trade and Labor* (6.9.09)).

273. On August 6, 2007, the Jerusalem District Court ruled that a violation of an employment permit by an employer, who employed a foreign worker in giving massages instead of in the agricultural field, is in itself administrative proof which can constitute a basis for the cancellation of the employment permit. Here the employer was also indicted

for having sexual relations with a foreign worker whose consent was given as a result of exploitation of the relationship of authority by the employer (*Ad.P. 350/07 Shlomo Mutsafi et. al. v. The Ministry of Industry, Trade and Labor* (6.8.07)). The decision to cancel the employer's permits to employ foreign workers as a result of the abovementioned charges was upheld by the Supreme Court (*Ad.P.A. 7216/07 Shlomo Mutsafi et. al. v. The Ministry of Industry, Trade and Labor* (24.12.07)).

274. The Israeli labor laws, including extension orders and collective agreements, apply to foreign workers as they do to regular Israeli workers. For example, in November 2005, the Be'er-Sheva Labor Court found that the provisions of a collective agreement granting certain benefits only to hotel employees whose identity cards registered them as Eilat residents, constituted discrimination against foreign employees in those hotels, and required that the benefits be paid to the foreign employees as well (*La.C. 6042/04 Ahmad Montilo v. Isrotel Ltd. et. al.* (29.6.05)).

275. In addition, in February 2006, the Tel-Aviv Regional Labor Court stated that foreign workers who were employed in Israel illegally, are also entitled to enjoy labor rights prescribed by law, including severance pay, in cases in which they are deported from Israel as a result of their illegal status (*La.C. 4814/05 Arnel Marco et. al. v. Pnina Rozenblum* (21.2.06)).

276. Accordingly, the claims of illegal foreign workers who are detained, with respect to salary and benefits owing, are routinely referred by the Tribunals for Detention Review to labor inspectors who contact the employers for the purpose of receiving the payments on behalf of the worker prior to his/her deportation. In 2008, 1,723,777 NIS (U.S. \$465,886) was collected on behalf of detained foreign workers in this manner. In addition, foreign workers who have left the country are allowed to enter temporarily, as necessary, in order to testify in civil suits which they filed against their former employers.

277. The Police handle all populations and sectors, with special attention paid to areas and fields of employment in which foreign workers are employed, while focusing on several main offences, including: exploitation, fraud, withholding of passports, sexual abuse, abduction for purposes of trafficking and excessive and illegal commission fees. According to the relevant sources, it is impossible to define a specific population from a certain country of origin as a population at the greatest risk for abuse. Yet, the risk for abuse will be higher the greater the worker's debt, the lower his/her level of education and the more limited his/her abilities to communicate.

Table 5

**Number of Administrative Hearings and Decisions by Sectors, 2009**

Field	Hearings	Decisions taken	Permits cancelled	Number of hearing in which restrictions were imposed	Number of hearing in which no restrictions /cancellation were imposed	Ongoing hearings
Nursing	100	53	27	16	10	46
Agriculture	11	4	2	-	2	7
Industry & Restaurants	12	8	5	-	3	4

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Construction	1	1	1	-	-	-
Total	124	66	35	16	15	57

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Source: *The Ministry of Industry, Trade and Labor, November 2009*

278. **An Ombudswoman for the Complaints of Foreign Workers** was appointed in the Ministry of ITL. Her mandate is to safeguard the rights of foreign workers employed in Israel, and to handle complaints received from foreign workers, employers, citizens, NGOs, associations and the media. The Ombudswoman has the authority to recommend that a criminal investigation be carried out by the Enforcement Division, as well as to initiate administrative proceedings. The Ombudswoman serves a central coordinating function in reviewing complaints and deciding if they contain violations of regulatory laws or crimes of slavery, forced labor or trafficking. She then refers them to the proper authority (the Ministry of ITL if a regulatory violation is involved and the Police if a crime of trafficking, slavery or forced labor is involved).

279. **Actions against Recruitment Agencies.** The Ministry of ITL investigates complaints of abuse in the process of recruitment of foreign workers and the cancellation of permits given to Private Recruitment Agencies found to have violated the relevant laws and procedures, particularly regarding recruitment of foreign workers in the nursing care field.

280. During 2009, licenses and special permits to recruit foreign workers were revoked from 18 agencies; three agencies which applied for special permits to recruit foreign workers were refused; two permits were revoked for a fixed period of time, and the permits of four other agencies were rendered conditional.

281. During 2008 and up until October 15, 2009, 47 permits to recruit foreign workers in the nursing field were revoked. In eight cases the permits were temporarily revoked, and in six cases the permits were granted on probation. In 27 cases, applications for licenses and permits were denied. In addition, investigations and administrative hearings led to the closure of recruitment agencies in cases in which managers of abusive agencies which received closure orders, continued to recruit illegally under the auspices of another licensed recruitment agency. The above decisions required intensive investigatory preparations carried out with the cooperation of NGOs, the Ministry of Interior and the Police. Numerous appeals which were lodged against the cancellation of these permits and closure orders were denied by the National Labor Court in a series of 2008-9 rulings that emphasized the importance of close supervision of foreign worker recruitment agencies.

282. During 2007, approximately 50 licensed recruitment agencies holding special permits to recruit foreign workers were inspected and investigated by the Ministry of ITL. In 42 cases, both the licenses and permits of the agencies were revoked. In four cases, the permits given to the agencies to recruit foreign workers were revoked for a set period. In four cases the permits given to the agencies to recruit foreign workers were revoked indefinitely and one permit was granted on probation. The revocations were based on the following grounds: unlawful collection of fees from foreign workers, recruitment of workers in collaboration with a non-licensed agency, false social worker reports, unlawful transfer of foreign workers and bringing a foreign worker to Israel contrary to the terms of the permit. Seven agencies appealed the revocation of their licenses/permits to the Labor Court; their appeals were denied.

283. The following is an example of one decision handed down in 2008 illustrating the severity with which the courts and the authorities regard breaches of the *Foreign Workers Law*. On July 17, 2008, the National Labor Court accepted the State's appeal, regarding the leniency of the punishment imposed on the defendants. The defendants were convicted of employing a foreign worker without a lawful license, without arranging medical insurance for him, without providing him with a contract in a language he understood, and without

stipulating the details of his salary and the deductions to be made there from. The worker, after working for only a month, was injured in a work related accident (which was later defined as a traffic accident since it involved a fork-lift). The worker was taken by ambulance to a hospital, but was admitted anonymously since the company employing him denied having any knowledge of his details and denied the existence of a relationship between him and the company. The District Labor Court imposed a lenient fine of 50,000 NIS (U.S. \$13,514) on the company and 15,000 NIS (U.S. \$4,054) on its manager, since it determined that the employment was only for a short period of time, and did not involve personal gain for the defendants; and because the defendants had no prior convictions.

284. The State appealed against the leniency of the fine, which constituted only 15 per cent of the maximum penalty stipulated in the *Foreign Workers Law*, claiming that the fine imposed did not reflect the severity of the offences, as the defendants evaded their responsibilities as employers, and deserted the worker without financial support in a time of distress and uncertainty, which amounted to a risk to his health. The National Labor Court accepted the appeal and imposed a 150,000 NIS (U.S. \$40,541) fine on the company as well as a 45,000 NIS (U.S. \$12,162) fine on its director (*Cr.A. 27/07 The State of Israel v. Thesa Import and Export of Wood Inc. et. al.* (21.5.08))

#### Dissemination of Information Regarding Rights Among Foreign Workers

285. A special workers' handbook regarding the rights of foreign workers in the construction field was issued by the Ministry of ITL in English, Russian, Romanian, Turkish, Thai and Chinese. The handbook instructs the workers to contact the Ombudswoman in any case in which the rights discussed therein have been breached.

286. Private recruitment agencies who have recruited foreign workers in the field of construction are required to distribute the handbook to each foreign worker they have recruited, and the directors of the agencies must provide the Foreign Workers Department in the Ministry of ITL with an affidavit stating that they accept personal responsibility for the distribution of this handbook to each worker.

287. Furthermore, as discussed above, the *Employment Service (Provisions of Information) Regulations* require recruitment agencies to provide foreign workers with all information relating to their rights and obligations as foreign workers in Israel (e.g. permitted fees' rates, etc.).

288. In addition, a brochure discussing the general labor rights of foreign workers in Israel has been published on the website of the Ministry of ITL in English, Hebrew, Chinese, Thai, Russian, Romanian and Turkish. This brochure is also distributed by the Ministry of Interior to each foreign worker who arrives at Ben Gurion Airport.

289. An additional method of disseminating information has been implemented by the Israeli Embassy in Thailand. In cooperation with the Ministry of ITL and the Thai Labor Ministry, a brochure has been released discussing the rights of foreign workers in Israel. The booklet, which is in Thai, contains information regarding the labor and social security rights of workers and includes other information, such as relevant phone numbers, medical treatment facilities and basic Hebrew. The booklet is attached to the passport of each worker who receives a visa to Israel.

290. **The Knesset's Special Committee on Foreign Workers.** The Knesset's Special Committee on Foreign Workers regularly holds sessions regarding issues and complaints relating to the situation of foreign workers in Israel. The committee has dealt intensively with many issues concerning foreign workers in Israel between the years 2008-2009 and has requested updates upon the work of the new PIBA in these matters. The following is a partial list of the subjects the committee has dealt with: enforcement of foreign workers' rights, complaints regarding enforcement in the agricultural field, examination of reforms

enacted in the nursing care field, safety and hygiene in factories, deportation of illegal foreign workers etc.

291. **Bilateral agreements with Countries of Origin.** During 2009-2010, the Government continued to take steps towards the finalization of bilateral agreements with countries of origin, under the supervision of the International Organization of Migration (IOM), with respect to the recruitment of foreign workers to Israel. The implementation of the agreement between the IOM and the Government of Thailand regarding the recruitment of Thai agricultural workers for work in Israel has been delayed due to the fact that the Government of Thailand has yet to ratify the bilateral agreement with Israel, in accordance with the IOM's requirement.

292. The Ministry of ITL is making every effort in order to sign additional bilateral agreement with countries regarding the recruitment of foreign workers for work in Israel. For example, a video conference was conducted with the Government of Sri Lanka on December 17, 2009, with the intention of promoting the signing of such an agreement.

293. In this regard please also see the section on the Protection of Migrant Workers in Article 5 above.

#### Children of Foreign Workers

294. In 2007, approximately 1,000 children of foreign workers lived in Israel.

Since the submission of Israel's thirteenth Periodic Report, there has been progress in the legal status afforded to children of foreign workers. Government Resolution No. 3807, dated June 26, 2005, was amended by Government Resolution No. 156, dated June 18, 2006, and states the following:

(a) "Upon request, the Minister of the Interior is entitled to grant permanent residency status to children of illegal immigrants who have been part of the Israeli society and culture, if they fulfill the following conditions:

- (i) The child has lived in Israel for at least 6 years (as of the date of the Resolution), and entered Israel prior to the age of 14. A short visit abroad will not be viewed as an interruption of this time period.
- (ii) Prior to the child's entry or birth, the parents must have entered Israel legally, and with an entry permit issued in accordance with the *Entry into Israel Law*.
- (iii) The child speaks Hebrew.
- (iv) The child is in first grade or above, or has completed his/her studies.
- (v) Those filing the request will be required to submit documentation or participate in hearings, in order to prove that they satisfy the abovementioned criteria.

(b) The Minister can grant temporary residency status in Israel to the parents and the siblings of the child, as long as they have lived in the same household from the child's entry date into Israel or birth in Israel, and are in Israel as of the date of this Resolution. If there is no reason for objection, the temporary residency status will be renewed until the child reaches the age of 21. At that point, the parents and the siblings will be entitled to file a request for permanent residency status.

295. As of June 1, 2009, approximately 862 requests have been filed of which 436 were accepted, 424 were denied and 2 are still pending. Of the requests that have been denied, 354 appeals were filed with the committee of appeals. On review, 131 applications were accepted by the Ministry of Interior, and 219 were denied. Of the appeals which were

denied, 31 were referred to the committee that reviews humanitarian issues and four are currently under review. In total, 567 applications were accepted and 291 were denied.

#### **Unaccompanied Foreign Minors**

296. Among the foreign population unlawfully residing in Israel, some are children. These children require special treatment. The Ministry of Interior's Procedure No. 10.1.0016 (currently undergoing an amendment process): "Unaccompanied Foreign Minors Treatment Procedure," determines avenues of treatment, as follows: Placement in custody must be in a residence which is principally for minors; prior to the removal of minors under 18 years of age consideration must be given to the child's best interest as a primary concern. An illegal minor who has been placed under a temporary custody order shall be brought as soon as possible - no later than 24 hours - to a Border Control Officer. The Border Control Officer, after having considered the minor's opinion regarding the custody order and removal order, shall decide which of the orders shall be given effect (the decision is an ad hoc decision, and depends on the specific circumstances of the case).

297. A minor under the age of 14 shall not be held in custody, but rather in an appropriate facility or foster care pending removal. A minor must be informed of his/her right to counsel. Within 24 hours (48 hours in special circumstances and 72 hours if it is a holiday or a weekend) the minor will meet with a social worker. The social worker shall submit his/her professional opinion to the Border Control Officer within 48 hours, followed by a decision to keep the minor in custody or release him/her from custody. Notification regarding any delay in removal shall be transmitted to the minor's state of origin, unless it endangers the minor's life, freedom or the lives or freedom of members of his/her family.

298. An unaccompanied minor placed within an educational framework, is dependent on the assistance of the Ministry of Education, as the responsible authority, which shall take care of it, is eligible to receive medical insurance. A minor can be held for a period of up to 60 days in custody and then moved to an appropriate alternative facility, pending age confirmation and availability of a facility. Notification of the relocation is provided at least seven days prior to the final date set for relocation, and is coordinated to the extent possible with the recipient State. A minor will not be removed if his/her life or liberty is in danger in his/her state of origin.

299. **The Legal Aid Department of the Ministry of Justice.** As mentioned above, the Department provides legal aid for minors who have arrived illegally in Israel, and promotes the release of such minors from detention while transferring them to alternative custody, such as foster families and boarding schools.

#### **Refugees**

300. Israel is a party to the 1951 UN Convention on the Status of Refugees. Any person who meets the Convention's definition of a refugee may apply for refugee status in Israel, regardless of his/her religion.

301. Every asylum seeker has full and free access to the UNHCR, and may approach the Police and the Courts regarding any claim he/she may have, and in many cases this right has been exercised, either directly or indirectly through NGOs.

302. In 2002, a procedure for the processing of requests by asylum seekers in Israel was formulated in coordination with the delegation of the UNHCR in Israel, the Ministry of Interior and the Ministry of Justice, and was in force until April 2009.

303. In 2009, a special unit for the Treatment of Asylum Seekers was established within the Ministry of Interior and received extensive training from the Israeli branch of the UNHCR.

304. The Refugee Status Determination (RSD) Unit in the Population, Immigration and Border Authority (PIBA) within the Ministry of Interior, was established in order to conduct thorough interviews for asylum seekers and provide written recommendations for the Advisory Committee's consideration. The Unit began operating in April 2009.

305. The RSD Unit began conducting initial and in depth interviews in July 2009, until which time every asylum seeker was referred to UNHCR. All asylum-seekers however still enjoy full access to UNHCR, as well as to various NGOs.

306. Naturally, as the authority and responsibility for the determination of refugee status is a sovereign Israeli decision, Israel reserves the right not to grant a permit to stay in Israel for citizens of hostile or enemy states.

307. A person determined to be a genuine asylum seeker, and who has received a certificate from the UNHCR, and following an evaluation it was determined that his/her matter should be brought before the Advisory Committee, shall be awarded a six-month permit to stay in Israel.

308. As of December 2009, there were over 20,000 infiltrators/asylum seekers residing in Israel, most of whom had been awarded temporary protection based on their country of origin. In 2009, 2,525 infiltrators applied for asylum and were interviewed by the RSD Unit of the Ministry of Interior, the Immigration Authority, and received temporary protection status. 948 infiltrators completed the questioning process but have not yet been referred to the inter-ministerial National Status Granting Body (NSGB). 520 infiltrators were considered by the inter-ministerial NSGB, and five infiltrators are appealing the decision of the committee. 284 infiltrators approached the courts after their appeals were dismissed by the inter-ministerial NSGB.

#### **Training for Refugee Status Determination (RSD) Unit's Employees**

309. Establishment and Recruitment - The Unit employs approximately 30 employees who speak a variety of languages, including: English, Arabic, Russian, Spanish, Tigrinya, Amharic, French and other languages. The Unit includes a general manager, two deputies, coordinators and interviewers. The recruitment of these employees was made based on a meeting which was held between the Authority and the UNHCR. The conditions for employment include, *inter alia*, holding a bachelor's degree, high level English, previous experience working with individuals and groups, and participation in group evaluations conducted by an organizational psychologist.

310. The training received by the unit personnel included a six-week long seminar which began on March 1, 2009 and was held in cooperation with the delegation of the UNHCR in Israel, during which time the employees received information on the work of the UNHCR, the importance of registration, and information regarding "countries in crisis;" with emphasis placed on Eritrea and Sudan. The course was coordinated by representatives of the UNHCR in Israel and a representative of the Hebrew Immigrant Aid Society (HIAS), and was supervised and approved by the UNHCR Headquarters in Geneva.

311. The course involved a review of a variety of issues, including the 1951 Convention Related to the Status of Refugees, the rules for conducting interviews, techniques, research methods, treatment of populations with special needs, and formulating recommendations and reports. In order to qualify for employment, each employee was required to pass weekly and final examinations with high scores.

312. After completing the course, the employees began interviewing asylum seekers for a period of three months, during which time the employees were accompanied and inspected by representatives of the UNHCR. Moreover, during the six months following the completion of the course, the Authority and the UNHCR conducted periodic meetings in order to identify difficulties, receive updates and assist in solving problems the employees

encountered. The Unit's employees received additional professional training held by the UNHCR.

313. All judges serving in the Ktziot, Givon and Matan facilities holding infiltrators and asylum seekers, were directed to call upon professional interpreters when conducting a hearing in a language which they do not speak. The Ministry of Justice allocated all of the necessary resources for this purpose. As for releasing persons prior to a judicial determination of their status, every detainee must be brought before a judicial authority within 96 hours, which authority is to determine their status and therefore there is no reason to release them prior to such a hearing.

## **C. Political Rights**

### *1. Access to the Political System*

314. All citizens who are of 18 years of age or older are entitled to vote, without distinction on the grounds of gender, race, color, ethnicity, wealth, property, or any other ground (*Basic Law: The Knesset*, Section 5). A person may be denied the right to vote only by the judgment of a competent court, which judgment is handed down pursuant to a valid piece of legislation (*Basic Law: The Knesset*, Section 5).

#### The Right to Run for National Public Office

315. Any citizen who is 21 years of age or over may run for a seat in the Knesset, subject to certain exceptions. Hereinafter are some of the more recent amendments regarding this issue:

(a) Amendment No. 142 of March 23, 2007, to Section 1 of the *Cooling-Off Period for Persons Serving in the Security Forces Law*, also amended Section 56 of the *Knesset Elections Law*. According to Section 56, senior public servants such as the head of the ISA, IDF and Police officers with a rank of Major General and above, and the Prisons Service Commissioner may run for national election if they leave office at least three years prior to Election Day. However, for the purpose of an election which follows the abovementioned election, these persons may run for public office even if the three year period has not expired. Other senior public servants, IDF officers, Police or Prisons Service personnel may run for national election if they leave office at least 100 days prior to the elections (Section 56(a1)(3)). Other less senior public servants and military personnel may run for elected office provided that they vacate their positions by the date of submission of the candidates list; if elected, they are deemed to have ceased their service for such time as they remain members of the Knesset (*Elections Law*, Section 56(b)).

(b) According to Section 7A of *Basic Law: The Knesset*, as amended by Amendment No. 35 of May 22, 2002, those listed on a candidates' list shall not participate in elections, nor shall a person stand as a candidate for the Knesset if the list's objectives, or the person's actions, expressly or by implication, include one of the following: (1) negation of the existence of the State of Israel as a Jewish and democratic state; (2) incitement to racism; (3) supporting an armed conflict of an enemy state or a terrorist organization against the state of Israel.

(c) On July 9, 2008, The *Basic law: The Knesset* was again amended (amendment No. 39) and Subsection (a1) was added to Section 7a. According to Subsection (a1) a candidate who resided in an enemy state illegally during the seven years prior to the submission of the list of candidates is considered as having supported armed combat against the State of Israel unless he/she has proven otherwise. The exercise of authority under Section 7a(a) to the *Basic law* – disqualification of a candidates list – is to be carried out only in extreme cases and the reasons for disqualification are to be interpreted narrowly.



### Members of Ethnic and Religious Minorities

316. Minorities vote for Knesset lists (political parties) along with the entire political spectrum. In addition, Arab political parties have been consistently represented in the Knesset, as is the case in the current 18th Knesset. There are currently ten Arab Knesset Members, three Druze, and one Bedouin Knesset Member. The following table presents figures regarding Arab Knesset Members sitting in the current 18th Knesset:

Table 6

#### Arab Representation in the 18th Knesset

Party	18 <sup>th</sup> Knesset	
	Knesset Member	Total
Ra'am-Ta'al (United Arabic List and the Arab Movement for Renewal)	Talab El-Sana	4
	Masud Ganaim	
	Ibrahim Sarsur	
	Ahmad Tibi	
Hadash (Democratic Front for Peace and Equality)	Afou Agbaria	3
	Mohammad Barakeh	
	Hanna Swied	
Balad (National Democratic Assembly)	Said Naffaa	3
	Jamal Zahalka	
	Hanin Zoabi	
Kadima	Majalli Whbee (Druze)	1
Likud	Ayoob Kara (Druze)	1
Israel Beiteinu	Hamad Amar (Druze)	1
Total	10 Arab KM and 3 Druze KM	13

Source: Israeli Knesset, 2010

317. On January 29, 2007, during the term of the 17<sup>th</sup> Knesset, MK Raleb Magadele of the Labor party was appointed to serve as a Minister in the Israeli Government. At first MK Magadele served as a Minister without portfolio, but later, on March 21, 2007, he was appointed as the Minister of Science, Culture and Sport, thus making him the first Arab MK who was appointed to serve as a Minister in an Israeli Government. Currently there is one Arab Deputy Minister (Deputy Minister of the Development of the Negev and Galilee).

#### The Right to Participate in Elections - Political Expression

318. On January 12, 2009, the Central Election Committee of the 18<sup>th</sup> Knesset decided to disqualify the "Balad" (National Democratic Assembly) and the "Ra'am-Ta'al" (United Arab List and the Arab Movement for Renewal) Israeli-Arab political parties from participating in the elections. The Committee argued that the Balad party platform opposed the existence of Israel as a Jewish and democratic state, and that members of the party expressed their support for a terrorist organization. Similarly, "Ra'am-Ta'al" was

disqualified based on statements made by its members. Both parties submitted appeals to the Supreme Court, which accepted the appeals on January 21, 2009. Thus, the Court nullified the Committee's decision to disqualify the parties (*E.A. 561/09 Balad et. al. v. The Central Election Committee of the 18<sup>th</sup> Knesset et. al.* (21.1.09)).

#### Political Expression of Knesset Members

319. According to Section 1 of the *Immunity, Rights and Duties of Knesset Members Law* 5711-1951 (the "*Immunity, Rights and Duties of Knesset Members Law*"), a member of the Knesset shall bear no criminal or civil liability, and shall be immune from any legal proceeding, in respect of a vote, an oral or written statement or any other act, inside or outside the Knesset, if such vote, expression of opinion or act pertains to or is directed towards the carrying out of his/her mandate as a member of the Knesset. However, an act, including a statement, of a Knesset member, which is not random, will not be considered as pertaining to or directed towards the carrying out of his/her mandate, if such an act or expression include one of the following: (1) negation of the existence of Israel as a the state of the Jewish people; (2) negation of the democratic nature of the state; (3) inciting to racism for reason of color, racial affiliation or national-ethnic origin; (4) supporting an armed conflict of an enemy state or terrorist acts against the state of Israel, or against Jewish or Arab people because of their being Jewish or Arab, in Israel and abroad.

#### **Case Law**

320. In August 2001, the Attorney General announced his decision to indict MK Bishara on two counts – the first related to the organization of illegal trips to Syria by Arab-Israelis, which count the Court later deleted, and a second count related to statements made by MK Bishara supporting Hezbollah, praising acts of terrorism carried out by Hezbollah and calling for the Palestinians to adopt Hezbollah's methods in their struggle against Israel. Unlike other constitutions that only grant immunity to statements made within Parliament, the Israeli law also grants immunity to Knesset Members for statements made outside the Knesset. However, the Attorney General found that this was plainly not a political statement but rather constituted support for acts of terrorism. He therefore decided to indict Mr. Bishara. Mr. Bishara's immunity was revoked after both the Knesset House Committee and the Knesset plenary debated the issue and heard Mr. Bishara's position. Mr. Bishara was indicted in the Nazareth Magistrate Court (*C.C. 1087/02*) for these political statements. In November 2003, the Court ruled that it would address Mr. Bishara's arguments regarding the parliamentary immunity only during the final stages of the legal proceedings.

321. In December 2003, Mr. Bishara petitioned the Supreme Court regarding this decision. Justice Hayut who presented the minority opinion, stated that the petitioner's two speeches were not protected by substantive immunity, since they expressed support for an armed struggle of a terrorist organization against the State of Israel. Such expressions cross the "red-line" marking the boundary of the Israeli democracy's tolerance towards persons elected by the public and there is no room to grant the petitioner immunity in this regard. The majority opinion of former Supreme Court President Barak and Justice Rivlin, held that under the *Immunity, Rights and Duties of Knesset Members Law*, expressions of support for an armed struggle of a terrorist organization against the State of Israel are not protected by parliamentary immunity. According to the Court, this limitation of immunity should be interpreted strictly; it does not exclude all expressions of support and praise for a terrorist organization, only those that contain support for an armed struggle of a terrorist organization against the State of Israel. The Court stated that as the Court held in *El.A. 11280/02 Central Elections Committee for the Sixteenth Knesset v. Ahmed Tibi* (15.5.03), the petitioner's speeches did not contain clear support for an armed struggle of a terrorist organization against the State of Israel, although they did contain support for a terrorist organization. Consequently the statutory exclusion of immunity was held not to apply. The

Court therefore cancelled the criminal proceedings against the petitioner (*H.C.J. 11225/03 MK Dr. Azmi Bishara v. The Attorney General et. al.* (1.2.06)).

322. On April 8, 2007, it was publicized that Bishara fled Israel and on April 22, he submitted his resignation from the Knesset to the Israeli Ambassador in Cairo. The resignation followed an investigation into his foreign contacts, and accusations of allegedly aiding the enemy during wartime, passing information on to the enemy and contacts with a foreign agent, as well as laundering money received from foreign sources. On May 2, 2007, following a petition to lift the prohibition that had been placed on publications regarding the investigation against Bishara, the Petah-Tikva Magistrate Court cancelled the order with respect to most of the charges against him. According to the information made available to the public, Bishara was suspected of contacting a Hezbollah terrorist organization foreign agent, transmitting information to the enemy, assisting the enemy in wartime, and laundering large sums of money he received from Hezbollah and other foreign bodies through money changers in the eastern neighborhoods of Jerusalem.

323. **Local and Municipal Elections.** The fundamental right to vote and be elected applies to local government elections as well. A series of statutes regulating the election of mayors, municipal and local councils generally mirror the arrangements for national elections, including: the requirement that elections be "equal," "general," "confidential," "direct," and "proportional;" the right of all persons 17 years of age and over who reside in the municipal area in question to vote in such elections; the right to run for election, subject to exceptions for judges, prisoners, those lacking legal capacity, and certain classes of civil servants; and the right to propose a list of candidates. See *Local Authorities (Elections) Law 5725-1965* (the "*Local Authorities (Elections) Law*"). The principle difference between local and national elections is that non-citizen residents may vote in local elections, but not in national elections.

324. In 2008, Amendment No. 39 (of November 4, 2008) to the *Local Authorities (Elections) Law* was enacted. The Amendment added subsection (A1) to Section 7(2) of the Law, according to which, a person who served as a chairperson of a committee or as a member of a committee which replaced the head of a local authority and the authority's council, is not entitled to be included in a candidate's list or to be elected as a member of the local council in the first local elections held following his appointment. According to Section 7(2)(A1)(2), these provisions also apply to a person who the Minister appointed to perform the duties of the head of a local authority or members of the local council until after the first local elections held since they were appointed.

## 2. Access to Public Service

325. Since the submission of Israel's thirteenth Periodic Report, there have been significant changes, both in law and policy, concerning the minority population within the Civil Service. These important changes are discussed below.

### **The Civil Service - General**

326. The State of Israel employs more than 60,800 civilian employees. These civil servants are selected pursuant to legislation and the Civil Service Code, known as the "*Takshir*," which establishes a merit-based civil service system. The *Civil Service (Appointments) Law* generally requires that civil servants be appointed through a competitive tender process which clearly defines minimum qualifications for the position in question.

327. Several layers of legislation aim to prevent discrimination in access to the civil service. Both the *Employment Service Law* and the *Equal Employment Opportunities Law*, which apply both to private and public employers, generally forbid discrimination among job applicants on the basis of religion, race, nationality or national origin, gender, sexual

orientation, age, personal or marital status, personal worldview or political affiliation. These provisions apply, *mutatis mutandis*, to civil service hiring without a tender, to terms of employment, promotion, on-the-job professional training, and termination of employment. The *Civil Service (Appointments) (Tenders and Examinations) Rules 5721-1961*, obligates members of tender committees to avoid questions relating to controversies between political parties as much as possible. *See also Takshir*, Paras. 11.61 and 12.367, and Civil Service Commissioner Notice 56/12.

#### Affirmative Action in the Civil Service

328. In recent years there have been several important and significant amendments in the legislation regarding appointments in the civil service, which reflect the principles of CERD and highlight the importance of equality to the State.

329. In 2000, the *Civil Service (Appointments) Law* was amended (Amendment No. 11) in order to ensure that minorities and under-represented populations such as women, persons with disabilities, and the Arab, Druze and Circassian populations are represented in the Civil Service according to their proportion in the eligible work force population. The Law requires appropriate representation of the various groups throughout the Civil Service, at all levels and in all professions.

330. On November 30, 2003, the Government consolidated Resolution No. 1073 concerning the appropriate representation for persons with disabilities in the Civil Service. Among the measures set out in the Resolution is the appointment of Equality for Persons with Disabilities Supervisors in each Ministry, whose task it is both to promote the employment of persons with disabilities in the Civil Service and to make the Ministries more accessible to persons with disabilities in general. The Government further decided to give priority to persons with severe disabilities in appointments and promotions in the Civil Service.

331. The *Civil Service (Appointments) Law* was amended in 2005, in order to include persons of Ethiopian origin among the various groups entitled to appropriate representation in the Civil Service. Following this amendment, the Government accepted Resolution No. 1665 concerning allocation of positions in the Civil Service for persons of Ethiopian origin and giving them priority in appointments and promotions.

332. On March 12, 2006, the Government approved Government Resolution No. 4729, based on Section 15A of the *Civil Service (Appointments) Law*, which designates 337 employment positions towards the integration of the Arab population, including Druze and Circassians, into the Civil Service between the years 2006 and 2008.

333. Hereinafter is Resolution 4729 titled: "*Promoting Equality and Integrating Minority Israeli Citizens in the Civil Service*" main principles:

- (a) In accordance with the Civil Service (Appointments) Law:
  - (i) Between the years 2006-2008, the Civil Service Commission shall allocate 37.5 additional government and support units positions annually, which shall be occupied, to the extent possible, only with eligible candidates from among the Arab population, including the Druze and Circassian population. The Budgetary Department at the Ministry of Finance shall allocate the sum necessary for the additional designated positions, in accordance with this section.
  - (ii) Moreover, between the years 2006-2008, 37.5 of the existing positions in the civil service shall be designated to members of the Arab population, including the Druze and Circassian population, on the basis of availability.
  - (iii) In accordance with the above cited sections a. and b., between the years 2006-2008, it shall be possible for a further 337 citizens from among the Arab

population, including the Druze and Circassian population, to be integrated into the civil service. The positions designated according to this section, shall be allocated to the Arab and the Circassian population, and to the Druze population separately.

(iv) The distribution of the designated positions of Government Ministries and support units as determined by this section shall be performed in accordance with the needs of the various Government's Ministries and following an examination of the manning of the designated positions allocated in previous years.

(b) The Civil Service Commission shall establish a panel, along with the Ministry of Justice and the Budgetary Department of the Ministry of Finance, to examine additional methods needed to promote the adequate representation of the Arab population, including the Druze and Circassian population, in the civil service. This panel shall submit its recommendations in this regard within a period of two months.

334. In addition, the Government decided to establish an inter-ministerial team charged with examining further ways in which to promote the appropriate representation of Arabs in the Civil Service. On July 16, 2006, the inter-ministerial team submitted its recommendations.

335. On August 31, 2006, the Government adopted Resolution No. 414/arab3, in which the Government adopted most of the inter-ministerial team's recommendations, including: determination of new objectives for advancing appropriate representation of Israeli Arabs in the Civil Service, such that Arabs would constitute 8 per cent of all Civil Service employees by the end of 2008, and 10 per cent by the end of 2010. In addition, it was decided that until the end of 2008, 20 per cent of all new positions would be allocated to Arabs. Previous decisions to give priority to Arab-Israelis in appointments and promotions were extended by a further four years. Each Ministry was required to appoint a supervisor charged with the advancement of Arab representation and an inter-ministerial team to ensure the implementation of the Resolution.

336. On November 11, 2007, the Government adopted Resolution No. 2579 entitled: "Proper Representation of the Arab, Druze and Circassians Populations in the Civil Service." This Resolution amended the previous Resolution No. 414. According to the new Resolution, Arabs, including Druze and Circassians, are to make up 10 per cent of all Civil Service employees by the end of the year 2012. In addition, until 2012, 30 per cent of all new positions advertised are to be allocated to this segment of the population. In order to achieve these goals, the Resolution requires all Government Ministries to consolidate a five-year working plan. The Resolution further requires that until the end of 2012 priority be given to Israeli-Arabs appointments and promotions. The Resolution established an Inter-ministerial team headed by the Director General of the Ministry of Justice to follow-up on the implementation of the provisions detailed above by every Government Ministry and examine ways in which obstacles to the integration of Israeli Arabs into the Civil Service can be overcome. Pursuant to this Resolution, the Civil Service Commission has been in constant contact with each Ministry, monitoring its progress in achieving the goals set by the Government (at least once every six months).

337. Subsequently, an Inter-ministerial team headed by the Director General of the Ministry of Justice has been operating and assisting Government Ministries in removing barriers hindering the employment of members of the Arab population. The team consisted of representatives of the Civil Service Commission, the Ministry of Transportation and Road Safety, Prime Minister's Office etc.

338. The Civil Service Commission is very active in the promotion and advancement of proper representation of the Arab, Druze and Circassians populations in the Civil Service and as in previous years, in 2009 it took several important steps to this end, including, *inter alia*, the following:

- (a) Publication of a report regarding the integration of Arab employees in the Civil Service.
- (b) Hosting explanatory conferences intended for persons of the Arab community regarding integration into the Civil Service.
- (c) Holding explanatory meetings and seminars for Civil Service employees on the importance of integrating Arab employees into the Civil Service.
- (d) Allocation of designated jobs and positions for persons of the Arab community.
- (e) Recruitment of manpower companies to find suitable Arab candidates and applicants.

339. **Adjustment of Entry Examinations.** The Civil Service Commission held an extensive examination in which it found that members of the Arab population encounter difficulties in passing the civil service entry examinations. In light of these findings, the commission modified the tests intended for Arab nominees and applicants. In the last year, the commission also examined the possibility of making cultural changes to the entry tests. The commission also prepares a cadre of Arab examiners in order to integrate them into the civil service examination committees.

340. Data indicates a steady increase in the rates of Arab, Druze and Circassian employees in the Civil Service. In 2009, 6.97 per cent of employees in the Civil Service were Arabs, Druze and Circassians (in comparison to 6.17 per cent in 2007 and 6.67 per cent in 2008).

341. Furthermore, 11.66 per cent of all new employees integrated into the Civil Service in 2008 were Arabs, Druze and Circassians, in comparison to 6.9 per cent in 2005, and 4.26 per cent in 2003. The rates of Arab, Druze and Circassian newly integrated female employees are also on the rise. In 2009, 39.8 per cent of all recently accepted Arab, Druze and Circassian employees were women, in comparison to 34.2 per cent in 2003, 35.3 per cent in 2007, and 36.8 per cent in 2008.

342. The number of Arab women employed in the Civil Service has also increased in recent years. Since 2004, there has been an increase of 9 per cent in the rate of Arab and Druze women employed in the Civil Service in comparison to 2007.

343. An increase is also evident in the employment of Arab, Druze and Circassian academics in the Civil Service. In 2009, 50.37 per cent of Arab, Druze and Circassian Civil Service employees had an academic degree, in comparison to 43.7 per cent in 2006 and 48.6 per cent in 2008. This trend correlates with the general trend of allocating positions intended for the integration of Arab, Druze and Circassian academics.

344. Many of the Arab-Israeli employees within the civil service maintain senior level positions, some with decision-making capacity. Thus, there are civil service employees from the minority population fulfilling important roles such as investigative engineers, clinical psychologists, senior tax investigators, senior economists, senior electricians, geologists, department controllers, lawyers and educational supervisors, to name but a few. Data indicates an increase in the number of Arab employees holding senior positions – 451 employees in 2009, in comparison to 347 in 2006 and 376 in 2007. These employees serve the good of the Israeli community as a whole and are a driving force in the integration of the Arab minority into the Israeli society.

345. On March 12, 2006, the Government of Israel passed a resolution, at the request of the Ministry of Justice, with respect to the appropriate level of representation among interns in the Ministry of Justice (Resolution No. 4730). The Government decided, *inter alia*, as follows:

“A. In accordance with the provisions of Section 15A(b)(2) of the *Civil Service (Appointments) Law* to designate, insofar as possible, some ten percent of the annual class of interns in the Ministry of Justice solely for the employment of candidates who qualify for an internship in the Ministry of Justice and fulfill one of the following:

- (a) the candidate is a member of the Arab population, including Druze and Circassian;
- (b) the candidate or one of his/her parents was born in Ethiopia;
- (c) the candidate is a “person with a severe disability” within its meaning in Section 35.252 of the Civil Service Regulations...”

346. In accordance with the aforesaid resolution, it was decided to compile a directory of candidates who satisfy the aforesaid and will include candidates who meet the criteria set forth in the Government’s Resolution and whose particulars and qualifications make them suitable for an internship position. Accordingly, in 2008, the Ministry of Justice announced, for the second year, the compilation of a directory of candidates for internship positions for September 2008 and March 2009.

347. Government Resolution No. 4436 of January 2009, adopted the abovementioned Government Resolution No 2579, and established a list of steps that are intended to aid Government Ministries to reach the desired representation targets.

348. In 2005, a petition was filed with the High Court of Justice, requesting the Court to order the Prime Minister and the Civil Service Commissioner to implement Section 15A of *Civil Service (Appointments) Law* with respect to Arab population representation in the Civil Service. On February 18, 2009, after receiving a detailed report by the State regarding the steps taken in this regard (as detailed above), the Court decided to reject the petition (*H.C.J. 10418/05 Dr. Yossi Beilin v. The Prime Minister et. al.* (18.2.09, not published).

349. **Local municipalities.** Local municipalities in Israel provide services to all of Israel's citizens and residents, without any form of discrimination based on religion, race, gender or ethnic background. The employees in all local municipalities in Israel represent the entire State's population, as well as its various religious and ethnic groups, without any discrimination.

350. In the 88 local councils or municipalities which serve towns and villages where the population is primarily composed of Arabs, Druze, Bedouins or Circassians, the employees of the local government bodies are almost exclusively composed of members of these minorities. In larger municipalities with mixed populations, such as Jerusalem, Haifa and Lod, members of minorities are employed proportionate to their overall representation in the population, although less so at the most senior positions.

351. **The Judiciary.** In the past ten years there has been a significant increase in the number of Arab citizens working in the Israeli judicial system. This is greatly the result of the increase of appointments of members of minority populations within the Ministry of Justice. As mentioned above, in the judicial system there are currently 569 judges. Out of the 12 justices serving in the Supreme Court, one is Christian Arab. Out of the 128 judges serving in the District Courts five are Muslim, two are Christian and one judge is of Druze origin. Out of the 381 judges serving in the Magistrate Courts, 14 are Christian, ten are Muslim and five are Druze judges. One Christian judge and one Druze Judge serve in the Labor Courts. In addition, there are 3 Druze judges in the state-funded Druze Religious Courts (Qadi Madhab) and additional 3 judges are in the final stages of approval. In total 43 judges from minority groups function in the judicial system.

352. **Minorities' Terms of Employment in the Civil Service.** In addition to increasing the level of representation of minority groups, the Civil Service Commission has also taken

steps to better accommodate the various needs and lifestyles of minority employees. Holiday and vacation time is provided according to the relevant religious holidays, such that Muslim employees are entitled to a day off during Ramadan, and Christians can choose Sunday as their day off work.

353. Furthermore, members of the Arab population employed in the Civil Service enjoy a unique benefit in the form of State participation in the rent paid by them for apartments in the vicinity of their workplace and funding of weekly commuting expenses.

354. In a Civil Service circular of November 15, 2007 it was determined that in the name of equality and uniformity, Muslim and Christian employees should be entitled to mourning leave of seven days in the event of a death of a first degree relative. No change has been made with respect to the three-day mourning period of Muslim and Christian employees in the event of a death of a relative of the second degree.

#### **Representation in Governmental Corporations**

355. **Government Corporations.** Similar to the above mentioned positive changes which have taken place in the Civil Service with respect to the representation of the Arab population, progress has also been made within governmental corporations. Minorities are better represented in these corporations, pursuant to formalized laws and governmental resolutions, described below.

356. As mentioned in Israel's thirteenth Periodic Report, the 1993 amendment to the *Government Corporations Law*, (Section 18A) established a requirement for appropriate representation of both genders on the Board of Directors of every government corporation.

357. A key change which further reflects Israel's desire to implement and uphold the Convention and provide for fair representation of all population groups is Amendment No. 11 of May 2000, to the *Government Corporations Law*, which added Section 18A1 which requires appropriate representation of the Arab population, including Druze and Circassians, on the Board of Directors of every government corporation and statutory corporation.

358. The Law prescribes that until appropriate representation is achieved, the Ministers must appoint as many Arab directors as possible. Section 60(a) of the *Government Corporations Law* extends the application of Amendment No. 11 to apply with regard to the appointment of directors on the board of statutory corporations and other statutory organizations.

359. Section 18A1 of the Law mandates that the directorate of government corporations reflect the governmental policy of fair representation. Moreover, the Amendment empowers the Government to do its utmost to appoint directors from the Arab population until the goals of the amendment are achieved. The Attorney General has provided Government Ministers with guidelines regarding the implementation of the new standards. In addition, a governmental sub-committee was established to monitor efforts geared to enforce the new affirmative action measures.

360. In addition, the Committee for Examining Appointments (established under Section 18b of the Law, and which has been operating since 1993), is responsible for examining the qualification of directors and the appropriate representation of the Arab population; and for the monitoring of efforts geared to enforcing the new affirmative action measures. This Committee may delay, if required, an appointment of other qualified directors, until an appropriate representation of the Arab population is achieved. The Committee is appointed by the Minister of Finance.

361. The Committee and the Prime Minister's Office established a database of potential Arab candidates who might qualify for senior government corporation positions. The



information was brought to the attention of every Minister. Additionally, efforts exist to create an official database of qualified minority candidates for senior government corporation positions.

362. Appropriate representation is required in each government corporation, and in accordance with the corporation's unique characters. Thus, the Committee for the Examination of Appointments does not insist upon appropriate representation in very small corporations (1-3 directors), or in a corporation which is newly established or which is under liquidation, or in a corporation which in essence is not related to the Arab population (such as the Company for the Restitution of Holocaust Victims' Assets).

363. The Amendment of the *Government Corporations Law* brought about significant changes in a short period of time. In January 2001, the rate of Arab representation in governmental corporations reached only 3.2 per cent (22 out of 695 directors) and by December 2004 it rose to 7.9 per cent (46 out of 583 directors), by January 2006 to 9.71 per cent (53 out of 546 directors), and by January 2007 to 12.61 per cent (57 out of 452 directors, 10 of whom (1.91 per cent per cent of the total) are women.). However, the rate of Arab origin directors in governmental corporations (including Druze and Circassians) decreased in 2008 to 8.02 per cent (47 out of 586).

364. According to data received from the Committee for the Examination of Appointments, as of June 2010, out of a total of 98 government corporations, only 70 are relevant for the purposes of appropriate representation, and of these, 39 satisfy this requirement with respect to the Arab population. In addition, several Arab nominees for positions of directorates in government corporations currently await the committee's in regard to six additional government corporations. The Committee aims to achieve complete appropriate representation in all government corporations.

365. In addition, as of September 2008, out of a total of 60 statutory corporations, only 47 which are relevant for the purposes of appropriate representation, and of these, 32 satisfy this requirement with respect to the Arab population.

366. On June 27, 2007, the Jerusalem District Court held that an Arab citizen could not be disqualified from appointment to the Board of Directors of the Jewish National Fund (JNF), which is a dual entity committed to the principal of equality. The petitioners requested that the Court annul the election of new directors to the JNF which had taken place on July 13, 2006, due to fundamental deficiencies in the process, and the election of an Israeli Arab, elected as a representative of the Meretz Party.

The Court discussed whether the procedure of appointing new directors to the JNF accorded with the *Companies Law* 5759-1999 (the "*Companies Law*"), and whether an Israeli Arab could be appointed as director of a corporation defined as being a "trustee of the Jewish people in the land of Israel." The Court stated that the appointment procedure was not deficient, and refused to annul the elections. It held that former court decisions acknowledged the duty of every authority in Israel to treat all individuals in the State equally. Although the JNF is a private company - it was held to be subject to the principle of equality as it is a dual entity (*O.P. 5299/06 Uri Bank v. The Jewish National Fund* (27.6.07)).

## **D. Civil Rights**

### *1. The Right to Freedom of Movement and Residence Within the Border of the State*

#### **The Legal Landscape**

367. This issue has been extensively discussed in Israel's previous Reports. No change has occurred in this area since the submission of the thirteenth Periodic Report.

### **Freedom of Movement within the State**

368. There is no requirement that persons who are lawfully present within the territory of the State of Israel register in particular districts, and movement within the State is generally unrestricted. All residents of Israel (i.e., citizens, permanent residents who are not citizens, and temporary residents) are required to register their address, or any change thereof, with the Population Registry. Non-resident aliens need not register their whereabouts while in the country.

### **Public Transportation Services in Bedouin Localities**

369. The Bedouin Population in the North consists of 70,000 people, of which approximately 60,000 live in urban localities and 10,000 live in villages. The Bedouin population in the South is estimated at approximately 180,000 people, 66 per cent of whom live in areas with no municipal status, sometimes unlawfully.

370. Public transportation services are provided for the Bedouin population in the north at lower cost, and are operated regularly on Saturdays (Sabbath).

371. The Ministry of Transportation and Road Safety has made preparations for the examination of the public transportation services in the northern Bedouin villages and localities during 2011-2012, which examination falls within the framework of an extensive development plan for the Arab population.

372. As for the Bedouin localities in the south, bus services began to operate on a large scale in Rahat in May 2009, at a particularly subsidized cost, thus significantly improving the residents' quality of life. Public transportation is also continuously operated in the localities of Kssaife and Hura, and in Lakia on Saturdays only. Other localities are assisted by service lines that reach the cross-roads located at the entrance to the localities.

373. The Ministry of Transportation and Road Safety is currently promoting the operation of public transportation in additional Bedouin localities in the Negev, and has begun to examine the current situation in Tel-Sheva, Kssaife, Lakia, Hura, Arara, Segev-Shalom and the area of the local council of Abu-Basma. The project providing public transportation to these localities is expected to be completed during 2010. In the short term, the Ministry of Transportation and Road Safety is promoting a solution for the transportation of Bedouin students to institutes of higher education.

374. As for the Bedouin localities in the North, public transportation is provided for the localities of Abtin, Shibli and Zarzir. Other localities are assisted by service lines, which are operated in a similar manner to those that operate in localities in the South.

Table 7

### **The Ministry of Transportation and Road Safety Investment in General Transportation Infrastructures in Bedouin Localities, 2006-2009**

Year	Bedouin localities in the South		Bedouin localities in the North	
	NIS	U.S. \$	NIS	U.S. \$
2006	7,706,000	2,082,703	15,207,000	4,110,000
2007	14,016,000	3,788,108	20,778,000	5,615,676
2008	27,744,000	7,498,378	19,235,000	5,198,649
2009 (up to September)	16,759,000	4,529,459	5,409,000	1,461,892

*Source: Ministry of Transport and Road Safety, September 2009*

#### Accessibility to Public Transportation

375. Accessibility to railways, planes and ships designated for passengers, public transportation and pickup stations for all transport measures is mandated by law. As of April 2010, 42 of the 47 train stations in Israel (89.3 per cent) are accessible to persons with mobile disabilities and other disabilities and accessible train cars are available on every line. Although the placement of signs for persons with disabilities is currently still insufficient, the railway company has requested and received all the necessary information regarding this issue from the Commission for Equal Rights of Persons with Disabilities, and in the upcoming months accessible signs will be installed in all stations. In addition, all the service personnel in every train station are trained to assist persons with disabilities, and in every station there are workers who are in charge of providing assistance to persons with disabilities. The *Equality for People with Disabilities (Arrangement of Accessibility to Public Transportation) Regulations* 5763-2003, determine that since 2002 every new city bus that is registered for the first time in the vehicle registration authority will be accessible according to the requirements set in the Regulations. According to the Regulations, the accessibility requirement is not applicable to inter-urban buses. Up to date all the urban buses are accessible. The process of rendering all buses accessible for persons with disabilities will continue until full completion, which is expected in the coming years. All the major bus companies also train their drivers to assist persons with various disabilities. These workers undergo special training regarding assisting persons with mobile disabilities to board buses as well as assisting persons with other disabilities. The Ministry of Transportation and Road Safety issued a program obliging bus companies and local authorities to complete the accessibility process within 5 years, while completing relative parts of the program each year.

#### 2. *The Right to Leave any Country, Including One's Own, and to Return to One's Country*

376. As mentioned in Israel's thirteenth Periodic Report, with the enactment of Section 6 of the *Basic Law: Human Dignity and Liberty*, the rights to leave and to enter Israel were provided a firmer constitutional basis:

- (a) All persons are free to leave Israel.
- (b) Every citizen of Israel has the right of entry into Israel from abroad.

377. These rights are subject to the limitation clause (Section 8) of the *Basic Law*, which prohibits any impairment of the right except by way of a statute which befits the values of the State and is intended for a proper purpose - and then only to the extent required; or pursuant to a statute (as described above) which explicitly authorizes deviation from the right. In addition, Section 12 of the *Basic Law* stipulates that emergency regulations properly in force may deny or restrict these rights only for a proper purpose, and for a period and to an extent that does not exceed that which is necessary. The *Basic Law* is binding on all official authorities.

378. Legislation predating 1992 which deals with entry into or exit from Israel remains in force, but is now interpreted in accordance with the principles of the *Basic Law*.

#### Exit from Israel

379. All persons leaving the State of Israel must present a valid passport, *laissez passer* or other travel document.

380. **Restrictions on the Right to Leave Israel.** No person may leave Israel, knowingly and without legal authorization, so as to any of the countries specified in the *Prevention of Infiltration (Offences and Punishment) Law* 5714-1954 (the list includes Lebanon, Syria,

Egypt, Yemen, Iran, Saudi Arabia and Iraq) nor may Israelis enter these countries without a permit from the Minister of Interior or from the Prime Minister.

381. However, there are certain exceptions regarding Druze residing in the Golan Heights who desire to travel directly to Syria. Druze women who desire to marry and settle in Syria, and Druze Students wishing to acquire higher education in Syria, may do so according to procedure No. 5.1.0010 of the Ministry of Interior. The individual may travel to Syria through the Quneitra-Golan border crossing after receiving the proper permit and under certain conditions which are specified in the permit. In addition, there is another procedure which regulates pilgrimages. The procedure is accessible and published on the Ministry of Interior Website.

382. **Travel Documents.** Passports and travel documents are generally issued as a matter of course. Arab residents of Jerusalem, many of whom are Jordanian citizens, receive *laissez passer* documents routinely.

#### Entry into Israel

383. Israel is the designated homeland of the Jewish people. Jews have been in the Diaspora for close to 2000 years prior to the creation of the State and thus realized a dream of having a homeland and a place of refuge in the post-Holocaust era for Jews in Arab States and elsewhere. Thus, the *Law of Return* 5710-1950 (the "*Law of Return*") was enacted as a tool to realize this dream and as a means of rendering Israel a home for all Jews dispersed throughout the world. The *Law of Return* is a linchpin of the State and serves as a foundational principle towards the effectuation of a viable and thriving Jewish State.

384. Any person who is neither an Israeli national nor the holder of an *oleh's* (lit. "A person who ascends") certificate under the *Law of Return* must enter Israel by visa and permit of sojourn. For such persons, there are four general categories of visas and permits of residence under Israeli law: a permit of transitory sojourn (up to five days); a visitor's permit (up to three months); a permit of temporary residence (up to three years); and a permit of permanent residence (*Entry into Israel Law*, Section 2). Each of these permits may be renewed for periods prescribed by law.

385. Permanent resident status is granted at the discretion of the Minister of Interior, most typically in cases of family reunification and on the basis of other humanitarian grounds. The criteria applied by the Ministry of Interior when considering applications for permanent residency focus on the applicant's ability to demonstrate that one's life, or that of one's immediate family, is centered, as a practical matter, in Israel. If a permanent resident leaves Israel for a period of at least seven years or has become a permanent resident or citizen of another country, then his/her permanent residency status in Israel expires.

386. In March 2000, the Minister of Interior decided upon a policy under which those who had been permanent residents of Israel, whose residency permit had expired after 1995 due to having resided abroad for over seven years and in this time having visited Israel, would be able to receive a new permanent residence permit, after the passage of two years following their return to Israel. This permit would be granted provided that they had not received foreign citizenship or a permit for permanent residency in a foreign state in the interim, and provided that there is no security or criminal impediment with regard to that person.

387. In the wake of the new policy, new permits for permanent residency were granted to many ex-residents who had returned to live in Israel. This change of policy mostly affects the Arab residents of the eastern neighborhoods of Jerusalem as described above.

### 3. *The Right to Nationality*

#### Obtaining Israeli Citizenship

388. In general, citizenship may be obtained through birth, residence, or naturalization, or through the *Law of Return* as described above. In any case, the manner in which persons become Israeli citizens does not affect in any way the scope of their rights and privileges arising from citizenship, such as the right to vote and be elected, or the right to hold public office.

#### The *Law of Return*

389. This issue has been extensively discussed in Israel's previous Reports. No change has occurred in this area since the submission of the thirteenth Periodic Report.

#### Nationality by Birth

390. This issue has been extensively discussed in Israel's Previous Reports. No change has occurred in this area since the submission of the Previous Periodic Report.

#### Naturalization

391. This issue has been extensively discussed in Israel's previous Reports. No change has occurred in this area since the submission of the thirteenth Periodic Report.

#### Eastern Neighborhoods of Jerusalem

392. On October 28, 2007, the Government approved Resolution No. 2492, in which it resolved to issue temporary permits to residents of the West Bank who had for an extended period of time illegally resided in the eastern neighborhoods of Jerusalem.

393. Under the Resolution, the Minister of Interior may issue a temporary permit to a resident of the West Bank who is registered in the Population Registry and has illegally resided in the eastern neighborhoods of Jerusalem on a continual basis since 1987 and until the submission of the request for a permit, depending upon several conditions, including a consideration of his/her personal circumstances. Such permits will also be given to minor children of the resident.

#### Revocation of Citizenship

394. On July 28, 2008 the Knesset approved Amendment No. 9 to the *Citizenship Law* 5712-1952 (the "*Citizenship Law*"), which amended Section 11 to the Law. This amendment extended Section 11, the reasons to revoke a person's citizenship were narrowed and additional safety measures to protect human rights were added. According to Section 11(a), the Minister of Interior may revoke the citizenship of an Israeli citizen if he/she is convinced that citizenship was obtained based on false information and less than three years has passed since the citizenship was granted. According to Section 11(b), the Minister may request the administrative court to revoke the Israeli citizenship of a person under the following conditions: Section 11(b)(1) - the citizenship was obtained based on the provision of false information and more than three years has passed since the citizenship was granted, Section 11(b)(2) - the person committed an act of breach of allegiance to the State of Israel, provided that by revoking the individual's citizenship the person will not be left without any citizenship, and if so, he/she will be granted a permit to stay in Israel. Section 11 further states that a request according to Section 11(b)(2) shall not be submitted without the consent of the Attorney General.

### 4. *Free Choice of Spouse*

#### Free Choice of Spouse and Non-Discrimination

#### Same-Sex Marriages

395. Under Israeli law there are no civil marriages. Marriage is conducted according to the religious law of the couple; therefore marriages between two persons of the same-sex are impossible. Nevertheless, in recent years two alternatives to the traditional institution of marriage have been developed. The first is the recognition of the concept of Reputed Couples (common-law partners). The relationship is legally binding, and the individuals hold similar legal rights and duties as couples who were legally married. Gradually, the legal status of same-sex couples has been integrated into the concept of reputed couples. The second alternative for same-sex couples is the registration of couples who were married abroad with the Israeli Population Registry as shall be detailed below. (The above data relates to all religious communities in Israel).

396. In recent years, there have been many judgments and decisions issued which have promoted the rights of same-sex couples in Israel, some of which are detailed below.

397. On November 21, 2006, the Supreme Court handed down a landmark decision concerning the rights of same-sex couples. It held that a wedding certificate issued in a foreign country in which same-sex marriages are recognized, could enable the couple to register as married with the Ministry of Interior. Five gay couples who held wedding ceremonies abroad petitioned the Supreme Court following the Ministry of Interior's refusal to register them as married. This registration equalizes the civil (legal) status of reputed and/or same-sex couples to those of legally married couples including for the purposes of National Insurance and tax benefits (*H.C.J. 3045/05 Ben-Ari v. The Ministry of Interior*, *H.C.J. 3046/05 Bar-Lev v. The Ministry of Interior*, *H.C.J. 10218/05 Herland v. The Ministry of Interior*, *H.C.J. 10468/05 Lord v. The Ministry of Interior* and *H.C.J. 10597/05 Remez v. The Ministry of Interior*). The Supreme Court based its decision on a previous Supreme Court ruling (*H.C.J. 143/62 Fonk-Shlezinger v. The Minister of Interior*) in which a distinction was made between the duty to register marriages, and the question of recognition of their status. The Supreme Court determined that the Ministry of Interior must not discriminate against same-sex couples who hold a wedding certificate from a foreign country that permits same-sex marriages. Nevertheless, the Supreme Court noted that registration of the couple as married does not grant a new status to same-sex marriages, and reiterated that it is the role of the Knesset to endow such a status.

398. On April 19, 2007, the Haifa Labor District Court accepted a claim against the "Mivtachim" pension fund, and determined that a surviving partner of a lesbian relationship was eligible to the legal rights of an "insured widow," and not of an "insured widower." As a result of this decision, the plaintiff was to be paid a survivors' pension of 40 per cent as opposed to only 20 per cent (*La.C. (Haifa) 1758/06 Moyal-Lefler v. Mivtachim* (19.4.07)). The Court concluded that in this instance, the plaintiff was the deceased's spouse, and was publicly recognized as her co-habitator. Therefore, she was eligible to a survivors' pension, according to the rules of the pension fund. The Court stated that "the distinction between men and women in the rules of the respondent and the *National Insurance Law (Consolidated Version)* 5755–1995 derives from a similar rationale - a reflection of the economic situation in which we live, where women's incomes are lower than men's, and their promotion in the labor market is more difficult. Therefore there is a justification for the preference of female widows as it narrows the existing gap between men and women." The Court held that the plaintiff should be classified as a female widow, and not as a male widower. She was therefore eligible for the rights of an "insured widow," and the corresponding pension as stated in the rules of the pension fund.

399. On March 3, 2008 the Tel-Aviv Family Matters Court issued an adoption order regarding a minor. The petitioner was the same-sex spouse of the minor's parent. The Court determined that according to the examination conducted by the welfare officer, the minor was a happy child who considered both males as his parents. Therefore the Court held that there was no impediment to granting the adoption order, and it was in the child's best

interest to do so. The Court further stipulated that granting the adoption order does not negate any rights of the father and his extended family (*Ad.C. (Tel-Aviv) 58/07 Giora Shavit Shadiv et. al. v. The Attorney General* (20.03.2008)).

400. On December 20, 2006, the Tel-Aviv Family Matters Court determined that a pre-nuptial financial agreement between a same-sex female couple was valid with respect to the manner in which it distributed property between the couple; however, the Court further held that its conclusion did not in and of itself affect the personal status of the couple, and could not be seen as changing the couple's status to married. The Court emphasized that significant changes in public opinion regarding women's issues had occurred in the past century, including with respect to same-sex relations, and therefore public morality had changed and now recognized the right of same-sex couples to enjoy the same rights as married couples, i.e. recognizes their right to equality and equal treatment. However, the definition of marriage is determined by the legislator which is not expediting a change to the current definition (*F.M.C. 47720/06 Anonymous et. al. v. Anonymous* (20.12.2006)).

401. In a decision dated January 23, 2005, the Attorney General established a new precedent in which the State is willing to grant legal status to same-sex adoptions of the birth-child or adopted child of one of the spouses. Furthermore, it states that the State is willing to allow the adoption of a non-biological child by same-sex couples, having considered the best interest of the child. This decision relates to the legal aspects of same-sex adoptions; however the decision regarding a specific case remains in the hands of the relevant social service.

#### Family Unification

402. In its concluding observations to Israel's thirteenth Periodic Report the Committee expressed concern with the process of family reunification for foreign spouses.

403. Since the outbreak of the armed conflict and hostilities between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, there has been growing involvement in assistance provided to terrorist organizations by Palestinians, who are residents of Israel, but are originally from the West Bank and the Gaza Strip. Such individuals carry Israeli identity cards as a result of the principle of family unification with Israeli citizens or residents, allowing their free movement between the West Bank and the Gaza Strip, and into Israel.

404. In order to prevent this potential danger posed by former residents of the West Bank and Gaza Strip, the Government decided in May 2002 to temporarily suspend granting such individuals legal status in Israel, through the process of family unification. The decision was adopted following the horrendous wave of terrorist attacks in March of 2002, when 135 Israelis were killed and a further 721 were injured.

405. The current situation is the result of the genuine difficulties involved in obtaining information concerning residents of the West Bank, following Israel's transfer of powers and responsibilities and the termination of Israeli forces' daily presence in this area pursuant to the Israeli – Palestinian Interim Agreement, dated September 28, 1995.

406. Israel, as any other State, is entitled to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence and terrorism against Israeli citizens.

407. On July 31, 2003, the Knesset enacted the *Citizenship and Entry into Israel (Temporary Provision) Law 5763-2003* (the "*Citizenship and Entry into Israel (Temporary Provision) Law*"), which limits the possibility of granting residents of the West Bank with Israeli citizenship pursuant to the *Citizenship Law*, including by means of family unification; and the possibility of granting such residents, residence permits into Israel pursuant to the *Entry into Israel Law*. The Law was amended in 2005 and 2007, in order to

expand the humanitarian relief it initially provided. The amendments also expanded the applicability of the Law to citizens of enemy states (namely: Iran; Syria; Lebanon; and Iraq).

408. The Law enables entry into Israel for the purposes of medical treatment, employment, or on the basis of other temporary grounds, for an overall period of up to six months.

409. In addition, the Minister of Interior may authorize a request for family unification for those who are married to an Israeli spouse, and are residents of the West Bank for men over the age of 35 and women over the age of 25. The Law further authorizes the Minister of Interior to grant residency permits to children of such couples who are minors under the age of 14. With respect to children of such couples who are minors over the age of 14, the Law stipulates that the Minister of Interior has the authority to grant temporary permits under certain conditions.

410. The Law further allows the Minister of Interior, as a result of special humanitarian reasons and in accordance with a recommendation of a professional committee appointed for this purpose, to grant temporary residence permits to a resident of the West Bank or a citizen of Iran, Iraq, Syria or Lebanon, who has a family member legally residing in Israel, and to approve a request of a resident of the West Bank who has a family member legally residing in Israel for a permit to stay. .

411. Any such decision by the Minister of Interior is to be reasoned and provided in writing, within 6 months from the day that the professional committee received all the necessary documents.

412. The Law stipulates that a request can be denied in cases where the Minister of Interior or certain security functionaries assert that the person, or a family member of first relation, poses a security threat.

413. In cases where a person or a family member has been known to act for the benefit of the State of Israel, the Law enables the Minister of Interior and certain security functionaries to grant permits to a resident of the West Bank

414. The Law does not change the status of persons who already received their status prior to the day on which the Law came into effect. Such persons' status shall remain static.

415. The Law was initially enacted for a period of one year. At the end of that period, in August, 2004, the Law was extended for a further six months. It was re-extended in February 2005 for a period of four more months, and was again extended at the end of that period until August 31, 2005. The revised Law was published on August 1, 2005 and was invoked until March 31, 2006. At the end of that period it was extended until April 2007, and later an amended version was extended until July 31, 2008, and re-extended until July 31, 2009 and then again until July 31, 2010. On July 21, 2010 the Law was extended again and it is currently valid until January 31, 2011.

416. The Law's constitutionality was scrutinized and upheld by the Supreme Court in *H.C.J. 7052/03, 7102/03 Adalah – The Legal Center for Arab Minority Rights in Israel et. al. v. The Minister of Interior* (14.5.06). The High Court of Justice, residing with an extended panel of eleven judges, rejected the petitions against the legality of the Law, by a vote of six to five.

417. On December 17, 2007, the Minister of Interior announced the formation of the professional committee required by the Law, and decided upon its members.

418. Additional petitions against the constitutionality of the Law are pending before the High Court of Justice (*H.C.J. 466/07, 544/07, 830/07, 5030/07 MK Zehava Galon et. al. v. The Minister of Interior et. al.*). On July 31, 2008, the State submitted its arguments in



these cases and on April 13, 2010, the State submitted a supplementary notification to the Court. In its supplementary notification, the State clarified that since August 2005, the Ministry of Interior authorized the provision of staying permits in Israel to 4,118 Palestinians (more than 1,000 individuals per year) based on requests for family unification and under the exceptions recognized by the Law. The State noted that in addition to these figures, the professional humanitarian committee received over 600 requests, 282 of which were dealt with and 33 of which were transferred to the Minister of Interior with positive recommendations which were adopted by the Minister, thus resulting in the provision of staying permits in Israel for the applicants. The State further noted that since September 2005, 632 requests for status in Israel on the basis of family unification were rejected. An analysis of the requests that were rejected reveals that the rejections were based on the following grounds: the applicant was a terrorist (4 cases), the applicant was an operative of a terrorist organization (149 cases), the applicant was linked to operatives of terrorist organizations (63 cases), the applicant aided a terrorist organization (22 cases) and the applicant had contact with family members who are operatives of terrorist organizations (394 cases).

5. *The Right to Freedom of Thought, Conscience and Religion*

Freedom of Religion

Promoting Equality in Funding of Religious Services

419. Until very recently, all cemeteries in Israel, except those of the kibbutzim, have been managed by religious institutions of the various religious communities. If a person who dies was not a member of a religious community which administers graveyards, or has expressed the wish not to be buried according to religious tradition, there was a need to find a solution, often at kibbutzim. Jewish burial grounds are managed by officially appointed Orthodox burial societies ("Hevrot Kadisha"), which bury only those who are Jewish according to Jewish religious law, and following an Orthodox ceremony. In 1992, the Supreme Court ordered the Minister of Religious Affairs to recognize a non-Orthodox Jewish burial society, and also ordered the Israel Land Administration to allot land for such a non-Orthodox cemeteries. In April 1996, the first "alternative" cemetery for Jews was inaugurated in Be'er Sheva. Additional licenses for alternative burial services have been granted in Jerusalem and Haifa. During that year a new law was enacted guaranteeing the right of citizens to be buried according to their chosen manner of observance in alternative cemeteries (Right to Alternative Civil Burial Law 5756-1996). The Law requires that such alternative graveyards be established in various areas around the country, sufficiently distant from one another so that all those who wish to take advantage of the new arrangement may reasonably be able to do so.

420. **Cemeteries.** Currently there are eight cemeteries for alternative civilian burial which are contracted with the Israeli National Insurance Institution, in accordance with the National Insurance (Burial Fees) Regulations 5736-1968 (the "National Insurance (Burial Fees) Regulations"). These cemeteries are located in Kiryat Tiv'on, Kfar Haro'eh, Kfar Sava, Petah Tiqwa, Hazor, Revadim, Giv'at Brenner and Be'er Sheva.

421. **Alternative Civil Burial.** On January 29, 2008, the Jerusalem Planning and Building Committee delivered for deposition the Jerusalem Mayor's plan to establish a cemetery for civil burial in the area of the new planned cemetery in Givat Shaul in Jerusalem. The new cemetery is to cover an area of 350 dunams, in which a special section will be allocated for civil burial of persons that Jewish Law (Halacha) does not allow to be buried in religious cemeteries, or who do not desire religious burial. According to the Municipality of Jerusalem, the plan is designated to allow every person to choose his/her way of life and the form of his/her burial without any kind of coercion.

Non-discrimination on the Basis of Religious Affiliation

422. As to the effect of religious affiliation on the enjoyment of civil rights, Israeli law does not distinguish between religious statuses except for matters of marital status, where the King's Order in Council (King's Order in Council 1922-1947, British-Mandate legislation, parts of which are still valid, including Section 51) applies, and provides exclusive jurisdiction to officially recognized religious tribunals in Israel over matters of marital status within their respective religious communities.

423. Overall, Religious Courts have an exclusive jurisdiction over all matters of marriage and divorce, except when the couple is not affiliated to any religion or of different religions. Regarding these exceptions, in matters relating to divorce, the jurisdiction is granted to the Family Matters Courts or to the Religious Courts. In Matters concerning women's and children's alimony, property issues, child maintenance, guardianship, violence and in the case of Muslims, also parental matters, Family Matters Courts and the Religious Courts have a parallel jurisdiction, with certain differences between the various religious communities.

424. Inheritance, guardianship and adoption – the Family Matters Courts have the main jurisdiction, the Religious Courts jurisdiction is subject to the consent of all relevant parties and certain limitations stipulated in the Law. Child abduction, marriage approvals under the Marital Age Law 5710-1950 (the "Marital Age Law") name changing, determination of age, surrogacy, parenthood (except for Muslims) and other disputes among family members, in matters not mentioned above – are all subject to the exclusive jurisdiction of the Family Matters Courts.

Non-discrimination Regarding Building of Religious Institutions

425. The Planning and Building Law stipulates that every plan promoted by planning institutions must be published, and an opportunity for submitting objections together with the right to a hearing must be provided. This includes the opportunity to contest real estate initiatives concerning religious structures and sites. The planning institutions are obliged to hear the parties who claim that they might be harmed by the implementation of a specific plan. According to Section 100 of the Law, a contention can be also submitted by a public or professional body which was authorized by the Minister of Interior, and since January 2004, the Arab Center for Alternative Planning is also authorized as aforesaid. Other institutions that may submit such contentions include, inter alia, a local committee or an engineer of such committee and local authority, including a local board, the area of jurisdiction of which is incorporated in such plan or borders it and every Government Ministry.

426. The Protection of Holy Places Law 5727-1967 (the "Protection of Holy Places Law") does not include any distinction between Jewish holy places and holy places of other religions. Moreover, the Planning and Building Law also does not distinguish between structures which are used for Jewish religious needs and structures which are used by other religions. Thus, no advantage is afforded to structures belonging to or serving the Jewish religion in planning initiated by the planning institutions. Note that in cases of a plan which is to be carried out in an area where over 10 per cent of the population is Arab, the plan must be published and approved in Arabic.

427. Planning is implemented while considering the allocation of land for public needs, including religious institutions. The allocation is made according to the quotas set in the "Planning Guidebook for Allocating Land for Public Needs," which was adopted in Government Resolution No. 2873 of January 28, 2001, and which determines land allocation quotas, including for religious institutions of the Arab population.

Budgeting of Religious Services and Religious Institutions

428. According to a coalition agreement signed in April 2006, it was decided that authorization of a budget of 85 Million NIS (U.S. \$22,972,973) would be given for Jewish religious services in the years 2006-2007. However, in order to avoid inequity in allocating budgets for the development of religious structures and institutions of other religions, the Ministry of Interior respectively allocated the required amount for religious services for the minority populations.

429. According to data received from the Ministry of Interior, the 2009 budget for religious services for the Jewish population was 329.2 Million NIS (U.S. \$88,972,973), and the budget for Jewish religious institutions was 113 Million NIS (U.S. \$30,540,541), of which 107.8 Million NIS (U.S. \$29,135,135) was in the form of cash and 5.2 Million NIS (U.S. \$1,405,405) was in the form of an authorization for budgetary obligations.

430. The 2009 budget for religious services and religious institutions for the Arab population was 55 Million NIS (U.S. \$14,864,865), of which 48 Million NIS (U.S. \$12,972,973) took the form of cash and 7 Million NIS (U.S. \$1,891,892) was in the form of an authorization for budgetary obligations. The cash budget was divided between religious services (which received 35 Million NIS (U.S. \$9,459,459)) and the development of religious institutions including holy places and cemeteries. Note that the abovementioned 7 Million NIS (U.S. \$1,891,892) was intended for the development of religious structures and institutions, including holy places and cemeteries.

431. The 2010 budget for religious services and religious institutions for the minority population is 47 million NIS (\$12.7 million), of which 41 million NIS (\$11,081,081) in cash and 6 million NIS (\$1.621 million) as an authorization for budgetary obligations. The cash budget is divided to religious services (39 million NIS) and development of religious institutions including holy places and cemeteries (2 million NIS). Note that the abovementioned 7 million NIS is intended for obligations concerning the development of religious structures and institutions including holy places and cemeteries.

432. The budget for Yeshivot (Jewish Rabbinical colleges) is currently 720 Million NIS (U.S. \$194,594,595) and according to the estimations given by the Ministry of Finance, at the end of the year it will increase to approximately 975 Million NIS (U.S. \$263,513,514). The budget for Jewish studies is currently 124 Million NIS (U.S. \$33,513,514).

433. The budget for the Yeshivot (Jewish Rabbinical colleges) is currently 720 million NIS (\$192.5 million) and according to the estimations of the Ministry of Finance, at the end of the year it will set at about 975 million NIS (\$260.7 million). The budget for Jewish studies is currently 114 million NIS (\$30.8 million).

434. As noted above, the State also allocates part of its budget to non-Jewish religions, however there are religious congregations that refuse to accept funds from the State on the basis of principle and ideological grounds.

#### Free Access and Protection of Holy Places

435. Israeli Law grants freedom of worship and ensures the safekeeping of and access to holy places to members of all faiths. Moreover, these sites are guarded by the Police in order to protect public order in these sensitive places.

436. In February 2000, pursuant to a Government Resolution, a special committee was established in order to investigate the conditions of Arab holy sites. The Committee included representatives from the Ministries of Religious Affairs and of National Infrastructure, the Israel Lands Administration, as well as a representative of the Regional Committee for Arab Local Councils. Responsibility was conferred on the Committee to prepare a program to deal with the issue of non-Jewish holy sites and to prepare a list of these places, and a schedule of priorities for implementing the program.

437. On November 21, 2004, 'Adalah' – the Legal Center for Arab Minority Rights in Israel, petitioned the Supreme Court and asked that the Court issue an order to compel the Minister of Religious Affairs to issue regulations for the protection of Muslim holy sites in Israel in accordance with the Law. The petition asserted that a failure to issue regulations for the protection of Muslim holy sites, when such regulations have been issued for the protection of Jewish holy sites, constituted a breach of the Law, violated the principle of the rule of law and the principle of equality. Furthermore, it was claimed that the failure to promulgate such regulations for the protection of Muslim holy sites resulted in discrimination in the designation of the budget for holy sites. The Supreme Court determined that such regulations are not a necessary condition in order to ensure respect for and the guarding of holy places. The State's representative announced that in order to guard Muslim holy places, it was decided to allocate, in the framework of the state budget, a sum of 2 Million NIS (U.S. \$540,541) per year for the treatment and reconstruction of such places. Moreover, a list of priorities was to be prepared by an inter-ministerial team, which will consider the position of Muslim representatives. Therefore, the Supreme Court decided to dismiss the petition, subject to the State's commitment to act for the establishment of procedures for the caretaking of Muslim holy places (H.C.J. 10532/04 Adalah – The Legal Center for Arab Minority Rights in Israel et al v. The Prime Minister et al).

438. Nevertheless, on the basis of the work of the abovementioned committee and of the work of another inter-ministerial Committee, which was established following the petition, a program was prepared for the appropriate treatment, in terms of budget and planning, of the relevant holy sites. Furthermore, following the work of the Committee, a special budget was to be allocated for the restoration of Arab holy sites, the list of which is currently being drafted.

#### Excavations in Jerusalem

439. With respect to the Committee on the Elimination of Racial Discrimination's Observation No. 36 of the Concluding Observations of 14 June 2007 (CERD/C/ISR/CO/1), the concerns of the Committee are groundless. There are no excavations presently conducted beneath the al-Aqsa Mosque, nor has Israel ever conducted any such works in the past.

440. The excavation conducted by the Hebrew University of Jerusalem to the south of the al-Aqsa mosque and the Temple Mount was concluded in 1980, over 29 years ago. These excavations were conducted outside the area of the Temple Mount. Since then no excavations have been conducted beside the al-Aqsa Mosque, beyond that conducted illicitly by the Islamic Waqf itself, without proper engineering supervision in Solomon's Stables on the eastern edge of the al-Aqsa Mosque. This work, by the Islamic Waqf, beyond being a breach of the Israeli Antiquities Law 5738-1978 (the "Israeli Antiquities Law"), contravened international charters, conventions and professional ethics governing the management of antiquities sites of supreme universal cultural value. These include contravention of the 'UNESCO Recommendation on International Principles Applicable to Archaeological Excavation (1956)', the 'Venice Charter (1964)' and the 'Convention for the Protection of the World Cultural and Natural Heritage (1972)'. Violation of the latter is especially poignant as it concerns the cultural management of Jerusalem as a site registered in UNESCO's World Heritage List in 1981 and its subsequent inscription in 1982 on the World Heritage List in Danger. The works caused the loss of a singular opportunity to investigate in a professional manner the ancient layers of the Temple Mount/al-Haram el-Sharif and can be considered no less than a cultural offence.

441. Excavations by Israeli archaeologist have been carried out in other areas that surround the Temple Mount, in the vicinity of Robinson's Arch between 1996-2000, in the Western Wall Tunnels between 1969- 1980 and the Mughrabi Ascent in 2007. Presently there are no excavations adjacent to the walls of the Temple Mount. None of the past works

penetrated beneath the walls of the Temple Mount and all were conducted according to the highest professional standards, and under engineering supervision to ensure that no danger was posed to the Temple Mount, which is a monument of supreme importance to Jews, Muslims and to the rest of the world's community.

442. Unimpeded access to the Temple Mount/al-Haram al-Sharif is possible through eight gates that open daily into the complex. Seven of these gates are for the use of the Muslim public, while one (the Mughrabi or Moroccan Gate) is used exclusively by local and foreign tourists and security forces.

443. Israel is not aware of any damage, actual or potential, caused by the excavation south of the al-Aqsa Mosque that was terminated in 1980. The al-Aqsa Mosque, both as a holy site and as a designated antiquities site according to the Antiquities Law, is a structure of major importance and is protected by Israeli law. The State of Israel sees the protection of this important monument as a central tenet of its responsibility towards the protection of all cultural heritage under its sovereign control.

444. In practice, access to holy places and freedom of worship for members of all faiths is strictly protected, with few exceptions relating to the maintenance of public order, security and morals.

## 6. *Freedom of Opinion and Expression*

445. Between 2006 and 2009, approximately 10 indictments were filed annually in regard to offences related to freedom of expression. In 2009 (up until August), 155 cases of such offences were opened, in comparison with 158 in 2008, 139 in 2007 and 170 in 2006. Approximately 70 per cent of these cases were opened with respect to offences of inciting to racism or inciting to violence.

446. In June 2008, the Jerusalem Magistrate Court convicted Elisheva Federman for offences of violence or terrorism, and publication for the purpose of inciting to racism. The defendant was indicted and convicted for statements she made during a recorded television interview for channel 10 (TV) and in the course of a documentary series which was broadcast on channel 2 (TV). The Jerusalem Magistrate Court emphasized that the right to freedom of expression is not absolute, and in certain circumstances it is required to protect other fundamental social values. Thus, racial expressions cannot find shelter under the right for freedom of expression, and limiting this right so as to prevent racism is a worthy cause. Moreover, the Court noted that the offence of publishing incitement to racism is a behavioral offence, and there is no need to show the probability of actual incitement to racism as a result of the publication (C.C. 4437/06 The State of Israel v. Federman Elisheva (15.6.08)).

## 7. *Other Civil Rights*

### **Due Process Rights – the Right to Assigned Legal Assistance in Criminal Cases**

447. **Court-Appointed Counsel.** Amendment No. 49 of July 19, 2006, to the *Criminal Procedure [Consolidated Version] Law 5742-1982* (the "*Criminal Procedure [Consolidated Version] Law*"), amended Section 15 of the Law by adding subsections 15(a)(4)-(6). According to the Amendment, the court shall appoint an attorney for an unrepresented defendant, or for an unrepresented suspect in an offence for which immediate testimony is required, if the following conditions are met: the person is charged with an offence punishable by actual imprisonment or imprisonment, which in the absence of special circumstances, cannot be entirely suspended (Section 15(a)(4)); when the prosecutor gives notice to the court that he/she intends to request the incarceration of a defendant if the defendant is convicted (Section 15(a)(5)); when the prosecutor did not give such notice (as referred to in Section 15(a)(5)), and the court considers, following the

conviction of the defendant, that there is a possibility that the defendant will be sentenced to a period of incarceration.

448. Amendment No. 49 added Section 15A to the Law which stipulates that a prosecutor who is of the opinion that there is a possibility that he/she will request a sentence of incarceration, shall notify the court of his/her intention, together with the serving of the indictment or at another time prior to the beginning of the trial (Section 15A(a)(1)). The court must forward this notice to the defendant and the Public Defender's Office (Section 15A(a)(2)). According to Section 15A(b), if the prosecutor did not provide such notification to the court, and following the beginning of the trial he/she is of the opinion that new circumstances or reasons justify requesting that the court sentence the defendant to a period of incarceration, he/she shall then notify the court and the defendant at the first available opportunity. According to Section 15A(c), if the prosecutor provides notice under Section 15A, then legal counsel shall be appointed for an unrepresented defendant.

449. In addition, Amendment No. 49 added Section 15B to the Law, which stipulates that a court may not sentence an unrepresented defendant to a period of incarceration. However, this section shall not apply to a defendant who was represented, but whose representation was terminated with the consent of the court under Section 17.

#### The Public Defender's Office

450. An indication of the desire and capacity to serve the minority population is reflected by the pool of attorneys operating within the Public Defender's Office. That is, 16.3 per cent of the full-time staff attorneys belong to the minority population (14 attorneys out of 88), while 19 per cent of external attorneys hired by the Office are members of minority populations (131 out of 689). Even more telling is that 45 per cent of the external pool of attorneys for the Northern Public Defender's Office belong to minority populations. This is important for the Northern District, as it is an area where the minority population is in the majority. Therefore, the Office is able to better meet the needs of the minority populations by ensuring the availability of attorneys who can converse with and understand their clients.

#### The Right Not to Be Arbitrarily Expelled

451. During the 1990's the annual increase in the number of alien residents, mostly migrant workers, entering Israel illegally, or staying in Israel illegally once their visas had expired, dramatically increased, and was estimated to have increased by 120,000 by the end of 2002, 100,000 by the end of 2003, 60,000 by the end of 2004 and by 107,000 by the end of 2008. At the peak of this trend, during 2001-2002, migrant workers (both legal and illegal) constituted 9.6 per cent of the work force in Israel.

452. The *Entry into Israel Law* criminalizes the illegal entry into or stay in Israel, which is punishable by one year's imprisonment. A person staying in Israel without a valid permit is to be removed or may leave the country voluntarily. The Law entitles foreigners, including migrant workers, to a range of substantive and procedural rights.

453. The Law provides that persons staying in Israel illegally, who are held in custody until their removal, must be detained separately from criminal detainees. In addition, a list of their basic rights must be posted in a prominent place in the detention facility in both Hebrew and English (in practice the list of rights are also posted in Chinese, Arabic, Thai, Spanish, Portuguese, Amharic, Russian, Romanian etc.) and pamphlets containing information regarding their rights are provided to them in Hebrew, English and additional languages (Philippine, Ukrainian, French, Czech, Turkish, Polish, Bulgarian, Hungarian etc.). Such detention facilities currently operate in "Ktziot" (in the Negev) "Givon" detention facility (near Ramla) and "Matan" (near the city of Hadera).

454. A special tribunal has been appointed with jurisdiction to judicially review the detention decisions of the Border Inspector, including proceedings that deal with bail and the extension of detention (Detention Review Tribunal). The Tribunal has operated since November 2001, and as of 2008, the Law requires that a foreign national staying in Israel illegally must be brought before the Tribunal no later than 96 hours (4 days) (previously 14 days) from his/her arrest. If this is not done, he/she may be released from detention. As the hearings are conducted in the detention facilities, this time limit is enforced, such that in practice, most detainees are brought before the Tribunal within 3-4 days.

455. The Tribunal has jurisdiction to confirm a detention order, to order a review of a detention order within a specified time, to cancel the detention order and grant bail, or to change the conditions of bail.

456. In addition, a person illegally staying in Israel who was released on bail may approach the Tribunal at any time with a request to change his/her conditions of bail. Such a person also has the right to be present in any proceeding dealing with his/her case unless it is impossible to locate him following reasonable efforts to do so. In addition, he/she is entitled to be represented free of charge by a representative who is not a lawyer.

457. A person who has been detained, but for reasons not caused by him/her, has not been removed from Israel within 60 days of his detention, may be released from detention. Such a person shall not be released if the Tribunal is convinced that he poses a danger to the public, public health or state security.

### **Freedom of Information**

458. As mentioned in Israel's thirteenth Periodic Report, the 1998 enactment of the *Freedom of Information Law* has given a solid legislative basis to the public's right of access to information. The main innovation of the Law is the recognition of the right of an Israeli citizen or resident to receive information from public authorities, regardless of whether he/she has any personal interest in it, and without having to state a reason for the request. Moreover, Article 12 applies the provisions of the *Freedom of Information Law* to persons who are not citizens or residents of the State of Israel, regarding access to information concerning their rights in Israel.

459. The *Freedom of Information Law* has been amended several times since its enactment. Amendment No. 3 of August 8, 2005, added Section 6A to the Law, which stipulates that a public authority must publicize information on its website regarding environmental issues in its territory, including: information regarding materials that were spilled, cleaned or dumped and results of measures taken regarding noise, odors and smells, and radiation in public property. According to the amendment, the Minister of Environmental Protection, together with the Minister of Finance and in consultations with the Minister of Justice and additional relevant Ministers will determine the various kinds of information that is to be published. On March 4, 2009, the Minister of Environmental Protection enacted the *Freedom of Information Regulations (Providing Information regarding Environmental Protection for Public Review)* 5769-2009).

### **Case Law**

460. In 2005, the Association for Civil Rights in Israel (ACRI) petitioned the Supreme Court requesting it to order the Director of Israel's Defense Force's archives to allow a journalist to browse through its materials and to provide any person with information that does not contain confidential material and may not harm state security. On January 13, 2010, the High Court of Justice rejected the petition after reaching the conclusion that "significant changes have been made regarding the different aspects of the petition, including the award of several of the requested remedies for the petitioners." Due to the fact that this was only done following the submission of the petition, the Court awarded the

petitioners expenses in the amount of 20,000 NIS (U.S. \$5,405). The Court further stated that "in light of the fact that a process for changing the version of the regulations had already began [...] we find no reason for the Court's interference in the arrangement anchored in regulations, and we are of the opinion that the authorities should be permitted to complete the new regulation before we are to address them." However, the Court criticized the respondents regarding the amount of time it took for them to address the petitioner's request and the time it took them to release various archive materials which are not related to specific requests. The Court stated that one should hope that in the framework of the changes brought by this petition, and the examination of the issue, the respondents would consider the reasonable amount of time for processing requests by individuals in a way that will constitute a proper response to the needs of academic research, and to important public interests, particularly the importance of realizing the public's right to be exposed to information found in the hands of government authorities. (*H.C.J. 2467/05 Gershon Gorenberg v. The Director of the IDF's and the Ministry of Defense's Archive* (13.1.10)).

## **E. Economic, Social, and Cultural Rights**

### *1. The Right to Employment*

461. **Equal Employment Opportunities Commission.** In 2005, the Knesset enacted Amendment No. 10 to the *Equal Employment Opportunities Law*, which established the Equal Employment Opportunities Commission within the Ministry of ITL.

462. The Commission is charged with the promotion, implementation and civil enforcement of the following laws and statutory provisions: *Equal Employment Opportunities Law*; *Male and Female Workers (Equal Pay) Law*; *Women's Employment Law*; *Prevention of Sexual Harassment Law* (in relation to employment) and other statutory provisions relating to: discrimination on religious grounds and army reserve duty service, discrimination on the part of public and private employment agencies, affirmative action for women, people with disabilities, Israeli Arabs and persons of Ethiopian origin in the public sector, and legislation protecting workers who "blow the whistle" on violations of the above laws and statutory provisions. The Commission is also charged, *inter alia*, with a wide range of duties, including fostering public awareness through education, training and information; encouraging programs and activities; cooperation with relevant persons and bodies; conducting research and gathering information; intervention, with the courts approval, in ongoing legal proceedings; handling complaints regarding violations of equal employment legislation; submission of requests for general orders; and instructing employers to take general measures regarding all or part of their workforce or employment applicants, designed to ensure compliance with duties imposed by equal employment legislation or to prevent violations of such duties.

463. **Structure of the Commission** - The Commission is headed by a National Commissioner, who is appointed by the Government, upon the recommendation of the Minister of ITL, following consultation with the Minister of Justice. The National Commissioner is appointed for a term of four years, which may be renewed only once; the National Commissioner has to have a law degree and at least seven years of proven experience in the areas within which the Commission operates.

464. The Equal Employment Opportunities Commission commenced operation at the beginning of 2008, following Government Resolution No. 2578 of November 2007. This position is the first of its kind to be established in Israel. The Commissioner is responsible for collecting information and hearing complaints from workers concerning instances of sexual harassment, and/or discrimination based on gender, sexual orientation, parenthood, religion and race. Where necessary, the Commissioner is also responsible for initiating



legal action on behalf of any adversely affected workers. The commissioner also has the authority to request that courts issue special orders prohibiting sexual harassment in the workplace. Violation of these orders is considered a criminal offence. In addition, the commissioner is responsible for encouraging special programs related to equality in employment as well as other educational and promotional activities in the workplace. At the end of each year the Commissioner is required to submit an annual report to the Minister of Industry, Trade and Labor, who shall forward the report with his/her comments to the Knesset Committee for the Advancement of the Status of Women, and to the Knesset Committee for Labor, Welfare and Health.

465. In late 2008, the advisory committee to the Commission was appointed. Under the Amendment to the Law, the 21-member committee is comprised of representatives of the Authority for the Advancement of the Status of Women, the Commission for Equal Rights of Persons with Disabilities, Government Ministries, NGOs, trade unions and employers' associations. Appropriate representation is given, insofar as is possible, to women, the Arab population, including the Druze and the Circassian, and persons with disabilities.

466. Since her appointment in January 2008, the National Commissioner has manned regional commissioners and three additional positions, published a pamphlet dealing with employment rights that was distributed to 300,000 employers and employees, and conducted other activities of the Commission.

467. In addition, since September 2008, the services provided by the Commission have included the handling of 150 specific applications, three law suits which are currently being prepared, and many preliminary measures taken regarding discrimination by employers.

468. On January 21, 2009, the Commission launched its Arabic website.<sup>2</sup> In marking the event, the National Commissioner emphasized the importance of the website as a tool for disseminating information regarding equal opportunities in the labor market for the Arab population. The Commissioner further stated that as of January 2009, only 5 per cent of the complaints received by the Commission were for reasons of discrimination on the basis of national background and called for the Arab public to file a complaint in any case of discrimination. The website contains information for employers, employees and employment-seekers on issues such as: discrimination at work, discrimination in applying for work, discrimination upon dismissal, verdicts and court decisions regarding issues of discrimination etc.

469. In March 2009, the Commission published a pamphlet in Arabic which is intended for employers, employees and employment-seekers in the Arab population.<sup>3</sup> The pamphlet contains information regarding discrimination at various stages of the employment process and details regarding the Commission, ways of contacting it, ways of addressing a complaint etc.

470. On May 4, 2009, the Commission announced that in the first quarter of 2009, it received a total of 180 complaints, of which only 3 per cent were for discrimination on the grounds of national background. The Deputy Minister of Industry, Trade and Labor stated that she would attribute special emphasis to fighting discrimination among the Arab population and that there is an important need to raise awareness of the Commission throughout this population.

<sup>2</sup>

<http://www.moital.gov.il/CmsTamat/Rsrc/ShivyonArbic/ShivyonArabic.html>

<sup>3</sup>

The pamphlet is accessible through the following link:

[http://www.moital.gov.il/NR/rdonlyres/4721B754-9DAF-4030-ACBF-1F7C1004D681/0/shivyonhizdamnuyot\\_Arabic.pdf](http://www.moital.gov.il/NR/rdonlyres/4721B754-9DAF-4030-ACBF-1F7C1004D681/0/shivyonhizdamnuyot_Arabic.pdf)

471. The Equal Employment Opportunities Commission has made the Arab population a priority in its work and is targeting cases dealing with discrimination, thus raising public awareness and enforcing the law in specific cases.

#### **The Israeli Employment Service**

472. The Israeli Employment Service is responsible for the placement of employees without any prejudice or discrimination. As of September 2009, approximately 220,000 unemployed persons were registered with the Employment Service. These unemployed persons are of different populations, ages, professions and levels of education, and include job-seekers, as well as people who are entitled to receive unemployment or income support allocations.

473. On August 1, 2007, the Employment Service issued a Directive regarding the prohibition on discrimination, in accordance with Section 42(a) of the *Employment Service Law*, and Section 2 of the *Equal Employment Opportunities Law*. The Directive was distributed to the Employment Service's workers, who also received relevant training on this issue.

474. In order to promote the placement of unemployed persons, the Employment Service refers job-seekers to vocational training held by the Vocational Training and Manpower Development Department in the Ministry of ITL. Thus, many job-seekers of the Bedouin and the Ultra-Orthodox populations have been referred to such training sessions over the years.

475. Special programs are designated for members of weaker populations in order to facilitate the better integration of such populations in the labor market. The Employment Service operates various instruments for identifying population groups which require special assistance, such as employment, psychological counseling, and computerized diagnostic tests. During 2007 and 2008, a unique project was conducted together with the Microsoft Corporation and WIZO (Women's International Zionist's Organization) to diminish imparities of digital knowledge and providing intensive assistance to women, single mothers, and women of minority populations. In addition, single parents were informed of the unique programs and benefits of the Single Parents Department in the Ministry of ITL. Moreover, the Employment Service has cooperated with the American Jewish Joint Distribution Committee's (JDC) program for integrating people of the Ultra-Orthodox population into the labor market through special centers for employment development among that population.

476. The development of several pilot programs for assisting weaker populations is currently being concluded, such as providing financial incentives for employers who employ people of minorities for long periods, providing financial incentives for employers and employees in the agricultural field, recovery of high travel expenses for job-seekers of weaker populations who are placed in work which is far from their permanent residence, and a program designated for the Ultra-Orthodox population.

477. Overall, the unemployment rate in Israel has decreased since 2003 and 2004 (10.7 per cent and 10.4 per cent unemployment respectively), with the figures reaching as low as 7.3 per cent in 2007, approximately 6.1 per cent in 2008, and with a slight increase in 2009 to 7.6 per cent. Among the Arab population, the unemployment rate that stood at 13.4 per cent in 2002 and 11.5 per cent in 2003, also began to decrease and reached a low rate of 8.5 per cent in 2008.

478. Similarly, among new immigrants, the rate of unemployment in 2003 was 11.2 per cent. As of 2006, this figure dramatically improved, reaching a low rate of just 5.3 per cent in the year 2008. Programs to improve job opportunities for new immigrants, as well as for other unemployed groups in the labor force, were implemented. These included

streamlining public Employment Service activities to encourage employers to seek workers through the Employment Service; improving the matching of job vacancies with job-seekers; temporary employment programs in the public sector; and vocational training, retraining and on-the-job training.

#### The "Welfare to Work" Program

479. In August 2005, Israel launched a major pilot program named "Welfare to Work" in four areas of the country. The primary goal of the program was to integrate recipients of income support, who are required to undergo an employment test, into sustainable employment. Recipients of income support are the poorest and weakest group among Israel's unemployed populations. The pilot concluded in August 2007. In order to further examine the implementation of the program, the Government decided to extend the pilot program for a further two year period in the same areas. Following the extension, some major differences in the program were introduced. The target population was redefined; special tracks were created for subgroups; the financial model was modified; and a financial incentive ("diligence" grant) was paid to participants who remained in their jobs.

480. Hereinafter are the main findings of the abovementioned program:

(a) **Employment.** The program had a positive impact on participants' employment status, as reflected by the integration into employment of individuals who had not been working prior to the program, and in the increased number of the working hours of those who were already employed at the outset of the program. A considerable impact was found to exist in the employment rate among those referred to the program, which rose by 25 per cent – from 41.8 per cent at the time of referral to 52.2 per cent some eight months later (an increase of 10.4 per cent). In contrast, the employment rate in the control group increased by only 6 per cent – from 41.8 per cent to 44.1 per cent (an increase of 2.3 per cent). Thus, the program's impact on the employment rate was found to be 8.2 per cent. The program was also found to have a positive impact on increasing the number of working hours of individuals who were already employed at the time of referral. Altogether, the impact of the program on the employment rate and the number of working hours was 9.6 per cent. 37 per cent of the individuals who were integrated into employment in the experimental area were hired in full-time positions with an average monthly wage of 3,600 NIS (U.S. \$973). The remaining 63 per cent were hired in part-time positions with an average monthly wage of 1,900 NIS (U.S. \$514). Some of them continued to receive benefits. The program had a positive impact on individuals who had been in the income support system for a short time as well as on those who had been in the income support system for a long period of time.

(b) **Eligibility for income support benefits.** The program considerably reduced the number of income support recipients and a significant percentage of those who continue to receive support are employed and receive only a partial benefit. After eight months, 58 per cent of the families in the experimental group reported that they were receiving income support, while 77 per cent continued to receive support in the control group. In other words, a decline of 19 percentage points in the rate of families receiving benefits can be attributed to the program. After eight months, the employment rate among referred individuals who continued to receive income support was high (60 per cent). These individuals receive a partial benefit. This compares to 43 per cent in the control group.

481. The legal basis for the program was the *Economic Policy Law* for the fiscal year 2004; Integration of income support recipients in the workplace. The Law was in force from 2005 to 2008 and has been extended since then several times, up until December 2009 and again until May 2010.

482. In April 2010, the Knesset's Employment, Welfare and Health Committee did not extend the program, although an extension was requested by the Ministry of Finance. This

came after months of criticism regarding the implementation of the program by private companies and after a report of the Legal Aid Department in the Ministry of Justice, according to which, the bureaucratic structure of the program is insufficient and does not allow flexibility and sensitivity needed in handling the target population.

#### Employment in the Arab Population

483. Following Government Resolution No. 1832, (April 29, 2004), where it was determined that mechanisms would be put in place in order to encourage employment; another Government Resolution (No. 3716) that established criteria to partially subsidize employers was adopted on June 9, 2005. This Resolution established major centers of employment aimed at granting new opportunities for employment in peripheral areas. According to this Resolution, and over a span of five years, Government support would be granted in order to create new job opportunities by establishing, expanding, or relocating existing companies. The support was to be granted in accordance with a competitive procedure. The minority population would compete only amongst itself.

#### The Bedouin Population in the Negev (South)

484. In addition, in order to encourage employment among the minority populations in the southern Negev area, it was decided that a factory/entrepreneur in the industrial field, services or tourism, which employs at least 4 new employees from the Bedouin or the Jewish Ultra-Orthodox population in the Negev, would be entitled to reimbursement of 15 per cent - 20 per cent of these workers' monthly wages for a period of 5 years. The employer would also receive reimbursement for the costs of organized transportation to and from the workplace, up to a total of 3,000 NIS (U.S. \$811) per worker, annually.

485. Note as well that labor force participation of Arab women remains relatively low, though the rate is steadily rising. Between the years 1980-2002, there was a moderate increase in Arab women's participation in the labor force, from 11 per cent in 1980 to 14.8 per cent in 2002. However, by the year 2008, the rate rose to 21.1 per cent, and in September 2009, Arab women constituted approximately 7 per cent of all women in the civil labor force in Israel. In 2008, there were 372,642 employed Arabs-Israelis in the labor force, 280,154 (75.2 per cent) were men and 92,488 (24.8 per cent) were women. 31,565 of the Arab population were listed as unemployed, 10,578 (33.5 per cent) of them were women.

486. In the Arab population, women employees earn 10 per cent more than men. This can be explained by the fact that 43 per cent of employed Arab women work in academic and technical professions, while 64 per cent of Arab men work as skilled and unskilled labour in construction and industry branches.

487. In terms of gross monthly salary, Arab men's salaries were 35 per cent higher than the Arab women's salaries. The difference in the monthly salary is due to the gap in men's working hours compared to the women's - a monthly average difference of 15 hours.

488. In the Arab population, the majority of men (108,975) in the labor force completed 11-12 years of schooling, compared to the majority of women (46,683), who completed 13 years or more of schooling.

489. Of the women who were employed in 2008, 14.6 per cent worked as academic professionals, 19.4 per cent worked as professionals and technicians, 25.9 per cent as clerical workers and 24.4 per cent as agents, sales or service workers. Furthermore, 6.6 per cent worked as unskilled workers, 4.1 per cent as manufacturing, construction or other skilled workers, while 4.6 per cent worked as managers. Of the Arab-Israeli women who were employed in 2008, 12.5 per cent worked as academic professionals, 30.4 per cent worked as professionals and technicians, 16.8 per cent as clerical workers and 24.2 per cent as agents, sales or service workers. Furthermore, 11.1 per cent worked as unskilled

workers, 3.5 per cent as manufacturing, construction or other skilled workers, 0.5 per cent worked as skilled agricultural workers and 1.0 per cent worked as managers.

490. Regarding unemployment rate among the Arab population in the south of the country (mainly Bedouin): their rate of unemployment is currently estimated at 10 per cent. In recent years, the Government successfully undertook projects to reduce unemployment among the Bedouins, including vocational training and subsidized employment, particularly in areas related to tourism, such as in national parks and at archeological sites.

491. With respect to unemployment among women, three authorities in Israel are currently actively engaged in promoting employment opportunities for women: the Authority for the Advancement of the Status of Women in the Prime Minister's Office; the Knesset Committee for the Advancement of the Status of Women; and the Unit for Integration and Advancement of Women in the Civil Service Commission.

### **Women's Entrepreneurship**

492. A survey conducted in 2006 indicated that 33.7 per cent of self-employed individuals are women, compared with 66.3 per cent who are men. Women entrepreneurs face inherent obstacles such as insufficient administrative skills, difficulties in obtaining financing and low self-esteem. Consequently, several programs were developed by the Ministry of ITL through the Israel Small and Medium Size Enterprises Authority (SME Authority) and in the Centers for Fostering Entrepreneurship for every woman, including Arabs, Druze and Bedouin, new immigrants, and Ultra-Orthodox. These programs include assistance in obtaining funding for small businesses, female empowerment courses, establishment of "women only" business clubs and other activities and special assistance for single mothers. In 2007, Israel's SME Authority, through its Centers for the Promotion of Entrepreneurship, handled 6,909 new applications from women and 10,276 from men (compared to 6,689 applications from women and 11,119 from men in 2006). In 2007, 96.5 per cent of female applicants participated in guidance courses run by the Centers. 25 per cent of the women received coaching and trainers to assist them. As part of the Ministry of ITL's policy to foster entrepreneurship among weak segments of the population, the SME Authority runs several programs, described below, with an emphasis on the female population:

(a) Initiating business - a program in cooperation with the Israeli Employment Service, Joint Distribution Committee and the Ministry of Immigrant Absorption to locate unemployed individuals throughout the country with entrepreneurship potential, and provide them with coaching for the start-up period of their business. This project, which began in 2008, had 79 women participants that year - 85 per cent of all participants.

(b) Project for single parent women in Ramla-Lod - a long term project for single parent women providing them with the necessary tools for starting up a business, through coaching and assessing the proper financial tools they require for the business. Currently there are 20 women participants in the program.

(c) Economic Initiative for Women in Kssaife - a three year program developed with "Joint-Israel," for creating and marketing authentic products made by women through a central body owned by them. The women become business owners exempt from value added tax (V.A.T.). In 2007, 20 women participated in the program. At the end of the three year project, 100 Bedouin women will have participated in the program.

(d) Female Horizon Project - this project is operated in cooperation with the Forum for Civil Agreement and "Joint-Israel" for the Arab population. The project's aim is to develop and empower 60 business owners and includes, *inter alia*, women who have written their own independent business development plans.

(e) Innovators Association - courses are provided for qualified women which focus on running a business for events (such as birthdays and other parties). Every year 70 women participate in the program.

(f) Project in the Western Galilee for training of Arab women in the field of alternative medicine, which is run in cooperation with the Albaum Institute. The 25 women who participate in the program receive training in alternative medicine and in business management.

Another project is the creation of a joint marketing body for women-run businesses in the Bedouin village Hussniya in the Galilee. Currently there are 20 women participating in the project.

493. Additional courses include education completion, entrepreneurship courses held for women and their integration into the labor market, which is currently in its second year, and a program for business entrepreneurship for Arab women of the triangle area in the north etc.

#### **Vocational and Professional Training for Women**

494. **Training for Women.** In 2008 women comprised 46 per cent of all trainees in vocational courses provided by the Division for Training and Development in the Ministry of Industry, Trade and Labor (ITL).

495. As detailed in Israel's thirteenth Periodic Report, with regard to female participation in the labor force, two groups – Ultra-Orthodox Jewish women and Arab women – require the implementation of special programs and measures, due to the religious-cultural factors affecting their potential entry into the labor market.

496. In the field of vocational training, the policy of allocating special budgets aimed at the training of women continues. Some of the special programs target women in general, while others specifically target vulnerable groups of women.

497. Approximately 1,480 Ultra-Orthodox women have participated in vocational training courses and practical engineering diploma studies. In addition, Arab women comprised 56 per cent (1,107 women) of all Arab trainees and 36 per cent of all female trainees participating in vocational training for the unemployed, which training is provided by the Employment Service.

498. The Department for the Advancement of Women within the Ministry of ITL endeavors to increase the employability of women and, consequently, their economic independence by way of projects and policies of professional and personal empowerment and growth. Several of the Department's initiatives are as follows:

(a) Self-empowerment workshops and entrepreneurship skills workshops, especially for new immigrants, Arab and Ultra-Orthodox women. These workshops also focus on work skills and additional retraining courses.

Between the years 2002 and 2007, 370 workshops were provided to some 6,500 participants. The participants reported improved self-image, personal and professional empowerment and better assessment of the job market. Participants in the Entrepreneurship Workshops reported a better understanding and knowledge of the various aspects of small business establishment. Participants in the workshops usually enjoyed continued professional assistance from the Ministry of ITL. The women undertake various activities at the end of the workshops such as acquiring education, Hebrew classes, vocational training, employment or some form of voluntary activity.

(b) Programs for integrating single parents into the work force. Between the years 2003 and 2005, the Ministry of ITL operated a program intended for single parents

receiving allowances or alimony from the National Insurance Institute (NII), in order to integrate them into the work force. The program was launched as a pilot and then incorporated into the regular long term programs of the Ministry. The program provides assistance in financing child care by subsidizing payments for afternoon programs and day-care centers. Financial assistance is also provided for babysitting during non-conventional hours and during summer vacation. The program also addresses professional training aspects, through a voucher system in which vouchers are provided for courses recognized by the Manpower Training and Development Unit. In August 2008, the Unit began to offer professional consultants to help identify appropriate training courses and job placement services according to the individual needs and qualifications of the participants in the program. During 2008, an additional program was launched to encourage single parents to participate in the program, and to encourage the development of entrepreneurial skills, and thus, the ability to establish small businesses. An additional pilot program established by the Ministry of ITL was launched on September 1, 2008. As part of the new program, training centers for single parents, receiving allowances or alimony, were to be established. Through courses operated in these centers, the participants are to acquire skills to enable them to enter or re-enter the labor force. Following a two month course, the participants are directed to specific training courses or jobs that suit their individual qualifications.

(c) Courses for entrepreneurship and small business. Courses for women with entrepreneurial spirit and/or plans, but without access to training because of economic, geographical or cultural obstacles. The training that is provided enhances their prospects of establishing a viable business and improving their economic standing. The courses are provided by the Ministry of ITL and the Israel Small and Medium Enterprises Authority, through Centers for the Promotion of Entrepreneurship (CPEs). Currently, 24 CPEs are located throughout the country. In addition to training, these centers also provide assistance and counseling in the process of establishing a small business.

(d) The Division for Training and Development in the Ministry of ITL takes specific measures to increase the number of women participants in the courses via the establishment of separate courses for women in the Ultra-Orthodox and Arab populations. This is achieved by directing the Acceptance Committees to perform their role equitably, and support female participants in all courses, especially those previously considered "masculine."

499. The following table depicts the distribution of men and women trainees within the various types of courses offered during the year 2007.

Table 8  
**Participation in Vocational Training, by Subjects, 2007**

Route	Total participants	Women participants	Percentage of women
Daily training	5,352	2,663	49 per cent
Academic Retraining	335	180	53 per cent
Night school – Transportation	6,385	166	3 per cent
Night school – Business	31,761	20,777	65 per cent
Technicians – Practical engineers	21,655	7,394	34 per cent
Youth Training	11,718	2,086	18 per cent
<b>Total</b>	<b>77,206</b>	<b>33,266</b>	<b>43 per cent</b>

*Source: The Ministry of Industry, Trade and Labor, 2007*

### **The Authority for the Advancement of the Status of Women**

500. Affirmative Action in Employment - In accordance with Government policy, the Authority recruits Arab and Bedouin women. In August 2009, there were ten women employees in the Authority, two of whom are Arab. Three additional positions, all intended for Arab women, are in the process of being approved.

501. The Authority publishes information in Arabic, and employs an authority employee to promote Arab women's status, disseminate information and provide interviews in the Arab media in Arabic.

502. The Bedouin Woman's Day - In the framework of Bedouin Women's Day and as part of the "60th celebrations" of the State of Israel, 30 leading Bedouin women received awards of respect in a special ceremony. These women were chosen for their leadership and success in various fields, such as education, business, public health, academic achievements and more.

### **Women in the Civil Service**

#### **Ranks of Women in the Civil Service**

503. The Civil Service has four main classifications that comprise the main sources in which administrative managers may be ranked. The number of women featured among the top three ranking senior staff positions is gradually improving. In 1997, women comprised 61 per cent of all civil servants, yet women held only 15 per cent of high ranking civil servant positions. As of December 31, 2007, 46 per cent of the top four ranking positions, and 41 per cent of the top three ranking positions were held by women. Note that these figures do not include women in the security forces, but do include all other fields such as nurses and advocates, in which the representation of women is very high.

504. In 2007, women maintained an absolute majority in the following professions in the Civil Service: nursing (84 per cent - 9,575 women), biochemists (85 per cent - 677 women), social workers (85 per cent - 1,109), advocates (68 per cent - 485 women), jurists (70 per cent - 908 women) and administrative staff (64 per cent - 15,543 women). The following tables further illustrates the rates of women and men in the civil service, in all ranks:

Table 9

**Women and Men in the Civil Service, by Ranks, 2005-2007**

Ranks	2005			2006			2007		
	Total	per cent of Women	per cent of Men	Total	per cent of Women	per cent of Men	Total	per cent of Women	per cent of Men
Top	307	57 per cent	43 per cent	311	60 per cent	40 per cent	331	60 per cent	40 per cent
Second	606	49 per cent	51 per cent	558	48 per cent	52 per cent	600	49 per cent	51 per cent
Third	1,239	33 per cent	67 per cent	1,160	35 per cent	65 per cent	1,163	35 per cent	65 per cent
Fourth	3,015	45 per cent	55 per cent	2,907	47 per cent	53 per cent	2,950	47 per cent	53 per cent
Fifth	4,444	48 per cent	52 per cent	4,373	48 per cent	52 per cent	4,461	48 per cent	52 per cent



Sixth	4,661	55 per cent	45 per cent	4,969	56 per cent	44 per cent	5,641	59 per cent	41 per cent
Seventh	6,267	66 per cent	34 per cent	6,546	65 per cent	35 per cent	6,577	66 per cent	34 per cent
All the rest	30,835	73 per cent	27 per cent	31,147	72 per cent	28 per cent	30,252	72 per cent	28 per cent
Total per cent	100 per cent	65 per cent	35 per cent	100 per cent	65 per cent	35 per cent	100 per cent	65 per cent	35 per cent
<b>Total</b>	<b>51,374</b>	<b>33,466</b>	<b>17,908</b>	<b>51,971</b>	<b>33,797</b>	<b>18,174</b>	<b>51,975</b>	<b>33,980</b>	<b>17,995</b>

*Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2007, November 2008*

Table 10

**Women in Government Ministries (Total percentage and percentage in the four highest ranks) 2005-2007**

Ministry	per cent of women in the Ministry			per cent of women in four highest ranks		
	2005	2006	2007	2005	2006	2007
Prime Minister's Office	52	55	54	23	32	26
Finance	52	53	53	32	33	35
Public Security	56	53	53	27	12	12
Education	77	78	78	46	48	49
Science, Culture and Sport	64	72	69	40	50	35
Agriculture	46	46	46	27	31	33
Industry, Trade and Labor	59	58	59	34	33	35
Justice	70	70	70	65	64	66
Social Affairs and Social Services	76	76	76	63	65	64
Interior	55	54	55	25	29	30
Transportation	55	49	51	18	19	22
Health	81	82	83	61	63	64
Environmental Protection	59	58	57	28	29	34
National Infrastructures	54	50	50	24	22	24
Construction	63	63	63	39	36	36

and Housing						
Tourism	62	62	61	18	17	11
Immigrant Absorption	81	80	80	57	48	49
Communications	56	53	52	36	33	33

*Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2007, November 2008*

### **Tenders in the Civil Service**

505. The method in which appointments are made in the Civil Service is through both internal and external tenders. While the increase in the number of female participants in internal job tenders within the Civil Service, both as candidates and as appointees, is quite consistent, the situation in public tenders is less positive.

### **Case Law**

506. On September 23, 2007, the Tel Aviv District Labor Court annulled a tender for employment with the Investigations Department of the Tel Aviv Customs Division, as the Examiners Committee had not paid sufficient attention to the requirement for proper representation by women, and had not applied affirmative action, as required by law, in giving preference to women possessing the same qualifications as men (*La.C. 3888/03 Ruth Zuaetz v. The State of Israel – The Civil Service Commissioner et. al.*). In this case there were 26 candidates vying for only several available positions, and the claimant was the only woman. The Court held that the duty to take action to achieve the proper representation of women in public entities is anchored in legislation; such as the *Equal Rights for Women Law*: (Section 6(c)), the *Civil Service (Appointments) Law*: (Section 15(a)); and also in case law, especially that handed down in the case of *H.C.J. 2671/98 Israel Women's Network v. The Minister of Labor and Welfare* (11.8.98) and in *H.C.J. 453/94, 454/94 Israel Women's Network v. The Government of Israel et. al.* (01.11.94). In the latter case, the Court indicated that in 2003, the Attorney General had issued special guidelines obligating the implementation of the proper representation principle when making appointments in the Civil Service. The Court held that the Examiners Committee failed to consider, or did not afford proper weight to, the issue of affirmative action when choosing between the claimant - the only female candidate - and the successful male candidate whose qualifications were evidentially inferior to those of the claimant. The Court held that the extreme lack of reasonableness displayed in reaching the decision, justified the Court's intervention in the Examiners Committee's decision, which had been approved by the Civil Service Commissioner. As the fact that the claimant was the only woman of the 27 applicants had not been properly considered by the Committee, the Court decided to annul the decision which appointed a different candidate.

507. On November 26, 2008, the Jerusalem District Labor Court issued an interim injunction order regarding a tender for legal assistant positions in the Rabbinical Courts. The District Court determined that a note in the section regarding the qualifications needed to the effect that preference would be afforded to people with the qualification of "Dayan," a Jewish religious judge, was discriminatory by nature. This is due to the fact that according to religious laws, only men can serve as a "Dayan." Thus, the tender violated the *Equal Employment Opportunities Law*, as it discriminated between men and women, and gave an unjust preference to male applicants. The District Court therefore ordered the Administration of the Rabbinical Courts and the Civil Service Commission to reissue the tender without the note, to ensure equal opportunity for those who are not qualified as

"Dayans", and may have therefore been deterred from submitting their application (*La.C. 003252/08 The Center for Justice for Women Association v. The Administration of the Rabbinical Courts et. al.* (26.11.2008)).

Table 11

**Employed Persons and Employees, by Occupation, Population Group and Gender, 2008**

Occupation	Total		Men		Women	
			Thousands		Percent Distribution	
All Workers	Employed Persons	Employees	Employed Persons	Employees	Employed Persons	Employees
Thousands	2,776.7	2,424.8	1,489.1	1,240.2	1,287.6	1,184.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
Academic professions	14.4	14.0	14.3	13.9	14.6	14.2
Associate professionals and technicians	15.4	15.4	11.8	11.8	19.4	19.1
Managers	6.8	6.8	8.8	8.8	4.6	4.7
Clerical workers	16.1	18.0	7.6	9.0	25.9	27.5
Agents, sales and service workers	20.6	19.5	17.2	15.7	24.4	23.5
Skilled agricultural workers	1.3	0.8	2.2	1.4	0.3	0.1
Manufacturing, construction and other skilled workers	18.1	17.4	30.3	30.3	4.1	4.0
Unskilled workers	7.3	8.1	7.9	9.2	6.6	6.9
<b>Jewish population</b>						
Thousands	2,363.0	2,060.1	1,193.3	986.3	1,169.7	1,073.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
Academic professions	15.5	15.1	16.0	15.7	15.1	14.5
Associate professionals and	16.1	16.0	13.4	13.4	18.9	18.3

technicians						
Managers	7.7	7.6	10.4	10.5	5.0	5.0
Clerical workers	17.7	19.8	8.6	10.1	27.0	28.7
Agents, sales and service workers	20.9	20.1	17.6	16.3	24.3	23.5
Skilled agricultural workers	1.2	0.6	2.1	1.2	0.3	0.1
Manufacturing, construction and other skilled workers	14.5	13.8	25.2	24.9	3.8	3.7
Unskilled workers	6.3	7.0	6.8	7.9	5.3	6.1
<b>Arab population</b>						
Thousands	341.1	295.8	259.2	219.5	81.9	76.3
Total	100.0	100.0	100.0	100.0	100.0	100.0
Academic professions	8.5	8.4	7.2	6.7	12.5	13.2
Associate professionals and technicians	11.4	12.4	5.4	5.6	30.4	31.9
Managers	2.1	2.0	2.5	2.4	1.0	0.9
Clerical workers	6.9	7.8	3.8	4.4	16.8	17.5
Agents, sales and service workers	18.0	15.5	16.1	13.7	24.2	20.6
Skilled agricultural workers	2.2	1.9	2.7	2.4	0.5	0.5
Manufacturing, construction and other skilled workers	39.1	38.7	50.4	51.0	3.5	3.7

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Unskilled workers	11.8	13.3	12.0	13.8	11.1	11.8
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*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2009*

508. **Migrant Workers** – Please see details regarding the Protection of Migrant Workers in the section above which addresses Article 5B.

### **Remuneration**

509. According to the *Minimum Wage Law*, the minimum wage for employees who are over the age of 18 is currently set at 3,850.18 NIS (U.S. \$1,040.6). The minimum wage is assessed and updated on April 1 of every year, and is determined according to the average monthly wage. If on the abovementioned date, 47.5 per cent of the average monthly wage is higher than the minimum wage, then the minimum wage will be set as 47.5 per cent of the average monthly wage.

510. The minimum wage in Israel in relation to the average monthly wage is high in comparison to other developed countries, although the poverty rate among populations whose income is close to the minimum wage is approximately 20 per cent on average. The law provides possibilities, under certain conditions, for income completion for families who support themselves on the basis of the minimum wage. Nevertheless, the poverty rate is not necessarily related to the amount at which the minimum wage is set, but to other factors such as the number of breadwinners in a family.

511. In the guarding and security sector, the minimum wage is 2.5 per cent higher, in accordance with a general collective agreement.

512. As for working youth, the minimum wage is regulated as follows: the minimum wage for youth under the age of 16 is 70 per cent of the regular minimum wage, 75 per cent for youth between the ages 16 and 17, and 83 per cent for youth above the age of 17. Youth who work as apprentices, will receive 60 per cent of the regular minimum wage.

513. As for persons with disabilities whose working capacity is reduced due to disability and who are employed in the regular labor market, the minimum wage is set by the Regulations of the Minister of Industry, Trade and Labor (ITL), pursuant to specific provisions of the *Minimum Wage Law* 5747-1987. The Regulations, which have recently been amended now prescribe six tiers as follows: an employee with a 19 per cent-30 per cent reduced working capacity will be entitled to an adjusted minimum wage which is 30 per cent of the regular minimum wage; an employee with a 30 per cent-40 per cent reduced working capacity will be entitled to an adjusted minimum wage which is 40 per cent of the regular minimum wage; an employee with a 40 per cent-50 per cent reduced working capability will be entitled to an adjusted minimum wage which is 50 per cent of the regular minimum wage; and so on. An employee with a reduced working capability which is above 80 per cent will be entitled to the full minimum wage.

514. The adjustment of the minimum wage for persons with disabilities, who have reduced working capacity and are employed in the regular labor market, is also conducted in accordance with Regulations set by the Minister of ITL. These are aimed, on the one hand, at promoting decent remuneration for employees with disabilities who have reduced working capacity, and on the other hand, ensuring that their employment is economically worthwhile, given that not all employers can be expected to employ persons with disabilities with reduced working capacity for altruistic reasons.

515. As of November 2009, the Labor Laws Enforcement Division in the Ministry of ITL investigated the cases of more than 850 employers for allegedly violating the *Minimum Wage Law* and investigations against 500 of them were opened in 2009. In addition, 44 indictments were filed against employers, and 413 administrative fines were imposed, in a

total sum of approximately 3 Million NIS (U.S. \$810,811). In comparison, the numbers of investigations opened against employers of foreign workers in previous years were: 2004 - 9,834; 2005 - 4,170; 2006 - 3,743; 2007 - 3,111.

516. Enforcement covers all workers: Israeli adults, youth workers, foreign workers, workers hired by manpower contractors, etc.

## 2. *The Right to Form and Join Trade Unions*

517. The legal protection for the right to organize in trade unions is recognized in Israel and applies equally to all individuals. This right was expanded by several important judicial decisions.

518. During 2007, one of the workers of the chain "Coffee" (a chain of coffee stores) was fired for trying to establish a workers union. The worker was unlawfully fired, and the remaining employees of the chain store embarked on a legal struggle against their employers. The struggle made headlines in the local media and received the support of the "Histadrut" (the General Federation of Labor). After a month and a half of public and judicial conflict, the Tel Aviv Labor Court determined that the employee was unlawfully fired due to his attempt to form a workers union. The management of Coffee was reprimanded for its unlawful dismissal. The worker was reinstated to his former position (*O.D.R 6726/07 Alon-lee Green v. Excellence Coffee* (19.7.07)). The Court in this case cited the Court in the case of *N.L.C 43/3-209 Mifaley Tahanot v. Israel Yaniv*, 05.11.96, in which the Court repealed the dismissal of two workers after finding that the real ground for dismissal was their initiative to organize a workers union, who stated that giving an employer the option to prevent his employees from organizing in a trade union, by dismissing those employees who are operating to set up an organization, even if a large sum of compensation shall be rewarded to them due to their illegal dismissal, shall fail any attempt to organize in a workplace in which the employer shall object to such an attempt. The Court further stated that as the right to freedom of association is one of the basic freedoms guaranteed by Israel's legal system, the courts must foil any attempt to harm the will of employees to form a trade union which shall protect their rights.

519. The fight ended in 2008 with the signing of a collective agreement between the owners of Coffee and the "Histadrut." The agreement provided the workers with benefits and rights that they had not previously enjoyed, and also enabled other waiting professionals to come together and establish trade unions.

520. In another case, the National Labor Court concluded that a decision of the Minister of Transport to allow transport operatives, other than those on strike, to provide transportation in the midst of a cessation of services in the city of Be'er-Sheva, caused severe, direct, and intentional damage to the workers' right of association and their right to strike. The Court stated that the right of association was recognized by the Israeli legal system as a basic constitutional right and as a universal human right. A strike is the main instrument by which a trade union seeks to convince an employer to negotiate with it and sign a collective agreement. Damaging the right of association in practice deprives the employees of that right. (*N.L.C. 57/05 The New Histadrut v. The Minister of Transport* (3.3.05)).

## 3. *The Right to Housing*

### The Housing Situation in Israel

521. There is a disparity between the percentage of individuals who own their homes in the Arab population (approximately 92.1 per cent in 2007) as opposed to the 50-75 per cent figures for the Jewish population residing in principal urban localities such as Tel Aviv or Haifa. This disparity indicates a different approach towards property and land ownership,

especially among the family-oriented clusters favored by the minority populations, as discussed below.

## **Non-Discrimination in Housing**

### **The Arab population**

#### Representation in the National Council for Planning and Building

522. The National Council for Planning and Building (hereinafter: the "Council") has 32 members; a third of which are representatives of Ministers (appointed by the Ministers), another third are representatives of municipal authorities (appointed by the Minister of Interior), and the final third are public representatives (partially appointed by the Minister of Interior).

523. The Ministry of Interior ensures a balanced representation of all communities, regions and populations, including the Arab population, in the Council; in this regard, as of August 2009, 3 of the 32 members of the Council are Arabs (the Mayors of the Local Municipalities of Segev-Shalom, Bueina-Nugeidat (a stand-in for the representative of the Local municipality of Gedera) and a stand-in for the representative of the Prime Minister's Office).

#### Israeli-Arabs

524. As mentioned above, in *H.C.J. 6698/95 Ka'adan v. The Israel Lands Administration* (ILA), the High Court of Justice held that the State may not allocate land directly to its citizens on the basis of religion or nationality. Following the court decision, the ILA adopted a decision determining new admission criteria to be uniformly applied to all applicants seeking to move into small, communal settlements established on state-owned lands.

525. In response to the Ka'adan ruling, on June 24, 2006, the WZO decided that the Jewish Agency is obligated to include Arab-Israelis including Muslims, Christians, Druze and Circassians, in its sessions regarding development plans for the State. The annual budget allocated to these plans is currently 60 Million NIS (U.S. \$16,216,216) and it is expected to grow.

526. As stated above, following the abovementioned petition and a number of other petitions submitted in 2004 to the Supreme Court concerning the transfer of rights in real estate property, which is owned by the Jewish National Fund (JNF), to minority populations, and given the opinion of the Attorney General that the Israel Land Administration is bound by principle of equality even when managing the lands of the JNF, the Israel Land Administration (ILA) and the JNF signed an agreement of principles according to which the JNF shall receive lands in the Negev and the Galilee, in return for the conveyance of lands in the central area of the country. The agreement was signed on June 7, 2009, and was approved by the general assembly of the JNF on June 23, 2009. The new land rotation agreement allows for the conveyance of lands managed by the ILA for every lessee, in a manner which protects both the principle of equality and the aims of the JNF.

527. The Israel Land Administration continues to operate in accordance with the Supreme Court's ruling of 1995 in the Ka'adan Case, which principles' of equality also apply to the allocation of landed property by the State. Thus, on July 27, 2005, the Israel Land Council approved Directive No. 1064, which refers to the acceptance of candidates for the purchase of leasing rights to real estate located in agricultural and communal localities. The Directive defines a closed list of legitimate criteria for determining acceptance, including the requirement for pre-affirmation of special criterions, as well as the review of the decision of the examination committees by way of appeal to the ILA. On

January 22, 2007, the Supreme Court accepted the ILA's position as reflected in Directive No. 1064, and ruled that the Israel Land Administration is not subjected to criteria of acceptance determined by an examination committee of a communal settlement, and is authorized to intervene when required, in accordance with the *Israel Land Administration Law* and the court's previous rulings (*H.C.J. 7574/06 Hasolelim "Young Maccabi" Group for Cooperative Agricultural Settlement Ltd. et. al. v. Israel Land Administration et. al.* (22.1.07)). A request for an additional hearing on the matter by the High Court of Justice was rejected by the Court on March 14, 2007. The Court stated that the verdict in this case was based on the concrete circumstances of the case and it holds no determination regarding the types of localities the aforementioned Ka'adan case shall not apply to or the right of a small locality to preserve its homorganic character and to establish discriminatory conditions regarding the acceptance of members/individuals in the locality. (*H.C.J. Ad. H. 1107/07 Hasolelim "Young Maccabi" Group for Cooperative Agricultural locality Ltd. et. al. v. Israel Land Administration et. al.* (14.3.07)).

### **Outline Plans for Arab Towns and Villages**

#### **Planning Scheme for the Arab population**

528. Regarding details concerning this issue please see the section of this Report dealing with Article 2II above.

#### **Electricity**

529. The *Electricity Supply Law (Temporary Order)*, 5756-1996, was enacted to solve the problem of providing electricity to Arab and Druze citizens whose houses had been built without building permits, and were consequently not connected to the central electricity grid. This Law was amended in 2001, extending the temporary supply for a period of 7 years. In 2004 the Law was amended again, so that the extension would cease as of May 31, 2007. Since the enactment of the Law and up until May 31, 2007, the Electricity Administration approved the connection of 8,941 buildings to the electricity grid. Recently there were attempts to promote the further extension of the Law.

### **Recent Developments**

530. As mentioned above, in light of the importance of the promotion of planning in the Arab population, the State has allocated a budget of 56 Million NIS (U.S. \$15,135,135) for the promotion of planning schemes for Arab localities between 2000 and 2005. In recent years the Government has allocated an additional 25 Million NIS (U.S. \$6,756,757) for the promotion of planning schemes in the Druze, Circassian and Bedouin localities in the north and additional Arab localities in the south.

531. In recent years outline plans have been approved for 8 additional Bedouin localities in the Negev, the planning and establishment of which is handled by the Authority for Regulation of the Bedouin localities in the Negev (please see additional details below).

Table 12

#### **Planning Status of Arab Localities (headed by the Ministry of Interior)**

<b>Status of planning</b>	<b>Currently</b>	<b>Expectation for the End of 2010</b>
Master plans in preparation	1	1
Master plans that were completed	52	-
Local outline plans in preparation	7	-
Local outline plans in final stages	34	15



Local outline plans that were approved	27	-
District Outline Plans in preparation	6	3
District Outline Plans that were concluded	26	-
<b>Total</b>	<b>153</b>	<b>19</b>

*Source: Ministry of Interior, January 2010*

### **Jerusalem – General**

532. Since 1967 the rate of the Jewish population in Jerusalem has decreased and the rate of the Arab population has increased from 26.6 per cent in 1967 to 31.7 per cent in 2000.

533. The planning authorities in Jerusalem are on the verge of authorizing over 15,000 housing units in the eastern neighborhoods of Jerusalem and are currently promoting detailed building plans in the neighborhoods of Tel-adesa, Arab A-Sawhara, Siluwan, Alimuntar, A-tur and Issawya. In 2010, a sum of 40 Million NIS (U.S. \$ 10,810,810.8) was allocated towards the improvement of infrastructure in the eastern neighborhoods of Jerusalem.

### **Jerusalem Development Plan – 2000**

534. The demand for housing in Jerusalem is high due to the natural increase of both the Jewish and Arab populations, and residents' inclination to continue living in Jerusalem. In the eastern neighborhoods of Jerusalem there is a large inventory of lands which is not properly used and does not offer a high-quality solution for the Arab population's needs. The demand for residence in these areas is growing and will continue to do so in the future.

535. Under the Plan for the Development of Jerusalem of 2000, the issue of development of the eastern neighborhoods of Jerusalem is addressed. Among the main principles proposed, which relate to the eastern neighborhoods of Jerusalem, are the following: the establishment of a municipal department tasked with the planning and development of these neighborhoods within Jerusalem's Planning Administration, with the intent of providing Arab residents better services, including service in Arabic, professional translation of plans and other relevant materials; the preparation of detailed plans in an effort to examine the problem of buildings constructed illegally and their suitability to the land designation policy; the rehabilitation of the Shuafat and Kalandia neighborhoods by allocating national or international funds, and the rehabilitation and development of the engineering infrastructure in the eastern neighborhoods (since 1997 approximately 300 Million NIS (U.S. \$81,081,081) has been allocated towards this end).

536. The housing supply in the eastern neighborhoods of Jerusalem does not meet the demands of the Arab population, and according to the plan there is a need to establish neighborhoods consisting of apartment buildings. According to the proposed plan, the building density in several areas in these neighborhoods will be increased and buildings of 3 to 6 floors will be constructed.

537. According to several sources of information, there are approximately 38,000 housing units allocated for the Arab population in Jerusalem. But according to estimations of the Jerusalem municipality, there are an additional 15,000 houses that were built without legal permits, which means that there are a total of 53,000 houses available to the Arab population resident in Jerusalem.

538. According to the Plan for the Development of Jerusalem of 2000, an additional 29,000 housing units will be built in the eastern neighborhoods of Jerusalem by the year

2020, which will render the total number of housing units available in these neighborhoods by 2020 (including illegal buildings) - 82,000 houses.

#### Dwellings in Jerusalem

539. In recent years, several measures have been taken in order to adjust the outline plans regarding the eastern neighborhoods of Jerusalem and properly address the needs of the local population. Thus, currently, there is a new outline plan, pending approval, which includes the expansion of some of the eastern neighborhoods of Jerusalem and grants additional construction rights to the local population. In the course of this expansion, emphasis will be granted on the provision of construction rights for public establishments and open public areas.

540. In addition, there are currently additional outline plans, in various stages of preparation and authorization, which were initiated by the local population groups. Among them are plans initiated by the population in Dir Al-Amud, Ali-Muntar and Ara-Al-Sahra. These plans address the needs of the residents in question.

541. The Jerusalem City Council initiated approximately 60 plans that will afford additional construction rights, while taking into consideration the needs of the population for providing public establishments and open public areas, in the neighborhoods of Beit-Hanina and Shuafat. The plans are currently at various stages of preparation and authorization.

542. The District Planning Committee established a simple procedure for individuals to show an interest in property in non-registered lands. This procedure alleviates the preparation of outline plans in areas in the eastern neighborhoods of Jerusalem where the land is not registered. Additionally, the Committee discussed numerous plans that were presented by land owners in the eastern neighborhoods of Jerusalem. These plans were examined in addition to the policy of the Committee, and in many cases were authorized. Approximately 50 per cent of the plans that have been presented to the Committee relate to lands in the eastern neighborhoods of Jerusalem, and scores of resources have been dedicated to examining and facilitating the plans in accordance with the planning policy.

543. The District Planning Committee operates, alongside the Jerusalem City Council, in order to address the planning needs in the eastern neighborhoods of Jerusalem. In doing so, consideration is always given to planning policies that will ensure a reasonable quality of life, preserve open public areas and sites with cultural and historical value.

544. In 2007, 283 building applications, which constitute 12 per cent of the total number of applications received, were received from residents of the eastern neighborhoods of Jerusalem. Of the 283 applications, 135 (47 per cent) were granted. Residents in the western parts of Jerusalem submitted 2,095 applications, of which 1,505 (71 per cent) were granted.

545. **Illegal construction.** In the western parts of Jerusalem, building violations almost invariably consist of additions to a legal building, such as the addition of a room in a courtyard or an attic within a roof space. In the eastern neighborhoods of Jerusalem, violations typically take the form of entire buildings which are constructed without a permit. Thus, demolitions in the eastern neighborhoods of Jerusalem are far more dramatic than in the western part of the city. All demolitions are conducted in accordance with due process guarantees, following a fair hearing which is subject to judicial review, and where the individuals concerned have the right to appeal without distinction on the basis of race or ethnic origin. Those affected by a demolition order are entitled by law to appeal to the Supreme Court.

Table 13

**Requests Submitted for Building Permits, 2002 - 2007**

Neighborhood	Year of Request	2002	2003	2004	2005	2006	2007	Total
Western neighborhoods of Jerusalem	New Building	139	135	179	199	207	171	1,030
	Additional Building	1,656	1,650	2,002	2,085	1,964	1,955	11,312
	Total Building	1,795	1,785	2,181	2,284	2,171	2,126	12,342
Eastern neighborhoods of Jerusalem	New Building	94	57	112	147	150	155	715
	Additional Building	61	78	112	11	116	128	606
	Total Building	155	135	224	258	266	283	1,321

*Source: Jerusalem Municipality, 2008*

Table 14  
**Building Permits Granted, 2002 - 2007**

Neighborhood	Year of Request	2002	2003	2004	2005	2006	2007	Total
Western neighborhoods of Jerusalem	New Building	124	140	112	141	175	151	843
	Additional Building	1,217	1,167	1,357	1,552	1,552	1,508	8,353
	Total Building	1,341	1,307	1,469	1,693	1,727	1,659	9,196
Eastern neighborhoods of Jerusalem	New Building	98	62	51	78	88	82	459
	Additional Building	64	56	65	61	56	68	370
	Total Building	162	118	116	139	144	150	829

*Source: Jerusalem Municipality, 2008*

Table 15  
**Demolition Orders Carried Out, by Year and Neighborhood, 2004-2007**

Year	Western neighborhoods of Jerusalem	Eastern neighborhoods of Jerusalem
2004	13	115

2005	26	76
2006	37	71
2007	35	69
<b>Total</b>	<b>109</b>	<b>331</b>

*Source: Jerusalem Municipality, 2008*

Table 16

**Building Offences – Cases Opened by Year and Neighborhood, 2004-2007**

<b>Year</b>	<b>Western neighborhoods of Jerusalem</b>	<b>Eastern neighborhoods of Jerusalem</b>
2004	980	710
2005	1,272	857
2006	1,241	901
2007	992	1,081
<b>Total</b>	<b>4,485</b>	<b>3,549</b>

*Source: Jerusalem Municipality, 2008*

**Benefits for Military Veterans**

546. The Nazareth District Court recently ruled that the decision of the Israel Land Administration to provide advantages for persons who serve or served full service in the IDF, in the framework of a public tender in which land for construction was distributed, by way of a draw, in the Circassian village of Kfar-Kama, did not comprise an illegitimate form of discrimination. The Court noted that according to Section 25(24a) of the *Tender Duty Regulations* 5753-1993, the ILA is allowed to allocate state land for construction of houses without any tender, when the land is allocated within minority localities and for persons who serve or served in the IDF for at least two years. The Court clarified that the priority given to such persons of the Circassian population in the drawing of land plots, fulfills the principle of distributive justice. The State's purpose is to encourage the recruitment of minority populations to the IDF, which is a public goal which should be protected. Thus, the Court determined that the distinction drawn was lawful, and emphasized that there is an inherent difference between a person who dedicated several years of his/her life to military service while devoting serious physical and mental efforts, as well as while being unable to work and earn money, and those persons who did not do so (*Ad.P. 201/09 Orhan Shamsi et. al. v. Israel Land Administration et. al.* (20.12.09)).

547. On December 13, 2006, the Supreme Court rejected a petition filed by Adalah – The Legal Center for Arab Minority Rights in Israel – against the Ministry of Construction and Housing, challenging the governmental policy of providing financial support – in the form of low-interest governmental loans – for home mortgages to Israeli citizens who have completed their military or national-civil service. The petitioners argued that the extended support for mortgage loans for housing discriminated against Arab citizens of Israel, who are not required to perform military or national-civil service. The petitioners contended that the performance of military service was irrelevant to the purpose of supplemental governmental housing support, which is to assist the socio-economically disadvantaged to find housing solutions. Here, the Court held that there is no impediment in principle to

granting benefits to those who have completed full military and national-service above that which is afforded in the Absorption of *Discharged Soldiers Law* 5754-1994 (the "*Discharged Soldiers Law*"), provided that the use of the military service criterion is justified by the circumstances. Former Supreme Court president, Justice Barak, rejected Adalah's argument that in this case the use of this criterion results in discrimination against Arab citizens. Justice Barak reasoned in this regard that "a distinction made on the basis of the national or military service criterion is not necessarily a permissible distinction or illegal discrimination: this depends on the circumstances. Those who have completed military or national-civil service differ in many respects, as a group, from those who have not. Thus, for example, those who have completed military or national service dedicate much of their time and energy to the benefit of the general public. They cannot work or make a living during their service period. As long as this distinction is based on these factors, and as long as it is relevant in a given situation, it should not be considered illegal discrimination." (*H.C.J. 11956/05, Suhad Bishara, et. al. v. The Ministry of Construction and Housing* (13.12.06)).

548. Adalah's motion for an additional hearing before an expanded panel of Supreme Court Justices in order to re-consider the decision was dismissed on October 14, 2007. The Court noted that there was no justification for an additional hearing, since the decision reached was compatible with the Court's consistent rulings according to which a relevant difference between individuals or groups may justify different treatment by the State, and such treatment will not be considered as discriminatory, but as a form of lawful distinction. (*H.C.J. 1241/07, Suhad Bishara, et. al. v. The Ministry of Construction and Housing*).

549. With respect to the Committee on the Elimination of Racial Discrimination's observation No. 21 of the Concluding Observations of 14 June 2007 (CERD/C/ISR/CO/1), it should be pointed out that all of the benefits provided to military veterans, including the rights set out in the *Absorption of Discharged Soldiers Law*, as well as other benefits provided by the Discharged Soldiers Department in the Ministry of Defense (henceforth: the Department), are granted to every IDF veteran, regardless of his/her religion. Most of these benefits are calculated according to the length and type of regular service performed, and some are given on the basis of socio-economic criteria. Moreover, persons from among minority populations who serve in the IDF enjoy affirmative action and are entitled to receive enhanced benefits compared with those received by Jewish veterans. Hereinafter are some examples of such affirmative action:

(a) The Department's Fund for additional assistance assists students in academic preparatory classes according to a socio-economic index. The maximum benefit that can be received is a full tuition grant together with approximately 1,000 NIS (U.S. \$270) in the form of living expenses. Military veterans of minority populations are entitled to receive full tuition fees, in addition to living expenses in the amount of 300 per cent of the regular grant (approximately 3,000 NIS (U.S. \$811) per month) without any examination of socio-economic criteria being conducted. Special and intensified academic preparatory classes are continuously open for such veterans.

(b) In addition, military veterans who live in minority localities are entitled to exemption from tender duty with respect to land property rights provided by the ILA in accordance with Regulation 25(24a) of the *Tender Duty Regulations*, as well as to significant discounts off the land's purchase price. This benefit is unique to military veterans of minority populations, and is not granted to Jewish veterans.

(c) The Department regularly operates special projects for promoting the employment of veterans from minority populations, and currently there is a project for the incorporation of such veterans into the Police. The Department also employs coordinators from the Bedouin and Druze communities, who work across the country to assist and direct

military veterans of minority communities, regarding studying, vocational training and employment.

**Housing in the Bedouin population**

550. As of June 2010, approximately 120,000 Bedouins (66 per cent) of the total Bedouin population living the Negev area) live in planned urban towns. All towns were planned for "low-rise construction," in order to address the Bedouin community's needs. The State adopted the policy of encouraging Bedouin relocation from scattered, unauthorized villages to permanent towns. This policy was adopted because of the difficulties the State faced in providing infrastructural and social services to so many small, scattered clusters, mostly numbering several dozens houses or huts. To encourage this process, the State provides special benefits to those who wish to relocate.

551. In accordance with the provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the Bedouins receive significant compensation for any structures they leave behind destroyed (even on land unlawfully held by them). Compensation is awarded both in monetary terms and in terms of land. In addition, grants are provided for families who choose to move to an existing or new town regardless of their economic status. Since 2002, the rates of compensation have risen dramatically. (800 sqm. per family and 7,500 NIS (U.S. \$2,027) per family and an additional 1,500 NIS (U.S. \$405.4) per child). A family that destroys its unlawful construction and relocates to the planned towns can receive up to 400,000 NIS (U.S. \$108,108) per family. The average sum received is estimated at 200,000 NIS (U.S. \$54,054), which is exceedingly higher than the actual loss.

552. Furthermore, the Bedouin population is eligible to receive tens of thousands of dunams for agricultural use and shepherding, at very low rates.

553. The remaining 60,000 Bedouins (34 per cent) reside in hundreds of unlawful clusters over an area of more than 500,000 dunams, obstructing urban expansion in the greater Negev area and the common good of the Bedouin population. This, while the existing towns can accommodate most of the needs of the Bedouin population, and while vacant lots await additional occupants in all of these towns.

554. Notwithstanding the abovementioned, a decision was made to build eleven additional Bedouin towns and to expand existing towns on land owned by the Government with government funding. The new towns are being constructed and will include the best infrastructure and services the State offers its citizens.

555. The authorities perform this task in consultation with Bedouin representatives who provide input as to their vision of every town's desired character.

556. There are 7 existing Bedouin towns in the Negev: Lakia, Hura, Kssaife, Arara, Tel-Sheva, Tarabin and Segev Shalom, in addition to the city of Rahat. Although these existing towns can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that another eleven new towns for Bedouins should be established. The Government did so in order to accommodate the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format.

557. As mentioned above, the first additional town that was constructed is "Tarabin," which is situated in the Bney-Shimon District Council, and designated for the members of the Tarabin El-Sana tribe. The first stage of the town's development has been finalized, most of the lots have been distributed, and hundreds of residents have already populated the town. Each of the families received developed land for construction and an agricultural property. The new town was planned jointly with its inhabitants, as a modern town offering educational services, underground infrastructure, and health services. The town spreads

over a territory of 1,132 dunams, and is designated to be home to approximately 3,500 people by 2020.

558. The following eight new towns that are in the process of planning and development are the following: Abu Krinat - located on 7,320 dunams, consisting in its first stage of 1,300 lots and an industrial center. Abu Krinat is designated to accommodate around 15,000 people by 2020; Bir Hadaj- an agricultural town located on an area of 6,550 dunams, and designated to accommodate approximately 12,500 people by 2020; Kaser A-Sir - located on an area of 5,000 dunams, and designated to accommodate around 8,000 people by 2020. The other towns to be established are Makchul-Marit – for which a detailed plan for two neighborhoods was approved in September 2005, and a detailed plan for a third neighborhood is underway, spread over 6,300 dunams, and designated to accommodate approximately 12,000 people by 2020; Um Betin – for which a master plan was approved in March 2005, and which is located on 6,700 dunams, and designated to accommodate around 8,000 people by 2020; Moleda - for which a master plan was approved in March 2005, and which is located on 11,000 dunams; and Darijat. The names of these towns were chosen by the Bedouin population. One additional plan that is currently in the advance stages of planning is of the town El-Seid. An additional three towns are undergoing statutory approval procedures are Ovda, Abu-Talul, and El-Foraa.

559. In addition, the Government is in the process of expanding thousands of units in the existing towns. Rahat for example, will be approximately tripled in its size (from 8,797 dunams to 22,767 dunams) through a project that is set to take place and estimated to cost approximately 500,000,000 NIS (U.S. \$135,135,135). The plan includes the construction of 7,500 additional housing units (intended to house 90,000 people by 2020), public and trade facilities, employment centers for women, and public areas. The above plan, developed according to the highest standards, is a speedy solution to the current situation existing in the town of Rahat. As of May 2010, thousands of lots were sold to Bedouin families and the plan is progressing well.

560. The following table contains the updated data concerning the vacancy of lots in Bedouin towns in the Negev.

Table 17

**Vacant Lots in Bedouin Towns in the Negev Area**

<b>Town</b>	<b>Total Lots</b>	<b>Lots awaiting Development</b>	<b>Lots Sold</b>	<b>Lots available for Sale</b>
Hura	3,727	1,316	1,749	662
Kssaife	2,973	1,857	974	142
Lakia	2,981	1,578	935	468
Arara	2,050	290	1,270	490
Rahat	4,313	172	4,004	137
Segev Shalom	2,184	695	1,079	410
Tel-Sheva	2,914	994	1,555	365
Tarabin	379	0	210	169
<b>Total</b>	<b>21,521</b>	<b>6,902</b>	<b>11,776</b>	<b>2,843</b>

*Source: Israel Land Administration, 2010*

561. As demonstrated above, there are more than 2,800 vacant lots available for occupancy by Bedouins living in the Diaspora throughout the existing permanent towns and in addition more than 6,900 lots which can be developed upon demand.

562. In order to maintain the special character of Bedouin communal life and prevent the exploitation of the abovementioned state benefits, the State has refused offers by non-Bedouins to buy land in the areas designated for exclusive Bedouin localities. Furthermore, representatives of the Bedouin population take part in all planning processes; in the sub-committee of the Local Committee for Planning and Building, there are representatives of each of the existing Bedouin towns, and in the District Committee for Planning and Building, the Mayor of Rahat and the Head of Council of Segev-Shalom are members.

563. In addition, in 2007, the authorities began the planning procedures for the Be'er-Sheva Metropolis District Plan (No. 23/14/4). The Plan seeks to regulate the planning situation of the greater Negev area, with consideration being given to the population's needs, restrictions, environmental affects etc. To date there are several objections which have been raised with respect to the abovementioned plan, which are yet to be decided upon by the courts.

564. An additional sum of 1.1 Billion NIS (U.S. \$297,297,297) was invested over a period of six years (2004-2010) for the development of infrastructure and the establishment of public facilities and the reorganization of ownership in southern Israel.

565. Another relevant issue was the establishment of the Regional Council Abu-Basma, which confederates all the Bedouin towns and villages in the area between Dimona and Arad. Already in July 2005, the former Government's Ministerial Committee on the Non-Jewish population had initiated a plan for the development of Abu-Basma - a plan to which 470 Million NIS (U.S. \$127,027,027) was allocated. The plan included investments in education, transportation, infrastructure, employment, construction and housing, health, social affairs and agriculture.

**The Authority for the Regularization of the Bedouin Housing Situation in the Negev**

566. In 2007, the Government resolved to establish the Authority for the Regulation of the Bedouin Housing Situation in the Negev (Government Resolution No. 1999 of July 15, 2007). The Authority, which operates within the Ministry of Construction and Housing, is in charge, *inter alia*, of: regulating land ownership claims, regulating permanent places of residence, including infrastructures and public services both for existing towns and for new towns, providing assistance in finding places of employment and coordination of education, welfare and community services. In addition, according to the Government Resolution, the authority's duties are to gather information regarding the situation of the Bedouin population including land ownership claims, to initiate and to execute land arrangements and evacuation of real-estate, initiate statutory planning in co-operation with the Ministry of Interior regarding suitable housing solutions, advancement of planning and development of local and regional infrastructures for permanent solutions, assisting and accompanying the population in all stages of habitation, prioritizing enforcement stages and coordinating and synchronizing between the relevant authorities while conducting follow-up examinations and supervising the execution of decisions.

567. The Authority currently oversees the following tasks and projects:

- (a) Initiating land arrangements with respect to seven tribes who have approximately 80 land ownership claims concerning a total of 9,000 dunams.
- (b) Promoting negotiations with organized groups – after detailed work and additional examinations, it was decided to promote negotiations with seven tribes which include approximately 1,340 families.



(c) Development of three new residential neighborhoods in the localities of Kaser A-Sir, Darijat and Abu-Karinat, and to continue the expansion of the southern area of Rahat.

(d) The authority began planning several new neighborhoods in Segev-Shalom, Kssaife, Arara (Negev), Hura, Lakia and Tel-Sheva. Planning the expansion of Rahat north to the al-Zaidna tribe. In addition the authority began planning a locality for the Al-Azazme clan in the Negev, and planning of industrial and employment zones in Bir-Hadj and Abu-Karinat.

### **The Advisory Committee on the Policy regarding Bedouin Towns**

568. The Advisory Committee on the Policy regarding Bedouin towns was established, in its present form, on October 24, 2007, based on Government Resolution No. 2491. The Advisory Committee's task was to present recommendations regarding a comprehensive, feasible and broad-spectrum plan which was to establish the norms for regulating Bedouin housing in the Negev, including rules for compensation, mechanisms for allotment of land, civil enforcement, a timetable for the plan's execution, and proposed legislative amendments, where needed.

569. The Advisory Committee comprises seven members and one chairperson, former Supreme Court Justice Mr. E. Goldberg, as well as two Bedouin representatives.

570. The Advisory Committee began holding its sessions in January 2008, after having received over a hundred letters from the public, together with numerous other written material and documentation. The Advisory Committee's hearings were public and took place in Be'er Sheva.

571. The Advisory Committee has held tens of sessions and has heard many depositions from various sources, including Bedouin representatives, various stakeholders, experts in the relevant fields (*inter alia*, town planners, geographers, anthropologists, historians, sociologists and lawyers), and the general public. The Advisory Committee has also heard representatives of public bodies and institutions, including Municipal Authorities, public figures, Knesset members, and NGOs. The Advisory Committee has held four field study trips in the Negev region in order to further deepen its knowledge on the subjects within its mandate.

572. The Advisory Committee concluded its public discussions in May 2008, and on December 11, 2008, submitted its final recommendations to the Government. The Committee's final report dealt with three main areas: land, housing and enforcement. These areas were focused upon after the Committee recognized that only an integrated policy that included these issues could help in organizing the housing of the Bedouin in the Negev. The Committee recommended the formation of an arrangement which balances the needs of the Bedouin and the State, can be implemented quickly and established by legislation in a way that assures a defined, consistent and egalitarian policy. The Committee asserted that such a policy would be a fair and implementable solution for the land disputes, which would serve to renew the Bedouin's confidence in the State and its intentions.

573. On January 18, 2009, the Government confirmed Resolution No. 4411 after a full examination of the Committee's Report. The Government accepted the Committee's recommendations as a basis for arranging the Bedouin's housing in the Negev, and appointed a professional cadre which comprises representatives of Government Ministries, the Israel Land Administration, and the Attorney General. The cadre is intended to submit a detailed and implementable outline aimed at fulfilling the Government Resolution.

574. Currently, the implementation team is in the final stages of completing the detailed Governmental Plan for regulation of the Bedouin housing situation in the Negev. The Plan is based on the recommendation of the Goldberg Committee and on intensive staff work

that was conducted in the past year and included consultations with representatives of various segments of the Bedouin community, as well as comments on the Committee's Report by civilian organizations.

575. Note, that in its current work, the team attempted to create a wide move in order to settle law suits regarding land ownership and development of the physical and social infrastructures. To that end, the necessary mechanisms (both legal and implementing) for the establishment of new localities, for the development of existing localities and for the settlement of law suits, are now under design.

#### Leasing Land for Use as Pasture Grounds

576. As mentioned above, the Bedouin population is eligible to receive tens of thousands of dunams for agricultural use and shepherding, at very low rates.

577. For those interested in working in traditional occupations – agriculture and herding flocks – the Government leases approximately 135,000 dunams of land for these purposes in exchange for a symbolic payment.

578. In the spring pasture season, some 280,000 dunams of Government land are leased and pasturing is permitted in approximately 35,000 additional dunams which are located in army firing areas.

#### 4. *The Right to Public Health, Medical Care, Social Security and Social Services*

##### The Right to Health

579. The right to health is guaranteed to all individuals without discrimination or distinction. Nation-wide health promotion programs have gained momentum during the last few years, especially those encouraging physical activity.

580. The Ministry of Health regularly conducts surveys for the purpose of identifying regions and populations in which health conditions need to be improved, whether due to the level of health services, or as a result of socio-economic differences, and cultural and educational background.

581. Based on the results of these surveys, the Ministry of Health has prepared treatment programs for special population groups, including the Bedouin, the Arab population and the Ultra-Orthodox population. In addition, special attention is paid to peripheral regions which require intervention to improve the health conditions. Such intervention is achieved by way of specific programs.

##### Legislation

582. **The Right to a Dignified Death.** On December 6, 2005, the Knesset enacted the *Terminally Ill Patient Law 5766-2005*, which provides a solution to the medical-ethical dilemma presented by the treatment of terminally-ill patients. The Law is based on the recommendations of a public committee appointed by the Minister of Health in 2000. The Committee consisted of 59 members representing different fields relevant to the issue, including: medicine, nursing, social work, religion, philosophy, law and ethics. The Law is based on the values of the State of Israel as a Jewish and democratic state, and attempts to create a balance between the values of the sanctity of life, quality of life and respect for a person's autonomous will.

583. In December 2005, the *Population Registry Law* was amended to allow for the regulation of births which took place outside a medical institution. The purpose of the Amendment was to ensure that illegal adoptions, exploitation of women and trafficking in babies would not be made possible. All the requirements which are established by the Law for the registration of newborns are intended to prevent falsification with regard to the

mother's identity. Nothing in the Law is designed to create a delay or to deprive women of rights to which they are entitled after their child has been registered in the population registry; in this regard, although it is true that some Bedouin women give birth at home, these women constitute about 2 per cent of all Arab women in the Negev. No Bedouin woman who is a resident of the Negev has however given birth at home as a result of a lack of access to modern maternity services.

584. According to Section 21 of the *National Health Insurance Law* 5754-1994 (the "*National Health Insurance Law*"), a health fund is obligated to provide any person it is responsible for (according to Section 3(c)), with all of the services he/she is entitled to receive under this Law, either itself or by way of other service providers, without discrimination, and without conditioning the provision of services on joining or membership in additional service programs. The Law also determines that non-payment or late payment of the health insurance payments shall not exempt a health fund of its duty to provide the health services included in the health basket.

585. On January 4, 2010, the Government approved Amendment No. 47 to the *National Health Insurance Law* which added Section 14(g1) to the Law. According to the Amendment, no health insurance fees should be required of an insured person for a period determined by the Minister of Health with the consent of the Minister of Finance, where the insured person in question is a donor, as defined in the *Organ Transplant Law* 5768-2008 (the "*Organ Transplant Law*"), who during his/her life donated an organ in Israel to an Israeli resident.

### **National Health Policy**

#### **The National Health Insurance Law**

586. The *National Health Insurance Law* provides for the creation of research and evaluation organizations (the Health Council, the Israel Institute for Health Policy and Health Services Research), in order to oversee and assess the impact of the Law on the quality, efficacy and cost of health services in Israel. Within this context, it became necessary to create a system of indicators for community health care in Israel, which would enable ongoing evaluation of the level of treatment relative to national and international indicators.

587. The Quality Indicators of Community Health Care Program was initiated by researchers at Ben Gurion University of the Negev, in conjunction with the four Israeli health funds (HMOs), and with the support of the Israel Medical Association and the sponsorship of the Israel Institute for Health Policy and Health Services Research. In March 2004, the Ministry of Health declared this activity to be a National Program, and it is led by a steering committee made up of representatives of all the participating organizations.

588. The main objectives of the National Program are to improve the quality of community health care in Israel by improving the manner in which performance is measured, and to provide information to the public and to policymakers regarding the quality of health services in Israel. The program allows routine and dynamic quality assessments of the preventive, diagnostic, therapeutic and rehabilitative services supplied by the health funds.

589. To date, 69 indicators have been developed in six primary medical fields and are regularly measured throughout the Israeli population. This ongoing scientific infrastructure assists in deciding national priorities when deciding national policies and encourages quality improvement. The information is also available and open to the general public, inviting them to assess the quality of services in Israel and involve them in an informed and responsible way.

590. The annual National Quality Indicators for Community Health Care Report was first published in 2004. The current report (2008) presents data for 2005-2007. The data presented in the 2008 report relates to six fields of community health care – flu vaccinations; screening for detection of colorectal cancer and mammographys for the detection of breast cancer; asthma treatment; treatment of diabetes; treatment of children; and cardiology treatment. According to the Report, continual improvement has been recorded in these fields in most of the indicators examined. National performance was rated high for most indicators, even when compared to international standards. The annual reports are available on the National Institute for Health Policy and Health Services Research (NIHP) (website: <http://www.israelhpr.org.il>).

### **Vulnerable Groups**

591. As detailed in Israel's thirteenth Periodic Report, the *National Health Insurance Law* has had a positive effect on the provision of health care to vulnerable groups in Israel.

### **Health Care for Women in the Arab Population**

592. In 2005, a report concerning the health of the Arab population in Israel was published by the Israeli Center for Disease Control (ICDC). The report indicated positive developments in the health of the Arab population. According to the report, infant mortality rates had decreased, as did the death rate due to heart and vascular diseases. The rate of vaccinations received by the population had increased, as did the use of mammographys for early detection of breast cancer.

593. According to the report, there is a noticeable improvement in the level of healthcare services and access to these services among the Arab population. As of 2005, there is at least one primary medical clinic and at least one family healthcare station located in every Arab locality. Despite these improvements, the report does show an increase in illnesses such as diabetes, and obesity, especially among older Arab women. The report also indicated an increase in the numbers of malignant neoplasms (note that except for lung cancer, the rates of malignant neoplasms among the Arab population is lower than that for the Jewish population).

### **Gaps between the Jewish and Arab Population**

594. The gaps between the Jewish and the Arab population have been considerably reduced and the Arab population's initial low level of health has risen at an extremely high rate over the past fifty years, faster than the improvements noted in the Jewish population's health level. Today, Arab citizens of Israel enjoy a level of health that corresponds to the level characteristic of Israel's Jewish population.

595. Current figures indicate that the minority population receives a higher percentage of vaccinations (95 per cent) than the Jewish population, since some Ultra-Orthodox Jews tend not to vaccinate their children. Life expectancy is as follows:

Table 18  
**Life Expectancy by Gender and Religion, 1996-2008**

Year	Jews		Arabs		Total Population	
	Females	Males	Females	Males	Females	Males
1996	80.3	76.6	77.2	75.1	80.0	76.3
1997	80.6	76.4	76.8	74.3	80.1	76.0
1998	80.7	76.5	76.8	74.4	80.3	76.1

Year	Jews		Arabs		Total Population	
1999	80.7	77.1	78.1	74.9	80.4	76.6
2000	81.2	77.3	77.9	74.6	80.9	76.7
2001	81.6	77.9	77.8	74.5	81.2	77.3
2002	81.9	78.1	77.9	74.7	81.5	77.5
2003	82.2	78.3	78.2	74.9	81.1	77.6
2004	82.7	78.7	79.6	75.4	82.4	78.0
2005	82.6	78.0	78.6	74.9	82.0	78.2
2006	83.0	79.5	78.5	75.0	82.5	78.7
2007	82.9	79.5	78.8	75.3	82.5	78.7
2008	83.3	79.9	79.7	75.9	83.0	79.1

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2009*

596. Since the late 1940's, the average life span of Arabs in Israel has increased by approximately 28 years and the gap between Arabs' and Jews' life spans has decreased from 15 to 3.5 years: In 2008, Men: Jews – 79.9, Arabs – 75.9; Women: Jews – 83.3, Arabs – 79.7. The gaps continue to decrease.

#### Bone Marrow Donations

597. In 2009, the non-profit organization "Ezer Mizion" (Aid from Zion), an organization that is committed to helping all citizens of Israel, for the first time held a special bone marrow drive among Israel's Arab population in an effort to establish a bone marrow bank matching this population and thereby increase the possibility of saving the lives of Arab Israelis in need of a bone marrow transplant. Collection points were opened on July 22, 2009, in the north of the country and the Arab public was invited to provide blood samples in order to join the national bank of bone marrow donors.

598. A dedicated bone marrow donation day was necessary as the percentage of Arab bone marrow donations within the national bone marrow bank was miniscule, and stood at a mere 0.3 per cent of total donations, which currently stand at approximately 516,500 registered donors.

599. The bone marrow drive was held at five collection points: a point in Nazareth, a point in Haifa, two points in Kfar Manda, and a point in Sakhnin; and healthy adults between the ages of 18 to 50 who do not take any regular medications were asked to come and be checked.

600. Needless to say, regular donation days that are periodically held in Israel, are aimed at collecting donations from the entire population and are open for all.

#### Infant Mortality Rate in Israel

601. In 2007, the overall infant mortality rate was 4.1 per 1,000 births (compared to 5.5 in 2001). Among the Jewish population the rate was 3.0, and among the Arab population the rate was 7.2. The trends in infant mortality rates per 1,000 live births has been as follows:

Table 19

#### **Infant Mortality, 2004-2007**

Year	Total population		Jews		Muslims		Christians		Druze	
	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates
2004	670	4.6	315	3.1	319	8.8	8	3.3	11	4.3
2005	628	4.4	313	3.1	277	8.1	8	3.2	15	5.9
2006	594	4.0	312	3.0	252	7.3	4	-	13	5.0
2007	586	4.1	309	3.0	250	7.2	7	2.8	15	6.0

*Source: The Ministry of Health and the Israel Central Bureau of Statistics, Abstract of Israel, 2008*

602. In 2007, there was a 2 per cent decline in infant mortality among the Jewish population and a 22.7 per cent decline in infant mortality among the Arab population, as compared to 2003. The decrease in infant mortality rates is in large part attributed to the decrease in mortality caused by infectious diseases, decrease in prenatal mortality and pneumonia. Death from congenital disorders also shows a downward trend.

603. In 2008, infant mortality rates decreased further to 2.9 infant mortality cases per 1,000 live births among the Jewish population and 6.5 cases among the Arab population (compared to 7.2 cases in 2007). Despite the continuing decrease, the infant mortality rate among the Arab population is still relatively high. The gap between the populations stems from a number of factors, among them the high rate of consanguineous marriage - approximately 35 per cent among the Arab population and approximately 60 per cent among the Bedouin population, Arab religious prohibitions against abortion even in medically recommended cases, as well as socio-economic differences.

604. According to the Central Bureau of Statistics, in the last decade, the overall infant mortality rate has decreased by nearly 40 per cent, from 6.0 per cent to 3.9 per cent per 1,000 live births. The largest decrease was recorded among the Jewish population - a decrease of 38 per cent (from 4.7 per cent to 2.9 per cent per 1,000 live births), while a decrease of 26 per cent was recorded among the Arab population (from 8.8 per cent to 6.5 per cent per 1,000 live births).

605. According to a report prepared the Ministry of Health, which was published in February 2009, the infant mortality rate among Bedouins in 2008 was 11.5:1000, representing a decline from the rate recorded in 2005 (15:1000). The high rate is mostly attributed to high rates of congenital anomalies and hereditary illnesses resulting from the high rate of consanguineous marriages. Another element impacting the mortality rate is the religious prohibition against abortion among Muslims even in medically recommended cases, as well as the high rate of births among elderly women. The infant mortality rate among Bedouin infants whose family's live in unauthorized villages was actually lower than that among Bedouin infants whose families live in established towns. The Government continues to open Mother and Child Health Clinics in unauthorized villages and new Clinics are being built to serve the population.

606. Furthermore, the Government has funded several special projects to improve the health of, and expand the health-care services provided to, Bedouin living in unauthorized

villages. One of these programs is a special long-term intervention program intended to decrease the infant mortality among the Bedouins. The program is community-based and boasts a wide-spectrum of participants, including representatives from the Bedouin community leadership and the educational system, along with providers of curative and preventative health care services, the Department of Health in the Community and the Epidemiology Department in the Faculty of Health Sciences of the Ben Gurion University of the Negev.

607. Free genetic testing is also funded by the Government, along with genetic counseling, for any member of a Bedouin tribe in which the prevalence of a serious inherited disease is above 1:1000 and for which there is an available genetic test.

608. The Ministry continues to work intensively on health education/information projects so as to reduce the infant mortality rate among Israeli Muslim Arabs. The central aim of these projects is to discourage marriage among close relatives, encourage pregnant women to make more use of diagnostic procedures during pregnancies, and encourage mothers to make more use of the Mother and Infant Health Care Services dispersed throughout the country.

609. There is a long-term program aimed at training members of the Bedouin population to work in nurseries and maternity wards in order to further reduce infant mortality among the Bedouin population.

610. The Ministry of Health is currently financing a project aimed at further reducing infant mortality among the Bedouin population that is being conducted in cooperation with Ben Gurion University. In 2009, the Ministry began working on an additional project regarding the improvement of the Bedouin population's nutrition.

611. There has also been an important improvement in the growth of Bedouin infants and toddlers over the past two decades, indicating improved nutrition. Moreover, there has been increased compliance with recommendations for the intake of supplemental folic acid among Bedouin women in their fertile years, and a decrease in the incidence of open neural tube defects (NTD's) among Bedouin fetuses and infants. Unfortunately there are still high rates of congenital malformations and inherited diseases among Bedouin infants, due to multiple factors including the tradition of consanguineous marriage (approximately 60 per cent), as well as cultural-religious-social barriers to pre-marital and pre-natal screening for inherited diseases.

### **Smoking**

612. According to a report prepared by the Minister of Health regarding smoking in Israel (which was published in May 2008), the total percentage of smokers in Israel in 2006 was 23.2 per cent; 28.9 per cent among men and 17.8 per cent among women.

613. The report further indicated that between 1996 and 2006, the rate of smokers among Jewish men had dropped from 32 per cent to 26.7 per cent (a decrease of 16.6 per cent) and from 50 per cent to 39.8 per cent among Arab men (a decrease of 20.4 per cent). The rates of smokers among Jewish women dropped from 24.5 per cent to 19.7 per cent (a decrease of 19.6 per cent) and from 12 per cent to 6.8 per cent among Arab women (a decrease of 43.3 per cent).

614. The Ministry of Health has, in recent years, taken several important steps aimed at reducing the rate of smoking in Israel which include, *inter alia*, the issuance of computerized educational software for the prevention of smoking (2007); the preparation of a unique educational program intended to prevent smoking among teenagers and providing assistance to local municipalities in the implementation of the "city free of smoking" policy.

**Water Distribution****The Policy of Water Supply to the Bedouin Unauthorized Villages**

615. The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are specially adapted to their needs. Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions which are considered as inadequate by the Ministry of Health. Thus, additional funds were allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins who live in unauthorized villages.

616. As mentioned above, on October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Resolution, a condition for the implementation of the plan was the establishment by the localities of Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law*. However such corporations have yet to be established.

617. Approximately 60,000 Bedouin live in unauthorized villages in the Negev. These unauthorized villages pose difficulties in supplying the residents with necessary services, especially water. While the Government does not question its duty to supply its inhabitants with services such as water, it is practically impossible to supply such services to sporadic places which disregard the national construction and planning programs.

618. Nevertheless, pending the completion of the establishment of the 11 additional permanent Bedouin towns and the regulation of water supply systems, the Ministerial Committee for the Arab, Druze and Circassian Populations' Affairs has decided to build "Water Centers." Pursuant to this decision, instructions have been given concerning the planning of water supply systems to several centers in the Negev called "Water Centers." The Water Centers result from the Government's understanding of the needs and current realities faced by the Bedouin population, and governmental efforts to improve their living conditions. The planning of the centers takes into account the amount of water necessary for the size of population expected in 2020, and the establishment of the centers involves great costs.

619. These systems will enable the supply of water to a significantly larger portion of the Bedouin population than that which is currently receiving a water supply through individual connections.

620. As of June 2010, there are Water Centers in the following Bedouin localities: Um Betin, El-Seid, Abu-Krinat, Bir Hadaj, Darijat and Kaser A-Sir. In addition, there is an agreement to establish additional Water Centers in Moleda, Abu-Talul, Foraa and Lakia. These Water Centers are located in the most populated areas of the Bedouin Diaspora, compatible with Government's plans for the establishment of permanent towns.

621. In May 2010, the NGO Physicians for Human Rights-Israel published an opinion calling for opening 10 additional Water Centers in the unauthorized Bedouin villages. According to the NGO, the Abu-Basma Regional Council has recently begun operating several Water Centers in the villages under its responsibility, and although this is a temporary measure, the Water Centers dramatically improved the lives of the villages' residents.

622. An additional method relied upon to provide water is through direct water connections being made to the main water pipeline, which are granted to a minimum of ten families. Due to the problematic nature of these connections, which require the transfer of water to unauthorized villages, this method is less frequently employed than was done previously. The connection to the main pipeline is approved by the Water Committee,



which evaluates requests for connections to pipelines, and conducts negotiations in cases where disputes arise between residents of the Diaspora concerning the ownership of such connections.

623. According to 'Mekorot' – the Israel National Water Corporation – there are numerous pirated connections to pipelines, which are made absent the authorization of the Water Committee.

#### **Case Law**

624. On September 13, 2006, the Haifa District Court (residing as a Water Tribunal) rejected an appeal filed by Adalah on behalf of 767 Israeli-Bedouin living in the Negev's Diaspora, demanding access to sources of water (*D.C.H. Appeal 609/05, Abdallah Abu Msaed, et. al. v. The Water Commissioner*).

625. In its decision, the Haifa District Court President emphasized that while the case directly deals with connections to the main water pipelines, it indirectly addresses the complex issue of the organization of "Bedouin housing." The Court added that it is not disregarding the fact that all citizens enjoy the basic human right to water and health, which must be granted by the State in order to guarantee the right to dignity, but explained that, in its opinion, providing connections to the main water pipeline is not the way to resolve the problem of unauthorized villages. According to the Court's decision, the right to water is not absolute, but can be made conditional upon a "clear" public interest "not to encourage cases of additional illegal housing."

626. On November 18, 2006, Adalah submitted an appeal to the Supreme Court against the ruling delivered by the Haifa District Court. The appeal is still pending (C.A. 9535/06, *Abdullah Abu Musa'ed, et. al. v. The Water Commissioner and the Israel Lands Administration*).

#### The Current Situation

627. As of February 2009, 'Mekorot' has begun laying new pipelines, two inches in diameter, in order to improve and enlarge the amounts of water supplied to the Bedouins and to prevent technical difficulties (pipelines that were previously approved for direct connections by the Water Committee are of one inch diameter, which is insufficient for a supply of water to a large number of persons and which causes technical problems, such as low water pressure, freezing of pipes etc.).

628. Owners of direct water connections to the pipeline of one inch diameter may apply to 'Mekorot' and request that the corporation expand the pipeline. Note that even in cases where such an application has not been made, 'Mekorot' can identify pipes with respect to which there is a large amount of water consumed, and can widen the pipeline at its own initiative. All of 'Mekorot's' pipelines are located underground, and claims regarding pipelines that are laid on the ground probably refer to pipelines that were illegally laid down by Bedouins.

#### Water Distribution for the Druze Population in the Golan Heights

629. Israeli water resources are currently running very low as a result of a grave regional water shortage. In 2008, in an attempt to overcome the water crisis, the water allocation for farmers throughout the country was significantly reduced. However, despite the general cutbacks, the water allocation for Druze farmers in the Golan Heights was not reduced, except in a few isolated cases where the water shortage made it technically impossible to provide the full amount of water requested.

630. Druze farmers in the Golan Heights, as throughout the State of Israel, receive water from the National Water Company ('Mekorot'), as well as from additional independent water resources. The price rates for water supplied by 'Mekorot' are stipulated in the

relevant regulations, and apply to all farmers. The rates gradually escalate as the water consumption increases. Due to the aforementioned water allocation cutback, most farmers in Israel were not liable to pay the more expensive water rates since the corresponding consumption level was simply not available to them. The Druze farmers were however allocated a greater amount of water, and therefore consumed water at higher price brackets.

631. Moreover, independent water production by Druze farmers is mainly based on flood waters, and is therefore exempt from tax.

632. Future development plans for the Golan Heights take into consideration the needs of the Druze population, and are geared, *inter alia*, towards increasing water allocation for all farmers in the region.

### **Health Infrastructures**

633. Health Clinics – The following table indicates the number and location of health clinics and independent physicians in the Bedouin localities. It is important to note, that medical services are also available in the various health funds' clinics, which are located outside the Bedouin localities, such as in Be'er Sheva, Arad, Dimona, Omer Mitzpe-Ramon etc. The clinics located in the Bedouin localities are equipped according to the standards of every Health Fund in the country.

Table 20

**Health Clinics and Independent Physicians in the Bedouin Population (number and location), As of March 2008**

<b>Health Fund Clinics</b>								
<b>Type of locality</b>	<b>Locality</b>	<b>Clalit (general) Health Fund</b>		<b>Maccabi Health Fund</b>		<b>Leumit (national) Health Fund</b>	<b>Meuhedet (united) Health Fund</b>	<b>Total</b>
		<b>Clinics</b>	<b>Independent physicians</b>	<b>Clinics</b>	<b>Independent physicians</b>			
Permanent localities	Rahat	5	4	1	1	3	-	14
	Hura	3	1	-	-	2	-	6
	Kssaife	1	2	1	-	1	-	5
	Lakia	1	-	1	-	1	-	3
	Arara	2	1	1	-	1	-	5
	Segev Shalom	1	-	-	-	-	-	1
	Tel-Sheva	1	2	-	-	-	-	3
	Tarabin El-Sana	1	-	-	-	-	-	1
<b>Total permanent localities</b>		<b>15</b>	<b>10</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>0</b>	<b>38</b>
Localities in the process of planning and	Abu Krinat	1	-	-	-	-	-	1
	Um Betin	1	-	-	-	-	-	1

development	El-Seid	1	-	-	-	1	-	2
	Bir Hadaj	1	-	-	-	-	-	1
	Darijat	1	-	-	-	-	-	1
	Moleda	1	-	-	-	-	-	1
	Kaser A-Sir	1	-	-	-	-	-	1
	Ovda	1	-	-	-	-	-	1
<b>Total new localities</b>		<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>9</b>
Unauthorized villages	Abu-Quidar	1	-	-	-	-	-	1
	El-Amal	1	-	-	-	-	-	1
	El-Assam	1	-	-	-	-	-	1
	Wadi El-Naam	1	-	-	-	-	-	1
<b>Total unauthorized villages</b>		<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>
<b>Grand Total</b>		<b>27</b>	<b>10</b>	<b>4</b>	<b>1</b>	<b>9</b>	<b>0</b>	<b>51</b>

Source: The Ministry of Health, April 2010

634. As noted in the table above, clinics in unauthorized Bedouin villages located throughout the Negev are all computerized, air conditioned, and equipped according to the standards followed by all the Health Funds (HMOs) in the country.

635. Special Services - The General Health Services Department operates a special health service for the Bedouin population that includes an ambulance service for Bedouins, run by a Bedouin employee. This ambulance ensures constant access between the Soroka hospital and the Bedouin community. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization. Additionally, the ambulance transports patients to the hospital and back when they are in need of emergency care.

636. Allocation of medical instruments - In May 2005, the Deputy Health Minister announced that following the approval of the Knesset Labor, Health and Welfare Committee for the purchase of five new MRI machines, the Ministry of Health would hold a tender for the allocation of these machines, with a clear priority upon placing them in peripheral areas. The Minister added that there is a particular need to equip hospitals located in peripheral areas, so as to reduce the lack of advanced equipment and to benefit the general population living in these areas.

#### Health Care

637. Immunization coverage - There have been significant improvements in the past decade. Improved immunization coverage of Bedouin infants in the Negev, for example, resulted in a significant decrease in vaccine-preventable infectious diseases. 2006 figures indicate that 90-95 per cent of Bedouin children have completed all necessary vaccinations by age three – a sizeable improvement compared to the 1981 rate of 27 per cent. Note that the vaccination figures of the Arab population are higher than those of the Jewish population, both nationally and in the southern district. 2010 figures show that the rate of

immunization coverage regarding hemophilus influenza B, infantile paralysis, diphtheria, tetanus and pertussis is 88 per cent among Bedouin children and 90 per cent among Jewish children. With respect to measles, mumps and rubella, the rate of immunization coverage among Bedouin children is 93 per cent in comparison to 91 per cent among Jewish children.

638. Two mobile immunization teams managed by the Ministry of Health also provide home immunizations to infants of Bedouin families living outside of permanent towns. A computerized tracking system allows the Ministry to identify infants who are overdue for their immunizations and to send one of the mobile immunization teams to immunize them.

639. Training of Nurses - On November 4, 2009, the Deputy Health Minister stated that due to a shortage of nurses, the Ministry would be forced to close several Health Care stations serving every segment of the population. Thus, the following clinics were closed: one station in Omer, two stations in Dimona and three stations in Be'er-Sheva, and the patients were directed to larger stations located in their areas. The Deputy Health Minister also stated that in order to overcome the lack of trained nurses in the Arab population, and in particular in the Bedouin population, the Ministry of Health was planning to open a nurses' training course at Ben Gurion University in the Negev, which would be fully financed by the State for nurses of the Bedouin population. The Deputy Health Minister added that the intention was for this to be a long-term program which would result in an increased number of well-trained Bedouin nurses, serving the target population, the Bedouins.

640. Ben-Gurion University opened a new course of studies – a bachelors' degree for male/female qualified nurses of the Bedouin population. As of 2010, 37 students have enrolled in this new course. In addition, as of January 2010, five nurses were hired to work in mother and infant health care stations and their training for these positions will take six months. There is also a two year program training nurses, who will work in the Bedouin population, in providing parental guidance. In 2010, 16 nurses graduated from this program and a new group of nurses is currently being assembled. Note however that there is still a substantial shortage of qualified nurses in the Bedouin population.

641. Physician specialty services - Physician specialty services are currently being provided to the Bedouin community in the Negev, including: Pediatrics, General Internal Medicine, Neurology, Family Medicine, Dermatology, Gynecology and Obstetrics, etc. In addition, every resident has equal access to all the specialty clinics at the Soroka Hospital, with no discrimination between Bedouin or Jewish patients.

642. In addition, the first female Bedouin physician in Israel, Rania al-Oqbi, has completed her degree. She was part of the special "Cultivating Medicine in the Desert" program, which was aimed at incorporating more Bedouin into the health sector. As of 2009, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

643. Mother and infant health care stations - There are 46 mother and infant health care stations located in the southern district, 27 of which (more than 50 per cent) serve the Bedouin population:

- 13 stations are located in the permanent localities (also serving the Bedouin population living in nearby unauthorized villages)
- Eight mobile stations serving unauthorized villages
- Five stations located in Jewish localities, and which also serve the Bedouin population in localities nearby (Abu-rabiah Station in Be'er Sheva which mainly serves Bedouins living in unauthorized villages, Dimona A, Arab A, Yeruham and Mitzpe Ramon stations.)

- One mobile station serving the Bedouin population located in the unauthorized villages in the Marit Area, near the city of Arad.

### **Case Law**

644. In the case of H.C.J. 6602/07 Al-Howna – the regional council for the unauthorized Arab Bedouin villages in the Negev, appealed against the Minister of Health and petitioned the Court to order the respondents to connect the health clinics and mother and infant health care stations ("milk drops") to the national electricity grid. The central claim in the petition was that the clinics' lack of a regulated connection to electricity grids constituted a breach of the right to health and the right to equality, since certain medicines must be kept refrigerated 24 hours a day, failing which their efficacy might be diminished or lost, and they may even cause harm to the patient. In its response the State detailed the various alternatives available for solving the problem, one of which was that the Health Fund responsible for the clinics located in the villages, would assist the clinics by making medicines which require refrigeration available to each clinic. In light of the above, and in light of the State's response, the appeal was dismissed (*H.C.J. 6602/07 Al-Howna – The Regional Council for the Unauthorized Arab Bedouin Villages in the Negev et. al. v. The Minister of Health et. al.* (25.6.09)).

645. In March 2009, the Israeli NGO, Physicians for Human Rights (PHR), published a report regarding the absence of pediatric services in the Bedouin unauthorized villages. According to the report, since most of the Bedouin villages are unauthorized by the State, health services are not available to the inhabitants. Although 11 villages were recognized by the State in 1999, it was claimed that they were as yet to receive the services to which they were legally entitled. The report further claimed that 12 clinics and eight mother and infant health care stations were located in the unauthorized villages, yet their working hours were limited. However, no pediatricians, gynecologists or pharmacies were located in a reasonable radius of the area. According to the PHR report, based on data released by Soroka Hospital, compared to Jewish children, more Bedouin children approached the emergency rooms, were admitted to the hospital and the intensive care units, and died from diseases. Consequently, many inhabitants applied to private health services or the health care clinics available in the large cities.

### **Foreign Workers**

646. As mentioned in Israel's thirteenth Periodic Report, the *Foreign Workers Law* requires employers to arrange broad medical insurance for employees who are foreign workers. Employers who violate this obligation may face criminal prosecution. Children of migrant workers unlawfully residing in Israel are also entitled to receive medical insurance provided by Israeli Health Funds.

647. As mentioned above, according to Section 3(b) of the *Patient's Rights Law*, minors, as adults, are entitled to urgent medical care in emergency situations, regardless of their status in Israel.

648. Since 2001, and in accordance with Directive No. 2001/5 of the directives issued by the Director General of the Ministry of Health, an arrangement was finalized for the provision of health services to minors who reside in Israel but are not insured by the *National Health Insurance Law*. The arrangement provides health services from the "Meuhedet" Health Fund, with a services basket which is equal to the one available for children who are Israeli residents. This arrangement applies only to children who continuously reside in Israel for a period of six months, for the monthly fee of 185 NIS (U.S. \$50), and does not cover previous health conditions of children who were born out of Israel or of children whose parents are residents of the Palestinian Authority. Following a

number of petitions submitted to the High Court of Justice on the issue of providing social rights to foreigners residing in Israel, including minors, the Ministry of Health and the Ministry of Social Affairs and Social Services established an inter-ministerial team which is currently examining this issue, and is in the process of holding extensive meetings.

**The Right to Social Security and Social Services**

649. The Ministry of Social Affairs provides social services to all segments of society, without any form of discrimination.

650. 95 per cent of the Ministry of Social Affairs and Social Services' budgets are allocated to local authorities in an egalitarian and uniform manner (5 per cent of the funds provided are intended for the financing of specific local projects in the Authorities), sometimes pursuant to statutory provisions and sometimes in accordance with criteria published in the *Social Work Code*, which is available for public scrutiny on the Ministry's internet website. The determining criteria are based mainly on the size of the locality, extent of the population in need, and the socio-economic level of the local authority (as defined by the Central Bureau of Statistics).

651. Thus, there is no discrimination on any basis in the allocation of resources. However, Israel is characterized by a multiplicity of small Authorities, in particular in the Arab population, and in approximately 50 per cent of the social services departments, there are less than ten employees. This means that in some cases, allocation in accordance with a uniform set of criteria translates itself into the allocation of miniscule amounts to small authorities. The Ministry of Social Affairs and Social Services therefore operates a number of preference setting mechanisms, including the promotion of the allocation of funds to small, and/or weak authorities, establishing a minimum allocation of funds to an authority and adopting a differential budget for infrastructure, which favors the weaker authorities. In addition, a special committee, appointed to formulate a proposal for reform of the local authorities, has devoted a special chapter to small authorities and its recommendations are currently being considered.

652. Local authorities are also compensated following the annual allocation of the budget, at the stage of implementation of the budget and just prior to the end of the budgetary year, when the Ministry accords priority to the adjustment of budgets between the various authorities and in particular the allocation of a budget to small and weak authorities.

653. Note that the Arab population differs in the manner in which it uses social services. Primarily, the Arab population, which for the most part is a traditional society, prefers to avail themselves of communal services as opposed to external national services, both with respect to children at risk and also with respect to the elderly and disabled. The cost of such communal services is lower and therefore those authorities having greater need of them are likely to be left with budgetary surpluses under the budget regulations of the external domestic arrangement. In order to rectify the situation, the Ministry has recently introduced a change in its policy that allows for the exchange of budgets of external domestic services in relation to children and youth, for a high amount of communally-based services in the Arab localities.

654. Apart from making budgetary allocations, the Ministry also participates in financing the salaries of the social workers. The ability of the Ministry to change the allocations to financing all of them is limited. However, the Ministry tries to allocate additional budgets towards this end, especially when there are budgetary supplements. This has occurred in the last two years when a supplement of 221 positions for social workers was allocated to authorities, with a clear preference allocated to the Arab authorities.

655. For further details and detailed analysis regarding the right to social security and social services, please see Israel's 2009 Third Periodic Report Concerning the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

5. *The Right to Education and Training*

**Legislation**

656. One of the enumerated purposes of the education system in Israel is to ensure equal opportunities for all children, as noted in Section 2(8) of the *National Education Law* 5713-1953 ("The National Education Law"). Similarly, Section 5(A)(1) of the *Pupil's Rights Law* disallows any form of discrimination concerning the registration of pupils by governmental and local authorities or any educational institution.

657. An Amendment issued on December 19, 2005, stipulates that a principal of an educational institution shall report to the appointed person in the Ministry of Education regarding any incident of physical violence either between a teacher and a pupil, or between pupils, which caused physical damage. The principal shall report the incident immediately after it has occurred, together with the consequences of the incident, including disciplinary measures taken.

658. In 2007, the *Compulsory Education Law* was amended in order to broaden its scope and extend compulsory education to youth between the ages of fifteen and seventeen (inclusive) - the 11<sup>th</sup> - 12<sup>th</sup> grades. Prior to the Amendment, education in the 11<sup>th</sup> - 12<sup>th</sup> grades was free, but not compulsory. With the aim of protecting youth during this vulnerable stage of life from negative influences, and in order to prepare them and provide them with better tools for their successful integration as productive adults in society in the future; the Government decided to make the 11<sup>th</sup> and 12<sup>th</sup> grades compulsory. Another desired effect of the Law, is a decrease in dropout rates and removal of pupils, by requiring the provision of solutions within the education system for all pupils falling within this age group. The Law is being implemented gradually – and in 2009 was implemented for pupils attending the 11<sup>th</sup> grade and in 2010 will be implemented for those attending the 12<sup>th</sup> grade. This Amendment shall enter into force in a gradual manner, and is expected to be fully implemented by the year 2011.

659. Amendment No. 28 to the *Compulsory Education Law*, issued on June 5, 2007 supplemented Section 12d of the Law. This Section stipulates that in a recognized educational institution, the teaching of basic skills to first and second grade classes should take up at least ten hours of weekly teaching time, and should be conducted in a framework where the number of pupils per teacher does not exceed twenty. These basic skills include basic reading, writing and mathematics. This provision is to be gradually implemented over a period of four years.

660. Due to budgetary constraints, the gradual implementation of the *Long School Day and Enrichment Studies Law* 5757-1997 (the: "*Long School Day and Enrichment Studies Law*"), detailed in Israel's Initial Report, is to be completed only in 2014.

661. On January 6, 2005, the Knesset enacted the *Daily Meal for the Pupil Law* 5765-2005 (the "*Daily Meal for the Pupil Law*") with the goal of creating a nutritional service to provide warm meals to pupils in primary schools where the long school day is applied, according to the *Long School Day and Enrichment Studies Law*. On April 28, 2008, the Law was amended to include children attending pre-schools where the long school day is applied. According to the amendment, the Law also applies to other pre-school frameworks where 41 hours of education are provided per week. In these frameworks a warm meal will be provided to pupils on days they attend pre-school for at least eight hours.

662. Section 3 of this law stipulates that each pupil will receive one warm meal per day, according to a well-balanced and varied menu which will be determined by the Ministry of Health, and will take into consideration the age and needs of the pupils. The Law is to be gradually implemented. The Minister of Education, in conjunction with the Minister of Finance, will determine the population of pupils regarding which the Law will be implemented each year.

663. The Ministry of Education has, among other subjects, placed the following on a high priority level: reducing violence and use of drugs in schools, furthering science and technological education, and taking action for the purpose of strengthening democratic sentiments among students. These subjects are closely related to bridging majority-minority gaps and assisting weak population groups.

Unique Cultural Education Institutions Law 5768-2008 (the "Unique Cultural Education Institutions Law")

664. In 2008, the Knesset enacted the *Unique Cultural Education Institutions Law*, in order to allocate state budget to unique cultural groups even if they did not teach curricula endorsed by the State. The Law defines unique cultural educational institutes as education institutes which include classes in grades 9 to 12, and which provide methodical education that stems from the life style of the unique cultural group accords with its specific characteristics. According to the Law, the Minister of Education shall acknowledge an educational institute according to the above definition and on condition that the curriculum and activities conducted at that institute do not contradict the values of the State of Israel as a Jewish and democratic state. In addition, the institute must have a minimum number of pupils and teaching hours as shall be set by the Minister and in accordance with the characteristics and special needs of each unique culture group.

Pupils' Rights

665. Amendment No. 1 of December 22, 2004, to the *Pupil's Rights Law* amends Section 1 of the Law so as to stipulate that the purpose of the Law is to ascertain principles for the rights of pupils in the spirit of human dignity and the principles of the Convention on the Rights of the Child (CRC), while preserving the dignity of all who operate in the education system: the pupil, the educational employee and the education institution staff, as well as to preserve the uniqueness of different kinds of education institutions, and to encourage the creation of an atmosphere of mutual respect in the educational institution community. The Amendment also amends Section 4 to the Law, so as to stipulate that the Director General's guidelines as well as a school-principal's guidelines, regarding the pupil's rights, including the rules for the protection of mutual dignity in the educational institution community, and the rules of discipline, including the prevention of violence and the treatment of violence, shall be brought to the attention of the pupils and their parents, in a way determined by the Minister of Education and approved by the Knesset's Education Committee.

666. Also in 2004, the Minister of Education published Regulations regarding the removal of pupils from the educational system - the *"Compulsory Education Regulations (Rules for the Permanent Removal of a Pupil Due to School Achievement)"* 5765-2004. These Regulations include a prohibition against removing a pupil in the 1<sup>st</sup>- 6<sup>th</sup> grades from school due to a lack of achievement in his/her studies. Regarding pupils in the 7<sup>th</sup> - 12<sup>th</sup> grades, removal from school shall not be made based on a lack of achievement unless the pupil fails at least 70 per cent of the mandatory subjects for that school year. Moreover, the pupil will not be removed if the failure occurs as a result of illness, death of a family member, separation or divorce of the pupil's parents or other exceptional event which, according to the educational personnel, caused the failure.

667. *The Pupils' Rights Regulations (Publishing Orders and Pupil Removal)* 5762-2002, establish rules regarding the removal of pupils from school. Among them is the necessity to



hold a hearing before finalizing the removal decision (Section 4). The pupil or his/her parents can file an appeal with the Head of the Ministry of Education's District, according to Section 6(a), and a hearing should be held before a hearings panel within 14 days according to the provisions of Section 6(b). According to Section 6(d), the pupil and his/her parents may state their claims in person or by way of an appointed person.

668. The *Pupil Rights Law* was amended on July 27, 2009. The amendment allows the removal of *pupils* from school following severe disciplinary or violence-related problems. Prior to the amendment, the actual removal of a pupil was impossible until a final decision had been reached in the case. Section 6(d) to the *Pupil Rights Law* determines that a school principal is permitted to permanently dismiss a pupil who has presented repeated disciplinary and/or violence-related problems without delay, provided the principal has received the approval of the District Supervisor. Section 7(b) to this law was also amended with respect to a decision taken on appeal. A decision in an appeal shall be decided upon by the District Manager after hearing the pupil's parents and the pupil, if they so desire, and after hearing the District Supervisor, the General Supervisor, the persons in charge of the educational institution or the institution manager and other representatives..

#### **Case Law**

669. Recently, the District Court of Jerusalem residing as an Administrative Court, dealt with a case regarding the right of a minor to be heard during an administrative appeal. Specifically, the issue before the Court concerned the possible violation of the integrity of matriculation exams. The Court stated that in general, it is sufficient for an administrative authority (such as the Ministry of Education in this case) to guarantee the right of appeal in written format and that the appellants' status as minors is not in itself sufficient cause to alter the appeals procedure to an oral appearance in front of an appeal committee. The Court noted that in several cases, though not routinely, the fact that the administrative authority was dealing with a minor was used as a justification of the right to appeal orally. For example, minors who cannot express themselves properly in writing, may be granted an oral appeal. The Court in this case held that disqualifications decided by the supervisor or inspector, on the basis of a breach of the integrity of a matriculation exam, violated the rights of pupils as defined in the *Pupil Rights Law*. Being disqualified in this way allows for appeals to be lodged only after the administrative act was completed, which violates the requirement that the right to a hearing shall be granted prior to the relevant decision being finalized. Since the Court held that this case does not fall into any one of the exceptions, the Ministry of Education shall revise the Director General's Directive to grant the right to a hearing prior to disqualification based on the suspicion of the supervisor or inspector (*Ad.P. 362/07 Anonymous v. The Ministry of Education, Ad.P. 377/07 The National Council for the Child v. The Ministry of Education* (1.7.2007)).

#### **Prohibiting Discrimination in Schools and Education Institutions**

#### **Case Law**

670. On August 20, 2007, the Be'er-Sheva District Court residing as an Administrative Court, determined that the holding of tests in order to determine the placement of first-graders in schools with special characteristics (such as art schools, etc.) for the school year of 2007-2008, contravened the directives of the Ministry of Education. The Ministry Director General's specific directives prohibit the granting of unequal opportunities to children of the same age group. Since the petition to disqualify these tests was received in close proximity to the beginning of the school year, accepting the petition would have resulted in the infliction of harm upon the children that took these tests and succeeded. Therefore, the Court stressed that there is a prohibition against performing these tests, but that until such time as the Ministry of Education creates guidelines on the criteria regarding first-graders, the results of the sorting tests, namely those who succeeded and on account of

which were accepted, would remain. It was believed that annulling the results would cause greater harm to the children that were already accepted to these schools for the 2007-2008 school-years, and the petitioner's son would have to study in a regular school near his place of residence (*Ad.P. 327/07 Gordon Michal et. al. v. The Municipality of Ashkelon et. al.* (20.08.2007)).

671. In 2008, a petition was submitted to the High Court of Justice with respect to communal segregation in an unofficial but acknowledged educational institution. The "Beit Yaacov" elementary school for girls, located in Emanuel, is an institution for religious education which is directed by the Independent Educational Center, which is supervised by the Ministry of Education. During the 2007 school year, the "Beit Yaacov" school decided to implement several changes in the school's structure and studying arrangements, according to which the school was divided into two sections with separate entrances, and there was a separation in the schoolyard and the teachers' room. One section of the school contained a high rate of schoolgirls of Ashkenazi origin (Jews from Europe) and the other section contained a high rate of schoolgirls of Sephardic origin. The school uniform was also changed in order to distinguish between the two groups. These changes were made without permission and contrary to the direction of the Independent Educational Center, and continued to exist during the 2008-09 school year:

(a) The petitioners claimed that these changes led to communal segregation, which comprised a deep rooted discrimination in the school. The State recognized the needs of different populations to educate their children according to their community's special culture and characteristics. A community is allowed, as part of the general right to education, to educate its children according to its world-view and to establish an independent school, and the State can recognize such an institution. Still, the right to education as with any other right, is not absolute, and must be balanced against other rights in such a way as to protect the public interest and individual's freedom. The Court found that in this case, the right to education conflicted with the right to equality. The Court stated that giving priority to a certain community in being accepted to Ultra-Orthodox streams of studies, while placing bureaucratic difficulties before persons who belong to other communities desiring to be accepted to such studies, severely violates the right to equality. The Court noted that the Ministry of Education should have deprived the "Beit Yaacov" school of its license, and ordered the Independent Educational Center to remove any lineament of discrimination in the school (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (6.8.2009)).

(b) On April 7, 2010, the High Court of Justice ruled that the Independent Educational Center violated the abovementioned Court's decision, as it allowed for girls of Ashkenazi origin to study separately. The decision was given in the course of a motion for contempt of court, and the Court ordered a fine in the sum of 5,000 NIS (USD \$1,351) for each day during which the school continued to violate the Court's verdict. The Court also ordered that the parents of the Ashkenazi origin girls be summoned for the next hearing in order to examine whether they assisted in the violation of the Court's verdict (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (7.4.10)).

(c) On May 6, 2010, the Ministry of Education notified the High Court of Justice that the negotiations regarding the compromise solution that was suggested a week earlier by Supreme Court Justice Levi had failed. Following the receipt of this notification, the Youth According to the Halacha Association requested that the Court enforce its verdict and forbid any discrimination in the school (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (6.5.10)).

(d) On May 17, 2010, the High Court of Justice ruled that its final verdict was not implemented by the respondents. The Court held that the Independent Educational Center

together with the parents of the pupils in the "Hasidic" course of study, appear to have been operating in every possible way to assure that the Court's final verdict will not be implemented. The Court held that the Independent Educational Center consistently violates the verdict, and that the attempt of the pupils' parents to perpetuate the illegitimate situation constitutes a breach of the verdict on their behalf. The Court stated however, that the rest of the respondents worked towards implementation of the verdict, and at this stage there is no justification to activate punishment of contempt of court against them. The Court held that if the parties will not reach an agreement based on the Courts final verdict, which will allow its implementation until May 24, 2010, the Independent Educational Center will pay 10,000 NIS (U.S. \$2,703) per day (starting on may 25, 2010) until the implementation of the verdict. In addition, each one of the pupils' parents will pay 200 NIS (400 NIS for two parents, U.S. \$54 and \$108 respectively) until they stop violating the Court's verdict. The Court added that if the violating of the verdict will continue after May 31, 2010, the Court will consider issuing arrest orders.

(e) On June 15, 2010, the High Court of Justice ruled that the refusal of the parents of the pupils in the "Hasidic" course of study to send their daughters to the joint course of study constitutes an ongoing breach of the Court's verdict on their behalf. Since the parents have been previously cautioned, the Court ordered that a parent that will not provide a written obligation, within 24 hours, to send his/her daughter to the joint course of study in the above mentioned school will be imprisoned for a period of two weeks or until he/she will provide the Court with the abovementioned written obligation (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (15.6.10)). Accordingly, on June 18, 2010, the fathers of the abovementioned pupils were imprisoned for a period of two weeks. The mothers however, did not report for their imprisonment. After hearing a motion to annul their imprisonment, the Court annulled the imprisonment of 13 of the 22 mothers and held that the remaining 9 mothers shall be imprisoned after the release of their husbands (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (22.6.10)).

(f) On June 27, 2010, the parents' lawyer notified the Court that, with respect for the Court and its verdict and after great efforts, a settlement agreement was reached. According to the agreement, the "Beit Yaacov" elementary school for girls will hold in the three remaining study days until the end of the school year lessons for all the girls in the school, on friendship and about love for the Jewish people with the participation of rabbis and lecturers from of the different communities. The school's teachers gave the Court their commitment to uphold the Court's verdict. After the State notified the Court that the parents' notification is to be considered as an implementation of the verdict, the Court ordered the immediate release of the imprisoned fathers and that the petitioners are to notify the Court if the reconciliation efforts were fruitful (*H.C.J. 1067/08 Youth According to the Halacha Association et. al. v. The Ministry of Education et. al.* (27.6.10)).

### **Statistical Data**

672. In 2009, there were 804,127 elementary school pupils, 28.1 per cent of which were of the Arab population (including Druze, Bedouins and Circassians), 364,464 junior high school pupils of which 27.4 per cent were of the Arab population and 327,728 high school pupils of which 22.6 per cent belong to the Arab population. In addition, 25.5 per cent of the classrooms in elementary schools, 24.9 per cent of the classrooms in junior high schools and 20.7 per cent of the classrooms in high schools serve the Arab population.

Table 21

### **Distribution of Pupils by Classrooms and Populations, 2009**

High	High	Junior high	Junior high	Elementary	Elementary Population
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<b>schools (classrooms)</b>	<b>schools (pupils)</b>	<b>schools (classrooms)</b>	<b>school (pupils)</b>	<b>schools (classrooms)</b>	<b>school (pupils)</b>	
10,077	253,661	10,205	264,597	23,032	577,747	Jewish
1,956	55,272	2,459	72,597	5,541	160,306	Arab
265	7,203	297	8,450	688	18,132	Druze
417	11,592	624	18,678	1,694	47,942	Bedouin
-	-	8	142	-	-	Circassians
<b>12,715</b>	<b>327,728</b>	<b>13,593</b>	<b>364,464</b>	<b>30,995</b>	<b>804,127</b>	<b>Total</b>

*Source: Ministry of Education, November 2009*

674. The following table indicates the figures pertaining to the extent of formal education possessed by the adult population of Israel during the years 2002-2006. It divides the population by population group, gender and age. According to this data, in 2007, 1.2 per cent of the total Israeli population had only 1-4 years of formal primary education, while 2.5 per cent had no formal education.

Table 22

**Persons Aged 15 and Over, by Population Group, Years of Schooling, Age and Gender, 2007**

<b>Year</b>	<b>Years of schooling</b>								<b>Total</b>	
	<b>Median</b>	<b>16+</b>	<b>13-15</b>	<b>11-12</b>	<b>9-10</b>	<b>5-8</b>	<b>1-4</b>	<b>0</b>	<b>per cent</b>	<b>Thousands</b>
<b>Total Population</b>										
2002	12.4	17.2	21.3	35.6	11.6	9.4	1.6	3.2	100	4,706.2
2004	12.5	18.4	21.9	35.3	11.2	8.6	1.6	2.9	100	4,876
2006	12.5	19.8	22	34.9	10.9	8.2	1.5	2.8	100	5,053.1
<b>2007 – Total</b>										
- Thousa nds	-	1,035	1,143.4	1,792.7	535.4	403.5	62.1	129.8	-	5,142.4
- Percent ages	12.6	20.3	22.4	35.1	10.5	7.9	1.2	2.5	100	-
<b>Age</b>										
15-17	11.1	-	0.3	52.4	44.1	2.8	-	0.3	100	350.6
18-24	12.4	4.3	26.9	60.9	4.7	2.4	0.3	0.5	100	801.2
25-34	13.6	28.6	28.3	31.2	6.7	3.9	0.3	0.9	100	1,077.1
35-44	13.2	28.9	22.7	33.3	7.8	5.5	0.5	1.3	100	852.5

Year	Years of schooling							Total		
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	per cent	Thousands
45-54	12.9	25.6	23.1	29.7	9.8	8.6	1.1	2	100	753.8
55-64	12.8	25.5	21.9	24.6	9.8	13.1	1.8	3.3	100	601.4
65+	11.4	15.2	18.6	20	10.7	20.7	4.7	10.1	100	705.8
<b>Men – Total</b>	<b>12.5</b>	<b>20.3</b>	<b>21.4</b>	<b>36.5</b>	<b>11.4</b>	<b>7.9</b>	<b>1.1</b>	<b>1.4</b>	<b>100</b>	<b>2,504.3</b>
15-17	11.1	-	-	51.5	44.2	3.6	-	-	100	179.4
18-24	12.3	3.8	22.2	64	6.4	3.1	0.3	-	100	408.4
25-34	13.5	25.7	29.6	31.6	7.9	4.3	0.3	0.6	100	541.8
35-44	13.1	28.3	22.1	33.9	8.8	5.5	0.5	0.9	100	422.3
45-54	12.9	26.1	21.8	30.8	10.7	8.5	0.9	1.1	100	363.8
55-64	12.9	27.3	20.9	24.6	10.4	13.5	1.3	1.9	100	287.2
65+	11.8	19.9	17.1	20.9	10	21.4	4.7	6.1	100	301.5
<b>Women – Total</b>	<b>12.6</b>	<b>20.3</b>	<b>23.3</b>	<b>33.8</b>	<b>9.7</b>	<b>7.9</b>	<b>1.4</b>	<b>3.6</b>	<b>100</b>	<b>2,638.1</b>
15-17	11.1	-	-	53.2	43.9	2	-	-	100	171.2
18-24	12.5	4.8	31.7	57.7	3	1.8	-	0.8	100	392.8
25-34	13.9	31.6	26.9	30.9	5.5	3.6	0.3	1.1	100	535.3
35-44	13.4	29.5	23.4	32.7	6.7	5.4	0.5	1.7	100	430.2
45-54	13	25.1	24.2	28.7	9	8.7	1.4	2.9	100	390
55-64	12.7	23.8	22.9	24.5	9.3	12.7	2.2	4.6	100	314.3
65+	11.1	11.7	19.7	19.3	11.2	20.2	4.8	13.1	100	404.3
<b>Jews</b>										
2002	12.6	19	23	36.8	10	7.4	1.2	2.5	100	3,848.8
2004	12.7	20.4	23.8	36	9.6	6.7	1.1	2.3	100	3,975.8
2006	12.8	22	24.2	35.5	9.2	6	1	2.1	100	4,104
<b>2007 – Total</b>										
- thousands		936.8	1,015.4	1,459.6	366.9	244.2	34.3	75.7	-	4,168.2

Year	Years of schooling								Total	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	per cent	Thousands
- percent ages	12.8	22.7	24.6	35.3	8.9	5.9	0.8	1.8	100	-
Age										
15-17	11.1	-	-	53.5	43.8	2.2	-	-	100	255.8
18-24	12.4	3.9	28.2	63.7	2.9	0.9	0.2	0.2	100	614
25-34	14.4	32.5	32.4	29.4	3.7	1.4	0.2	0.4	100	833.6
35-44	14.1	33.5	25.9	33.6	4.5	1.4	0.3	0.8	100	660.8
45-54	13.4	28.3	25.3	31.5	8.8	4.8	0.2	1.2	100	631.2
55-64	13.2	27.8	23.5	26.7	9.9	9.9	0.7	1.5	100	528.2
65+	11.6	15.9	19.4	21	11.2	20.7	3.9	7.9	100	644.6
<b>Men – Total</b>	<b>12.8</b>	<b>22.7</b>	<b>23.8</b>	<b>36.5</b>	<b>9.4</b>	<b>5.7</b>	<b>0.7</b>	<b>1.2</b>	<b>100</b>	<b>2,016.9</b>
15-17	11.1	-	-	52.6	43.6	3.3	-	-	100	130.9
18-24	12.3	3.9	23.5	66.7	4.2	1.4	-	-	100	314
25-34	14.2	29.1	34.3	29.5	4.8	1.8	-	0.4	100	418.7
35-44	14	33	25.4	33.6	5.2	1.8	0.3	0.7	100	325.6
45-54	13.3	28.3	24	32.3	9.3	5	-	0.9	100	302.9
55-64	13.3	29.5	22.3	26.7	10.3	9.4	0.6	1.1	100	251.9
65+	12	20.8	17.9	22	10.5	20.1	3.6	5	100	273
<b>Wome n - Total</b>	<b>12.9</b>	<b>22.6</b>	<b>25.3</b>	<b>34.2</b>	<b>8.4</b>	<b>6.1</b>	<b>0.9</b>	<b>2.5</b>	<b>100</b>	<b>2,151.3</b>
15-17	11.2	-	-	54.5	44.1	1.1	-	-	100	124.8
18-24	12.6	3.9	33	60.5	1.6	0.5	-	0.4	100	300
25-34	14.6	36	30.5	29.3	2.5	0.9	0.2	0.4	100	414.9
35-44	14.2	34.1	26.3	33.6	3.8	1.1	-	1	100	335.3
45-54	13.5	28.2	26.4	30.9	8.3	4.6	-	1.4	100	328.3
55-64	13.1	26.2	24.5	26.7	9.5	10.4	0.8	1.9	100	276.3
65+	11.3	12.3	20.5	20.2	11.8	21.1	4.1	10	100	371.7
Arabs										

Year	Years of schooling								Total	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	per cent	Thousands
2002	10.9	7.7	10.7	30.9	19.2	20.6	4	7	100	747.2
2004	11.1	8	10.4	32.9	18.7	19	4.4	6.5	100	783.1
2006	11.1	8.9	10.3	32.7	18.8	19.3	3.9	6.1	100	841.2
<b>2007 – Total</b>										
- thousands		78	87.9	303.8	153.3	155	27.4	53.1		863
- percent ages	11.3	9.1	10.2	35.4	17.9	18.1	3.2	6.2	100	
<b>Age</b>										
15-17	11	-	-	50.2	44	4.2	-	-	100	89.7
18-24	12.1	6.1	22.1	50.9	11	8	-	1.5	100	172.6
25-34	11.8	15.1	11.2	39.1	17.6	13.7	0.8	2.5	100	217.1
35-44	11.2	12	8.3	33.1	20.4	21.6	1.6	3.1	100	168
45-54	9.4	10.1	6.7	20.8	15.6	32.7	6.9	7.3	100	105.1
55-64	6.9	4.9	5.2	9	8.5	42	11.3	19.1	100	61.1
65+	3.5	2.7	3.2	10	3.9	24	16.2	40.4	100	49.4
<b>Men – Total</b>	<b>11.3</b>	<b>9.3</b>	<b>9.4</b>	<b>37.4</b>	<b>19.8</b>	<b>18.7</b>	<b>2.7</b>	<b>2.8</b>	<b>100</b>	<b>437.1</b>
15-17	11	-	-	49.4	45.2	4.4	-	-	100	45.8
18-24	11.9	3.9	17.1	54.7	13.8	9.3	-	-	100	88.4
25-34	11.8	14.3	10.9	40	18.8	13.5	0.9	1.6	100	110.2
35-44	11.3	12.1	7.9	35.3	22.2	19.6	1.4	1.3	100	85.8
45-54	10.5	13.8	7.4	24.1	18.3	29.6	4.5	2.3	100	53.3
55-64	7.8	7.9	7.5	9.8	10	48.5	7.5	8.8	100	30.3
65+	6.3	4.9	3.9	10.8	4.9	38.3	17.7	19.5	100	23.5
<b>Women - Total</b>	<b>11.2</b>	<b>8.9</b>	<b>11</b>	<b>33.3</b>	<b>15.9</b>	<b>17.4</b>	<b>3.7</b>	<b>9.7</b>	<b>100</b>	<b>425.9</b>

Year	Years of schooling								Total	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	per cent	Thousands
15-17	11.1	-	-	51.1	42.8	4	-	-	100	43.9
18-24	12.4	8.4	27.4	47	8	6.7	-	2.6	100	84.3
25-34	11.8	16	11.4	38.2	16.3	13.9	-	3.4	100	106.9
35-44	11.1	11.9	8.6	30.7	18.4	23.6	1.8	5	100	82.2
45-54	8.2	6.3	6	17.4	12.8	35.8	9.4	12.4	100	51.8
55-64	5.6	-	2.9	8.2	7	35.6	15	29.2	100	30.9
65+	0.9	-	-	9.3	-	11.2	14.9	58.5	100	26

Source: The Central Bureau of Statistics, Statistical Abstract of Israel, 2007, 2008

674. **Literacy:** Israel has a very low rate of illiteracy – in 2008, of the population aged 15 and over, the percentage of Jewish females that never attended school was 2.4 per cent compared to 1.2 per cent of the males. That same year, the percentage of Arab females that never attended school was 8.5 per cent (compared to 9.7 per cent in 2007), compared to 2.5 per cent of Arab males (2.8 per cent in 2007). In addition, the number of persons with only four years or less of formal education has continued to decline, and there has been an improvement in the situation across the board. Among the Arab population, the number of persons without any formal education decreased from 7.0 per cent in 2002 to 5.5 per cent in 2008, while among the Jewish population, the numbers fell from 2.5 per cent to 1.8 per cent respectively. The number of persons with 1-4 years of formal education also decreased from 4 per cent among the Arab population in 2005, to 3.1 per cent in 2008, and among the Jewish population, from 1.0 per cent in 2005 to 0.8 per cent in 2008.

#### **Attendance Rates in the Education System**

675. In the 2008-09 school year, there were approximately 1,470,000 pupils in primary schools, junior high schools and high schools: approximately 73.4 per cent of them are of the Jewish population and 26.5 per cent of the Arab population. In the Hebrew education system there were 617,380 pupils in primary schools, 182,516 pupils in junior high schools and 278,393 in high schools. In the Arab education system there were 240,665 pupils in primary schools, 71,537 in junior high schools and 77,773 in high schools.

676. In 2008, of the population aged 15 and over, the percentage of Jewish females who never attended school was 2.4 per cent compared to 1.2 per cent of the males. That same year, the percentage of Arab females who never attended school was 8.5 per cent (compared to 9.7 per cent in 2007), compared to 2.5 per cent of the males (2.8 per cent in 2007).

677. In 2007, 91.4 per cent of adolescents aged 15 to 17 attended school, 1.4 per cent worked and did not study, and 7.2 per cent neither worked nor studied (a decline in comparison to 7.8 per cent in 2006). 92 per cent of girls aged 15 to 17 attended schools in comparison to 91 per cent of the boys. Among the Jewish population, 5.4 per cent of the youth aged 15 to 17 neither worked nor studied (5.5 per cent male and 5.4 per cent female), in comparison to 12.5 per cent among the Arab population (12.7 per cent male and 12.1 per cent female).

678. The following table indicates the continuing gradual increase in the number of pupils in the Israeli education system.



Table 23  
Pupils in Educational Institutions, 2004 - 2008

Year		2004-2005	2005-2006	2006-2007	2007-2008
Grand Total		2,084,525	2,093,329	2,160,427	2,187,494
Hebrew Education System	Grand Total	1,648,289	1,641,538	1,691,087	1,708,277
	Kindergartens	313,801	315,000	340,114	350,000
	Primary education	574,468	584,441	598,029	604,725
	Post primary education	472,139	469,387	467,721	462,360
	Post secondary institutions	51,195	52,601	51,332	51,000
	Non-universities for higher education**	77,738	82,023	97,923	104,689
	Universities	124,430	123,010	121,234	121,003
	Other institutions	34,518	15,076	14,734	14,500
Arab Education System	Grand total	436,236	451,791	469,340	479,217
	Kindergartens	89,400	92,000	94,383	95,000
	Primary education	212,638	221,133	231,268	236,885
	Post primary education	132,225	136,804	141,279	144,932
	Post secondary institutions	1,973	1,854	2,410	2,400

\*\* Incl. students for first degree in academic colleges and in education colleges. As of 2006/07, includes 5,668 students enrolled in continuing studies towards a first degree in education (B.Ed.)

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2006, 2007, 2008

#### Dropout Rates and Prevention of Dropping Out of School

679. Another important indicator of school performance is the rate of attendance. The Ministry of Education operates an internal unit of attendance officers who regularly visit schools in order to prevent pupils from dropping-out of school. The Ministry of Education has a special department aimed at maintaining school attendance that works to prevent pupils from dropping out. This department works in accordance with the *Compulsory Education Law* (Section 4) and as a part of the Ministry of Education's policy. Currently, there are 498 attendance officers, of which 369 operate in Jewish localities (including 37 in the Ultra-Orthodox population), 96 in Arab localities, 17 in Bedouin localities and 16 in Druze localities.

680. In 2007-2008, in the Hebrew education system, the dropout rate of female minors in the 9th to 11th grades stood around 1.7 per cent-2.9 per cent (3.1 per cent-3.6 per cent in 2003-2004), and in the 12th grade the rate of pupils who dropped out was just 0.7 per cent (equal to the dropout rate in 2003-2004). The dropout rates of male minors were higher, especially in the 11th grade (4.8 per cent in the 9th grade and 9.5 per cent in the 11th grade). In the Arab education system, although the dropout rates of Arab female minors exceeded those of Jewish female minors, Arab male minors dropped out at a greater rate than did their female counterparts. The following table presents data on dropout rates, according to grade, gender and population group.

Table 24

**Pupils in Grades 7-12 Dropout Rates by Population Group, and Gender,  
2004-2008**

		Hebrew education			Arab education		
		2004/5- 2005/6	2005/6- 2006/7	2006/7- 2007/8	2004/5- 2005/6	2005/6- 2006/7	2006/7- 2007/8
Grand total		521,032	520,189	519,615	147,912	154,967	160,729
Grade 7	Total	88,670	86,331	86,924	30,460	30,298	30,729
	Thereof: per cent dropped out of educational system	1.1	0.5	0.8	1.9	1.3	1.1
	per cent of Boys	1.4	0.8	1.3	1.9	1.4	1.2
	per cent of Girls	0.7	0.3	0.4	1.9	1.3	1.0
Grade 8	Total	84,562	87,745	85,591	28,314	30,518	30,487
	Thereof: per cent dropped out of educational system	2.6	2.2	2.7	3.5	3.9	4.1
	per cent of Boys	3.4	2.8	3.8	4.3	4.9	5.1
	per cent of Girls	1.7	1.5	1.6	2.6	2.8	3.0
Grade 9	Total	87,775	87,573	89,257	26,813	27,767	29,508
	Thereof: per cent dropped out of educational system	3.9	3.0	3.2	10.9	11.7	12.3
	per cent of Boys	5.5	4.4	4.8	14.2	15.8	17.0

	per cent of Girls	2.2	1.4	1.7	7.5	7.3	7.4
Grade 10	Total	89,494	87,359	87,425	24,237	24,381	25,273
	Thereof: per cent dropped out of educational system	4.0	3.4	3.7	6.9	6.6	6.6
	per cent of Boys	5.5	4.7	5.3	10.6	9.7	10.3
	per cent of Girls	2.3	1.9	1.9	3.4	3.5	3.0
Grade 11	Total	87,692	88,160	86,636	20,148	22,729	22,866
	Thereof: per cent dropped out of educational system	5.8	5.3	6.3	6.7	5.3	6.3
	per cent of Boys	8.3	7.9	9.5	9.6	7.5	9.3
	per cent of Girls	3.2	2.7	2.9	4.0	3.3	3.5
Grade 12	Total	82,839	83,021	83,782	17,940	19,274	21,866
	Thereof: per cent dropped out of educational system	1.8	1.7	1.7	1.9	1.9	1.7
	per cent of Boys	2.6	2.5	2.6	2.2	2.4	2.2
	per cent of Girls	0.9	0.8	0.7	1.6	1.4	1.3

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008

681. In the 2008-09 school year, the dropout rate of high school pupils (9th-12th grades) was 4.3 per cent (19,333 out of total 444,843 pupils). The total dropout rate of pupils between the first and twelfth grades was 2 per cent (28,947 out of total 1,454,777 pupils).

Table 25

**Dropout Rates Between 7th and 12th Grades by Population, 2008-2009**

Population	Total pupils	Number of pupils dropping out	Percents
Jewish	515,414	16,039	3.1
Arab	122,201	5,738	4.7

Bedouin	28,209	2,110	7.5
Druze	15,238	434	2.8
Circassians	134	2	1.5
<b>Total</b>	<b>681,196</b>	<b>24,323</b>	<b>3.6</b>

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

#### Eligibility for Matriculation Certificate

682. The percentage of Jewish pupils aged 17 who were eligible to receive a matriculation certificate decreased from 55.6 per cent in 2001 to 54.9 per cent in 2006. The percentage of Arab pupils aged 17 who were eligible to receive a matriculation certificate also decreased from 52.2 per cent in 2001 to 46.3 per cent in 2006.

683. In 2007, the matriculation success rate of girls was significantly higher than that of boys: 61 per cent of girls in the Jewish population and 55.3 per cent of girls in the Arab population received a matriculation certificate, compared to only 49.5 per cent and 36.5 per cent of the boys, respectively. Note, that in 2007, the total number of pupils in the 12<sup>th</sup> grade entitled to a matriculation certificate was 52.5 per cent.

Table 26

#### **Percentage of Pupils Aged 17 Eligible for a Matriculation Certificate, by Population and Selected Demographic Characteristics, 2001-2006**

<b>Population</b>	<b>2001</b>	<b>2003</b>	<b>2005</b>	<b>2006</b>
Total population	55.1	56.4	53.8	53.4
<b>Jewish Population</b>				
Total	55.6	57.4	55.1	54.9
Gender: boys	49.3	51.2	49.9	49.5
Girls	61.9	63.3	61	61.0
<b>Ethnic origin (parents' birthplace)</b>				
Israel	57.2	58.2	56.1	56.2
Asia-Africa	51.0	54.3	51.4	50.9
Europe-America	57.1	61.8	59.7	59.3
<b>Arab Population</b>				
Total	52.2	50.7	47.2	46.3
Gender: boys	44.3	41.8	39.2	36.5
Girls	58.8	58.3	54.2	55.3
<b>Religion:</b>				
Muslims	50.3	49.2	44.9	43.7
Christians	68.5	63.9	63.9	60.9
Druze	50.2	48.8	50.3	54.6

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2003-2008*

Table 27

**Pupils in 12th Grade, Matriculation Examinees and Entitled to a Certificate – 2007  
(Absolute Numbers)**

	Pupils in 12 <sup>th</sup> Grade	Examinees		Entitled to a Certificate	
		Total	per cent of Pupils in 12 <sup>th</sup> grade	Total	per cent of Pupils in 12 <sup>th</sup> grade
Total	101,472	84,779	83.6	53,250	52.5
Hebrew Education	82,316	67,362	81.8	44,816	54.4
Arab Education	19,156	17,417	90.9	8,434	44.0
Thereof: Muslims	15,176	13,736	90.5	6,311	41.6
Christians	1,818	1,763	97.0	1,043	57.4
Druze	2,001	1,883	94.1	1,064	53.2

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2009*

684. According to data collected in 2007, and based on a division of localities in Israel into ten socio-economic clusters, 9.2 per cent of the 12th grade pupils in clusters 1-2 (towns with the lowest socio-economic status) were eligible for a matriculation certificate. This figure is to be compared with 74.6 per cent of those in clusters 9-10 (towns with the highest socio-economic status) in Jewish localities, compared to 43.8 per cent of 12<sup>th</sup> grade pupils in clusters 1-2, were eligible for a matriculation certificate compared to 52.5 per cent in clusters 7-8 (the highest status) in Arab localities.

685. In June 2010, the Ministry of Education presented the 2009 school year matriculation eligibility rates. According to these figures, in 2009, was an increase of 1.7 per cent in the eligibility to receive a matriculation certificate in all of the populations in Israel – 46.1 per cent, compared to 44.4 per cent in 2008. Among the Jewish population the rate of pupils eligible to receive a matriculation certificate crossed for the first time the 60 per cent mark and stood at 61.8 per cent (not including the Ultra-Orthodox population) compared to 59.7 per cent in 2008 (the total rate of matriculation eligibility among the Jewish population, including the Ultra-Orthodox population, was 52.2 per cent in 2009, compared to 50.5 per cent in 2008). Among the Non-Jewish population there was a total increase of 2.8 per cent in 2009 and the rate of matriculation eligibility stood at 35 per cent compared to 32.2 per cent in 2008. The total increase in the matriculation eligibility rate among the Arab population was 2 per cent and the rate stood at 34.4 per cent in 2009. In the Druze population there was an increase of 8.5 per cent in the matriculation eligibility rate to 48 per cent. In the Bedouin population there was an increase of 2.8 per cent and the matriculation eligibility rate stood at 29.4 per cent.

Programs That Help Pupils Matriculate Fully

686. The Ministry of Education implements many programs to strengthen weaker pupils and improve their chances of completing all matriculation examinations. To increase the proportion of pupils eligible to receive a matriculation certificate, the Ministry of Education acts in four ways: it encourages pupils to take matriculation examinations; provides intensive assistance to pupils who need it; creates post-secondary continuing education frameworks; and finances studies for pupils who lack only one or two examinations. The Ministry has earmarked resources for allocations to schools that wish to adopt discretionary initiatives in this regard.

#### **Education for Infancy**

687. The *Compulsory Education Law* applies to children from the age of 3 years. The Law is implemented in accordance with the State's budget. In 2009, the rate of children aged three to four who studied in state-financed kindergartens was 49 per cent (39 per cent in the Jewish population, 80 per cent in the Arab and Bedouin population, and 62 per cent in the Druze population).

Table 28

#### **Rate of Participation in Ministry of Education's Pre-Primary Institutions for Children Aged 3 to 6, by Population, 2009**

Age	Jewish	Arab-Bedouin	Druze	Total
3	66 per cent	56 per cent	95 per cent	64 per cent
4	87 per cent	64 per cent	97 per cent	81 per cent
5	94 per cent	86 per cent	97 per cent	92 per cent
6	13 per cent	2 per cent	3 per cent	10 per cent

*Source: Ministry of Education, 2009*

#### **The Psychological-Counseling Service Department**

688. The Counseling and Psychological Services ("Shefi") is a department within the Ministry of Education, which is responsible for providing counseling, psychological services, and educational counseling for pupils, parents and educators.

689. "Shefi" currently has 1,302 educational psychologists allocated to kindergartens and schools in every local authority in Israel. 1,023 psychologists work within the Jewish population and 159 work within the Arab population (in 71 centers). Among these, 71 are specialized in Educational Counseling and Psychological Services, 14 are intended to work with the Bedouin population and five are assigned to work with the Druze population.

690. As for kindergartens, "Shefi" operates an educational advisory service for kindergartners aged three to six. The guidance is given by M.A. graduate educational advisors who are trained to cope with infancy related issues.

691. As for schools, "Shefi" currently allocates approximately 4,300 educational advisors to all official educational institutions (440 of which are working with the Arab population, 70 with the Druze population and 37 with the Bedouin population).

#### **Special Education**

692. As of 2009, 57,943 children with disabilities were placed in various educational facilities. This number represents 3.2 per cent of the total number of pupils (approximately 1.8 million) in Israel. 9,677 attend special education kindergartens, 27,592 study in special education classrooms within regular schools and 20,674 attend special education schools.

693. There are approximately 75,000 children with disabilities included in the regular educational system. Approximately 56,000 (75 per cent) are Jewish and the remaining 19,000 (25 per cent) are members of Israel's Arab population. The *Special Education Law* applies to approximately 133,000 children, 103,000 of whom study in regular education institutions (in regular classrooms or in special education classrooms) and 30,000 of whom study in institutions designated for children with disabilities.

Table 29

**Number of Pupils and Classrooms in Special Education Institutions by Populations, 2009**

Population	Classrooms	Pupils
Jewish	5,077	45,145
Arab	1,000	9,416
Druze	161	1,343
Bedouin	215	2,039
Total	6,453	57,943

*Source: Ministry of Education, 2009*

Budget

694. The total education budget for children with disabilities in 2008 was 3,075,049,000 NIS (U.S. \$831,094,324). Most of the children received funding for approximately five to thirty hours of assistance per week.

Special Education Frameworks Serving the Bedouin Population

695. There are four special education schools (in Kssaife, Arara, Rahat and Segev-Shalom), three regional support centers (in Rahat, Abu-Basma and Hura), as well as 25 treatment kindergartens for special education serving the Bedouin population in the southern part of Israel. In 2008, two additional regional support centers were opened, as well as ten classes in primary schools. In addition, all primary and intermediate schools received additional reinforcement teaching hours.

696. In the northern part of Israel - a new school for pupils with severe mental deficiencies was opened, as well as six special education kindergartens. In addition, four advance classes in secondary schools were added, as well as 3,000 hours of integration.

Adjustments in Matriculation Exams for Children with Learning Disabilities

697. In 2007, 62,912 of 281,511 pupils (22.3 per cent) requested adjustments in matriculation exams due to learning disabilities. The majority of the applications were approved. Among the Arab population, 3,207 pupils out of a total of 46,579 (6.9 per cent) requested adjustments and their requests were approved. Among the Druze population, 246 pupils out of a total of 5,689 (4.3 per cent) requested adjustments and their requested were approved.

Regional Support Centers

698. The Special Education Law is implemented equally with respect to all populations of children between the ages of three and 21. There are 68 regional support centers in the educational system, 53 of which are located in Jewish localities, eight of which are located in Arab localities, four of which are located in Bedouin localities and three of which are located in Druze localities. However, every center provides services to all populations

within its region. The centers are responsible for supporting children with disabilities who have been placed in any official or unofficial institute, and are also used as a source of information.

#### Health Services for Pupils

699. The Ministry of Health and the State Association for Public Health, with the cooperation of the Ministry of Education, provide health services for pupils. These services are compliant with Section 21A of the National Health Insurance Law and Directive 5768/1 (September 2007) of the Director General of the Ministry of Education. The health services include routine check-ups, vaccinations, preventive treatments, guidance and supervision by physicians and nurses.

Table 30

#### **The Distribution of Health Services for Pupils by Population**

<b>Population group</b>	<b>Allotted days/manpower</b>	<b>per cent of pupils of the population</b>
Jewish	57 per cent	56.8 per cent
Arab	22.07 per cent	19.7 per cent
Ultra-Orthodox	13.4 per cent	15.66 per cent
Bedouin	4.88 per cent	5.49 per cent
Druze	2.58 per cent	2.31 per cent

*Source: Ministry of Education, 2009*

#### Training of Educators

700. There are 61 colleges in Israel for training educators, not including Universities. There are 12 State colleges, 13 Religious State colleges, eight Arab designated colleges and 28 Ultra-Orthodox designated colleges. The eligibility requirements for educator's training in the field of special education are the same for all populations. The minimum requirements for entry into special education courses are possession of matriculation certificates and a psychometric score.

Table 31

#### **Level of Education among Teachers, By Education Systems, 2007 (percents)**

<b>Education framework</b>	<b>Hebrew education system</b>	<b>Arab education system</b>
Elementary schools		
University degree	56.7	52.9
Senior	19.4	19.9
Certified	4.2	4.7
Uncertified	4.0	3.9
Secondary schools		
University degree	46.7	62.6
Senior	8.7	4.7



Certified	3.7	3.6
Uncertified	2.5	3.0

*Source: Central Bureau of Statistics, statistical Abstract of Israel 2008*

701. During the 2008-09 academic years, 73 per cent of elementary school teachers and 84.4 per cent of secondary school teachers in the Hebrew education system were university graduates, compared with 77.4 per cent and 86.4 per cent, of their colleagues in the Arab education system, respectively.

### Conditions of Teaching Staff

702. The following table relates to the number of teachers in the educational system, as well as the average working hours of teachers. The table reveals a continuing increase in the number of teachers throughout the education system and at all levels of education. As indicated in the following table, between the years 2000 and 2009, 9,220 teachers were added to the Hebrew education system, and 11,423 were added to the Arab education system.

Table 32

### Teaching Jobs and Teaching Staff, by Level of Education and Average Work Hours per Week, 1999-2008

	1999/00	2004/05	2007/8	2008/9
<b>Hebrew Education</b>				
<b>Teaching jobs</b>				
<b>Grand total-Absolute numbers</b>	<b>106,512</b>	<b>119,426</b>	<b>121,460</b>	<b>124,516</b>
Pre-primary education - total	7,280	13,029	13,705	14,174
Primary education - total	47,069	49,230	50,669	51,479
Secondary education (including Intermediate education) - total	52,163	57,167	57,086	58,863
<b>Teaching staff</b>				
<b>Grand total-Absolute numbers</b>	<b>95,883</b>	<b>100,424</b>	<b>102,674</b>	<b>105,103</b>
Pre-primary education - total	9,200	9,342	9,942	10,269
Average work hours per week	25.6	24.7	24.8	24.9
Primary education - total	43,426	45,600	47,474	48,529
Average work hours per week	22.6	22.5	22.6	24.7
Secondary education (including Intermediate education) - total	43,257	45,482	45,258	46,305
Average work hours per week	21.2	22.6	22.6	22.9
<b>Arab Education</b>				
<b>Teaching jobs</b>				
<b>Grand total-Absolute numbers</b>	<b>20,928</b>	<b>29,239</b>	<b>32,575</b>	<b>33,529</b>
Pre-primary education - total	1,161	2,528	2,797	2,985
Primary education - total	11,489	15,305	17,689	17,836

Secondary education (including Intermediate education) - total	8,278	11,406	12,089	12,708
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**Teaching staff**

<b>Grand total-Absolute numbers</b>	<b>19,428</b>	<b>26,376</b>	<b>29,972</b>	<b>30,851</b>
Pre-primary education - total	1,150	2,104	2,367	2,537
Average work hours per week	28.6	25.6	25.3	25.6
Primary education-total	11,001	14,671	17,120	17,360
Average work hours per week	24.9	24.4	24.1	27.3
Secondary education (including Intermediate education) - total	7,277	9,601	10,485	10,954
Average work hours per week	23.4	24.1	23.8	24.7

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2009*

703. There are now approximately 120,894 full-time equivalent teaching posts at all levels of the Israeli pre-primary, primary and secondary education systems:

Table 33

**Full-Time Equivalent Teaching Posts, 2008-09**

	<b>Total</b>	<b>Hebrew education</b>	<b>Arab education</b>
Pre-primary Education	10,672	8,509	2,163
Primary Education	55,013	39,352	15,661
Secondary (including Intermediate) Schools	55,209	43,969	11,240
<b>Total</b>	<b>120,894</b>	<b>91,830</b>	<b>29,064</b>

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2009*

**Resources in Education - National Expenditure on Education**

704. The total national expenditure on education in 2007 amounted to 56.2 Billion NIS (U.S. \$15,189,189,189), comprising 8.3 per cent of the Gross Domestic Product. The total national expenditure on education (in constant prices) in 2007 increased by 5 per cent following a 2 per cent increase in 2006 and in 2005 respectively.

Table 34

**Distribution of Pupils by Classrooms and Population, 2009**

<b>Population</b>	<b>Elementary school</b>	<b>Elementary school</b>	<b>Junior high</b>	<b>Junior high school</b>	<b>High school</b>	<b>High school</b>
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	(pupils)	(classrooms)	school (pupils)	(classrooms )	(pupils)	(classrooms)
Jewish	577,747	23,032	264,597	10,205	253,661	10,077
Arab	160,306	5,541	72,597	2,459	55,272	1,956
Druze	18,132	688	8,450	297	7,203	265
Bedouin	47,942	1,694	18,678	624	11,592	417
Circassian	-	-	142	8	-	-
<b>Total</b>	<b>804,127</b>	<b>30,995</b>	<b>364,464</b>	<b>13,593</b>	<b>327,728</b>	<b>12,715</b>

Source: Ministry of Education, 2009

Table 35

**Average Number of pupils Per Class, by Population, 2001-2008**

Year	Total	Average No. of pupils per class	
		Jewish population	Arab population
2001/2	26	26	29
2002/3	26	26	29
2003/4	27	26	30
2004/5	27	26	30
2005/6	27	26	30
2006/7	27	26	30
2007/8	27	26	30

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2002-2008

705. The accelerated development in the number of classes has not matched the increase in the number of pupils; consequently, the average number of pupils per class has slightly risen, from 26 in 2001-2003, to 27 since 2003. Although the average number of pupils is higher in Arab localities, the average number of pupils (29-30) per class in Arab localities has remained stable during the past decade.

706. In accordance with Government Resolutions No. 1410 (March 18, 2007) and 1536 (April 1, 2007), during the years 2007-2011, 8,000 new classrooms (each measured approximately 125 Square meters) will be built and subsidized with a total budget of 4.64 Billion NIS (U.S. \$1,254,054,054) (including kindergartens, elementary schools, special education, and middle/high schools). Based on the expected forecast for the needs of different populations, 3,120 (39 per cent) of the classrooms will be established for the minority populations with an investment of 1.75 Billion NIS (U.S. \$472,972,973). Out of these 3,120 classrooms, between the years 2007-2009 a budget was allocated for the building of 1,942 classrooms for the Arab population. Note that during these years the Arab population grew by only 1,552 classrooms and therefore the establishment of 390 classrooms was budgeted beyond the natural population growth in order to minimize and close gaps in the education field.

**Construction of New Schools**

707. In recent years there has been a steady increase in the number of schools and teachers in the Hebrew education system, as well as a significant increase in the Arab

education system. The total number of schools in the Jewish population rose by 6.4 per cent (from 2,957 in 2000, to 3,145 in 2007). During these years, the total number of schools in the Arab population rose by 28.7 per cent (from 582 to 749 schools).

Construction of Schools and New Classrooms in the Eastern Neighborhoods of Jerusalem

708. In the 2009-2010 school year, 41,364 pupils attended schools in the eastern neighborhoods of Jerusalem, which constitutes an increase of 40 per cent during the last 10 years.

709. The Municipality of Jerusalem has no restrictions on development of schools in the eastern neighborhoods of Jerusalem. The Municipality is aware of the classrooms shortage in the eastern neighborhoods of Jerusalem and is working to improve the situation:

- In 2008, the municipality expropriated 5 lots in Shuafat, Wadi Joz and A-Tur, which will hold 80 new classrooms, including 8 kindergarten classrooms, 48 elementary school classrooms and 24 junior and high school classrooms. These kindergarten and schools are in various stages of planning.
- The Municipality commenced the necessary procedures to expropriate additional 6 lots in Beit Safafa, Um-Tuba, Sheikh Jarrah, Al Tzala and A-Tur. These lots will accommodate 90-96 new kindergarten and elementary school classrooms.
- A new junior high school of 18 classrooms was opened in 2009 in Ras al-Amud neighborhood and another school which will include 39 new classrooms is in advanced building stages and is due to be opened in September 2010. A third school in Ras al-Amud neighborhood which will accommodate 39 new classrooms is waiting for additional budget supplements.
- The Jerusalem Municipality placed 6 mobile classrooms in Beit Safafa neighborhood.
- Expansion of existing schools - During 2009, the Municipality performed an inspection of all the municipal schools in the eastern neighborhoods of Jerusalem and found that there is a further potential to expand the existing schools and add several dozens new classrooms. After receiving all the necessary permits the Municipality will be able to start the expansion.
- Rent - the Municipality rents numerous buildings that function as classrooms for pupils in the eastern neighborhoods of Jerusalem. Unlike construction of new schools and classrooms, which is mostly budgeted by the Ministry of Education, the rent of these buildings is budgeted almost entirely (90 per cent) by the Municipality.

In the 2008-2009 school year, the Municipality, at the request of the neighborhood residents, rented and renovated a large lot in Shuafat. The Municipality allocated approximately 2 Million NIS (U.S. \$540,540) for this project and the lot is currently housing an elementary school of 20 classrooms (approximately 700 pupils). Some of the parents, who requested this particular location, later filed an administrative petition to the court against locating the school in proximity to a metal factory. The petition was rejected by the Administrative Court. However, in an appeal to the Supreme Court, the Court reversed this decision. As a result, the Municipality rented the grounds of the factory, and plans to operate an additional school there subsequent to the necessary renovations.

In addition, recently the Municipality rented a building previously used as a retirement home in Beit Hanina. This building is currently under renovations and will be opened as a school with approximately 20 classrooms in September 2010.

To sum up, the Municipality rented 3 new buildings to function as schools, in addition to the buildings it rented for long periods that function as schools for more than 1,500 pupils.

- 12 new schools are in advanced stages of planning. After the projects are done there will be additional 205 classrooms in the eastern neighborhoods of Jerusalem.

### **Higher Education**

710. In recent years, the rate of participation of the Arab population in higher education institutions has significantly increased, although there are still differences when compared to the Jewish population. The positive integration of the Arab population is a result, *inter alia*, of the rise in the participation of the Arab population in post high school education and the entitlement to matriculation certificates:

(a) In 2005, the rate of persons over the age of 19 with a high school certificate and an academic degree among the Arab population was 17.4 per cent, in comparison to 40 per cent in the Jewish population.

(b) In 2008, the rate of 17 year old pupils who studied in high schools was 83 per cent in the Arab population and 91 per cent in the Jewish population, in comparison to 41 per cent and 82 per cent, respectively, in 1991.

(c) In 2007, the rate of entitlement to receive matriculation certificates in the 12th grade, of 18 year old pupils was 32 per cent in the Arab population and 51 per cent in the Jewish population, in comparison to 13 per cent and 38 per cent, respectively, in 1991.

(d) In 2007, the rate of persons who were entitled to receive matriculation certificates, which is the minimum requirement for applications to universities, was 76 per cent in the Arab population and 88 per cent in the Jewish population, in comparison to 53 per cent and 82 per cent, respectively, in 1995.

(e) In 2008, the rate of Arab students in universities was 9.5 per cent, 5.3 per cent in academic colleges, 5.5 per cent in academic preparatory classes and 31 per cent in teacher training colleges.

(f) The rate of female Arab students out of the total Arab student population studying towards a bachelor's degree in higher education institutions was 40 per cent in 1990, and rose to 61 per cent in 2007. Note that the total rate of female students that year was 55 per cent. This increase is a reflection of the increase in the entitlement to receive matriculation certification among females in the Arab population, which was 45 per cent in 1985 and rose to 64 per cent in 2007, in comparison to 56 per cent in the Jewish population.

(g) Of the total student population studying towards a bachelor's degree, the rate of Arab students rose from 7 per cent in the mid-nineties to 12 per cent in 2008, and of the total student population studying towards a master's degree, the rate of Arab students rose from 3.6 per cent during the nineties to 6.3 per cent in 2008.

711. As mentioned above, since 1995, the Planning and Budgetary Committee (henceforth: the Committee) in the Council for Higher Education was operating a special program for the promotion and absorption of excellent Arab teachers, in which four to six three-year scholarships are granted annually. These scholarships are intended for young excellent Arab scientists who study in universities and other state-financed institutions. The scholars are appointed as lecturers, senior lecturers or associate professors, and the scholarship is given for the period of three years, in addition to a special grant for purchasing equipment.

712. In 2003, a permanent steering committee was established under the Council for Higher Education, with a budget of 5 Million NIS (U.S. \$1,351,351) per year. This Committee uses its budget to promote higher education in the Arab population, via three main activities:

(a) Scholarships for achieving excellence for Arab doctorates – each year up to 10 such scholarships are granted for a period of three years, in the sum of 52,000 NIS (U.S. \$14,054).

(b) Information Center – the Center's purpose is to make higher education accessible to the Arab population, by bringing candidates together, preparing them for academic studies, and advising them in regard to fields of study. In 2009-10, a national information center will be operated with a budget of 1 Million NIS (U.S. \$270,270).

(c) Programs for expanding the accessibility of higher education institutions – the Committee has allocated approximately 2.5 Million NIS (U.S. \$675,676) for supporting Arab students and promoting plans submitted by higher education institutions for that purpose, including plans for student tutors, counseling, preparation days, academic preparatory classes, studying assistance etc. To date 20 institutions have submitted such programs each year to the Committee at a cost of approximately 20 Million NIS (U.S. \$5,405,405).

713. In 2006/7, 261,788 students attended higher education institutions (universities, colleges and the Open University). The following table shows the number of students in universities and their aggregation into degree, field of study, gender, age and population group.

Table 36

**Students in Universities, by Degree, Gender and Population Group (percentage, unless otherwise stated), 2004-2007**

	2004/5	2005/6	2006/7
<b>First Degree-Total</b>			
Absolute numbers	78,247	76,707	76,155
Percentages	100	100	100
Thereof: Women	55.3	55	54.8
<b>Population Group</b>			
Jews and Others	89.9	89.4	88.8
Thereof: Jews	86.6	86.1	85.5
Arabs	10.1	10.6	11.2
<b>Second Degree-Total</b>			
Absolute numbers	35,165	34,935	33,817
Percentages	100	100	100
Thereof: Women	57.3	56.6	56.3
<b>Population Group</b>			
Jews and Others	94.5	94.2	93.9
Thereof: Jews	92.6	92.2	91.9
Arabs	5.5	5.8	6.1
<b>Third Degree-Total</b>			
Absolute numbers	9,315	9,715	9,972

Percentages	100	100	100
Thereof: Women	52.1	52.5	53
<b>Population Group</b>			
Jews and Others	96.6	96.7	96.5
Thereof: Jews	94.3	94.5	94.3
Arabs	3.4	3.3	3.5

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

714. On November 23, 2008, the Appointments Committee of the Higher Education Council bestowed the title of Professor on Haula Abu-Bakar, a teacher and lecturer at Izrael Valley College, making her the first ever female Israeli-Arab professor in Israel. Dr. Abu Bakar is seen as a trailblazing figure in the study of mental health in the Arab population, focusing on how the issues of gender, mental health and sexual violence affect the community. Abu Bakar also authored the book "On an Unpaved Path," dealing with female Arab political leaders.

715. In August 2009, Amal Abu-Saad became the second Bedouin Israeli woman to be awarded a Ph.D. - in genetics. Since her undergraduate studies, Abu-Saad has been developing curriculum and study materials on genetic diseases and the importance of pre-natal testing. Her doctorate focused on genetic problems stemming from intermarriage in Bedouin society. Abu-Saad's master's thesis focused on teaching biology to Bedouin schoolchildren using camels. Abu-Saad is one of 17 Bedouin women who in recent years received their first degree from an institution of higher education.

#### **Promoting the Arab Population's Access to Higher Education**

716. Regarding this issue, please see Affirmative Action in Higher Education, discussed in Article 2 above.

#### **Education in the Arab population**

##### **Administrative Measures**

717. The Ministry of Education constantly invests extensive efforts in the promotion of education in the Arab localities. It is the Ministry's intention to bridge the gaps between the Jewish and the Arab populations. Thus, during the 2009-2010 academic year, the Ministry has adopted additional measures to achieve this purpose:

(a) Operating new programs for Arab kindergartens and elementary schools' populations in order to strengthen the children's knowledge of their native tongue.

(b) In order to promote pupils' achievements in international and national subjects, the Ministry of Education added three school hours to every elementary school in the Arab localities and eight hours to every seventh grade classrooms (a sum of 37 Million school hours). Moreover, the Ministry of Education allocated an additional 195 days and 5,236 school hours dedicated to the study of Arabic, mathematics and science.

(c) The program "New Horizon" ("Ofek Hadash") that has been gradually implemented in all Israeli school since 2008, is currently implemented fully in 216 of 390 (55 per cent) Arab elementary schools and junior high schools. In addition 210,000 school hours are allocated to the Arab educational system in the course of this program. During the 2007/8 school year, nine schools in the north and 31 in the south were included in the "New Horizon" reform, followed by six schools in the north and seventeen in the south in the

2008/9 school year. This reform is intended to provide pupils with poor performance levels an opportunity to improve their performance and to fulfill their potential.

(d) Approximately 140,000 Arab and Bedouin pupils benefit from the "Karev" Program for Educational Involvement, a joint initiative of the Ministry of Education and the Karev Foundation. This foundations aims to achieve an educational-social change within Israeli society by means of enrichment activities and reinforcement of the education system.

(e) The State financed warm meals for approximately 122,000 pupils who study for extended hours (according to Government Resolution No. 2342 of August 1, 2004).

(f) 400 new teachers were added to the Arab Educational System.

(g) Five-year plans for the promotion of Arab education added hundreds of thousands of school hours for many schools, including kindergartens, amongst which are 25,000 hours dedicated to matriculation exams' studies only. Professionals were trained and placed at 200 schools, and 150 educational advisors and learning centers for the psychometric test (the equivalent of the scholastic aptitude test (SAT)) were established for 500 pupils.

718. According to the Ministry of Education, the budget allocated to each program is equal and the allocation of resources is equal according to the size of the populations. The budget allocation for the Arab population is at least 30 per cent of the Ministry's total budgetary plan. The budget of the additional five-year plan for the Arab population is 40 Million NIS (USD \$10,810,810). Furthermore, the budget of the program for additional tutoring hours for the matriculation exams for the Arab population is 30 per cent of the total budget allocated for that purpose. An additional educational program focusing on change operated in 82 schools at all levels of education, of which 38 schools serve the Arab population - which is more than 46 per cent

719. According to the Minister of Education and the Director General's program for the 2010 school year, additional teaching hours for grades 3, 7 and 10 were granted with due consideration being paid to equality.

#### **Science and Technology Education**

720. The Ministry of Science and Technology operates Regional Research and Development Centers in Arab localities. Between the years 2003 and 2008, 4,307,984 NIS (U.S. \$1,164,320) was allocated to the Galilee Regional Center and another 5,086,680 NIS (U.S. \$1,374,778) was transferred to a Center in the "Meshulash" (Triangle) region in the north. In addition, since 2005, 948,200 NIS (U.S. \$256,270) has been transmitted to the regional center of the Bedouins in the Negev.

721. The Ministry of Science and Technology also supports projects that promote Arab student's academic achievements. During the 2006/7 academic year, 500 financial grants were provided to Arab students. In 2007/8, an additional 300 scholarships were granted, 50 per cent of which were given to Arab students. In the 2008/9 academic year, 700 scholarships were granted, of which 480 were granted to Arab students.

722. The Ministry of Science and Technology also allocated an exceptional budget in 2008/9 in order to establish two new centers for Science Teaching in the "Meshulash" (Triangle) region in the north. In the Galilee, the budget for the 2008 fiscal year was 1.5 Million NIS (U.S. \$405,405) per center, in addition to a new National Research Center opened for the Druze population that was funded with 400,000 NIS (U.S. \$108,108).

Table 37



**Financial Aid Granted by the Ministry of Science and Technology, 2001-2008 (by Million NIS)**

Project	2001	2002	2003	2004	2005	2006	2007	2008
Studies in regional Research and Development centers	0.699	0.317	0.093	0.441	2.548	0.495	1.95	1.258
Operating Arab-population Research and Development centers	-	0.67	0.536	0.536	0.536	-	-	-
Support for regional Research and Development centers	0.536	0.707	0.552	0.505	0.591	0.827	0.548	0.654
Support for Bedouin regional Research and Development centers	-	-	-	-	0.3	0.3	0.3	0.15
Supplying for regional Research and Development centers	-	-	-	-	-	-	-	0.94
Minorities scholarships	1.415	1.637	0.48	0.4	0.48	0.09	0.33	0.15
Inauguration scholarships	-	-	-	-	-	-	2.52	2.8
Psychometric test scholarships	-	-	-	-	-	-	-	0.5

*Source: Ministry of Science and Technology, 2008*

**Scholastic Achievements in the Arab and Druze Populations**

723. A certain gap remains between the Arab and Jewish populations in the rates of eligibility for matriculation certificates: In 2006, approximately 46.3 per cent of all Arab (including Bedouin and Druze) youth aged 17 were eligible for a matriculation certificate,

compared with 54.9 per cent of their Jewish peers (see Tables 26 and 27 above). Differences can also be found among segments of the Arab population. For example, in 2006, 54.6 per cent of the Druze, 43.7 per cent of the Muslims and 60.9 per cent of the Christians were eligible for a certificate. As in the Jewish population, the rate of eligibility for a certificate is higher among girls in the Arab population.

724. According to data published by the Ministry of Education, a third (5 out of 15) of the most excellent high schools in Israel, during the 2008-2009 academic year, were schools belonging to the Arab population. The ranking was determined according to the rate of pupils who achieved an average of 90 and above in their matriculation exams in every school. The Arab "Al-Bayan" school in Dir al-Asad, for example, was ranked second with a rate of 40.58 per cent outstanding 12th grade pupils, and the Arab Baptist school in Nazareth was ranked fourth with a rate of 31.17 per cent outstanding 12th grade pupils.

725. According to data published by the Ministry of Education, one of the highest rates of entitlement to receive matriculation certificates in the school year 2008-2009, was in Fureidis (75.86 per cent), which is an Arab village in the Haifa District. That figure far surpasses the average rate of entitlement for matriculation certification that year, which stood at 44.4 per cent (pupils aged 17). The lowest rate in the Jewish population was in the town of Bnei-Brak (15 per cent).

### **The Bedouin Population**

726. The Bedouins living in existing towns enjoy the same rights and opportunities as other Israeli citizens, including the right to receive formal education at all levels, in accordance with the Israeli law. Indeed, their education has improved considerably over the past several years, as indicated by the information provided below.

727. Bedouins enjoy all the rights and opportunities of Israeli citizens, including the privilege to receive formal education at all levels, in accordance with the laws of Israel.

728. The above mentioned 2007 Amendment to the *Compulsory Education Law* is being gradually implemented, and high priority was afforded to the Bedouin towns, which are characterized by high dropout rates when compared with the dropout rates in the Jewish population. Priority was given to the towns of Rahat, Arara, Abu-Basma and others. One of the most important goals of this Amendment is to drastically reduce the dropout rates among female pupils.

729. Following the Ministry of Education's multi-year plan to reinforce the education system in Bedouin localities and several Government Resolutions on the matter, funding was allocated to fund new educational facilities in Bedouin localities (including kindergartens, schools and special education institutions) both in the North and the South. As part of the Ministry of Education's scheme to advance the educational framework in Bedouin localities, funding was allocated towards establishing and upgrading science and computer laboratories. Furthermore, pedagogic counsels provided assistance to school principals in preparing the school's work plan and funding was allocated for reinforcement hours for pupils in need at all levels of education, in order to diminish pedagogic gaps and improve the rate of entitlement to matriculation certificate.

730. In addition, a program to train Bedouin teachers and assist them in the first stages of their employment was initiated in order to reinforce the teachers' status and to improve their pupils' achievements. Currently, 165 teachers have participated in the program. An additional training program for the amelioration of the teaching staff in secondary education was also initiated in co-operation with Ben-Gurion University.

731. Positive results of these efforts are apparent - the rate of 12<sup>th</sup> grade Bedouin pupils entitled to matriculation certificates increased by 6 per cent between 2004 and 2007. In addition, according to figures presented in June 2010 by the Ministry of Education, in 2009,

there was an additional increase of 2.8 per cent in the matriculation eligibility rate in the Bedouin population and that rate stood at 29.4 per cent.

732. Regarding the 'New Horizon' (Ofek-Hadash) reform – Please see "Education in the Arab Population" above in Article 5E

### **New Educational Programs**

733. A new program to teach Arabic language skills in primary schools began in 2008 and will continue functioning until 2011. In addition, new educational cultural and heritage programs were added, as well as a program to teach the Hebrew language and literature in primary and secondary institutions. Furthermore, the education program in history was adjusted in order to better suit primary, intermediate and secondary schools.

734. The 'Daroma' (South) program – in 2004, the Ministry of Education commenced a program to improve educational achievements among exceptional pupils in the 10<sup>th</sup> -12<sup>th</sup> grades. In the 2008-09 school year, the program operated in five High-Schools (attended by approximately 300 pupils). The purpose of the program is to advance these pupils in Mathematics and English, and to develop their learning skills. The pupils participate in courses in academic institutions such as the Ben-Gurion University. The program also focuses on self-empowerment and activities within the community and for the community's benefit.

735. As of 2008, the Ministry of Education has financed a similar program, "Atidim," in two local authorities. In the north, a similar program entitled "Atidim Launch" operates in two local authorities. During 2009, another program for the achievement of excellence commenced operation in Kaabia High school – this program is also funded by the Ministry of Education.

736. An extra-curricular activities program is also operated in the Bedouin localities in the Negev, in conjunction with the Ministry for the Development of the Negev and the Galilee, and the Israel Association of Community Centers. The program provides scholarships for extra-curricular activities, for children in the 4<sup>th</sup> to 6<sup>th</sup> grades in the Negev.

737. In addition, two classes of diagnostic learning skills were opened, one in the college of Sakhnin (North), and the second in Be'er-Sheva (South) in the framework of the Open University funded by the Ministry of Education.

738. Psychologists - additional positions for psychologists in both regions were added but there is still a shortage of psychologists per pupils and a shortage of educational psychologists.

739. Guidance Council - since 2004, three frameworks for training guidance councils were opened - two in the North and one in the South. There has also been an addition to the number of visitation officers in some of the authorities; however, there is still a shortage.

Table 38  
**Number of Schools (North/ South), 2007**

Level of school	North	South	Total
Elementary	25	64	89
Junior high school	2	1	3
Junior and high school	6	13	19
High school	2	8	10
Special education (day-care centers)	1	4	5

<b>Total</b>	<b>36</b>	<b>90</b>	<b>126</b>
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*Source: The Ministry of Education, Supervisor of Bedouin Education, 2008*

Table 39

**Number of Pupils in the Bedouin Population (by Gender), 2007**

Level of school	North			South		
	Males	Females	Total	Males	Females	Total
Elementary (1 <sup>st</sup> -6 <sup>th</sup> grades)	4,334	4,157	8,491	16,444	15,681	32,125
Junior high school	1,585	1,513	3,098	3,693	3,463	7,156
High school	1,145	1,351	2,496	3,833	3,616	7,449
<b>Total</b>	<b>7,064</b>	<b>7,021</b>	<b>14,085</b>	<b>23,970</b>	<b>22,760</b>	<b>46,730</b>

*Source: The Ministry of Education, Supervisor of Bedouin Education, 2008*

**Academic Achievements**

740. According to academic research conducted by the Economic Department of Ben-Gurion University in July 2009, there has been a significant improvement in the level of education over the last three decades. However, according to research, 50 per cent of Bedouin women residing in unauthorized villages in the Negev were unsuccessful in graduating high school, mainly as a result of the lack of basic infrastructures, such as roads, public transportation, high schools, electricity and health services. This situation also results in an absence of places of work in the Bedouin population. According to the research findings, the rate of Bedouin women who work is low, even in the permanent Bedouin towns (7 per cent), and most Bedouin women who work are employed in teaching, while few are employed in social services. The rate of Bedouin working men is similar to that of the total population, although most of the Bedouin men are employed in non-vocational professions, such as construction and transportation, as well as part-time jobs with a low income potential. Thus, according to the research, the poverty rate in the Bedouin population in the Negev remains high.

**Tuition Grants and Scholarships**

741. In 2008, the Ministry of Education announced its intention to grant Bedouin students studying engineering, technology and science with tuition grants and scholarships in the amount of 5,000 NIS (U.S. \$1,351) each for the 2008/9 academic year. The scholarships are intended to further encourage Bedouin students to pursue higher education.

742. The Authority for the Advancement of the Status of Women issued an announcement regarding the distribution of scholarships for female Bedouin students from the north, as well as for female students from the Druze and Circassian populations. These scholarships are granted in accordance with Government Resolutions No. 412 and 413 issued on August 15, 2006 and are intended for tuition in recognized academic institutions, in the fields of medicine, pharmaceuticals, nursing, law, engineering, and other medical related professions. Between the years 2007 and 2008, the Authority received 800 applications for such scholarships from Druze and Circassian women, of which, following an examination process, 100 scholarships were approved and granted, and 400 applications from women of the Bedouin population in the north, of which 45 were approved and

granted. The total budgetary allocation for this purpose for 2009 is 500,000 NIS (U.S. \$135,135), with each scholarship awarded in the amount of 6,000 NIS (U.S. \$1,622).

743. The Authority for the Advancement of the Status of Women in the Prime Minister's Office conducted a special survey regarding the needs of women in minority populations, and based on the results it was decided to conduct training and to empower women in these populations in varied fields, such as completion of their education, leadership, employment, business entrepreneurship and operating communal projects. Each locality, out of the 40 detailed in Government Resolutions 412 and 413, received at least two professional training courses. Approximately 30 professional courses were conducted in 2008, and 50 were conducted in 2009 (of which 15 focused on business entrepreneurship, 11 focused on empowerment issues and four focused on completing education).

744. Moreover, in accordance with the abovementioned survey, the Authority conducts workshops focusing on various issues in these localities, including: parental authority, first aid, prevention of domestic accidents and couples communication. There are also workshops conducted in high schools on issues of respect etc.

#### **Education for the Bedouin Population in the South**

745. The Bedouin population in the Negev is composed of eight local authorities: Abu-Basma, Hura, Lakia, Kssaife, Arara, Rahat, Segev-Shalom and Tel-Sheva. In 2009, there were 72,460 pupils in the educational institutions of the Bedouin population in the Negev, in comparison with 45,117 pupils in 2001. Since 2001 there has been an increase of approximately 70 per cent in the number of educational institutions established in Bedouin localities in the Negev. During the same time there was a decrease of 4 per cent in the establishment of Jewish educational institutions.

Table 40

#### **Number of Pupils and Educational Institutions in the Southern Bedouin Population, 2009**

authority/Local	gardens/Kinder-	Pupils	Elementary schools	Pupils	High schools	Pupils	Special education schools	Pupils	Total institutions per authority	Total pupils per authority
Abu-Basma	132	3,854	26	14,432	4	837	-	-	162	19,114
Hura	45	1,337	5	2,557	3	1,977	1	92	54	5,963
Lakia	33	910	4	2,339	2	1,642			39	4,891
Kssaife	35	1,004	5	3,230	2	2,464	1	65	43	6,763
Arara	39	1,131	6	2,798	2	1,865	1	58	48	5,852
Rahat	102	2,898	16	10,920	4	4,455	1	126	123	18,399
Segev Shalom	29	715	4	2,488	2	2,083	-	-	35	5,286
Tel-	49	1,343	4	3,075	3	1,775	-	-	56	6,193

Sheva										
<b>Total</b>	464	13,192	70	41,830	22	17,097	4	341	560	72,460

*Source: Ministry of Education, the Southern Educational locality, 2009*

Table 41

**Number of Educational Institutions in the Southern District, 2000-2009**

Population group	Education phase	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Jewish</b>	Kindergarten	1130	1148	1128	1132	1114	1094	1084	1093	1129	1130
			(+18)	(-20)	(+4)	(-18)	(-20)	(-10)	(+9)	(+36)	(+1)
	Elementary school	274	277	271	271	269	267	261	260	260	263
			(+3)	(-6)	(0)	(-2)	(-2)	(-6)	(-1)	(0)	(+3)
	High school	113	122	122	95	100	94	93	97	95	99
			(+9)	(0)	(-27)	(+5)	(-6)	(-1)	(+4)	(-2)	(+4)
<b>Total</b>		1517	1547	1521	1498	1483	1455	1438	1450	1484	1492
			(+30)	(-26)	(-23)	(-15)	(-28)	(-17)	(+12)	(+34)	(+8)
<b>Arab</b>	Kindergarten	198	263	317	365	398	413	445	461	452	459
			(+65)	(+54)	(+48)	(+33)	(+15)	(+32)	(+16)	(-9)	(+7)
	Elementary school	51	53	55	55	56	66	70	73	76	79
			(+2)	(+2)	(0)	(+1)	(+10)	(+4)	(+3)	(+3)	(+3)
	High school	13	15	18	20	21	20	20	22	22	23
			(+2)	(+3)	(+2)	(+1)	(-1)	(0)	(+2)	(0)	(+1)
<b>Total</b>		262	331	390	440	475	499	535	556	550	561
			(+69)	(+59)	(50+)	(+35)	(+24)	(+36)	(+21)	(-6)	(+11)

*Source: Ministry of Education, the Southern Educational locality, 2009*

746. In 2000, the Southern Department in the Ministry of Education began to implement a five-year plan for promoting the education system in the Bedouin population. The plan includes bridging gaps between the Bedouin population and the Jewish population. The purpose of the plan is the achievement of better results in schools, the improvement of school environments and the prevention of violence. The plan also trains educators; extends and improves teaching hours and learning techniques, raises the quality of education, and provides additional technological equipment.

Table 42

**The Plan for Promotion of Education in the Southern Bedouin Population – Activities and Budget, 2007-2009 (NIS and U.S. \$)**

Subject	Activity	2007 budget	2008 budget	2009 budget	Total budget
Promoting pupils'	Supervising pupils'	1,038,000 NIS	151,204 NIS	-	1,189,204 NIS

	achievements	\$280,541	\$40,867		\$321,406
achievements	Reinforcing core studying subjects	4,300,300 NIS \$1,162,243	3,086,500 NIS \$834,189	3,770,000 NIS \$1,018,919	11,156,500 NIS \$312,568
	Developing teleprocessing skills	840,000 NIS \$227,027	-	-	840,000 NIS \$227,027
Training educators	Educators' professional development	540,000 NIS \$145,946	400,000 NIS \$108,108	570,000 NIS \$154,054	1,510,000 NIS \$408,108
	Localities accompanists	-	-	90,720 NIS \$24,519	90,720 NIS \$24,519
	Trainings	450,000 NIS \$121,622	189,000 NIS \$51,081	254,700 NIS \$68,838	893,700 NIS \$241,541
	Training and qualifying educational advisors	1,400,000 NIS \$378,378	-	-	1,400,000 NIS \$378,378
	Reading books for 1st-2nd grades	821,100 NIS \$221,919	-	-	821,100 NIS \$221,919
Supplying	Upgrading science labs and technology	856,000 NIS \$231,351	759,500 NIS \$205,270	-	1,615,500 NIS \$436,622
<b>Total</b>		10,245,100 NIS \$2,768,946	4,586,204 NIS \$1,239,515	4,685,420 NIS \$1,266,330	19,516,724 NIS \$5,274,790

*Source: Ministry of Education, the Southern Educational locality, 2009*

747. In recent years, the Ministry of Education conducted various activities for children of all ages. These activities included developing and improving learning skills in Arabic, Hebrew, English, mathematics and sciences, and also computerizing the school learning environment.

748. In addition to the expanded five-year plan, the Ministry of Education is investing significant efforts in the prevention of Bedouin children from dropping out of school. The Ministry of Education operates several educational treatment centers for youth at risk or minors outside the education framework. These services locate potential dropouts, conduct workshops for parents and insist on teaching methods that accord with pupils' needs. The dropout rate in the Bedouin population in the Negev has decreased from 9.4 per cent in 2004 to 6.7 per cent in 2008.

Table 43

**Dropout Rates in the Southern Bedouin population, 2003-2008 (percents)**

School year	National	Southern District	The Bedouin population in the South	Bedouin boys	Bedouin girls
2003-2004	4.3	4.5	9.4	9.4	9.4
2004-2005	3.6	3.8	8.3	9.3	7.2
2005-2006	4.4	4.8	8.4	9.6	7.0
2006-2007	3.6	3.6	6.7	7.5	5.9
2007-2008	3.1	2.8	6.7	8.3	5.1

*Source: Ministry of Education, the Southern Educational locality, 2009*

Table 44  
**The Budget for Establishing Classrooms, 2002-2007**

Year	Total classrooms	Classrooms for the Bedouin population in the South	Rate of Bedouin pupils out of the total pupils
2002	3265	182 (5.6 per cent)	2.79 per cent
2003	455	6 (1.3 per cent)	2.98 per cent
2004	778	110 (14.1 per cent)	3.1 per cent
2005	1283	35 (2.7 per cent)	3.27 per cent
2006	1312	119 (9.1 per cent)	3.41 per cent
2007	1573	183 (11.6 per cent)	3.57 per cent
Total	8666	635 (7.3 per cent)	-

*Source: Ministry of Education, the Southern Educational locality, 2009*

#### Abu-Basma Regional Council

749. Abu-Basma regional council was officially declared on February 3, 2004. It was founded for five of the new Bedouin towns mentioned above, and it is also responsible for ten Arab villages, six of which are Bedouin villages.

750. Government Resolution No. Arab/40 3956 of July 18, 2005, assigned Abu-Basma regional council with attending to the Bedouin population's needs in areas such as education, infrastructure, employment, transportation, agriculture etc., established a total budget of 387.7 Million NIS (U.S. \$104,783,784) for the development of infrastructures and the building of public structures in Abu-Basma and Al Sid localities between 2005 and 2008. The budget included 285 new school and kindergarten classrooms which will be operated by the Abu-Basma Regional Council, targeted and specialized educational programs with a budget of 3 Million NIS (U.S. \$810,811). Between April 2004 and July 2008, the establishment of two kindergarten classes in three different localities (a total of six classes) was completed; four additional classes are currently under construction. 66 new primary school classes were established in different localities, 42 additional classes are currently under construction, ten of which are nearing completion, and 16 additional classes are still being planned. Government Resolution No. 4088 of September 14, 2008 extended



the duration of Resolution No. 3956 until the end of 2009, in order to use the entire budget allocated for the abovementioned plans.

751. Government Resolution No. 724 of August 9, 2009 approves a five-year-plan to improve accessibility to public services and educational centers in the regional council of Abu-Basma, and the public service centers scattered throughout the Bedouin villages in the south. The total budget for these plans amounts to 68.5 Million NIS (U.S. \$18,513,514) over the course of the years 2009-2013, with 13.7 Million NIS (U.S. \$3,702,703) distributed per year.

752. The Abu-Basma Regional Council is responsible for the education of the Bedouin population in southern Israel. In the Council's school system there are 25 elementary schools with an average of 700 pupils per school and three high schools with 100 pupils each. Recent data indicates that immediately after the establishment of regional schools in the Council's towns and villages, the dropout rate due to the transfer from elementary schools to high schools had been eliminated completely. The dropout rate due to the transfer from elementary schools to high schools previously stood at 50 per cent, with a majority of the dropouts being female.

### **The Situation in the Unauthorized Bedouin Villages**

753. Since 2004, three high schools were established for the first time in the unauthorized villages of Abu-Krinat, Al-Huashlla and Bir-Hadge. These schools were connected to the main electricity network, and access roads were paved towards them. The schools' establishment contributed greatly to the prevention of dropout rates, especially among Bedouin girls, who previously were not sent to school by their parents, due to the distance of the school from the village and Bedouin religion and tradition. In addition, since 2004, 14 inspectors' positions were added, including general and vocational inspectors for schools in Bedouin localities, in order to improve the quality of education in these localities.

754. Recently, Israel Electric Corporation began connecting el-Mustakabal and el-Aasam b' schools which operate in the unauthorized village of Abu-Talul to the national electricity grid. The corporation is also working to connect el-Amal school in the village Hirbat el-Watan and additional schools in other unauthorized villages in the Negev. These steps were taken following a petition to the High Court of Justice by Adalah in July 2009. Following the State's notification to the Court in February 2010 that the necessary works for connecting the schools to the national grid were completed, and that the schools would be connected within several days, the Court stated that the remedy requested in the appeal had been provided, and therefore rejected the appeal (*H.C.J 5475/09 Aiub Abu-Sabila et. al. v. The Ministry of Education et. al.* (10.3.10)).

### **Foreign Workers' Children**

755. In 2007, approximately 1,000 children of foreign workers lived in Israel. According to Directive No. 5760/10(a), issued by the Director General of the Ministry of Education and dated June 2000, the *Compulsory Education Law* applies to all children living in Israel, regardless of their status in the Population Registry. Children of asylum seekers and other infiltrators are also integrated into Israel's educational system.

756. As of June 2009 there are 1,431 children of foreign workers who study in schools and kindergartens. Among them are 956 schoolchildren and 475 kindergarten children.

Table 45

### **Distribution of Children of Foreign Workers by Grades, 2009**

Grade	Elementary school	Junior high school	High school	Total
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Kindergarten		-	-	475
1	150	-	-	150
2	104	-	-	104
3	85	-	-	85
4	78	-	-	78
5	70	-	-	70
6	60	-	-	60
7	19	34	-	53
8	17	30	-	47
9	2	28	23	53
10	-	-	92	92
11	-	-	115	115
12	-	-	47	47
13	-	-	2	2
<b>Total</b>	<b>585</b>	<b>92</b>	<b>279</b>	<b>1,431</b>

*Source: Ministry of Education, 2009*

#### 6. *The Right to Equal Participation in Cultural Activities*

##### A National Library

757. On November 26, 2007, the Knesset enacted the *National Library Law 5767-2007* (the "*National Library Law*") declaring the library under this name which was operated by the Hebrew University to be the National Library. Prior to the Law, the library at the Hebrew University served as a de-facto national library but was not legally recognized as such. According to the Law, the National Library is intended to accumulate, preserve, nurture and bequeath knowledge, heritage and culture resources, in general, and those linked to the State of Israel, the land of Israel and the Jewish people, in particular.

##### Jewish Heritage

758. In January 2007, the Knesset approved the creation of two national heritage authorities, for the heritage of the Jewish community of Bukhara and for the heritage of the Jewish community of Libya. Each of these authorities are mandated to preserve the cultural heritage of each community concerned, and to research and document it (The *National Authority for the Cultural Heritage of the Bukhara Jewish Community Law 5767-2007*, and the *National Authority for the Cultural Heritage of the Libyan Jewish Community Law 5767-2007*).

759. On December 6, 2005, the Knesset enacted the *Diaspora Museum Law 5765-2005*, recognizing the Diaspora Museum in Tel-Aviv as the national center for Israeli communities in Israel and abroad. The Law serves to guarantee the continued functioning of the museum. According to the Law the Diaspora Museum's functions and responsibilities are to present items relating to Israeli communities and to the history of the Jewish people, to conduct research and to accumulate knowledge on issues relating to the Jewish people. In addition, its roles include the creation of a reservoir of genealogical trees and family names of Jewish families in the world, and the creation of a database of Jewish communities in the world and their history. The Minister of Education, Culture and Sport is

in charge of executing this law, and under the Law the State shall participate in funding the Diaspora Museum.

760. The *Council for Commemoration of the Jewish Sephardic and Eastern Heritage Law* 5762-2002, was enacted on November 13, 2002. According to the Law, the Prime Minister and the Minister of Religious Affairs will appoint the Council for Commemoration of the Sephardic and Eastern Heritage, the role of which will be to advise the Ministers regarding the promotion, assistance, and encouragement of activities relating to the heritage of Sephardic Jewry.

761. On July 9, 2008, the Knesset enacted the *Sigd National Holiday Law* 5768-2008, which will be celebrated every year on the 29th of the Hebrew month of Cheshvan. The Sigd is a traditional Ethiopian fast day, dedicated to prayers for the rebuilding of the Temple and to the giving of thanks for the right to return to the Holy Land. The fasting ends mid-day with a festive meal. The Ethiopian community in Israel celebrates the holiday by holding a mass ceremony on Mount Zion in Jerusalem, followed by a procession to the Western Wall. In recent years, the ceremony has been held at Jerusalem's Armon Hanatziv Promenade.

### **Arab Heritage and Culture**

762. On March 21, 2007, the Knesset approved the *High Institute for the Arabic Language Law* 5767-2007 (the "*High Institute for the Arabic Language Law*"), under which, the Arabic Language Academy was established (in December 2007). Among its functions, the Arabic Language Academy is charged with researching the Arabic language and its cultural and historic sources, and promoting the study of terminology, grammar, vocabulary, pronunciation and transcription. The Academy also addresses the reality of computerized linguistics. According to the Law, the Institution's activities are financed by a State budget.

763. **The Ministry of Culture and Sport.** The Ministry accords high priority to the promotion of cultural activities among the Arab population, both as creators and as consumers of culture; and to the promotion of qualitative art by Arab artists. The aims of the Cultural Administration within the Ministry include, among others:

- To encourage the consumption of art and culture while ensuring the exposure and accessibility of the entire population of Israel to these elements.
- To nurture pluralism and multicultural dialogue.
- To nurture and express the culture of Israeli communities and the different sectors of Israel's population.

764. The budget for cultural activities is allocated according to a policy which emphasizes the promotion of qualitative and professional cultural activities, and includes all Israeli citizens in the process of the formation of culture making. The budget is divided between all eligible cultural bodies in accordance with relevant eligibility tests.

765. The eligibility tests are open to all cultural institutions in Israel, without discrimination based on language, geographic location, the identity of the artists or the identity of the organs receiving the support. This fact is specifically mentioned in the eligibility tests conducted by the Ministry.

766. All of Israel's cultural institutions are open to all Israeli citizens regardless of their ethnicity or religion. All Israeli citizens are welcome to enjoy the activities conducted by these institutions and to take an active part in the activities. The list of cultural institutions and persons that receive governmental support includes numerous figures that operate within the Arab population, authors who write in Arabic and institutions that are identified with the Arab population. For example:

- (a) The theaters "Al- Midan" and "Beit Hagefen";
- (b) "The Museum for Islamic Art" and the "Daroma" association which operate the "Museum for Bedouin Culture" in the Negev.
- (c) Many festivals for the Arab population receive support under the Festival Regulation, including the "Abu- Ghosh" festival and the "Masrahid" festival in Acre;
- (d) The "Al- Zitoon" association receives support for the conservation of the "Sisters of Nazareth Convent";
- (e) The "Association for Promotion and Cultivation of Arab Music";
- (f) The Nazareth Cinemateque "Alsana";
- (g) The Israeli Center for Libraries operates special enterprises for Arabic literature and children's literature in Arabic in the Arab community. Dozens of public libraries for the Arab population receive a large portion of their funding from the Administration;
- (h) In addition, these institutions, among many others, have received funds for renovations. Additionally, institutions that were damaged during operation "Cast Lead" received special funding for renovations.

767. Furthermore, the aforementioned eligibility tests establish affirmative action mechanisms, including: preference which is afforded to works written in Arabic (under the theater and literature eligibility tests), and a preference which is afforded to artworks that address issues concerning the Arab population and which contribute to the multicultural dialogue (under the music and cinema eligibility tests) among others. Nearly all the eligibility tests (excluding two) are intended to promote cultural institutions belonging to the Arab population.

768. Note that the relevant advisory committees to the Minister of Culture and Sport, who advise on issues concerning the application of the eligibility tests for financial support, all include Arab representatives. In addition, the Administration includes a division which is in charge of the promotion of Arab culture and a division which is in charge of the promotion of Druze and Circassian culture.

769. There are two eligibility tests for the receipt of financial support, which incorporate affirmative action mechanisms for the benefit of the Arab, Druze and Circassian populations: the eligibility test for the distribution of funds by the Ministry of Culture and Sport to public institutions that promote Arab culture, and the eligibility test for the allocation of funds to public institutions.

770. The eligibility tests for the receipt of financial support for the promotion of Arab culture were updated and published in 2008, after intensive consultations with the relevant personnel within the Administration and the Attorney General. The aims of these eligibility tests are: (1) to increase the awareness of the Arab population of all forms of artistic and cultural creations and to encourage their participation in the creative process; (2) to encourage the foundation, development and activities of cultural and artistic institutions among the Arab population, which strive to achieve quality, excellence and uniqueness; (3) to preserve, spread, develop and promote cultural and artistic traditions of the Arab population (Section 3 of the eligibility tests for the receipt of financial support of Arab culture).

771. The Arab and Druze institutions that qualify for financial support according to the two specific eligibility tests allow the Ministry to allocate specific budgets for professional cultural institutions, which are only eligible to receive limited funding; new or small institutions that are otherwise ineligible for any financial support and communal cultural

activities and institutions of popular culture. The latter is very similar to communal culture regulation but is intended only for the Arab population. By comparison, in 2009, the budget for cultural projects within the community for the general population stood at 7 Million NIS (USD \$1,891,892), while the budget for cultural projects within the Arab and Druze populations stood at 11.9 Million NIS (USD \$3,216,216).

772. The Ministry is currently updating the eligibility tests used to determine whether to grant financial support to cultural institutions; and the updated tests are scheduled to be published by the end of 2010.

773. Furthermore, every year, the Ministry of Culture and Sport grants awards in the total amount of 600,000 NIS (USD \$162,162) to artists from the Arab population. These awards are granted independent of the artists' ability to nominate themselves for the receipt of other awards granted in various cultural fields.

774. The Department for Arabic Culture in the Ministry of Culture and Sport - The object of the Department is to promote and develop Arab culture while preserving its cultural and ethnic uniqueness. The Department achieves its aims by encouraging and financing many activities, events and projects. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc.

775. The following table provides data regarding activities that were financed by the Ministry of Culture and Sport.

Table 46

**Activities Financed by the Ministry of Culture and Sport, as of July 2009**

Activity	Description	Cost (NIS)	Cost (U.S. \$)	Notes
Providing financial resources to leading sporting groups in the Arab population	Renovation of sporting facilities and adapting them so as to meet the requirements of the groups and providing proper equipment	1,000,000	270,270	-
Establishment of sport facilities	Building sport yards and playing courts in Arab neighborhoods	4,200,000	1,135,135	-
Sport classes for youth and women	Providing financial resources for sport classes for youth and women in the Arab population	1,000,000	270,270	Assists local authorities to cope with financial difficulties in financing special sporting activities
Professional training	Training professional manpower in several	1,750,000	472,973	-

	areas of sport among the Arab population			
Providing sports scholarships	Allocation of scholarships for students attending teachers training institutions, who in return provide tutoring in schools in Arab localities	500,000	135,135	Providing assistance for students and encouraging them to contribute to their communities
Providing financial resources for sports tournaments and sports festivals in the Arab population	-	400,000	108,108	-
Providing financial resources for building sports facilities	Providing financial resources for the renovation of sports facilities in the Arab localities	15,000,000	4,054,054	In addition to the project to renovate sports facilities in the Negev and the Galilee

*Source: The Ministry of Culture and Sport, January 2009*

Table 47

**Additional Sporting Activities Financed by the Ministry of Culture and Sport Within the Arab Population**

Activity	Description	Years	Total allocation	Remarks
Building sport yards and combined courts	According to the relevant Government Resolution regarding the building of sport yards in Arab and Bedouin localities in the Negev and the Galilee, an Inter-Ministerial team was established and 18 Million NIS (U.S. \$4,864,865) was allocated to realize this end. During 2008-9, 22 combined sport yards were built and some are still under construction)	2008-9	15.6 Million NIS (U.S. \$4,216,216)	-

Promotion of sports classes	Subsidizing sports classes for women and children in the Arab population	2008	1,000,000 NIS (U.S. \$270,270)	Additional sums are allocated through the "sport basket" each year
Subsidizing courses for training coaches	The physical education college in Wingate institute was chosen following a tender process to train coaches and guides in the Arab population	2009	314,000 NIS (U.S. \$84,865)	So far, 208 coaches and guides were trained in three major sporting fields: swimming, boxing and basketball
Supporting major sport events	Holding big sport events both for the Arab population and joint Arab and Jewish populations, such as women's walks, chess tournaments, horseback riding etc.	2008	1,000,000 NIS (U.S. \$270,270)	Additional sums are allocated through the "sport basket" each year
Holding the Ramadan league	In light of the month of Ramadan, annual tournaments in several areas of sport are held including soccer, women's basketball, volleyball and more. Several tournaments are also held for amateur groups	Every year since 2004	70,000 NIS (U.S. \$18,919)	Over 300 players took part in the last event.
Fitness facilities for the elderly population	Building fitness facilities for the elderly population in public gardens throughout Israel	2008-9	12 Million NIS (U.S. \$3,243,243) of which 1.92 Million NIS (U.S. \$518,919) for the Arab population	So far, 16 out of 100 facilities have been built in Arab localities.

*Source: The Ministry of Culture and Sport, January 2009*

#### **Druze and Circassian Heritage and Culture**

776. On June 4, 2007, the Knesset enacted the *Druze Cultural Heritage Center Law* 5767-2007, aimed at facilitating the establishment of a Druze Cultural Heritage Center in Israel. According to the Law, the Government is to designate the necessary budget for the establishment, operation and maintenance of the Center. The Center shall include a research institute, a museum and an archive of Druze heritage, culture and history. The Center will develop and promote research activities as well as educational programs, including tours, lectures, conferences and exhibitions geared towards developing, enriching and promoting knowledge relating to the different aspects of the Druze culture, history and heritage.

777. **The Ministry of Culture and Sport.** The object of the Department for Druze and Circassian Culture in the Ministry of Culture and Sport is to promote, encourage and develop the Druze and Circassian culture and folklore while preserving their cultural and ethnic uniqueness. The Department encourages the attainment of excellence by granting two awards for Druze and Circassian artists in the fields of literature, art and research. The Department fosters art and cultural creation in peripheral areas by encouraging cultural activities among the weaker segments of the population. In addition, the Department encourages pluralism and multiculturalism through the promotion of festivals, workshops, etc., in various areas of art, including through holding youth meetings and activities. The Department promotes the exposure of the works of artists and creators of the Druze and Circassian population, promotes the establishment of and subscription to Druze and Circassian theatre and music clubs, and promotes exhibitions by Druze and Circassian artists. The Department also grants financials support to cultural institutions.

#### **The Role of Mass Media and Communication in Promoting Participation in Cultural Life**

778. The Council for Cable TV and Satellite Broadcasting is a public council established under the *Telecommunications Law (Bezeq and Broadcasts)*. Its fundamental task is to regulate the Israeli Cable and Satellite multi-channel subscriber television by representing, protecting and promoting the public interest in this field. The public interest includes ensuring the maximization of diversity and pluralism in broadcasting channels and the content they offer; the improvement of technologies and services; increasing the supply of content and freedom of choice for subscribers; developing and producing original Israeli content; minimizing prices, etc.

779. The realization of these targets in turn ensures that Israeli citizens who subscribe to multi-channel television participate in local cultural life and are exposed to foreign cultural life. Between the years 2001–2007, subscribers included (on average) approximately 80 per cent - 85 per cent of Israeli households.

#### **Initiating and Granting Licenses for Designated Channel Broadcasting**

780. The Council for Cable TV and Satellite Broadcasting has granted designated channel licenses to a Russian-Speaking channel and an Israeli music channel. These channels are financed by way of broadcast commercials (as opposed to all multi-channel TV channels that are financed by way of receipt of subscribers' fees). Each channel is unique, and has its own specific characterization, designed to enable the expression of an array of specific cultural niches of Israeli society. Hence, the production and broadcast of these channels holds important national and democratic significance. In 2008, the Council decided to re-issue previous tenders for licenses for an Israeli Arab-speaking channel and a Jewish Tradition channel, which tenders had not yet been finalized.

#### **The Development and Production of Original Israeli Content**

781. The Council for Cable TV and Satellite Broadcasting is responsible for ensuring that Cable and Satellite TV licensees invest between 8 per cent-12 per cent of their annual



income towards the production of original Israeli content of various genres, and decides and declares the specific requirements to be satisfied in the fulfillment of this obligation.

782. The development of the local production industry has, and continues, to broaden the array of modes and means of expression of the multitude of cultures, tastes and opinions within the Israeli public, enriches Israeli culture, enables varied representations of current issues, and strengthens the grasp of modern Hebrew as well as offering broadcasting in other languages which are widely used in Israel such as Arabic, Russian and Amharic.

#### Community TV Broadcasting

783. The Council for Cable TV and Satellite Broadcasting promotes, regulates and supports the broadcasting of community programming, produced mainly by volunteers of various local communities, including community centers, elderly people, new immigrants, students, various religious groups, independent groups etc.

784. The broadcasts allow the participants and the communities to express themselves on screen and present their interests, activities and talents, and thus participate in cultural life. It also allows the general public to familiarize itself with these communities, including the obstacles they face and their achievements, which otherwise may not receive public exposure.

#### The Second Authority for Television and Radio

785. In accordance with Section 46(a)(2) of the *Second Authority for Television and Radio Law*, the holders of licenses for cable TV services must not transmit any broadcast which contains racial incitement. They are further bound to take any measure necessary to ensure that no broadcast is liable to incite to discrimination on grounds of religion, race, nationality, community, lifestyle or origin.

786. According to Section 3(a) of the *Second Authority for Television and Radio (Ethics in Radio Broadcast Commercial) Rules 5759-1999* (the "*Second Authority for Television and Radio (Ethics in Radio Broadcast Commercial) Rules*") and Section 5 of the *Second Authority for Television and Radio (Ethics in Telecast Commercial) Rules 5754-1994* (the "*Second Authority for Television and Radio (Ethics in Telecast Commercial) Rules*"), the holders of licenses for radio and television broadcasts must not transmit any commercial which contains racial incitement, or incitement to discrimination or to offensiveness towards a person or a group of persons.

787. In addition, Section 15 of the *Second Authority for Television and Radio (Ethics in Radio and Television Broadcast) Rules* stipulates that the holders of a license for radio and television services must not indicate during a broadcast the ethnic origin or group, religion, race, nationality, gender, social status, physical or mental disabilities, political views, organizational membership, family relations, or sexual inclination of a person, when such indication may harm that person, unless the details are relevant to the subject of the broadcast. and subject to any law.

788. The Second Authority for Television and Radio consistently conducts comprehensive surveys to examine the level of representation of minorities in the media. These surveys help to improve the representation patterns of commercial channels by requiring the franchisers to appropriately represent minorities in broadcasts, as well as encourage them to employ members of minority groups.

789. In 2004, the Second Authority for Television and Radio held a study titled "The absent and the present in prime time viewing time – cultural diversity in broadcasts of the commercial channels in Israel," which examined the representation of minority groups on commercial channels during prime time hours in various genres aired. The study showed an

unsatisfactory level of representation of the minority populations in all genres, particularly Arabs, Ultra-Orthodox Jews and new immigrants.

790. As a result of the study, the Second Authority began to operate in order to increase the level of representation of minority populations on commercial channels, and held several public debates on the matter. The Second Authority decided to continue to monitor the situation, and to encourage employment of persons belonging to minority populations in the media field.

791. The franchisers of the Second Authority for Television and Radio consistently address human rights issues and issues regarding prohibitions against discrimination. Such content is continuously included in news magazines and current events programs, and opportunities for expression are afforded to persons of all regions, populations and socio-economic status in Israel.

792. Below are some of the programs and broadcasts dealing with issues relevant to minority populations:

(a) "Arabic Labor" – a prestigious drama series which was broadcast at prime time and dealt with the difficulties faced by an Israeli-Arab in Israel. The program dealt with issues of discrimination, racism, human rights and other important issues. A second season is being produced.

(b) "Sibling Rivalries" – a series that deals with internal social debates, in order to change stereotypical attitudes held towards minority populations.

(c) "National Guard" – a documentary/action program that presents important social issues such as: equal rights for persons with disabilities, and discrimination against Arab-Israelis.

(d) During the radio broadcast "The Chosen Ones," which is hosted by the Director General of "100FM Radio Station," elected public officials who represent different Israeli population groups are interviewed weekly, regarding issues related to the human rights of minority populations and steps taken to advance these populations.

(e) The "90 FM Middle of the Way" radio station also broadcasts numerous programs concerning the prohibition against racism and discrimination, such as: interviews and broadcasts regarding discrimination which is employed against individuals' entering public places such as clubs; the coverage of court cases which relate to human rights issues, broadcasting stories and articles regarding new immigrants from Ethiopia and the needs of the Ethiopian population in Israel, and articles regarding the rights of persons with disabilities. Note that "90 FM" received an award from the Israeli President for adopting and assisting the "Akim" association - a national association for the advancement of persons with mental disabilities in Israel.

#### **Israel Broadcasting Authority (IBA)**

793. "Kol Israel" radio station is a part of the Israeli Israel Broadcasting Authority and is required by law to air artists of different styles, and broadcast programs in Amharic, Russian and other languages on a regular basis. The station is committed to objectivity and to raising public awareness of human rights issues by hosting discussions of controversial matters. For instance, recent debates held concerning a dispute that arose between certain private schools in the central region of Israel and the Ethiopian community were broadcasted broadly by the majority of networks.

#### **Approvals for Broadcasting by Foreign Television Channels**

794. The number of foreign TV channels offered to Israeli viewers was approximately 50 in the year 2002. Between the years 2002 and 2007, the airing of 40 additional foreign channels was approved.

795. The importance of ensuring participation in the media is reflected in the legislation regulating the activities of the two main T.V. authorities in Israel:

(a) The *Broadcasting Authority Law 5725-1965* directs that TV programs in Arabic are required to meet the needs of the Arabic-speaking population and to promote understanding and peace with Israel's neighboring states.

(b) As mentioned in Israel's thirteenth Periodic Report, the *Second Authority for Television and Radio Law* was amended in March 2000, and a requirement was inserted to broadcast programs in Arabic and Russian, either by way of speech or translation. The amendment stipulates that a minimum of 5 per cent of the total amount of broadcasts must be in each language (Section 4 of the first addendum), as reported above in this Article on the *Second Authority for Television and Radio Law*. The amendment has also changed the Second Authority's functions and duties. They now include catering to the needs of the Arabic-speaking population, promoting peace and understanding with neighbouring states, and providing a proper venue for showcasing the cultural diversity of Israeli society (Section 5 of the Law).

#### **Developments Concerning Accessibility of Persons with Disabilities to Television Broadcasts**

796. The *Television Broadcasts (Subtitles and Sign Language) Law 5765-2005*, instituted a comprehensive statutory scheme in this field, thereby replacing its predecessor, the far narrower *Deaf Persons Relief Law 5752-1992*. The new Law applies broader responsibilities and restrictions on broadcasters in order to enhance, to the fullest extent, disabled persons' accessibility to television broadcastings.

797. In 2008, the Council for Cable TV and Satellite Broadcasting, a public body established under the *Telecommunications Law (Bezeq and Broadcasts)*, decided to adopt a separate definition of "prime-time" for children's channels, so that the requirement for subtitles would coincide with the relevant viewing hours for children with hearing impairments. The Council also agreed upon a list of children's programs of major interest that would be subtitled.

#### **The Status of the Arabic Language**

798. As mentioned above, on March 21, 2007, the Knesset approved the *High Institute for the Arabic Language Law*, according to which, the Arabic Language Academy was established (in December 2007). Among its functions, the Arabic Language Academy is charged with researching the Arabic language and its cultural and historic sources, and promoting the study of terminology, grammar, vocabulary, pronunciation and transcription. The Academy also addresses linguistic innovation and the adaptation of the Arabic language to the modern, computerized reality. According to the Law, the Institution's activities are to be financed by the state budget.

799. Arabic is one of the core subjects in the Israeli education system and it is obligatory between the 7<sup>th</sup> and the 10<sup>th</sup> grades. In recent years there has been a significant increase in the number of pupils who are taking the matriculation exam in Arabic (5 study units). In 2009-10 school year 2,187 pupils took this exam compared to 1,516 pupils who took the exam in 2008-09 school year. In recent years there has also been an increase in the number of elementary schools which chose to teach Arabic. Currently there are 140 elementary schools in which Arabic is being taught as an elective course.

800. In light of the growing demand for the teaching of Arabic from high schools pupils, elementary schools principals and heads of local authorities, on August 2010, the Ministry of Education decided to expand the number of Arabic (including the Arab world and Islam) teaching hours in high schools by 2,300 hours. In addition, it was decided that Arabic will be an obligatory subject in the 5<sup>th</sup> grade in Haifa and the northern district – in which the rate of the mixed population is high in comparison to other districts. The Ministry of education intends to gradually expand this decision to additional districts.

801. For this purpose Arabic teachers are hired by the Ministry and are trained to teach Arabic as a second language (and not as a native tongue).

#### **Case Law**

802. **Official Documents.** On March 13, 2008, the Haifa District Court, residing as a Water Tribunal, rejected an appeal which was filed in regard to financial water producing charges imposed by the Governmental Authority for Water and Sewage. The appellants claimed that since the notification regarding the changes in the calculation method and the manner in which one could oppose these changes, was only published by the Authority in Hebrew, they were unable to contest the charges. The appellants therefore claimed that since there was no similar publication released in Arabic, the Arab population was discriminated against in this regard.

The Court noted that the *Water Law* 5719-1959 and its Regulations establish the right to a hearing for water producers and consumers, but there is no operative duty of publication or requirement regarding the language of publication. Thus, since the legislator chose not to specify such obligations, it cannot be ruled that the Law includes a duty to publish the abovementioned notification in Arabic. Moreover, the Court stated that it cannot be held that the Authority's actions were unreasonable, and there is therefore no justification to cancel the financial charges imposed on the appellants. However, the Court held that since the Arabic language enjoys official status in Israel, the publication of such notifications in Arabic would render it easier for Arab water producers to contest the notification. The Court therefore advised that henceforth, publication should also be released in Arabic, although the Law does not oblige the regulators to do so, and the regulators should consider distributing notifications in Arabic among the regional bureaus of the Ministry of Agriculture and Rural Development (*A.C. 111/01 Hajj Ali Brothers et. al. v. The Governmental Authority for Water and Sewage* (13.3.08)).

803. On January 7, 2009 the Supreme Court handed down its decision in a petition submitted by the Association of Defense for Children International (DCI) (Israel) against the National Insurance Institute (NII). The DCI requested the translation of the NII forms to Arabic, so as to enable the population of the eastern neighborhoods of Jerusalem to submit forms to the NII in Arabic, and to order the NII to send letters and notices to the population of the eastern neighborhoods of Jerusalem in Arabic. The purpose of this petition was to allow the residents of the eastern neighborhoods of Jerusalem access to the social rights granted by the NII, as most of the residents of the eastern neighborhoods of Jerusalem are not fluent in Hebrew. The petition was submitted in 2001, and the NII undertook upon itself to translate all of its forms. However, this commitment was not fulfilled, and in May, 2007, the Court issued a temporary injunction order. In July 2008, the Court criticized the NII and ruled that the NII must present, within 90 days, a concrete plan of action to translate the forms, together with a detailed schedule. On December 1, 2008, a schedule to translate the forms was presented to the Court. Furthermore, the NII confirmed that they accept forms submitted in Arabic. Thus, the Court issued an absolute order according to which the NII should complete the translation of the forms to Arabic, and accept forms in Arabic submitted to it. However, the Court held that the petition to send letters and notices in Arabic would not be granted, due to the fact that translators are available in the offices of

the NII for clarifications. (*H.C.J. 2203/01 The Association of Defense for Children International (DCI) v. The National Insurance Institute* (07.01.2009))

804. On September 19, 2007, the Jerusalem Magistrate Court, residing as the Transportation Tribunal, decided to acquit a defendant whose hearing, at which he had been deprived of his driving license for 20 days, was flawed. The defendant, who was born in the West Bank and is a permanent resident of Israel, speaks Arabic and cannot speak or read well in Hebrew. Yet, his hearing was conducted in Hebrew alone, and he was unable to understand the content of the hearing or to contest the decision. The Court noted that a hearing should be conducted in the driver's language, by an officer who speaks that language or by way of an interpreter. Thus, the hearing of matters involving drivers of the Arab population, who do not understand Hebrew, should be conducted in Arabic, in order to prevent the miscarriage of justice. The Court reasoned that the recognition of Arabic as an official language in Israel was primarily intended to guarantee equality to the Arab population (*S.T.C. 759/05 The State of Israel v. Abu Zaida Ahmad* (19.9.07)).

805. **Road Signs.** The Ministry of Transportation and Road Safety performed a comprehensive survey in order to establish clear and uniform rules regarding the text which is to appear on road signposts. For the drivers' convenience, locals and foreigners alike, the text on the signposts appears in Hebrew, Arabic and English. In addition, according to the professional approach, and in order to improve drivers' orientation and to assure road safety, the text appears in clear language and using standard spelling. In July 2009, the Ministry of Transportation and Road Safety issued an updated draft list, which includes the names of all of the destinations which are indicated on Israel's roads. The draft contains approximately 2,500 names of cities, localities, crossroads, intersections, and geographic and historical locations in Israel, and was edited by the Governmental Names Committee in the Prime Minister's Office, in accordance with the transcription rules of the Academy of the Hebrew Language. The draft is currently being examined thoroughly by the Ministry of Transportation and Road Safety, as well as other Governmental Ministries, and in this framework, claims regarding the Arabic transcriptions are also being inspected.

806. **Public Tenders.** The Attorney General has directed all legal advisors in the civil service that public tenders are to be published in both an Arabic language newspaper and a Hebrew one, as well as to be made available on the internet (17.06.1999). The Directive stresses that it is prohibited to distinguish between public tenders according to their relevance to the Arab population. Furthermore, the duty to translate the public tenders into Arabic is the Government's duty.

807. As reported above, a 2000 amendment to the *Second Authority for Television and Radio Law*, established a requirement to broadcast programs in Arabic and Russian, through speech or translation. The required figure is a 5 per cent minimum of the total broadcasts for each language (Section 4 of the first addendum).

#### **Arabic Language Education**

808. In Director General Circular No. 5769-8(a) dated April 1, 2009, the Director General of the Ministry of Education noted that the core education program is the educational common denominator for all pupils in the Israeli education system. This core program which was detailed in the circular included the Arabic language.

#### **Bilingual Education**

809. Please see Bilingual Education and Arab-Jewish Schools, in the section discussing Article 7 below.

#### **Hostility in Sport Events**

810. Please see further details in the section discussing Article 7 below.

7. *The Right of Access to Places of Service***Elimination of Discrimination in the Private Sphere**

811. As mentioned in Israel's thirteenth Periodic Report, the legal position with respect to discrimination in the private sector has changed dramatically due to the enactment of the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*. The enactment of the Law has substantially limited the possibility of discrimination occurring in the private sector. Section 3 of the Law prohibits discrimination on the basis of race, religion or religious affiliation, nationality, country of origin, gender, sexual orientation, views, political affiliation, personal status, or physical disability in the provision of public products or services, and in the permission of entrance to a public place, by an individual who provides such products or services, or operates a public place. Violation of this prohibition is both a civil tort and a criminal offence, and according to Section 5(a) of the Law, the *Tort Ordinance* applies to such civil torts. Moreover, Section 5(b) allows the court to grant compensation of no more than 50,000 NIS (U.S. \$13,514), without requiring proof of damage, as a result of a violation of this Law. Section 11 applies the provisions of this law to the State, and has been interpreted broadly as applying to a host of public places, including schools, libraries, pools, stores, and all other places serving the public. Several Court decisions have upheld this broad interpretation of the law:

812. In July 2006, the Haifa Magistrate Court ruled that the plaintiff had been discriminated against and condemned the severe violation of the right to equality. In the case, the plaintiff, who is dark-skinned, went with his friends to a night club, and was prevented from entering the club together with one of his friends, who is also dark-skinned. The two waited in line for a long time, while other people passed them and were permitted to enter. After some time, the selector of the club approached the two and told them that the manager of the club refused to let them enter because they were not suitable patrons in his eyes. The Court ordered that the plaintiff be compensated in the amount of 50,000 NIS (U.S. \$13,514) - the maximum set by law (*C.C. 12482/04 Mizrachi Itzhak v. Kibbutz Ramot Menashe* (4.7.06)). The Kibbutz's appeal was rejected by the District Court on January 7, 2008 (*C.A. 3724/08 Kibbutz Ramot Menashe v. Itzhak Mizrachi*).

813. In another case, the plaintiff requested entry into a night club together with his friends, but the hostess refused to let him enter because his name was not listed in the guest list. At another time, the plaintiff called to reserve a place beforehand, but when he arrived he was again prevented from entering the club because he did not satisfy the conditions of selection. The Tel-Aviv Magistrate Court ruled that he was discriminated against and was to be compensated in the amount of 15,000 NIS (U.S. \$4,054) (*C.C. 47045/05 Tokov Ariel v. Oltim Businesses Ltd. et. al.* (11.7.06)).

814. In *C.C. 5244/02 Bugle Natan et. al. v. The Ministry of Education et. al.* (21.8.06) it was found that on the relevant submission date of the petition, the education system applied an integration policy for pupils of Ethiopian origin, establishing a maximal quota of 25 per cent per school. The petitioners, a married couple whose son was born in Israel, wanted to register him at a specific school, but were denied and had to register him with a different school, as a consequence of the integration policy then applicable. The petitioners claimed that the integration policy that applied to pupils of Ethiopian origin only, regardless of the date of their arrival in Israel, lacked any relevant criteria and was based entirely on the Ethiopian origin of the pupil. Therefore, the policy infringed their right to equality and dignity, and contradicted the provisions of *Basic Law: Human Dignity and Liberty*, Section 5 of the *Pupil's Rights Law*, and Section 3 of the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*. In its decision, the Court held that the refusal to register the petitioners' son because of his ethnic origin when registration was open to other ethnic groups living in the school's area did in fact

constitute discrimination in the provision of a public service. The respondents violated the provisions of the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*, and the petitioners were entitled to be remedied according to the Law. However, the Court held that in this case the petitioners' son had not suffered any personal damage, since his parents preferred not to share their pain with him or their feelings concerning the discrimination against him. Therefore, no compensation was awarded.

815. In November 2006, the Herzliya Magistrate's Court accepted the claim of a plaintiff according to which he arrived at a night club and was refused entry by the hostess, allegedly, because of his dark-skinned appearance. The plaintiff used a video camera to record the selection process at the entrance to the club. Two months later he tried to enter the same club and was again prevented from doing so. The Court held that the plaintiff was discriminated against on the basis of his skin color, and ordered that he be compensated in the amount of 7,000 NIS (U.S. \$1,892) (*C.C. 1004/05 Guy Levi v. Esco-Bar Restaurant Ltd.* (6.11.06)).

816. In yet another case, it was noted that between the years 2000-2005, the respondent allowed the Jehovah's Witness's community in Israel to use the conference hall of the Haifa International Convention Centre for its conferences. As a result of opposition from certain religious Jewish groups in Haifa, and following an application to the City's Mayor, the respondent decided not to continue to allow the applicant to hold its conferences in the convention centre. The applicant requested the Court grant an order prohibiting the respondent from discriminating against it based solely on religious considerations. In response, the respondent claimed that it was allowed to refuse the applicant's requests for use of its facilities since it was a "private body" and enjoyed the right to freedom of contract, based on business considerations. In its decision, the Court held that the respondent was not a private body but a public one, and that its discrimination against the applicant was completely invalid and in contradiction with the principles of equality and equity. In addition, it contradicted the provisions of the *Prohibition of Discrimination in Products, Services and in Entry into Places of Entertainment and Public Places Law*. Therefore, the Court accepted the motion and granted an order prohibiting discrimination against the applicant (*O.M. 110/06 the Israel Watchtower Association Ltd. v. the International Convention Center-Haifa et. al.* (5.2.07)).

817. In another case, the plaintiff went with his friends to a night club, but was prevented from entering while his friends and other people with dark skin were allowed to enter. The Tel-Aviv Magistrate Court accepted the claim that he was discriminated against because of his appearance, and ordered compensation in the amount of 30,000 NIS (U.S. \$8,108). (*C.C. 2225/07 Yarimi Avishai v. B.T.A Maintenances Ltd.* (27.2.08)).

818. On January 11, 2007, the Jerusalem Magistrate Court ruled that an "Egged" bus driver who publicly insulted an Ethiopian security guard was required to pay 15,000 NIS (U.S. \$4,054) as compensation. The driver refused to allow the security guard to board the bus in order to conduct a routine security check, and insulted him by calling him a "nigger" and other abusive descriptions, all in the presence of the passengers and others. Both parties appealed the verdict, and on March 2, 2008, the District Court decided to increase the amount of compensation ordered to 30,000 NIS (U.S. \$8,108). The Court explained that the slander was committed by a public transportation driver, who is expected, as a person who serves the public, to respect the people that he comes into contact with. The Court noted that the insults and humiliation were significant, and held that the compensation must reflect the damage caused to the appellant (*C.A. 9082/07 Avi Tzagai v. Igna Avi Avshalom* (2.3.08)).

819. In another case, the plaintiff and his wife were prevented from entering a night club in Jerusalem, to which they came to celebrate a birthday with other friends, who had

already entered the club and told the plaintiff that there was plenty of room inside. However, the plaintiff was refused entry by the hostess who told him that only people who were invited in advance may enter. The Jerusalem Magistrate Court, residing as a Small Claims Court, ruled that the plaintiff was clearly discriminated against, and should be compensated with 17,800 NIS (U.S. \$4,811), which is the maximum possible compensation available in a Small Claims Court (*S.C. 5059/07 Mor Erez v. Bar Izen Private Company* (7.5.08)).

820. In January 2009, the Haifa Magistrate's Court accepted the claim of two plaintiffs, Israeli-Arab residents, who were prevented from entering a night club, while their Jewish friend was allowed to enter. The Court accepted the claim that their entry was denied because of their appearance and their nationality, and ordered that they be compensated in the amount of 28,000 NIS each (U.S. \$7,568) (*C.C. 23990-06 Hisham Abed al-Gani et. al. v. City Hall Ltd. et. al.* (14.1.09)).

821. In July 2009, The Be'er-Sheva Magistrate's Court ordered compensation in the sum of 10,000 NIS (U.S. \$2,703) to be made to a Bedouin family, which was prevented from entering the municipal swimming pool in Ofakim. The swimming pool's manager asked the mother to remove her head covering, claiming that it caused other clients to leave the pool. After the mother refused to remove her head covering, the family was not allowed to enter the swimming pool. The manager claimed that since there were no people at the pool that day, he had accepted, for financial reasons, a request from a local rabbi to enter the pool with his six children, and assured the Rabbi that he would not allow women to enter the pool while he was there. The manager further claimed that he offered the family to return after the pool's regular operating hours had ended. The Court noted that the manager's behavior was offending and insulting, and in breach of the *Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law*. The Court further stated that closing a pool for one family without giving due notice, and without offering any reasonable alternative, in a locality with no other swimming pool, during summer and in particular during the school vacation period is considered unjustified segregation, not to mention that the Bedouin family arrived during the regular opening hours of the swimming pool (*C.C. 2386/08 Malahi Ofra v. The Municipality of Ofakim* (19.7.2009)).

822. In July 2009 the Tel-Aviv Magistrate's Court, residing as a Small Claims Court, accepted the claim of a plaintiff who arrived at a night club in order to celebrate her birthday, and reserved tables for friends and family members beforehand. However, some of the friends and family members were prevented from entering the club, after allegedly being humiliated by workers of the club. The Court found that the plaintiff was discriminated against due to the color of his skin, and ordered that the plaintiff be compensated in the amount of 15,000 NIS (U.S. \$4,054) (*S.C. 9430-03/09 Yifat Gazit v. Loft Ltd.* (23.7.09)).

823. On April 6, 2010, the Haifa Magistrate's Court Ordered El-Al Israeli Airways Company to compensate two Arab brothers, one in the amount of 20,000 NIS (USD \$5,405) and the other in the amount of 10,000 NIS (USD \$2,703) as a result of having imposed a personal escort on them after conducting security checks, limiting their movement, and implementing strict security measures as a condition for their boarding the flight, unlike the rest of the passengers, measures that humiliated them and presented them as a security risk or as criminals. The Court clarified that El-Al Security personnel are authorized to conduct body searches, a search in a person's clothes or luggage and request a person to present his/her identification. However, they are not authorized to escort a passenger or follow him/her after he/she has passed the security check stage. In addition, the Court held that the requirement that one of the brothers apologize in front of the security guard who was deployed for him after he told her that she had no right to treat him



as she was, in fact constituted maltreatment and abuse of power and authority. The Court held that the company discriminated against the two brothers and was negligent towards them and even in the course of the trial did not apologize, thus emphasizing the contempt it showed towards them (*Tel-Aviv 16528-07 Shelbi et.al. v. El-Al Israeli Airways Ltd.* (6.4.10)

### **Tourism**

824. The main law in the field of tourism, the *Tourism Services Law* 5736-1976, forbids providers of tourism services (hotels etc.) to refuse to provide their services when the refusal is unreasonable. Any refusal to provide tourism services based on racial or ethnic origin will be regarded as an “unreasonable refusal,” and may result in criminal proceedings being brought against the provider.

825. In recent years, the Israeli Government has invested extensive efforts in developing tourism as a source of employment and income among the Arab population, as part of the general effort to promote and advance the economic prosperity of the Arab population, thus reducing gaps in comparison to the Jewish population. Accordingly, in the 2000 multi-year plan and the two additional multi-year plans for the development of the Arab population in the North (mentioned in the section dealing with Article 2 above), emphasis was given to this issue and the required budget was allocated.

826. The Ministry of Tourism works to promote incoming tourism to Israel, and views quality and equal opportunities as an important value. The Ministry works to promote the civil rights of the Arab population, including Bedouins, Druze, Circassians and others in a number of fields:

(a) Promoting entrepreneurs and tourist industry members – During 2008-2009, the Ministry held eight courses and conducted four workshops for the promotion of tourism in the Arab population as follows: four workshops were held for bus drivers from Nazareth, four entrepreneurship courses were held, focusing on rural tourism – one in the Daburia locality, one in the Wadi-Ara region, one for the Druze population in the Golan Heights and one for the Druze population in the area of Beit Jann. Two tourist guiding courses were held – one for the Druze population in the north and one for the Bedouin population in the south. Two courses especially dedicated to women were also held by the Ministry – one for women in the Bedouin population in the Bueina-Nugedat region, which focused on the management of a small tourism business; and one for Druze women in Beit Jann, concerning the involvement of women in the tourism industry.

(b) Additional courses for the upcoming year are already being planned for the areas of: Nazareth, Shfara'm, Eilabun, Baqa-el-Garbia and Beit Jann with a focus being placed on issues such as: marketing and sales, rural tourism, proper service etc.

(c) The Ministry of Tourism maintains close contact with tourism operators in the eastern neighborhoods of Jerusalem, through meetings and conferences, in order to find solutions for tourism in that area.

(d) Between the years 2000 and 2008, the Ministry of Tourism invested 21,173,000 NIS (U.S. \$5,722,432) towards the development of tourism infrastructures in Arab localities. The Ministry of Tourism further provides financial assistance and professional guidance to entrepreneurs in establishing rural-accommodation units (Zimmers), as well as in other tourism-related initiatives.

(e) Tourism Projects - During the years 2007-2009 the Ministry of Tourism allocated 9 Million NIS (U.S. \$2,432,432) for building more than 400 authentic rural-accommodation units (Zimmers), which will double the number of units in the Arab population (note that 60 per cent of the requests were submitted by Druze and Circassian women).

(f) Currently the Ministry is publishing Director General's circulars for the building of additional authentic rural-accommodation units in the Druze, Bedouin and Circassian Populations for the years 2010 and 2011.

(g) The Ministry also organizes professional conferences and provides professional advice including business and marketing programs and planning feasibility tests, 75 per cent of the cost of which are financed by the Ministry.

(h) Advancement of women in the minority population in the field of tourism – the Ministry has prepared a master plan for rural-agricultural tourism, according to which, it located and identified localities and tourism attractions within Arab and rural localities which are suitable for development. In this framework, approximately 100 entrepreneurs who requested to establish tourism businesses were assisted by representatives of the Ministry. In addition, in 2007 and 2008 the Ministry led special projects for female empowerment and female entrepreneurship, and also established the Bedouin factories "Embroidery of the Desert" and "Weaving of the Desert," which employ more than 250 women.

#### **Public Transportation**

827. Regarding public transportation services in Bedouin localities please see the section discussing Article 5 above.

828. Eastern neighborhoods of Jerusalem - Over the past few years, the Ministry of Transportation and Road Safety has re-organized the public transportation system of the eastern neighborhoods of Jerusalem. This project resulted in the operation of eighteen different lines, operated by 18 different operators, using more than 280 buses, serving over 100,000 passengers a day. These services are offered to the public at a significant discount – 3.5 NIS (U.S. \$0.945), 2 NIS (U.S. \$0.54) less than in most local buses.

### **V. Article 6**

829. As mentioned in Israel's Previous Report, the main guardian of the individual "against any acts of racial discrimination which violate his/her human rights and fundamental freedoms" is the Courts System. The Courts System is open to all without discrimination, including to non-citizens of Israel. An individual can sue both other individuals and the Government for any wrong or harm done to him/her or his/her property and can claim compensation or an injunction. In addition to the regular court procedure, the Supreme Court, residing as High Court of Justice, can and does issue writs against the Government and public bodies.

830. **"Abuse of Process"** - On May 15, 2007, the Knesset enacted Amendment No. 51 to the *Criminal Procedure [Consolidated Version] Law*, accepting the legal doctrine regarding "Abuse of Process" as part of the Israeli criminal law. According to the doctrine, which had been previously recognized by the Supreme Court in a number of cases, the court is permitted to strike off an indictment, or halt criminal proceedings against a defendant where there exists a deficiency in those procedures caused by some fault of the executive authority, and the use of the deficient procedure would damage the defendant's right to a fair trial. According to the Supreme Court in *C.A. 4855/02 The State of Israel v. Itamar Borovich et. al.*, the Court is to examine the severity of the deficiency, to determine whether the deficiency can be corrected, and to balance the damage caused to the defendant by the deficiency against the damage caused to the public by the defendant's crime. The Amendment to the *Criminal Procedure [Consolidated Version] Law* anchored the doctrine of "Abuse of Process" in the context of preliminary claims. Section 149 of the amended law states that "10. Following the beginning of the trial, the defendant is allowed to claim abuse

of process in preliminary claims, including the possibility to argue that [...] the submission of an indictment, or [conduction] of a criminal procedure, fundamentally contradicts the principles of justice and legal equity."

831. **Video Conference.** On January 15, 2007, the Knesset enacted the *Criminal Procedure Law (Enforcement Powers – Arrests) (Video Conference – Temporary Order)* 5767-2007, which allows the Courts to hold hearings concerning a suspect's arrest, subject to his/her consent, using video conference. Previously, this procedure required the physical presence of the suspect in the courts' hall, which caused excessive inconvenience, due to the need to transfer him/her from one detention facility to another, and from the court and back when compared to the short duration of the procedure. According to the Temporary Order, the suspect will take part in the hearing from a special room connected to the court's hall using video conference technology, which will allow communication and viewing by all parties involved in the procedure, including the public (Currently the Temporary Order is valid until July 22, 2010).

### Case Law

832. The Jerusalem District Court ordered the revocation of an indictment because the notification regarding the possibility that an indictment would be filed according to Section 60A of the *Criminal Procedure [Consolidated Version] Law*, was not sent to the defendant in Arabic. The Court noted that such notification is considered an "official form," as determined by Article 82 of the *King's Order in Council on Palestine – 1922*, and should therefore be translated into Arabic, which is an official language in Israel. Thus, since the defendant received the notification in Hebrew only, he was unable to fulfill his right to request the holding of a hearing before the filing of the indictment. The Court annulled the indictment in accordance with its authority under Section 150 of the *Criminal Procedure [Consolidated Version] Law (C.C. 333/09 The State of Israel v. Siad Husain Ebn Zaki (5.1.2010))*.

833. However, in a more recent case, the Jerusalem Magistrate's Court was requested by a group of defendants to annul the indictment filed against them, due to the fact that the notification regarding the possibility of filing an indictment against them as required by Section 60A of the *Criminal Procedure [Consolidated Version] Law*, was sent to them in Hebrew only, while all of them speak Arabic. The application was based on the ruling of the Jerusalem District Court (*C.C. 333/09 The State of Israel v. Siad Husain Ebn Zaki*), (January 5, 2010). Here, the Court decided that the indictment would not be cancelled, since the State satisfied its obligation regarding the notification required by Section 60A, even where the notification is sent in Hebrew only. The Court reasoned that the duty to translate official governmental forms to Hebrew and Arabic, as required by Section 82 of the *King's Order in Council on Palestine – 1922*, does not apply in this regard, since the notification required by Section 60A is not defined as a "form" by the *Criminal Procedure [Consolidated Version] Law*, its Regulations or its Annexes, and can therefore be provided in any version, provided that the content of the document indicates that the investigation materials have been transferred to the State Attorney's Office. The Court noted that even if the fact that notification was sent in Hebrew only does not satisfy the requirement of Section 60A, it still cannot automatically result in the cancellation of the indictment, and a balance must be achieved between the harm caused to the right to a hearing and the relative annulment theory. Thus, one should examine whether the flaw can be corrected by reliance upon other adequate remedies. In addition, the defendants in this case did not argue that they did not understand the notification or that they tried to find someone to translate its content and failed. The Court emphasized that a decision according to which an indictment must be cancelled in such circumstances, would cause significant damage to the public interest, because it would result in the cancellation of a sizable number of indictments, and

impose an unreasonable workload on the prosecuting authorities and the courts (*C.C. 6822/08 The State of Israel v. Ahmad Golani et. al.* (13.1.2010)).

834. In H.C.J 11163/03, the High Court of Justice affirmed the principles of equality and non-discrimination, and asserted that the allocation of resources on the basis of any discriminatory criteria is unacceptable. A unanimous ruling was issued to cancel the Government's Resolution establishing national priority areas in Israel, on the basis that the Resolution discriminated on the basis of national origin. The Supreme Court held that the Government must respect the principle of equality and is prohibited from discriminating against the minority citizens of Israel. The Court stated that all governmental acts must be performed in conformity with the Basic Laws and in conformity with the values of Israel as a Jewish and democratic State. The Court emphasized that the basic values of Israel are human dignity, liberty, equality, the right to property etc. The Court noted that the prohibition against the violation of these values was strengthened following the legislation, in 1992, of the *Basic Laws: Human Dignity and Liberty* and *Freedom of Occupation*, which granted these values a higher and more significant status in the Israeli legal system. The issue of implementation of this decision is currently pending before the High Court of Justice. (*H.C.J. 11163/03, The High Follow-up Committee for the Arab Citizens in Israel et. al. v. The Prime Minister of Israel* (27.02.06)).

835. Following the State's requests for an extension in the implementation of the decision, the Court granted the State two such extensions. In its second decision, on November 23, 2008, the Court prolonged the implementation date of its decision until September 1, 2009. In doing so, the Court rejected the State's request to postpone the implementation date until the 2012 school year. The Court also rejected the petitioners request to hold the State in contempt of court. A petition submitted to the Court on December 2, 2008, to charge the State with exemplary costs of the proceedings was rejected. The Court noted that indeed the implementation rate of its decision is not satisfactory, however, considering the complexity of the verdict's implementation and the requests for extension that were granted to the State, the Court is of the opinion that the case's circumstances do not justify imposing such exemplary costs in favor of the petitioners (*H.C.J. 11163/03, The High Follow-up Committee for the Arab Citizens in Israel et. al. v. The Prime Minister of Israel* (15.2.09)).

## VI. Article 7

### Measures Taken to Combat Prejudices and to Promote Understanding and Tolerance

836. Israel is an open society with vocal parliamentary debates, a free press (including multiple TV and radio stations) and a politically active electorate. Activities in Israel have traditionally been very newsworthy and the foreign press corps stationed in Israel is larger than that stationed in most countries. These elements, combined with the existence of an independent, robust judiciary, ensure a very full public airing of any complaint of an alleged abuse of human rights.

837. There is a large number of NGOs in Israel monitoring human rights. These organizations are active in many spheres, including the promotion of new legislation, assisting victims of discrimination with legal procedures, producing shadow reports, and examining enforcement of legislation in the field of human rights etc. The leading organization is the Association for Civil Rights in Israel, which regularly deals with issues of racial discrimination.

#### A. Education and Teaching

##### Education against Hate Propaganda and Human Rights Education

838. **Education against Hate Propaganda.** The education system approaches the concept of preventing hate crimes and propaganda from a broad perspective, which emphasizes the concepts of tolerance, pluralism, prevention of racism, and one's attitude toward foreigners and "others." These concepts are part of special educational programs designed for school pupils of all ages and aimed at exposing them to different groups within Israeli society. In addition, the pupils learn about the principles of democracy, the rule of law, human rights, rights of minorities and pluralism in the framework of civic lessons.

839. The education system has also taken action implementing the 1996 Shenhar-Kremnitzer Report, and has initiated other varied activities aimed at advancing the concepts of tolerance, acceptance of the "other" and prevention of racism and prejudice within the education system. The activities include: training teachers on democratic values and principles, a special program on anti-Semitism and racism for the 2004 International Day against Fascism and anti-Semitism, and different activities on tolerance and democracy held on the Memorial Day for the late Prime Minister, Yitzhak Rabin.

840. In 2008, the Ministry of Education had begun the implementation and assimilation of a fundamental change in the teaching of civic studies, including the teaching of human rights issues. The goal is to increase the teaching hours allocated to the subject. In the extended program, there is an even greater emphasis on economic, social and cultural rights.

841. Educational programs concerning human rights issues are routinely conducted throughout the country. Israel has developed special programs such as an annual "Human Rights Day." Each year, "Human Rights Day" is dedicated to a different aspect of human rights, and a relevant curriculum and teaching material is developed in both Arabic and Hebrew. In 2003, for example, "Human Rights Day" addressed the issue of tolerance towards "others" and the issue of social rights. In 2004, the Ministry of Education developed a learning kit dealing with social rights, which included references to both Jewish and Islamic cultures and traditions. In 2005, emphasis was given to rights of persons with disabilities. In 2006, the topic chosen was the right to an adequate standard of living, and in 2007 – emphasis was placed on the right to enjoy the highest attainable standard of health. In 2009, the chosen topic was "From Vision to Reality," which focused on the Universal Declaration of Human Rights and the challenges in implementing human rights in Israel and in other countries around the world. In 2010, the chosen topic was freedom of speech, which focused on achieving self-realization through freedom of speech, the various kinds of expression, freedom of speech as an essential part of a democratic regime, limitations imposed on freedom of speech, and the challenges in its implementation in Israel and in other countries around the world.

842. Since 2005, the Ministry of Foreign Affairs, in cooperation with several NGOs and the office of the United Nations Special Coordinator for the Middle East Peace Process, has sponsored the simulation program "Israel Model United Nations" (IMUN), with the participation of numerous Jerusalem based high-schools from all parts of the city and all segments of society. The project strives to expose participants to the United Nations' activities, instilling awareness of the major challenges confronting the global arena, whilst inculcating a spirit of tolerance and inter-cultural dialogue. Forming part of the well-established Model United Nations program that operates extensively throughout the world, the program goes some way towards improving the image of the United Nations in Israel. With several new initiatives to expand Model United Nations activities to Israeli institutes of higher learning in 2009/10, the IMUN program holds the promise of becoming an important facet of educational dialogue in Israel.

#### **Dissemination of Human Right Conventions**

843. As mentioned in Israel's thirteenth Periodic Report, the Convention was translated into Hebrew and published in the "Kitvey Amana," a series containing all treaties signed and ratified by the State, which can be obtained from various public libraries.

844. The Ministry of Justice accords great importance to the issue of dissemination of knowledge in the field of human rights. To this end, the Ministry published on its website the main United Nations human rights treaties together with other important human rights documents such as: The Universal Declaration of Human Rights and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. These documents are available in Hebrew, English and Arabic (some of the conventions are also available in French). In addition, the Ministry also published all of Israel's Initial Reports together with Periodic Reports which Israel submitted to the United Nation Human Rights Committees, the Committees' General Observations, Recommendations and Concluding Comments and also Lists of Issues presented to Israel by the committee and Israel's responses thereto. Furthermore, the website is accessible in Hebrew and English and is now in the process of being translated into Arabic as well.

845. **Human Rights Education.** The Ministry of Education attaches great importance to human rights education and to raising awareness to human rights in general. The Ministry has on its website the Convention on the Rights of the Child (CRC) and the Optional Protocol regarding Involvement of Children in Armed Conflict (CRC-OP-AC). The Convention is published on the Ministry's website in over 55 languages, in addition to child-friendly versions published in 11 languages.

846. The Administration for Society and Youth in the Ministry of Education in 2006 published the booklet "In the Path of Rights," which focuses on teaching human rights to pupils of all ages. The booklet contains important information regarding the Convention on the Rights of the Child, and activities and educational programs regarding the various rights, tolerance, accepting the other etc. During some of the educational programs described in the booklet, the pupil learns about the convention itself, and relevant articles of the Convention are read followed by an explanation and discussion to be held in the classroom.

847. The Administration for Society and Youth has in recent years created several educational programs regarding democracy, tolerance and co-existence, and human rights education, which are intended, *inter alia*, to provide knowledge and tools in these fields and combat all forms of discrimination. The following are descriptions of some of the main programs:

(a) **International Humanitarian Law.** This program, intended for pupils in the 7<sup>th</sup> to 12<sup>th</sup> grades, exposes the pupils to the importance of International Humanitarian Law, the ways in which this law is formulated and the methods of enforcement. The program provides the pupils with a wide perspective and tools to understand current events in the international arena, emphasizes the importance of humanitarian acts, and encourages the individual to be involved and show support for others. The program was developed in cooperation with the International Committee of the Red Cross (ICRC) and is currently being run in a number of schools.

(b) **The right to respect and the obligation to respect others** – this program is intended for various educational frameworks and consists of three parts. The first part raises issues of personal respect and dignity, and in particular addresses the right of an individual to respect and the duty to respect others. Part two deals with issues of social and group behavior aimed at ensuring the right to respect and preserving the dignity of members of the group. Part three deals with rights in the public sphere and as part of a group - a person's

right to respect and dignity, to privacy, to enjoy a good reputation, and to avoid being humiliated.

#### Arab Population

848. Since 2000, a unique program has been implemented exclusively within the Arab population. This program is geared towards training teachers; training educational advisors for an M.A.; advancing the teachers professionally; creating programs aimed at encouraging students to achieve better results in their native language, mathematics and sciences; implementing programs geared towards increasing the number of pupils eligible for a matriculation certificate; programs to prevent dropouts, investment in computers, equipment and physical infrastructure, including technological and science classes for the higher division classes, etc. This program has resulted in great successes: a steady rise in students' achievements in national exams, the reduction of gaps in the achievements of middle-school pupils in mathematics and sciences, an increase in the number of pupils and decrease in the number of dropouts, an increase in the number of pupils eligible to receive matriculation certificates, a change of attitudes towards education and school among female pupils, and a significant increase in the number of pupils that participate in science and technology competitions.

849. **Democracy Education.** Please see the section above which discusses Article 2.

#### Bilingual Education and Arab-Jewish Schools

850. In its concluding observations concerning Israel's thirteenth Periodic Report, the Committee encouraged the development of a system of mixed schools for Jewish and Arab pupils, in order to promote understanding, tolerance and friendship among Israeli citizens. A prominent example of bilingual education can be found in the village "Neve Shalom – Wahat al-Salam," situated equidistant from Jerusalem and Tel-Aviv-Jaffa, founded in the early 1970's. By 2007 more than 50 families had come to live in the village, with an equal number of Jewish and Arab families. Eventually, the village will comprise 140 homes.

851. The Bilingual educational system developed and implemented in "Neve Shalom – Wahat al-Salam" is one of the many expressions of co-existence in the community, as well as other communities in the area. The bilingual educational system, extending from nursery to junior high-school level, involves some 200 children, 90 per cent of whom come from surrounding Arab and Jewish communities. Similar bilingual and intercultural educational frameworks operate in Jerusalem, Misgav and Kfar Kara.

852. Note that parents are entitled to enroll their children in an educational institution (kindergarten or school) of their choice within their local municipality, whether the spoken language is Hebrew, Arabic or a bilingual institution. The only limitation is that preference in enrolment is given to children who reside within close proximity of the educational institution.

853. There is a great variety of programs in Israel dedicated to the promotion of co-existence and co-operation among Israel's Jewish and Arab populations, either through educational, cultural initiatives or Inter-Municipal Collaboration for the welfare of different communities, as elaborated throughout this Report.

854. Hereinafter are additional examples of Jewish-Arab Schools in Israel in which Jewish and Arab children study together and help their families and communities to co-exist in peace:

(a) "Hand in Hand - Center for Jewish-Arab Education in Israel," is an association which was founded in 1997 with the vision of building peace between Jews and Arabs in Israel through the development of bilingual and multicultural schools. The association operates elementary schools in Jerusalem and the Galilee. In 2004 a third school

was opened in Wadi-Ara and in 2007, a fourth school was opened in Be'er-Sheva. The schools were established in conjunction with the relevant local authorities and the Ministry of Education. Each school is co-directed by Arab and Jewish Co-Principals; and each classroom is co-taught by Jewish and Arab teachers. The number of pupils in each grade is balanced between Arab and Jewish children. Pupils at all grade levels are taught in both Hebrew and Arabic, learning to treasure their own culture and language while understanding that of others around them. Approximately 850 pupils study in these schools.

(b) Another example of multicultural education is the Weitzman Jewish-Arab school in Jaffa, in which both Jewish and Arab pupils learn and study together. Approximately 400 pupils attend this school.

### **Industrial Cooperation**

855. Regarding this issue please see the section discussing Article 2 above, regarding the support offered to local entrepreneurs.

### **Environmental Education**

856. The Ministry of Environmental Protection (henceforth: the Ministry) operates a variety of projects concerning environmental education, which apply to all populations, including the Arab population. The central ongoing project is the transition of schools, kindergartens and institutes of higher education, into more environmentally friendly ("green") institutions. Institutions which comply with the appropriate standards and are therefore authorized as being "green," receive a grant of 10,000 NIS (\$2,703) from the Ministry. In 2009, 163 kindergartens and 114 schools were authorized as "green," of which 37 kindergartens and 21 schools serve the Arab population. The 2009 budget for authorizing "green" kindergartens and schools in the Arab population was 580,000 NIS (U.S. \$156,757).

857. In 2009, the Ministry invested approximately 400,000 NIS (U.S. \$108,108) in environmental education directed towards the Arab population. This budget was invested in lessons in environmental protection which were offered in 70 classes, with each class receiving 30 teaching hours in order to study and become acquainted with issues of environmental protection.

858. The Ministry has published environmental learning materials, such as placards and lesson plans. These materials are to be translated into Arabic, and will be distributed gratuitously in Arab schools.

859. The Ministry supports the "Green School Network" - a growing web of schools that has embraced sustainability as a central part of their educational vision. Through the Green Network, over 90 schools throughout the country, representing a wide range of the Israeli pupils body - from various economic levels, Jewish and Arab, secular and religious, urban and rural - create environmental leadership and implement community-based projects, thus creating a bridge between schools and communities. The Ministry allocates 400,000 NIS (U.S. \$108,108) annually in support of the Green Network program in the Arab population. In 2008, the Green Network program was broadened to include Arab towns and villages in the south, and currently 27 schools and 30 kindergartens in that area participate in the program.

860. In 2009, the Ministry allocated approximately 350,000 NIS (U.S. \$94,595) to be invested in environmental activities in the Arab population and mutual programs for the Jewish and Arab populations, which were carried out by the Israel Nature and Parks Authority. Hundreds of Arab children and adults participated in these activities and programs.



861. The Ministry trains teachers in schools throughout the country to teach environmental education lessons. In 2010, approximately 200 training sessions are planned, of which 30 per cent will be conducted in Arab schools.

862. Another environmental education project is operated in Jerusalem, with the participation of 15 schools from the western neighborhoods of Jerusalem and 15 schools from the eastern neighborhoods of Jerusalem. This project's budget is 664,000 NIS (U.S. \$179,459), and is financed by the Ministry, the Jerusalem Municipality and the Israel Nature and Parks Authority.

### **Sporting Activities**

#### **Building of New Sports Fields**

863. On December 27, 2007, the Government consolidated a multi-year plan to promote and budget for "combined" sports fields for the Arab and Bedouin population in the Negev and the Galilee in a total amount of 15 Million NIS (U.S. \$4,054,054) (Government Resolution No. 2850). In addition, on August 13, 2009, the Government approved Resolution No. 693, according to which a budget of 12 Million NIS (U.S. \$3,243,243) was to be allocated for the establishment of sports fields in small localities in the Negev and the Galilee. 24 localities that satisfied the criteria of the resolutions were located and the project is currently being implemented.

#### **Prevention of Violence, Hostility and Racism in Sports Events**

864. The *Safety in Public Places Law*, was amended (Amendment No. 3) in July 2005, to specifically prohibit racially motivated expressions at sporting events. Consequently, indictments were filed against defendants who shouted racial remarks during soccer matches.

865. Even prior to the abovementioned Amendment, actions were taken by the State Attorney's Office, which considered racial remarks against the Arab population as constitutive of incitement to racism and took criminal measures in this regard. Criminal investigations were opened in a number of cases of incitement to racism against the Arab population at soccer games, and indictments were filed. Several cases were concluded and the defendants were convicted (for further information please see Table No. 2 above, in the section dealing with Article 4).

866. Section 11A2 of the *Safety in Public Places Law*, which prohibited racial expressions during sporting events, was annulled as the new *Prohibition of Violence in Sport Law* came into effect on August 12, 2008. The new Law was enacted in order to facilitate the safe and peaceful hosting of sporting events by broadening the definition of a racist display and facilitating training for security personnel and safety personnel as well as broadening their responsibilities and authorities. The Law further established a Committee for the Prevention of Violence in Sport geared towards the elimination of this phenomenon. Section 15 of the new Law expands the offence which was established by Section 11A2, by making the following changes:

(a) The prohibition against racial expressions was broadened to include visual expressions which include threats, humiliation, contempt, animosity, enmity or quarrel causation, in addition to the expression of words, sounds and growls.

(b) The prohibition was expanded to include racial expressions made by a single person, in comparison with Section 11A2 which prohibited such expressions only when committed with another person or chorally.

(c) The punishment was increased from one year's imprisonment to two years imprisonment.

**Projects to Promote Understanding, Tolerance and Friendship among Nations**

867. The Culture, Media and Arts Department of the Peres Center for Peace designs and implements multifaceted programs directed at Palestinian and Israeli children, youth and adults. Thus, the Peres Center has chosen to concentrate its efforts on two levels of activities: The first level is based on direct intervention, and is targeted at specific groups of participants (among them, photojournalists, youth, film and television professionals etc.). The second level is targeted at the greater Israeli and Palestinian public, and focuses on the significant need to learn more about the "other side," and increases the portrayal of positive images in the media, in contrast with the violent and depressing images generally displayed. As such, the programs are designed to reach out to large audiences, in order to expose them to positive messages and images. The Peres Center holds Peace Education Seminars, offering instruction to Palestinian and Israeli educators and teachers, in order to provide them with the educational tools to guide their pupils in dealing with issues related to the conflict, and allow them to implement peace building activities. Thus far, two seminars have been held, in which nearly 100 Israeli and Palestinian educators have taken part. The Peres Center also hosts numerous programs in different fields of the arts, such as photojournalism, theatre, cinema, as well as programs in various sporting fields.

868. In an international activity conducted in December 2007, high school pupils studied children's rights in Israel and overseas, while participating in writing an international journal in English. Two of these pupils were sent to the UN and participated with youth from other states in discussions on the topic of "A World Fit for Children."

869. As mentioned in Israel's thirteenth Periodic Report, Givat Haviva Seminar, which was founded in 1949 by Ha'kibbutz Ha'arzi Federation, in memory of Haviva Reich, is the home of several education and co-existence centers, including: the Jewish-Arab Center for Peace - an education, research and documentation center which was founded in 1963; an Arts Center - which strives to integrate arts with theoretical-social activity, to advance kibbutz, urban and Arab populations in the field of plastic arts, to serve as an advanced seminar for young artists, to provide various projects for Jewish and Arabs on the subjects of education and art, seminars, teacher training courses, and to provide activities for kindergarten and elementary school children; and the Peace Gallery which offers new exhibits every month. The seminar also hosts a Centre for Women and Gender Studies. This centre offers educational courses, programs and cultural events to encourage Israeli women of all cultures and backgrounds to meet, discuss, learn about and celebrate each other.

870. The campus is located in the northern Sharon Valley (east of Hadera). The mission of Givat Haviva Seminar today is to address the major issues that are on the agenda of Israeli society, and to foster educational initiatives, research and community work in the fields of peace, democracy, co-existence, tolerance and social solidarity. Over 50,000 children, youth and adults from Israel and abroad participate annually in the seminars, workshops, courses, conferences and other projects offered by Givat Haviva Seminar in a range of educational, academic and professional fields. Some of its recent projects include:

(a) The "Face to Face" program at Givat Haviva, is an encounter program for Jewish and Arab high-school pupils in Israel. The goals of the encounter are; to create a better understanding of one another, to dispel pre-conceived stereotypes, to reduce the feelings of fear, hatred, and alienation, and to create a preliminary basis for dialogue on a joint future based upon mutual respect between the Jewish and Arab citizens of the State. The program is based on a model developed by the Jewish-Arab Center for Peace at Givat Haviva over many years of experience in the field.

(b) *Through Others' Eyes* - Encounters between Jewish and Arab teens from the region, through the camera, annual activities, visits and photography in the homes of the participants and a final exhibit.

(c) *Children Teaching Children (CTC)* - In-depth year-long activity in grades 8 and 9 which is held at Jewish and Arab schools. As part of the program, discussions are held concerning the acceptance of the other, values of equality, familiarity and friendship, ideals of democracy and equality.

871. *Mirkam in the Galilee*: A joint initiative of the Ministry of Education, local municipalities' leaders in the Beit Hekerem Valley and other organizations. The goal is to promote cooperation between Jewish and Arab local municipalities and establish joint economic and infrastructural development in the region. In order to achieve this, a mechanism was established for regional deliberation, cooperation and consensus-building among decision-makers in the form of inter-municipal forums, such as the Mayors Forum, the Health Forum and The Women's Leadership Forum, etc. In addition, eight pairs of Jewish and Arab schools in the region participate in formal and extra-curricular activities on issues such as music, arts, the environment, sports and culture. Furthermore, a Jewish-Arab Theater and Circus group meet weekly and hold performances in the region. The Initiative covers 47 communities.

872. *Mirkam Encounters in the Galilee*: A joint initiative of The Abraham Fund Organization, the Ministry of Education and The Haifa, Acre and Ma'alot-Tarshihah Municipalities. The initiative intends to encourage a shared society in the mixed cities of the Galilee, by promoting joint educational activities which bring together elementary school pupils, teachers and principals from ten pairs of Jewish and Arab schools. During the meetings, pupils learn about each other's culture, tradition and heritage thus learning to appreciate and respect each other's perspective and views.

873. *Developing Sakhnin Valley (Park El-Mal)*: Cooperation between Jewish and Arab local authorities in the Galilee together with several organizations and NGOs based upon a mutual interest to realize the agricultural and tourist potential of the Valley. The program will establish a local park and promenade while maintaining the agricultural fields, open spaces, landscape and traditions of the Valley's residents, thus transforming the Sakhnin Valley into a national ecological and tourist attraction. This will increase the economic potential of the region and provide sources of income to its residents, creating a foundation for future business and personal cooperation between the Jewish and Arab residents.

874. *The Peace Labyrinth On Conflicts: How they Arise, and Ways in which they can be Resolved*: The *Peace Labyrinth* is an interactive exhibition that was initially presented in Holland by the "Peace Education Project." The exhibition enables the audience to confront issues, outlooks, standpoints and dilemmas in interpersonal and inter-group relations of the visitors. The search for the right path in the labyrinth requires thinking and decision-making that results in various consequences, thus demonstrating the notion that the pursuit of peace is complex, but attainable. The exhibition is currently displayed at the Ein-Dor Museum of Archeology.

875. *Co-existence Network*: Due to the outstanding number of co-existence practitioners and organizations across Israel, the "Co-existence Network" was created. This is a multi-year project intended to unite, support and professionalize co-existence practitioners and organizations across Israel. The Co-existence Network mapped the field of activity and built a membership of 166 organizations, providing them with support, thematic seminars and professional training.

## **B. Culture**

### **The Budget for Culture, Entertainment and Sport**

876. The *Public Libraries Law 5735-1975* (the "*Public Libraries Law*") requires the State to establish public libraries, and creates criteria for the recognition of a library as a public library. There are 950 public libraries in Israel, in addition to school and other libraries. Subsequent to several amendments issued in 2002, 2003 and 2007, Section 5 of the *Public Libraries Law* now obligates the Ministry of Finance to participate in the maintenance and the administration of public libraries, with an inclusive rate of 50 per cent, according to the conditions and criteria established by the Minister of Finance. Such funding is progressive and will be completed by 2013.

#### Case law

877. The above-mentioned amendments were enacted in response to the Supreme Court's decision regarding the interpretation of the *Public Libraries Law* in *H.C.J. 2376/01 The Union of Local Authorities in Israel v. The Minister of Science, Culture and Sport* (21.10.2002). The Court held that the public libraries' services must be provided freely by the State to the public at large on the basis of equal opportunities being offered to all citizens of all ages to gain access to knowledge and education regardless of their economic background. The Court emphasized the public library's special role in shaping the younger generation and exposing it to culture. The Court also highlighted the implication of UNESCO's Public Library Manifesto of 1994, which emphasized the importance of public library services, including the encouragement of reading habits among children. Therefore, the Court held that there is a close connection between free library services and the State's obligation to assist the local authorities in funding and establishing library services.

878. The Ministry of Culture and Sport and the Ministry of Education provide financial aid to 850 artistic and cultural institutions, such as children's theaters, dance schools and choirs. Since Museums are recognized by law as guidance institutions for children, the State accepted the Holon Children's Museum as such an establishment. The State encourages the preservation of Arab, Druze and Circassian culture and traditions.

Table 48

#### The Budget for Arab, Druze and Circassian Culture, 2001-2008

	2001	2002	2003	2004	2005	2006	2007	2008
Arab culture	7,500	7,175	6,919	6,017	6,703	7,106	10,362	12,453
Druze and Circassian culture	2,026	1,919	1,874	1,653	1,593	1,638	2,075	1,866

*Source: Ministry of Culture and Sport, 2008*

879. There are numerous examples of cultural projects in Israel intended to promote understanding, tolerance and friendship among nations. Civil society is the leading actor in such initiatives. Several government-supported projects are highlighted in the following table.

Table 49

#### Joint Jewish-Arab Activities Financed by the Ministry of Culture and Sport

Activity	Description	Years	Total allocation	remarks
Football for Peace	An initiative of the Sports Administration within the Ministry of	Every year since 2001	850,000 NIS (U.S. \$229,730)	The project encompasses over 34 Jewish and

	<p>Culture and Sport together with the "Brith Consulate" and Brighton and Keln Universities – using football as a means for promoting understanding and tolerance among all Israeli citizens – Arabs and Jews alike. The program is a football camp which is conducted by English/German coaches for Arab and Jewish children, during which values such as honor, trust, and responsibility are explained to the participants</p>			<p>Arab localities, 1,500 boys and girls and 50 English coaches and 120 German coaches in addition to local guides.</p>
Children Marching for Peace	<p>In light of world peace day and tolerance week, the Sports Administration holds the "Children Marching for Peace" march annually. The march is conducted as a sign of peace, equality, fairness and good living, and is intended for both Arab and Jewish children</p>	Every year since 2005	750,000 NIS (U.S. \$202,703)	Each year over 3,000 children take part in the march.
Back to routine after the Second Lebanon War	<p>After the Second Lebanon War, the Sports Administration held five sporting events and vacations for both Arab and Jewish children in the North. The festivals were organized in close proximity to the population in order to allow as many children and adult participants to take part in the events, which included</p>	2006	750,000 NIS (U.S. \$202,703)	Over 15,000 residents took part in these events.

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sports games, shows,  
creative workshops,  
games for children etc.

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*Source: The Ministry of Culture and Sport, January 2009*

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### C. Information

#### **The Role of State Media in the Dissemination of Information to Combat Racial Prejudices**

880. The Israel Broadcasting Authority (IBA) invests extensive efforts in encouraging tolerance and equality among children and youth in Israeli Society. The IBA emphasizes the importance of impartiality and equivalence between different races, skin colors, ethnic origins and nationality. The IBA transmits various programs both through television and radio on the subjects of religious pluralism, co-existence between the Arab and the Jewish populations, children and children with disabilities, children of immigrants, children of foreign workers and so on. These programs are intended to educate both children and adults alike and educate individuals about the various populations in society and how to accept diversity.

881. Attention is also paid to the fight against racism and communal segregation among youth. Daily news covers social and legal racial discrimination struggles in order to raise awareness of these issues among adults, youth and children.

882. The "Voice of Israel" - a leading radio station in Israel - is legally obligated to broadcast work by artists of different styles. This station broadcasts programs in Amharic, Russian and other languages on a regular basis. It is also bound by the principle of objectivity and dedicated to raising public awareness by online discussions of controversial matters. For instance, a recent debate focusing on a dispute between certain private schools in the central region of Israel and the Ethiopian community was widely broadcast by the majority of networks.

883. Channel 1 (TV), of the IBA, regularly produces and broadcasts documentary programs on different issues concerning the situation of minorities in Israel, including foreign workers. For example, "Watch Me" is a program for children and youth in which documentary films concerning the different populations in Israel are broadcast, and children are hosted in TV studios to discuss the relevant issues, thus promoting understanding and tolerance toward the different groups making up the Israeli population. Another example is the movie entitled "Danny's Camera," which tells the story of an Ethiopian boy and enables viewers to learn about the Ethiopian immigration to Israel, the Ethiopian population etc. Another example is "The Edition," a daily news show for children and youth, which is jointly hosted by Jewish Orthodox, Arab and secular hosts, in order to present the pluralism of Israeli society and reduce discrimination. The Channel's Documentary Department also prepared several important films and programs, such as: "Rahat from the Inside," a film about the problems faced by the Bedouin Society as researched and filmed by Bedouins, and the documentary series "Second Look," which aired several programs concerning the exploitation of foreign workers, a program on foreign workers' children etc.

884. "Radio Network A" broadcasts a variety of radio programs which regularly refer to the issue of preventing racism. For example, the "Dialog" program recently broadcast discussions concerning the issue of Bedouin housing in the Negev, the allocation of medications for Jewish and Arab patients, the integration of the Druze in Israeli society, and the equal treatment of Jewish and Arab patients suffering from Alzheimer's disease. A further example is "The Civil Hour," in which content regularly focuses upon racial messages in children's video tapes, discrimination and other such issues.

885. "Radio Network B" consistently includes in its news broadcasts and special radio programs issues concerning the fight against discrimination. Thus, such battles are widely covered and the reporters continue to follow the related legal proceedings, even when the issue reviewed is not at the top of the public agenda. For example, Network B has recently extensively reviewed the battle of foreign workers' children against the Ministry of Interior's decision to remove them from Israel.

886. The IBA Department of Broadcasts for New Immigrants and Abroad airs its broadcasts in a large number of languages, including: Amharic, Russian, English, French, Spanish, Ladino, Yiddish, and others. During its broadcasts, the Department offers extensive coverage of issues relating to the prohibition against racial discrimination, such as: foreign workers, human rights, equality, discussions regarding legal issues which relate to racial discrimination etc.

#### **The Role of Mass Media in the Publication of Human Rights**

887. Human rights awareness within the Israeli public is quite high. The language of rights has permeated daily life in Israel. Israel's main national television channels often broadcast interviews, news articles and television programs related to human rights issues. Some articles contain information for the public and other bring to the screen personal human rights stories. All channels deal with all human rights issues, including: people with disabilities, children at risk, women's status, the protection of women, trafficking in persons, foreign workers, minorities and more. These issues are also covered and dealt with regularly by local television channels. In addition, both national and local television channels regularly advertise information regarding help centers relevant to human rights issues.

888. Israel's main radio stations also deal with human rights issues through the presentation of interviews and articles related to the subject. The main radio stations regularly broadcast advertisements against trafficking in persons, and advertisements regarding other aspects of human rights. The radio stations also provide important information regarding help centers for victims of human rights abuses along with other important information. These issues are also covered and dealt with by local radio stations.

889. Israel's main newspapers and main internet news sites regularly address human rights issues and publicize news stories and articles regarding the matter. Additional information regarding different help centers for victims of breaches of human rights can be found on some of these sites.

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