



**RESPONSE TO THE LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH
THE CONSIDERATION OF THE THIRD PERIODIC REPORT OF ISRAEL TO THE
UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Adalah NGO Report to the UN Committee on Economic, Social and Cultural Rights:
Arab Palestinian Citizens of Israel**

Submitted 18 October 2011

Adalah is pleased to submit this report to the UN Committee on Economic, Social and Cultural Rights to assist it in its consideration of Israel's Third Periodic Report of July 2010 during its review sessions on 16 and 17 November 2011. This report supplements and updates a report submitted by Adalah to the Committee on Economic, Social and Cultural Rights in October 2010.¹

Question 3. Please explain why, despite a 1951 Supreme Court decision and the 1977 Libai Committee findings, there has been no progress in finding a satisfactory solution towards granting the petition of Palestinians with full Israeli citizenship seeking permission to return to their original towns of Iqrit and Bir'im. In addition, please comment on information that the newly-enacted legislation—the Israel Land Administration Law (2009)—enables the State to sell land that belongs to Palestinian refugees and Palestinian citizens of Israel who have been internally displaced.

As far as Adalah is aware, as of October 2011 there has still been no progress in finding a satisfactory and just solution regarding the return of the former residents of Iqrit and Bir'im and their descendants to their villages. The state's response² to this question (pp. 5-7) makes it clear that Israel is continuing to deny the internally-displaced people of Iqrit and Bir'im – who are citizens of Israel living in the state – the right to return to their land, despite the lack of a security threat posed by their return. For background information on the eviction of Iqrit and Bir'im, as well as other internally-displaced Palestinian citizens of Israel, please also see Adalah's NGO Report to the CESCR, October 2010, pp. 29-30.

¹ This report is posted on the Committee's website at: <http://www2.ohchr.org/english/bodies/cescr/cescrwg45.htm>

² The State of Israel's response to the Committee's List of Issues is posted on the Committee's website at: <http://www2.ohchr.org/english/bodies/cescr/cescrs47.htm>

Despite the continuing lack of progress in their cases, sixty years on from the demolition of their villages the former inhabitants of Iqrit and Bir'im and their descendants remain committed to maintaining their connection to their village and advocating for their right to return to their land.

On 18 March 2011, the Iqrit Community Association sent a letter to the Prime Minister's Office in which it stressed the continuing will of the people of Iqrit to return to their village sixty years after its demolition, and the fact that they continue to pray and celebrate Christian holidays in the village's church, and to bury their dead in the village's cemetery, the only structures in both villages that were left undestroyed. The letter asked for a compromise settlement for the return of the internally-displaced persons of Iqrit. To date, no reply has been received.³

From 3-7 August 2011, the people of Iqrit held the 15th consecutive annual summer camp for 90 children and young people from the village.⁴ The 20 camp leaders held a series of activities for the children designed to maintain ties among the community and education about the history of their village of origin. The children were taken on two local tours, cleared and cleaned up the Iqrit cemetery, and attended a service in the village church. A group of people of all ages from Iqrit also carried out five days of repairs and renovations to the village's church in November 2010.⁵

The people of Bir'im similarly continue to celebrate the Christian holidays in the village church, and hold weekly prayers there every Saturday afternoon. They also still bury their dead in the village's cemetery. From 6-13 August 2011, the annual Bir'im children's camp was held in the remains of the village, attended by 110 children and 50 camp leaders. The main aim of the camp is to rebuild and preserve the displaced community, and the participants spoke to refugees from the village living around the world via Skype. The people of Bir'im also maintain the standing structures left amid the ruins of the village on a yearly basis, with a group of volunteers dedicating 3-4 days of their time to maintenance work each year. An elected committee consisting of 11 representatives also organizes activities and takes decisions on behalf of the wider community.

For information on the Israel Land Administration Law – 2009 please refer to Adalah's NGO Report to the CESCR, October 2010, pp. 27-29.

Contrary to the claim made in the state's response to this question (pp. 7-9), the amendment is directly related to the Israeli-Palestinian conflict, since it concerns the property of the Palestinian refugees and internally-displaced persons. International law protects the rights of the Palestinian refugees and the question of the Palestinian refugees is one of the unresolved issues of possible future "final status negotiations" between Israel and the Palestinians. However, the sale of refugees' property, as provided for under the Israel Land Administration Law, places them beyond future restitution claims. In the past, Israeli law has considered the Palestinian refugees as "absentees", whose property and property rights Israel undertook before the international community to preserve until a political solution is found.

³ Letter on file with the Iqrit Community Association.

⁴ For more information, please see:

<http://www.iqrit.org/?LanguageId=2&System=Item&MenuId=4&PMenuId=4&MenuTemplateId=&CategoryId=3&ItemId=141&ItemTemplateId=1>

⁵ For more information, please see:

<http://www.iqrit.org/?LanguageId=1&System=Item&MenuId=12&PMenuId=12&MenuTemplateId=&CategoryId=9&ItemId=127&ItemTemplateId=1>

On 27 August 2009, the Attorney General stated in a letter to Adalah that according to the Absentees' Property Law – 1950, the sale of absentees' property by the state to the Development Authority (DA), a governmental body, gives the DA full title of these properties, and the right of the absentee (refugee) is limited to the amount of money that was paid for the property, subject to restrictions set out by law.⁶ Once the property has passed to the full ownership of the DA, the link between the absentee and his or her property is cut. The DA is then free to sell the property to a third party.

On 14 March 2010, the Israeli Ministry of Justice stated in a letter to Adalah that Israel was fully entitled to sell and transfer ownership rights to land previously leased to Jewish settlers in settlements in occupied East Jerusalem and the Syrian Golan Heights to private parties.⁷ According to the ministry, the sale of the land is legal since Israeli law was applied to East Jerusalem in accordance with Article 1 of the Basic Law: Jerusalem, Capital of Israel (1980), and the Golan Heights according to Article 1 of the Golan Heights Law (1981). The UN Security Council has issued resolutions denouncing both of these laws.⁸ The Justice Ministry's response was sent in reply to a letter submitted by Adalah in January 2010 in which it argued that the Israel Land Administration Law allowed for the privatization of land owned or controlled by the state, the DA or the Jewish National Fund (JNF), including occupied Palestinian and Syrian land on which the Israeli settlements in the Golan Heights and East Jerusalem were built. Adalah argued that East Jerusalem and the Golan Heights should be removed from the areas where the law applies, given their status as occupied territories under international law. The privatization of this land constitutes their final confiscation from their Palestinian and Syrian owners, and precludes any possibility of their restoration within the framework of a future agreement.

Question 4. Please provide information on action taken to implement the recommendations of the Advisory Committee on the Policy regarding Bedouin towns (the Goldberg Committee), including the settlement of individual and collective Bedouin land claims. In this connection, please indicate how the State party has considered the application of relevant international norms and jurisprudence in the settlement of such claims.

In early 2009, the Israeli government established a governmental committee under the chairmanship of Ehud Praver, head of policy planning in the Prime Minister's Office (hereinafter: "the Praver Committee", though referred to by Israel as the "implementation Cadre" in its response to the List of Issues, pp. 9-18) to implement the recommendations of the Goldberg Committee. Against all international norms and principles of community participation in planning processes, the Praver Committee did not include any Arab Bedouin in the development of its recommendations, whether through membership in the committee, public hearing, or in response to a request for participation. When the Praver Committee submitted its report to the government in June 2011, it was evident that the Committee had in fact ignored central recommendations made by the Goldberg Committee

⁶ The letter is on file at Adalah.

⁷ The letter is on file at Adalah. See Adalah news update, "Responding to Adalah, Justice Ministry Stresses that Israel is Fully Entitled to Sell Land in East Jerusalem and the Golan Heights to Private Parties", 18 March 2010: http://www.old-adalah.org/eng/pressreleases/pr.php?file=18_03_10

⁸ United Nations Security Council in Resolution 478 of 20 August 1980 (Jerusalem), and Resolution 479 of the UN Security Council of 17 December 1981 (the Golan Heights).

– including granting recognition to unrecognized villages and freezing home demolitions – as well as its emphasis that the Arab Bedouin in the Naqab (Negev) are equal citizens of the state with historical, ancestral ties to the land. Instead, it proposed compensation schemes and planning measures that clearly reflect the intent to evict the Arab Bedouin and to confiscate their lands permanently.

On 4 September 2011, in anticipation of the vote of the Israeli government, Adalah sent an urgent letter to Prime Minister urging the administration not to approve the Praver plan. The letter contained information from previously unpublished archival documents dating from the 1950s and 1960s that show that the Ottoman Government and the British Mandatory Authorities officially recognized traditional ownership of land by the Arab Bedouin, and collected taxes on that basis. Archival documents also prove that pre-state authorities recognized transactions of Jewish individuals who purchased land from the Arab Bedouin. Thus Israel's current policy of denying recognition of traditional Bedouin ownership of land completely contradicts historical practices and violates the rights of the Arab Bedouin.

On 11 September 2011, the Israeli government approved the Praver Committee's report, endorsing a plan that will forcibly displace over 40,000 Arab Bedouin from their villages in the Naqab and dispossess them of their ancestral land.

The Praver Report is divided into two main parts: the first deals with ownership and compensation for land ownership claims, and will be presented by the government as a legislative bill within 60 days of the approval of the plan (i.e. by 11 November 2011). The second part consists of a planning scheme that will determine where the Arab Bedouin are to be settled by the state. Under the plan, concerning ownership and compensation, the Arab Bedouin who currently reside on and control their ancestral land will be offered 50% of their land so long as the land is not grazing land, and on the condition that the claimant fully relinquishes the first 50% of land to the State of Israel. Those Arab Bedouin who are not presently living on their ancestral lands – often due to repeated internal displacement by Israel – will receive monetary compensation for only 50% of their land claim at rates proposed in the plan, with an opportunity to exchange the money for a residential plot of land in one of the government-planned Arab Bedouin towns in Naqab, the poorest and most socio-economically disadvantaged in the country. Most alarmingly, if Arab Bedouin land ownership claims are not settled in the manner proposed by the Praver Report within five years, the land will automatically be registered as state land.

⁹ Ehud Praver, *Draft 12 – Implementation Team of the Goldberg Report for Regulating Bedouin Settlement in the Negev: A Proposed Outline for Regulating Bedouin Settlement in the Negev*, March 2011.

¹⁰ Thabet Abu Ras, "The Arab Bedouin in the Unrecognized Villages in the Naqab (Negev): Between the Hammer of Praver and the Anvil of Goldberg," *Adalah's Newsletter*, Vol. 81, April 2011: http://www.adalah.org/upfiles/2011/Thabet_English_2.pdf

¹¹ See Adalah news update, 6 September 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=06_09_11; see also Adalah's Letter to Prime Minister Benyamin Netanyahu (Hebrew): http://www.adalah.org/Up/Main/File/letter_to_government_-_Naqab_9-2011_final.doc

¹² See Government Decision, *Confirming the Recommendations for Regulation of the Bedouin Settlement in the Negev*, 11 September 2011 [hereinafter: Government Decision].

¹³ See Government Decision, pp. 9, 19.

¹⁴ *Ibid.* p. 9.

¹⁵ *Ibid.* p. 30, Article 3.1.

¹⁶ Ehud Praver, *A Report of the Intergovernmental Committee on the Implementation of the Recommendation for Regulation of the Bedouin Settlement in the Negev*, Meeting No. 117, 11 September 2011.

The planning scheme component of the Praver Report concentrates the Arab Bedouin within a small area in the northern Naqab and prohibits any Arab Bedouin settlement west of Route 40. The Praver Report does not recommend recognition of any of the unrecognized villages, and instead only proposes new Arab Bedouin villages in the “exceptional” circumstance that the displaced Bedouins cannot be fully absorbed into the impoverished government-planned towns or the 11 villages under the jurisdiction of the Abu Basma Regional Council, which have been in a “process of recognition” for almost ten years. People living in these villages still have no access to basic state services such as drinking water, electricity, sewerage, education or health services. Furthermore, the Praver report proposes the extraordinary involvement of the Prime Minister’s Office in land planning issues, rather than the National Council for Planning and Building (NCPB), the body authorized legally to deal with land planning, including broad and arbitrary discretion to remove any amount of land from the above-described arrangement.

Adalah endorses the Arab Bedouin community’s rejection of the Praver report. Adalah supports the recommendation of Mr. James Anaya, the UN Special Rapporteur on the rights of indigenous peoples, that Israel enable the Arab Bedouin to “become active participants in and direct beneficiaries of any development initiatives affecting the lands the Bedouin traditionally use and occupy within the Negev (Naqab).”¹⁹ Adalah asks that the CESCR recommend that Israel rescind its decision to approve the Praver Report and begin to right the historical wrongs committed against the Arab Bedouin by engaging in a meaningful dialogue with the Arab Bedouin and the leaders of the Arab citizens of Israel, and recognizing the “unrecognized” villages and traditional Arab Bedouin land ownership in the Naqab.

Question 5. Please provide information on legislation adopted by the State party since its previous report, that has affected the disposition of land resources, as well as the subsequent role played by the Jewish National Fund and the Jewish Agency in the control of such resources so as to ensure that everyone under the jurisdiction of the State party is able to fully enjoy economic, social and cultural rights.

Since Israel’s report in July 2010, the following legislation, which has affected the disposition of land resources in Israel to the detriment of Arab citizens of Israel, has been enacted.

- Amendment (2010) to the Negev Development Authority Law (1991): Individual settlements²⁰

“Individual settlements” are a tool used by the state to provide individual Israeli Jewish families with hundreds and sometimes thousands of dunams of land for their exclusive use, and keep it out of the reach of Arab citizens of Israel in the Naqab (Negev). The individual settlements were

¹⁷ See Government Decision, p. 30. The implication of such involvement was shown in the case of the unrecognized villages of Umm el-Hieran and Atir, which were granted recognition by the NCPB. However, following the intervention of the Prime Minister’s Office, the recognition was rescinded. For more information, see Adalah news update, 22 November 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=22_11_10

¹⁸ Ehud Praver, *Draft 12 – Implementation Team of the Goldberg Report for Regulating Bedouin Settlement in the Negev: A Proposed Outline for Regulating Bedouin Settlement in the Negev*, March 2011.

¹⁹ *Report by the Special Rapporteur on the rights of indigenous peoples, James Anaya, A/HRC/18/35/Add.1*, para. 21, 22 August 2011: <http://www2.ohchr.org/english/issues/indigenous/rapporteur/docs/A-HRC-18-35-Add-1.pdf>

²⁰ To read the text of the law (in Hebrew), please see: <http://www.knesset.gov.il/Laws/Data/law/2250/2250.pdf> (pp. 591-593).

originally established without permission and outside of the planning process, and in violation of existing master plans. The amendment allows for the retroactive legalization of all existing individual settlements and for the allocation of additional land for new individual settlements in the Naqab, while the Arab Bedouin population of the area is squeezed onto ever smaller pockets of land. For more information about this law, please see Adalah's NGO Report to the CESCR, October 2010, pp. 22-23.²¹

- The Admission Committees Law – 2011²²

Admissions committees operate in a total of **702** agricultural and small community towns built on state land throughout the state, including those located in the Naqab and Galilee that are covered by the law. They make up 68% of all towns and villages in the state, and 84% of all rural towns and villages.²³

As a result of these admissions committees, Arab citizens are *de facto* banned from living in these towns. The law gives admission committees, bodies that select applicants for housing units and plots of land, full discretion to accept or reject individuals from these towns. Under the law, one of the five members of an admissions committee of a community town must be “a representative of the Jewish Agency for Israel or the World Zionist Organization,”²⁴ and are used in part to filter out Arab applicants, in addition to other marginalized groups. While one of the law's provisions states a duty to respect the right to equality and prevent discrimination, the law allows these committees to reject applications from people deemed “unsuitable to the social life of the community... or the social and cultural fabric of the town,” thereby legitimizing the exclusion of entire groups. The Israel Land Administration (ILA) originally instituted arbitrary and exclusionary criterion of “social suitability”²⁵ in order to bypass the landmark Supreme Court decision in *Qa'dan* from 2000,²⁶ in which the court ruled that the state's use of the Jewish Agency to exclude Arabs from state land constituted discrimination on the basis of nationality.

The new law also authorizes admissions committees to adopt criteria determined by individual community towns themselves based on their “special characteristics”, including those community towns that have defined themselves as having a “Zionist vision”. However, the majority of which do not have special social or cultural characteristics that would justify subjecting residency applicants to tests of “social suitability”.

²¹ See also Adalah news update, 28 June 2010: http://www.adalah.org/eng/pressreleases/pr.php?file=27_06_10_2

²² To read an English translation of the law, please see:

http://www.adalah.org/upfiles/2011/discriminatory_laws_2011/Admissions_Committees_Law_2011_English.pdf. To read the original text of the law in Hebrew, please see: <http://www.knesset.gov.il/Laws/Data/law/2286/2286.pdf> (pp. 683-686).

²³ Israeli Central Bureau of Statistics, *Statistical Abstract of Israel 2011*, No. 62, Table 2.9. The Admissions Committees Law authorizes “admission committees” to operate in around 440 agricultural and small community towns built on state land in the Naqab and Galilee. These communities together comprise 75% of the total number of towns and villages in the Naqab and Galilee, and 86% of rural towns and villages in these areas.

²⁴ The other four members are, “two representatives of the community town; a representative of the movement with which the community town is affiliated or in which it is a member, and if the community town is not affiliated with a movement as stated or a member in it, or if the movement waives representation – an additional representative of the community town; [...] and a representative of the regional council under whose jurisdiction the community town is located.” Article 6B(B)(1) of the Admissions Committees Law – 2011.

²⁵ ILA Council Decision No. 1015 of 1 August 2004 (amended by ILA Council Decision No. 1195 of 15 March 2010).

²⁶ H CJ 6698/95, *Qa'dan v. The Israel Land Administration, et al.*, P.D. 54(1) 258, decision delivered March 2000.

In a significant legal breakthrough, on 13 September 2011, the Israeli Supreme Court accepted a petition filed by Adalah in 2007 on behalf of the Zubeidats, a married Arab couple, against the community town of Rakefet and the Israel Land Authority (ILA).²⁷ The Court ordered the town to award a plot of land to the Zubeidats for building a house in Rakefet within 90 days (following a decision by the acting General Director of the ILA, Mr. Ronen Cohen Schorr to admit the Zubeidats to Rakefet, in an appeal procedure which superseded a decision by the admissions committee in Misgav, and contrary to the recommendation of the ILA's Appeals Committee). The decision came after the admissions committee for Rakefet rejected the couple's application to live in the town on several occasions, claiming that they were "socially unsuitable" to live in the community town. A further petition filed by Adalah against the Admissions Committee Law remains pending before the Supreme Court, containing principle arguments against the operation of admissions committees.²⁸

In its response to the Zubeidats' petition, the Misgav Regional Council (which has jurisdiction over Rakefet and numerous other towns in the north of Israel) stated that the cancellation of admission committees would, "mean the cancellation and negation of the legitimate interest of social coherence, the existence of a community with social solidarity, and the preservation of the Israeli Zionist way of life in the central Galilee."²⁹ It added, "The purpose of pre-settlements [community towns] was to strengthen the Israeli Zionist existence in the central Galilee was the perception that there is no sovereignty in the Jewish and democratic state without actual settlement that identifies with the principles of such a state and with the Zionist ethos."³⁰ These statements make clear the exclusionary purpose and character of the admissions committees.

- The Israel Lands Law (Amendment No. 3) – 2011³¹

The law, passed in March 2011, prevents any person or party (public or private) from selling or leasing land or property for more than five years or from bequeathing or transferring private ownership rights in Israel to "foreigners", other than in exceptional cases whereby special permission is granted by the head of the ILA Council, after being advised by a special sub-committee established for this purpose, which must consult with the Ministries of Defense and Foreign Affairs and other bodies. Under the law, "foreigners" are any persons who are not residents or citizens of Israel, or Jews, who have the automatic right to immigrate to Israel under the Law of Return – 1950. Thus, under the law Palestinian refugees – the original owners of the land, who are entitled to the return of their properties under international law – become "foreigners", along with all other persons who do not hold Israeli citizenship or residency, with the exception of Jewish people. In the past, Israeli law

²⁷ HCJ 8036/07, *Fatina Ebriq Zubeidat, et al. v. The Israel Land Administration, et al.*, decision delivered 13 September 2011. See Adalah news update, 14 September 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=14_09_11.

See also Adalah news update, 27 July 2010: http://www.adalah.org/eng/pressreleases/pr.php?file=27_07_10_1

²⁸ The petition was filed by Adalah on behalf of civil society organizations that represent groups whose exclusion from community towns is justified under the law. The case will be heard by an expanded panel of nine justices. *HCJ 2504/11, Adalah, et al. v. The Knesset, et al.* (pending). A petition against the new law was also filed by the Association for Civil Rights in Israel. See Adalah news update, 31 March 2011: http://www.older-adalah.org/eng/pressreleases/pr.php?file=31_03_11. See also, Human Rights Watch, *Israel: New Laws Marginalize Palestinian Arab Citizens*, 30 March 2011: <http://www.hrw.org/news/2011/03/30/israel-new-laws-marginalize-palestinian-arab-citizens>

²⁹ Article 39 of the response of the Misgav Regional Council in HCJ 8036/07 (Hebrew). On file with Adalah.

³⁰ Article 68 of the response of the Misgav Regional Council in HCJ 8036/07.

³¹ To read an English translation of the law, please see:

http://www.adalah.org/upfiles/2011/discriminatory_laws_2011/Israel_Lands_Law_2011_English.pdf. To read the original text of the law in Hebrew, please see: <http://www.knesset.gov.il/Laws/Data/law/2291/2291.pdf> (pp. 754-756).

has considered the Palestinian refugees as “absentees” whose property and property rights Israel undertook before the international community to preserve until the conclusion of a political solution to the conflict. The law also prevents Palestinian citizens of Israel from bequeathing their land to their Palestinian relatives abroad.³²

The **Jewish National Fund (JNF)** and the **Jewish Agency (JA)** each play a major role in the control and distribution of land in Israel, which they use to channel these resources exclusively to Jewish citizens. The JNF, which owns around 13% of land in the State of Israel, has adopted a clear and public position against the principle of equality in land rights, and distributes the vast areas of land under its control to Jewish people only, completely excluding Palestinian citizens of the state. In response to a Supreme Court petition filed by Adalah to challenge the ILA’s policy, the JNF argued that, “As the owner of JNF land, the JNF does not have to act with equality towards all citizens of the state,” and that, “Its loyalty is to the Jewish people and its responsibility is to it alone.”³³ Under the Israel Land Administration Law, 6 of 14 seats on the ILA Council are awarded to the JNF.³⁴ For more information about the exclusion of Arab citizens of Israel from JNF-controlled land and the JNF’s special status under Israeli law, please refer to Adalah’s NGO Report to the CESCR, October 2010, p. 5.

In its response to the Committee’s List of Issues (p. 20), Israel erroneously states that the ILA and the JNF signed an agreement of principles to allow “equal access” to JNF land. According to Article 2 of this agreement of principles, signed on 26 May 2009, JNF land is to be administered by the ILA “according to the principles of the JNF in relation to its properties”, i.e. JNF properties will be distributed only to Jewish people through long-term leases.

While the JA is not a holder of land in Israel, it plays a major role in the distribution of land to Jewish citizens through the operation of admissions committees. According to Article 6B(B)(1) of the Admissions Committees Law – 2011 (see above), one of the five members of an admissions committee of a community town must be “a representative of the Jewish Agency for Israel or the World Zionist Organization.” As Zionist organizations, the representatives of these two organizations can be expected to block the applications of Arab applicants to the nearly 700 community towns in Israel. The JA also plays a major role in the development and settlement of new Jewish-only towns through valuable contracts that it signs with the ILA.

Question 6. Please explain why the Knesset has deferred local elections for the appointed Abu Basma Council. In the light of this deferral, how does the State party ensure that Arab communities participate genuinely and effectively in their own local governance including land-use, planning and public services?

³² See Adalah Attorneys Haneen Naamnih and Suhad Bishara, “The Law of the Promised Land 2011: Between Absentees and Foreigners,” *Adalah’s Newsletter*, vol. 82, May 2011: http://www.adalah.org/upfiles/2011/Haneen_Suhad_Promised_Land.pdf

³³ The Jewish National Fund’s Response to HCJ 9205/04, *Adalah v. The Israel Land Administration, et al.*, and HCJ 9010/04, *The Arab Center for Alternative Planning and the Association for Civil Rights in Israel v. The Israel Land Administration, et al.*, para. 250.

³⁴ Immediately after the enactment of the law, the government instituted a temporary measure to reduce the membership of the ILA Council from a total of 14 to 8 members, including two JNF representatives.

Following a petition filed by Adalah and the Association for Civil Rights in Israel (ACRI) in 2010, the Israeli Supreme Court ruled on 9 February 2011 that the first local elections must be held in the Abu Basma Regional Council by December 2012, and that they should not be postponed for any reason. The court ordered the Interior Ministry and the current government-appointed head of the council to make all necessary preparations for the elections.³⁵

So far, despite Israel's statements to the contrary in its responses to the Committee's List of Issues (pp. 23-25), no substantial preparations have been made for the elections, including the registration of voters. Arab Bedouin residents living under the jurisdiction of the council have expressed deep concern over Israel's commitment to upholding the Supreme Court decision, particularly following media reports of a statement by Mr. Said Amaade, a representative for the Ministry of Interior that the people of the Abu Basma villages were not prepared for an election.³⁶

Further, there are indications that the government intends to avoid the election by reorganizing the Abu Basma Regional Council. Such deliberate reorganization has precedent in the Naqab, specifically in the government-planned Arab Bedouin towns of Hura and Lagiyya where the municipal authorities were also structured so as to avoid local elections even after the villages were granted official recognition by the state.³⁷ The first indicator that the Abu Basma council will be similarly "restructured" is found in Article 7 of the government decision approving the Praver Committee's Report, where the Interior Ministry is given 60 days to deliberate and decide on the reorganization of the municipal authority in the Bedouin sector (i.e. Abu Basma).³⁸ Second, the position of Mayor of the Abu Basma Regional Council has been vacant since May 2011, and the fact that no efforts have been made to fill the vacancy either by nomination or election is further indication that the council may be reorganized or dismantled, thereby avoiding elections in December 2012. Should this happen, the state would be in clear contempt of court.

Beyond the Naqab, many Arab communities in Israel lack genuine and effective participation in local governance. For example, of the 47 regional councils that operate in Israel, there are only 3 Arab regional councils. Most regional councils (Israeli Jewish) are in control of vast areas of land and hold enormous land resources, and therefore have the power to develop the land for the benefit of and according to the needs of the population. The three Arab regional councils are Bustan al-Marj (Northern District), Al-Batouf (Northern District), and Abu Basma (Southern District). These three councils have limited areas of land under their jurisdiction, which extends only to land covered by the master plans of towns and villages. As a result, they have a far more limited ability to use their land resources for development purposes.³⁹

The problem of the lack of genuine and effective participation in local governance also extends to the mixed Arab-Jewish cities, which include Natserat Illit (Upper Nazareth), Haifa, Acre, Jaffa and

³⁵ See Adalah news update, 22 February 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=22_02_11

³⁶ Interviews with Salman Ibn Hamed and Odeh Abu Qrun of Beer Hadaj village, Salman Abu Freiha of Abu Grinat village, and Husein Al Rafayah of Beer el-Hamam, former chairman of the Regional Council of the Unrecognized Villages in the Negev, 25 September 2011.

³⁷ See Shlomo Swirski and Yael Hasson, *Invisible Citizens: Israel Government Policy Toward the Negev Bedouin*, Adva Center, February 2006, pp. 42-43: <http://www.adva.org/UPOADED/NegevEnglishFull.pdf>. The regional councils set up to govern these towns were headed by Jewish Interior Ministry appointees who ran the townships from offices in Beer el-Sabe (Be'er Sheva).

³⁸ Government Decision, Article 7: "Municipal Preparation."

³⁹ For more information, see Nili Baruch, "Spatial Inequality in the Allocation of Municipal Resources," *Adalah's Newsletter*, vol. 8, December 2004: <http://www.adalah.org/newsletter/eng/dec04/ar2.pdf>

Led/Ramleh. For example, whereas Arab citizens account for 15% of the total population of Natserat Illit, only 5.1% of employees in the town's municipality are Arab. Entire departments of the municipality have no Arab staff, including the welfare, legal and emergency departments, which employ 83 staff.⁴⁰ In the Accounting Department, one of 27 employees is Arab, and two of 46 employees in the Administration and Human Resources Department are Arab; in total 28 municipal employees out of 550 are Arab, i.e. just 5.1% of the staff body.⁴¹ This failure to ensure adequate representation for the Arab population is in violation of the right to equality.

For data about the systemic lack of participation by Arab communities in the planning processes conducted by local and national planning authorities and the lack of genuine community participation in the planning process, please refer to Adalah's NGO Report to the CESCR, October 2010, pp. 31-32.

Question 8. Please provide information on measures taken to address the marginalized position of Bedouin women with regard to various economic, social and cultural rights, especially those living in unrecognized villages.

Measures taken by Israel to improve the situation of Arab Bedouin women, as detailed in its responses to the Committee's List of Issues (pp. 37-52), are totally inadequate to meet their needs or to close the huge gaps in the fulfillment of economic, social and cultural rights between Arab Bedouin women and other population groups in Israel.

For example, Israel did not provide further information concerning the participation of Arab Bedouin women in the "Economic Initiative for Women in Kseifa," although this three-year government project was scheduled to be completed in 2010 with 100 Arab Bedouin women participating. Israel's responses to the Committee's List of Issues (p. 39) only confirm that 20 women participated in the program in 2007. In the face of widespread poverty, high unemployment, high illiteracy, poor health indicators, such measures are entirely insufficient, as the following statistics demonstrate:⁴²

- Between 37,000 and 45,000 Arab Bedouin women citizens of Israel in the Naqab live in unrecognized villages and receive few-to-no basic state services such as electricity, water, telephone lines, and educational or health facilities; have no local councils and do not belong to other local governing bodies; and are excluded from government maps and state planning.
- 67.2% of Arab Bedouin families live in poverty, compared to 20.5% of all families in Israel.
- There are few elementary schools in the unrecognized villages, which are severely overcrowded and poorly-equipped, and not a single high school. Despite a settlement reached by the state with Adalah to establish the first high school in the unrecognized village of Abu Tlul by 1 September 2009, no school has yet been opened.⁴³

⁴⁰ See letter of complaint sent by Adalah to the Mayor of Natserat Illit against the underrepresentation of Arab citizens in the town's municipality dated 22 June 2011, on file with Adalah. For more information, see Adalah news update, 26 June 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=26-2_06_11

⁴¹ Ibid.

⁴² See Adalah, *The Inequality Report: The Palestinian Arab Minority in Israel*, pp. 27-41, February 2011: [http://www.adalah.org/upfiles/Christian%20Aid%20Report%20December%202010%20FINAL\(1\).pdf](http://www.adalah.org/upfiles/Christian%20Aid%20Report%20December%202010%20FINAL(1).pdf)

⁴³ See HCJ 2848/05, *Fatimah Abu Sabila (Ali) et al., v. The Ministry of Education, et al.* (decision issued 23.01.07); see also HCJ 7562/09, *Fatmeh Abu Sbeli, et al. v. The Ministry of Education, et al.* (supplemental petition by Adalah arguing that non-implementation of the 2007 Supreme Court decision shows that the state is in contempt of court).

- Among Arab Bedouin women in the Naqab the rates of illiteracy: 13.2% among the 35- to 39-year-old age group, 31.7% among the 40- to 44-year-old age group, 61.4% among the 45- to 49-year-old age group, 53.5% among the 50- to 59-year-old age group, and 92.3% among the 60+ age group in 2007.

In light of such indicators, Israel should first ensure that Arab Bedouin girls have access to both elementary and secondary schools in their villages, as well as basic services such as water, health and electricity. Without this foundation, the measures taken by Israel to date, including a government work plan that “includes training courses and programs for economic empowerment, integration in the labor market, business entrepreneurship, women leadership, encouraging education, etc.”, (see Israel’s responses to the Committee’s List of Issues, p. 40) will have very limited impact on the ground.

Housing Rights

For information on Israel’s policy to provide housing to its Arab Bedouin citizens, see information provided on the Prawer Plan above (Question 4). In addition, Israel’s claim made in its responses to the Committee’s List of Issues (p. 42) that it is providing land to the Arab Bedouin in the government-planned towns “free of charge” is inaccurate. In order for the Arab Bedouin to receive a plot of land in any of the seven government-planned towns or the 11 villages within the jurisdiction of the Abu Basma Regional Council, they must first relinquish all claims they have to their ancestral land.

Water Rights

On 5 June 2011, the Israeli Supreme Court ruled (after almost 10 years of litigation by Adalah) that the right to water was a constitutional right stemming from the right to dignity, and that the Arab Bedouin citizens of Israel living in the unrecognized villages were therefore entitled to “minimal access” to water.⁴⁴ Following the ruling, Adalah sent an application to the Israeli Water Board demanding that the three unrecognized villages directly affected by the Supreme Court’s decision should be immediately connected to public water network.⁴⁵ The Water Board denied the application, stating that two other solutions existed to ensure access to water for the residents: either they should move from the unrecognized villages to recognized towns, or purchase water tanks and fill them from water connection centers in the recognized towns.⁴⁶ These proposals fail to safeguard the basic rights of the villagers.⁴⁷

Question 9. Please provide information on the impact of the various State party initiatives taken to address the inequalities between men and women in the civil service, as well as on specific measures taken to address the low rate of representation of women in decision-making positions in the civil service and in local authorities.

⁴⁴ See C.A. (Civil Appeal) 9535/06, *Abdullah Abu Musa’ed, et al. v. The Water Commissioner and the Israel Land Administration*; see also Adalah news update, 6 June 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=06_06_11

⁴⁵ See Adalah news update, 15 June 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=15_06_11

⁴⁶ Correspondence on file with Adalah.

⁴⁷ Following the decision of the Water Board, Adalah filed an appeal to the Haifa District Court sitting as a Water Tribunal on behalf of residents from Umm el-Hieran and Tel Arad, two Arab unrecognized Bedouin villages in the Naqab. The appeal will be heard on 22 November 2011. See Adalah news update, 26 September 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=26_09_11

Arab women in particular are under-represented in the civil service, making up only 2% of all employees in state services. The percentage of Arab employees overall in state services currently stands at 7.5%, while Arab citizens make up around 20% of the total population in Israel.⁴⁸ Moreover, a large proportion of these Arab women employees work in the field of service provision to the public, particularly in the ministries of health and education (teachers), and rarely hold decision-making positions. According to data published by the Knesset, this problem extends to the local authorities of the eight mixed Arab-Jewish cities of Haifa, Jerusalem, Led, Maalot-Tarshiha, Natserat Illit, Akka (Acre), Ramleh, and Tel Aviv-Yaffa, where there are **just three Arab women in senior positions**, two in Jerusalem and one in Akka.⁴⁹ The representation of women overall in senior positions in these local authorities stands at 22.3%,⁵⁰ which, while relatively low, demonstrates that Arab women face additional, compound discrimination on the basis both of their sex and their national belonging, which leaves them almost absent from decision-making positions. These figures seriously call into question the efficacy of any initiatives to address inequalities within the civil service with regard to Arab women.

Rather than addressing inequalities in the civil service, the government and the Knesset's Constitution, Law and Justice Committee recently endorsed a new legislative bill that threatens to increase the under-representation Arab citizens of Israel in general in the civil service and Arab women in particular. The bill would grant preference to former soldiers in civil service positions, even where there is no connection between a job applicant's military service experience and the skills and knowledge needed to carry out the job. The bill threatens the even greater exclusion of Arab citizens from the civil service – the largest employer in Israel – since the vast majority of Arab citizens are exempt from performing military service for political and historical reasons.⁵¹

The bill would also be counter-productive to Israel's official targets for increasing the representation of Arab employees in the civil service, which it has missed consistently. Section 15A(a) of the Civil Service (Appointments) Law – 1959 makes it obligatory to ensure appropriate representation to members of both sexes within the Arab minority in civil service positions. Over the years the government adopted a series of resolutions aimed at increasing representation for members of the Arab minority. In 2003, the Israeli government adopted Resolution 1402, which states that it must ensure representation for Arab employees at a rate of 8% (far lower than their 20% share of the population). This resolution was never complied with. In 2006 the government adopted Resolution No. 4729, stipulating that 337 civil service positions must be set aside for Arab employees. This resolution was also not implemented, and in 2007 the government adopted Resolution No. 2579, according to which the percentage of Arab employees in the civil service must reach 10% by 2012. Based on official statistics this resolution will not be complied with, and in 2009 the government adopted a further Resolution (No. 4436) which stipulates that 20 positions must be added each year for Arab employees. None of these resolutions has been implemented to date, and the gap in representation of Jews and Arabs in the civil service has remained. Ratification

⁴⁸ State of Israel – Civil Service Commission, *Summary Report on engaging Druze and Circassian Citizens in 2010*, 31 May 2011 (Hebrew).

⁴⁹ Parliamentary Inquiry Committee on the subject of the absorption of Arab workers in the public service, "Interim Report of the Parliamentary Inquiry Committee on the subject of the absorption of Arab workers in the public service", Headed by (Arab) Knesset Member Ahmad Tibi, 2009:

http://www.knesset.gov.il/committees/heb/docs/arab_workers17.pdf

⁵⁰ Ibid.

⁵¹ For more information, please see Adalah news update, 26 June 2011:

http://www.adalah.org/eng/pressreleases/pr.php?file=26-2_06_11

of the draft law granting preference to discharged soldiers in the civil service will amplify the inequality, contradict the purpose behind Section 15A(a) of the Civil Service (Appointments) Law, and thwart still further the application of the aforementioned government resolutions.

Question 10. Please provide up-to-date information on employed persons by occupation, sex and population group since 2005. Please also elaborate upon steps taken to address the following reported obstacles to employment by the Arab Israeli population:

- The use of the military service criterion;
- The limited employment opportunities in towns and villages;
- The shortage of State-run day-care centres for children;
- A near absence of public transportation from towns and villages to central cities.

On the various obstacles to the employment for Arab citizens of Israel, please refer to Adalah's NGO Report to the CESCR, October 2010, pp. 8-9.

In the context of the use of the military service criterion as an obstacle to the employment of Arab citizens of Israel, please also see Adalah's response to question 9, above.

The lack of state daycare centers: According to new data published by the Sikkuy association, only 10% of state daycare centers are located in towns and villages ranked in the bottom three socio-economic clusters (clusters 1-3 on a 10-point scale, of which cluster 1 is the lowest and cluster 10 the highest).⁵² Arab citizens of Israel constitute around 72% of the population of towns and villages ranked in clusters 1-3, but only around 18% of the daycare centers in these clusters are available to them.⁵³ These figures highlight the far greater efforts on the part of the state that are required to overcome this barrier to employment for Arab women citizens of Israel.

Further, a substantially higher percentage of Arab citizens (59.1%) have reported that they were not employed on a full-time basis because they were unable to find work; only 23.9% of Jewish citizens indicated they were unable to find full-time work.⁵⁴ In addition, 43% of unemployed Arab women have indicated that they would be prepared to accept employment immediately if offered the opportunity.⁵⁵

Question 13. Please provide up-to-date information on the wage differences between men and women by sectors, and indicate what measures have been taken to ensure equal pay for work of equal value.

According to official state statistics, the average gross monthly income of a female employee in 2009 was NIS 6,280, 66% of that of a male employee. Part of the discrepancy in employee income

⁵² Sikkuy – The Association for the Advancement of Civic Equality, *From Barriers to Opportunities*, August 2010: <http://www.sikkuy.org.il/english/hasamim/mediniuteng.pdf>

⁵³ Ibid.

⁵⁴ OECD, *Labour-Market and Socio-Economic Outcomes of the Arab-Israeli Population*, 18 March 2010, p. 25:

[http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM\(2010\)2&doclanguage=en](http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM(2010)2&doclanguage=en)

⁵⁵ Dr. Yosef Jabareen, *Employment of Arabs in Israel*, The 18th Caesarea Forum, June 2010:

<http://www.idi.org.il/sites/english/events/TheAnnualEconomicForum/Pages/EconomicConference2010.aspx>

can be attributed to differences in working hours: female employees work an average of 36 hours per week compared to an average of 45 hours among male employees. However, a women's average income per work hour (NIS 42.6) was still only 85% of that of a male employee (NIS 50.4).⁵⁶ The average monthly income of a female Arab employee stood at NIS 4,387 in 2009, just 65% of that of a female Israeli Jewish employee, at NIS 6,716.⁵⁷ According to the OECD, in 2007 the wage gap between Arab and Jewish women was widest among skilled workers and academics: Arab women in these professions earned 70-75% of the wage of comparable female Jewish employees.⁵⁸

In its response to the List of Issues, Israel does not provide information on specific measures taken to address discrimination against Arab women employees in wages, and the information it provides about discrimination against Arab citizens in general is vague and lacking in figures. However, measures taken by the Equal Employment Opportunities Commission to address wages and participation rates of Arab women have thus far been insufficient, as the aforementioned statistics show, together with an extremely low rate of labor force participation among Arab women citizens of Israel – 22.5% in 2010⁵⁹ – affirm. Furthermore, the *Equal Employment Opportunities Law* – 1988 and the *Male and Female Workers (Equal Pay) Law* – 1996 are difficult to enforce and employees who do want to bring cases before court are faced with the high cost and time needed to take legal action.⁶⁰

Question 15. Please provide information on the wage levels by occupation, disaggregated by population group, in particular Jews and Arab Israelis.

The hourly wage of an Arab male is on average 30% lower than that of a Jewish male who holds the same level of education.⁶¹ According to official state statistics, the gross average monthly income for an Arab employee in 2009 was NIS 5,348 compared to a monthly gross income of NIS 8,779 for a Jewish employee, i.e. 39% less.⁶² The data provided in Israel's response (pp. 103-105) further indicates that in 2009 the gross income per work hour among Arab citizens was 32.4% less than among "Jews and others", at 32.1 NIS compared to 47.5 NIS. Furthermore, there are larger differences in wages based on type of occupation among Jews, which may demonstrate a greater return for education and professional training for Jewish workers than Arab workers.⁶³

Data provided by Israel's response to the List of Issues (pp. 103-105) shows differences in gross income per work hour between "Jews and others" and "Arabs," with Arab employees earning less per hour in every occupation. The gap is largest among workers in managerial positions, with Arab

⁵⁶ Israeli Central Bureau of Statistics, *Selected Data for International Women's Day 2011*, 6 March 2011: http://www1.cbs.gov.il/hodaot2011n/11_11_050e.pdf

⁵⁷ Israeli Central Bureau of Statistics, *Gross Income per Employee, by Population Group, Continent of Birth, Period of Immigration and Sex*, Table 25: <http://www1.cbs.gov.il/www/publications11/1439/pdf/t25.pdf>

⁵⁸ OECD, *Labour-Market and Socio-Economic Outcomes of the Arab-Israeli Population*, 18 March 2010:

[http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM\(2010\)2&doclanguage=en](http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM(2010)2&doclanguage=en)

⁵⁹ Israeli Central Bureau of Statistics, *Statistical Abstract of Israel 2011*, No. 62, Table 12.1.

⁶⁰ OECD, *Reviews of Labor Market and Social Policies: Israel*, 2010, p. 164:

http://www.hakoled.org.il/webfiles/fck/OECD_Reviews_of_Labour_Market_and_Social_Policies.pdf

⁶¹ Dr. Yosef Jabareen, *Employment of Arabs in Israel*, The 18th Caesarea Forum, June 2010:

<http://www.idi.org.il/sites/english/events/TheAnnualEconomicForum/Pages/EconomicConference2010.aspx>

⁶² Israeli Central Bureau of Statistics, *Gross Income per Employee, by Population Group, Continent of Birth, Period of Immigration and Sex*, Table 25: <http://www1.cbs.gov.il/www/publications11/1439/pdf/t25.pdf>

⁶³ OECD, *Labour-Market and Socio-Economic Outcomes of the Arab-Israeli Population*, 18 March 2010:

[http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM\(2010\)2&doclanguage=en](http://www.oecd.org/officialdocuments/displaydocumentpdf?cote=DELSA/ELSA/WD/SEM(2010)2&doclanguage=en)

managers earning 55.5% less per work hour. Arabs employed as academic professionals, technicians and clerical workers earned on average 21-23.5% less than Jewish and other employees per hour. The gap is smallest between unskilled workers, but Arab workers in this sector still earn 10.18% less per hour.

According to the OECD, in 2007 the wage gap between Arab and Jewish men was widest among skilled workers and clerical, sales and service workers: the wage of Arab employees in these occupations was 69-71% of the wage of comparable Jewish workers.⁶⁴ The hourly wage of unskilled Arab workers and of Arab men in academic and associated professions was 80-82% of that of comparable Jewish workers.⁶⁵ For women, the wage gap was widest among skilled workers and academics: Arab women in these professions earned 70-75% of the wage of comparable female Jewish employees.⁶⁶

Of additional concern is discrimination in the labor market, which is widely recognized as a likely determinant of employment and wage rates.⁶⁷ According to a study conducted in 2009 by Ono Academic College, surveyed employers “expressed hesitation” about the employment of Arabs in quality professions.⁶⁸ These employers indicated that they tended to pay Arab employees lower salaries and assumed that Arab employees would be have a harder time integrating into work teams and meeting job demands. The most significant obstacle for the employers was a lack of military service, which they believed was a “platform for personal growth.”

Question 18. Please clarify why, since 2002, the number of persons eligible for unemployment benefits has reportedly been reduced by half, and why, in 2007, only a quarter of the unemployed were entitled to unemployment benefits.

Israel’s reported unemployment rate in the civilian labor force is 6.7%.⁶⁹ The rate of unemployment within the civilian labor force (ages 15-64) is 11.1% for Arabs, compared to 6.9% for Jews. The gap is higher for women: the rate of unemployment for Arab women (15.4%) is almost double that of Jewish women (7.5%). For more information on unemployment among Arab citizens of Israel, please refer to Adalah’s NGO Report to the CESCR, October 2010, pp. 8-9.

However, according to Israel’s responses to the Committee’s List of Issues (pp. 108-109) only 28.3% of Israel’s working population was eligible for unemployment benefits in 2010. According to Israel’s responses, this low eligibility is the result of “several legislation amendments” that took place in 2002-2003, which included extending the qualification period for unemployment benefits, even though *shortening* the qualification period is necessary for the provision of an effective safety net.⁷⁰

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ono Academic College, *Excluded – Educated People in Quality Professions in Israeli Society*, Kiryat Ono, 11 November 2009 (excerpts) (Hebrew).

⁶⁹ Association for Civil Rights in Israel, *Social and Economic Rights in Israel 2011*, 14 May 2011:

<http://www.acri.org.il/en/?p=2389>

⁷⁰ OECD, *Reviews of Labor Market and Social Policies: Israel*, 2010, p. 22:

http://www.hakoled.org.il/webfiles/fck/OECD_Reviews_of_Labour_Market_and_Social_Policies.pdf

Israel's spending in the area of social policy declined from its peak in 2002 (18.9% of GDP) to 15.8% of GDP in 2007, approximately six points below the OECD average, as a result of decreasing income transfers and benefits to the working-age population (including unemployment benefits).⁷¹ These policies, combined with lax labor law enforcement,⁷² are detrimental to vulnerable workers, including Arab employees. In 2010, the OECD found that, "Arab workers get little help in pursuing their rights vis-à-vis their employees."⁷³

In addition, relatively few professional training programs have been provided by the state, and Israel's Employment Service has a budget equating to just 0.02% of GDP, which is twenty times lower than the average in OECD countries (at 0.4% of GDP).⁷⁴ The public employment service is under-staffed, resulting in high caseload-to-staff ratios that restrict the effectiveness of support to the unemployed.⁷⁵ These policies can obstruct the search for full-time work.

These unemployment policies are indicative of a more widespread government failure to address economic burden and social inequality felt by lower- and middle-class Israeli citizens. Following the wave of social protests beginning in July 2011 to demand social justice, the government established a Committee on Socioeconomic Change. This committee, also known as the Trajtenberg Committee, submitted its recommendations for change to the government on 26 September 2011. As the Committee states in its report, "The failures of government have significant implications for the standard of living, equality, and for the ability of Israel to flourish."⁷⁶

Initially, the fourteen members appointed to the Trajtenberg Committee did not include any Arab representation, and Mr. Ayman Saif was the only Arab appointed to the additional team of economic experts.⁷⁷ Following protest at the lack of Arab representation and the scarcity of women on the committee, Dr. Rabia Basis, a Druze woman, was added to its housing committee.⁷⁸

The recommendations of the Trajtenberg Committee have met with much disappointment from the protest leaders, opposition parties, and major coalition partners. These individuals argue that greater change is necessary and expected, and that some demands were neglected in the Committee's report. The Committee's recommendations consider main concerns of the Israeli Jewish community in Israel, while neglecting serious areas of concern for Arab citizens of Israel in employment, housing and others matters. One recommendation of concern is, for example, to increase rates of

⁷¹ Ibid. p. 18.

⁷² Ibid. p. 20.

⁷³ Ibid. p. 27.

⁷⁴ Association for Civil Rights in Israel, *Social and Economic Rights in Israel 2011*, 14 May 2011: <http://www.acri.org.il/en/?p=2389>

⁷⁵ OECD, *Reviews of Labor Market and Social Policies: Israel*, 2010, p. 107:

http://www.hakoled.org.il/webfiles/fck/OECD_Reviews_of_Labour_Market_and_Social_Policies.pdf

⁷⁶ Meirav Arlosoroff, "Bottom Shekel / They wanted social justice? They got it," *Haaretz*, 27 September 2011.

⁷⁷ The Abraham Fund Initiatives, "Trajtenberg Committee does not include Arab representation—Abraham Fund's appeal to Professor Trajtenberg," 9 August 2011:

<http://www.abrahamfund.org/main/siteNew/?page=52&action=sidLink&stId=2565>

⁷⁸ Dahlia Scheindlin, "Arab social justice needs heard by the gov't—what about J14?" 30 August 2011.

national service and tying workforce development to national service, which is adamantly rejected by the Arab community.⁷⁹

Question 21. Please indicate whether the State party is planning to revoke the Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003 and take alternative measures that would guarantee and facilitate family reunification for all citizens and permanent residents. In addition, please provide information on the number of requests for entry into Israel received on a yearly basis since 2003, and specify the number of those that have been denied entry and the reasons why.

The Citizenship and Entry into Israel Law was last extended by the Knesset on 23 July 2011 for an additional six months, and is currently valid until 31 January 2012, when a further extension is expected. There are no indications that Israel is planning to revoke the law. A Supreme Court petition filed by Adalah in 2007 against new amendments to the law which impose even more restrictions on family unification for Palestinian citizens of Israel remains pending.⁸⁰

For information on the implementation of the Citizenship and Entry into Israel Law, including detailed data that demonstrates the disproportionate nature of the provisions of the law and the security pretexts used by the state to justify the law, please refer to Adalah's NGO Report to the CESCR, October 2010, pp. 16-19.

Question 22. Please provide up-to-date information on the number of households that live below the national poverty line, in the State party, including in the Occupied Palestinian Territories, disaggregated by population group. Please also provide detailed information on public expenditure to fight poverty in particular for the most marginalized and disadvantaged groups in society, and indicate its effect on reducing the extent and depth of poverty.

For information on poverty rates for the Arab minority in Israel, please refer to Adalah's NGO Report to the CESCR, October 2010, pp. 13-16. See also information on two state policies that act to increase poverty levels among some of the most marginalized and disadvantaged groups in society: Amendment no. 113 to the National Insurance Law, which stipulates that if a child does not receive vaccinations recommended by the Ministry of Health, his or her state-funded child allowance payments will be cut by 60%⁸¹; and Article 9A(b) of the Income Support Law – 1980 and Article 10(c) of the Income Support Regulations – 1982, which prevented unemployed car owners and users from receiving secured income support allowances. See Adalah's NGO Report to the CESCR, October 2010, pp. 11-13, 50.

⁷⁹ See, e.g., Mohammad Darawshe and Amnon Be'eri Sulitzeanu, "Israel's social 'change' mustn't come at expense of its Arab citizens," *Haaretz*, 16 October 2011: <http://www.haaretz.com/print-edition/opinion/israel-s-social-change-mustn-t-come-at-expense-of-its-arab-citizens-1.390153>

⁸⁰ HCJ 830/07, *Adalah v. The Minister of the Interior, et al.*

⁸¹ See also Adalah news update, "Israeli Supreme Court Orders State to Explain Why New Law that Threatens Cuts to Child Allowances for thousands of Arab Bedouin Children is Legal," 15 September 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=15_09_11

Although Israel's response to the List of Issues did not contain information on poverty rates disaggregated by population group (p. 115), the figure quoted in its response that in 2009, 14,300 of the 15,000 families that were added to the poor population (95.3%) were Arab families points to the over-representation of Arab citizens of Israel among the country's poor. It also calls into question the efficacy of any measures taken to fight poverty among the most marginalized and disadvantaged groups in society, which include Arab citizens of Israel.

According to information published by Israel's National Insurance Institute in 2011, there was an increase of 1.2% in the number of Arab families living below the poverty line between 2009 and 2010, compared to a decrease of 8.3% in the number of Jewish families living below the poverty line in the same period.⁸²

Question 32. Please indicate the reasons why the dropout rate is systematically higher in Arab education compared to Hebrew education, especially in Grade 9, as illustrated in table 40 of paragraph 566 of the periodic report. Please indicate which measures have been taken to address this issue.

Dropout rates are particularly high in the Arab Bedouin unrecognized villages in the Naqab, where there are still no high schools. According to information published in 2010 by the Knesset's Research and Information Center, there was a total of approximately 107,000 children and teenagers in the Arab Bedouin population in Israel, of whom just 75,000 (70%) were studying in the education system.⁸³ Furthermore, as a result of the under-investment in education and schools, in 2009 only 29.4% of the Arab Bedouin pupils in the Naqab who remained in the education system were entitled to a matriculation certification (the *Baghrouit*) in grade 12, compared to 52.2% of Jewish pupils and 34.4% of Arab pupils overall.⁸⁴ The ongoing lack of schools, particularly but not exclusively in Arab Bedouin communities, is a main contributing factor to the consistently high dropout rates that are recorded in the state Arab education system in Israel, together with systemic underinvestment and overcrowding.

For example, there is a chronic shortage of drop-out counselors (*kabbasim*) in Arab Bedouin schools. In response to a petition submitted by Adalah in 2003,⁸⁵ the Israeli Supreme Court ruled in 2005 that there was an obvious inequality in the assignment of drop-out counselors among the Arab Bedouin and Jewish sectors in the Naqab, and that the principle of equality required the assignment of more counselor positions to regions and sectors where the problem of dropping-out is worse. The court further ruled that the state's appointment of drop-out counselor positions should be accomplished within a "reasonable" timeframe. However, in fact, there has been a decline in the appointment of drop-out counselors in Arab Bedouin schools since 2005: according to official statistics, in 2011 just 6 of the recommended 49.9 drop-out counselors (12.02%) were working in schools in the Arab Bedouin

⁸² The National Insurance Institute, Trends in Developments in poverty and Standards of Living for the First Half of 2010, 11 March 2011 (Hebrew): http://www.btl.gov.il/Publications/oni_report/Documents/oni0311.pdf

⁸³ Knesset's Research and Information Center, "Employment of children from the Bedouin sector in agriculture in South," 21 June 2011: <http://www.knesset.gov.il/mmm/data/pdf/m02568.pdf>

⁸⁴ National Council for the Child, "Current data from the yearbook 'Children in Israel – 2010,'" 11 March 2011: <http://www.children.org.il/Files/File/leket%20netunim%202010.doc>

⁸⁵ HCJ 6671/03, *Munjid Abu Ghanem, et al. v. The Ministry of Education, et al.* (decision delivered 24 January 2005).

towns in the Naqab, a fall from the 8 of 45.8 recommended positions (17.5%) that were working in these towns in 2005.⁸⁶

Further, despite a Supreme Court decision stipulating that the state would establish and operate the first high school in the region of Abu Tlul – El-Shihabi by 1 September 2009, the school has still not been opened. This region is home to approximately 12,000 Arab Bedouin citizens and around 750 female and male students are of high school age; however, only approximately 170 attend high school. The rest, around 77% of the total, drop out of the system permanently, as a direct consequence of the lack of a local high school. The Ministry of Education has argued before the Supreme Court that it has no principle objection to opening a high school on the site, but is conditioning it on continuing the slow-paced planning processes for the area, without a timetable for action. As a result, there is still no deadline scheduled for the opening of the school. For more information on this case, please refer to Adalah's NGO Report to the CESCR, October 2010, p. 39.

Moreover, while Israel lists four programs to reduce drop-out rates in the Arab population (the MELA Program, the MENA Program, the MENIFA Program, and Youth and family clubs) (pp. 130-132), it regrettably does not provide details of how many Arab youth has benefitted from these programs, the budget for these programs, or their effectiveness.

Question 33. Please indicate measures taken to address the serious shortage of classrooms in schools for Arab Israeli children.

The Israeli Central Bureau of Statistics reports that at primary school level, the average number of pupils in a class in the Hebrew education system in 2009/2010 stood at 24.4 pupils, and in the Arab education system at 28.1 pupils, i.e. an increase of 3.7 pupils on average.⁸⁷ Moreover, classroom sizes in the Arab education sector have fallen only marginally over the last decade: in 1999/2000, the average number of pupils in a class in the Hebrew education system was 24.5 pupils, compared to 29.6 pupils in the Arab education system, i.e. a fall in the number of pupils per class of just 1.5 pupils over ten years.⁸⁸ The persistent gap in classroom sizes calls into question the adequacy of any measures taken by Israel to reduce the shortage of classrooms in Arab primary schools.

The gap between the Hebrew and Arab education systems is also persistent at the secondary school level. In 2009/2010, there was an average of 26.5 pupils in a class in the Hebrew education system, compared with 29.5 pupils in the Arab education system, i.e. an average gap of 3 pupils.⁸⁹ In 1999/2000, there was an average of 27.7 pupils in a class in the Hebrew education system, compared with 30.1 pupils in the Arab education system.⁹⁰ In fact, despite the relatively overcrowded situation in Arab secondary schools, over the decade between 1999/2000 to 2009/2010, average class sizes in the Hebrew education system fell twice as quickly as in the Arab education system, by 1.2 pupils compared to 0.6. These figures clearly demonstrate the need for additional investment in the Arab education system to bring down class sizes.

⁸⁶ Knesset's Research and Information Center, "Employment of children from the Bedouin sector in agriculture in South," 21 June 2011: <http://www.knesset.gov.il/mmm/data/pdf/m02568.pdf>

⁸⁷ Israeli Central Bureau of Statistics, *Statistical Abstract of Israel 2010*, No. 61, Table 8.7.

⁸⁸ Ibid.

⁸⁹ Israeli Central Bureau of Statistics, *Statistical Abstract of Israel 2010*, No. 61, Table 8.17.

⁹⁰ Ibid.

Question 37. Please provide information as to whether the Arabic language is systematically used, in addition to Hebrew, in public administration at the local and national level, in the court system, as well as with regard to road signs.

Since the establishment of the State of Israel in 1948, Arabic has held the status of an official language, alongside Hebrew. In practice, however, Arabic is used minimally in the public sphere and by public institutions. A new bill pending before the Knesset seeks to cancel the official status of Arabic through a new basic law – Basic Law: State of the Jewish Nation – which, inter alia, would leave Hebrew as the sole official language of the state. According to the bill, Arabic would be relegated to a “special status”.⁹¹ The bill contains a range of additional provisions that privilege Jewish citizens of Israel over their Arab counterparts, including that: Jewish law will serve as a source of inspiration for the legislature; that the state will preserve the cultural and historic heritage of the Jewish people in Israel and in the Diaspora; and that the State of Israel is the national home for the Jews only, in which to realize their self-determination according to their cultural and historical heritage, that the right to realize national self-determination in Israel is unique to the Jewish people, and that any other Basic Law or legislation should be interpreted in accordance with this exclusive right. The bill was tabled on 3 August 2011 by 40 Members of Knesset.⁹²

In the court system, as detailed in Adalah’s NGO Report to the CESCRC, October 2010, pp. 41-47, Supreme Court decisions are not translated into Arabic, even those of direct relevance to Palestinian citizens of Israel and Palestinians in the OPT, and individuals are sometimes required to provide notarized translations of official documents from the religious courts from Arabic to Hebrew, which incur significant expenses. On 20 April 2010 Adalah sent a letter to the Director of Courts and the Ministry of Justice asking that major decisions with significance for Arabic speakers be translated and published in Arabic on the Supreme Court’s website. The Director of Courts responded on 16 May 2010 that for budgetary reasons the translation of court decisions to Arabic was “complicated” but under consideration. In response to a further letter sent by Adalah after no progress had been made in the issue, the Court Administration replied on 9 August 2011 that it had been unable to find the translators it needed and asked for Adalah’s help in identifying translators.⁹³

With regard to Arabic road signs, the Municipality of the mixed Arab-Jewish city of Natserat Illit, for example, continues to violate the Israeli Supreme Court’s judgment delivered in 2002 on a petition submitted by Adalah and the ACRI, which obliges the municipalities in mixed cities to add Arabic to the traffic and warning signs as well as other informational signs in areas under their jurisdiction.⁹⁴ In 2011, the municipality continued to request extensions from the court to implement the decision within its jurisdiction. On 13 September 2011, the Supreme Court decided that the Municipality of Natserat Illit must implement the ruling according to a timetable that it

⁹¹ The bill contains a range of additional provisions that privilege Jewish citizens of Israel over their Arab counterparts, including in the cultural and religious spheres, including that Jewish law will serve as a source of inspiration for the legislature, that the state will preserve the cultural and historic heritage of the Jewish people in Israel and in the Diaspora. An unofficial translation of the bill to English is available at: <http://www.acri.org.il/en/wp-content/uploads/2011/08/jewish-nation-bill.pdf>

⁹² See, e.g., Jonathan Lis, “Lawmakers seek to drop Arabic as one of Israel’s official languages,” *Haaretz*, 4 August 2011: <http://www.haaretz.com/print-edition/news/lawmakers-seek-to-drop-arabic-as-one-of-israel-s-official-languages-1.376829>

⁹³ Correspondence on file with Adalah.

⁹⁴ H.C. 4112/99, *Adalah, et al. v. The Municipality of Tel Aviv-Jaffa, et al.* (decision delivered 25 July 2002).

suggested in 2008, and ordered it to pay NIS 5,000 in legal expenses. Please also refer to Adalah's NGO Report to the CESCR, October 2010, pp. 41-47.

Question 38. Please indicate how the State party effectively guarantees the preservation of non-Jewish holy sites and their protection from desecration, as well as peaceful access to these sites by their respective local and international religious communities.

On 22 June 2011, after nearly ten years of deliberation, the Supreme Court of Israel delivered a precedent-setting judgment, ruling that the Big Mosque in Beer el-Sabe (Beer Sheva) in the Naqab (Negev) should be turned into an "Islamic Museum."⁹⁵ The petitioners, Muslim religious leaders and community activists represented by Adalah, had asked for the Ottoman-era mosque to be reopened as a place of worship. The Beer el-Sabe Municipality, however, argued that the building should be used as "general museum" and that a mosque in the city would endanger public order and safety. The court ruled that the petitioners could approach the planning authorities to ask that the purpose of the building be changed from a museum to a mosque.⁹⁶

Despite the court's ruling, the municipality continues to use the grounds of the mosque for general community events. With shocking insensitivity to Muslims and Muslim religious groups, the Beer el-Sabe Municipality held a **wine and beer festival on the grounds of the mosque** on 14-15 September 2011,⁹⁷ even though alcohol is strictly forbidden in Islam. The use of the mosque for such purposes demonstrates disrespect and disregard for the holy sites of religious minorities in Israel. This desecration should be viewed in the context of the Israeli Supreme Court's decision of March 2009 decision on a petition demanding that Israel promulgate regulations for the protection of Muslim holy sites in Israel, in accordance with the Protection of Holy Sites Law – 1967.⁹⁸ Of the 135 sacred places to have been declared as holy sites in Israel, *all* are Jewish. See also Adalah's NGO Report to the CESCR, October 2010, pp. 46-47.

Question 39. Please provide information on measures taken to guarantee the protection of the cultural heritage of the various population groups in the State party. Please also provide information on how the cultural heritage is reflected in the school curriculum as well as in the cultural events and activities in the State party.

The Education Ministry retains centralized control over the form and substance of the curriculum for all schools in Israel, including Arab schools. *The State Education Law (1953)*, as amended in February 2000, sets educational objectives for state schools that emphasize Jewish history and

⁹⁵ See H CJ 7311/02, *The Association for Support and Defense of Bedouin Rights in Israel, et al. v. The Municipality of Beer Sheva, et al.* (decision delivered 22 June 2011). The Big Mosque, which was built in 1907 and ceased functioning as a place of worship in 1948, is the only mosque in Beer el-Sabe, a city that has 6,000 Arab residents. At the same time, there is approximately one synagogue for every 700 Jewish residents of the city. The mosque is central to the religious and cultural history of the local Muslim community, and petitioners are now discussing how best to proceed following the court judgment.

⁹⁶ See Adalah news update, 24 June 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=24_06_11

⁹⁷ See invitation to 3rd Annual Wine and Beer Festival, "Salute 2011": http://www.gonegev.co.il/beer-sheva/gp.asp?gp_id=1796

⁹⁸ See H CJ 10532/04, *Sheikh Abdullah Nimr Darwish, et al. v. Minister of Religious Affairs, et al.* (petition rejected 16 March 2009).

culture. Article 2 of the law specifies that the primary objective of education is to preserve the Jewish nature of the state by teaching its history, culture, language, and so on. Article 2(11) stipulates that one objective of education is to acknowledge the needs, culture and language of the Arab population in Israel. However, this rather weakly-worded article is not being implemented, and this objective has not been realized. In reality, students in Arab state-run schools receive very little instruction in Palestinian or Arab history, literature and culture, and spend more time learning the Torah than the Qur'an or the New Testament. While state religious schools established only for religious Jewish students maintain autonomous control over their curricula, the curriculum for Arab state schools is entirely determined by the state. While Arab schools do have a separate curriculum taught in Arabic, it is designed and supervised by the Education Ministry, where Arab educators and administrators have little-to-no decision-making powers.

In March 2011, the "Nakba Law," technically an amendment to the Budget Foundation Law, was enacted by the Knesset. The term *Nakba* ("catastrophe" in Arabic) is used to refer to the mass expulsion of Palestinians and the destruction and confiscation of Palestinian land and property that accompanied the establishment of the State of Israel in 1948, a seminal event in Palestinian history. The new law authorizes the Finance Minister to reduce state funding or support to an institution if it holds an activity that rejects the existence of Israel as a "Jewish and democratic state" or commemorates "Israel's Independence Day or the day on which the state was established as a day of mourning." Palestinians traditionally mark Israel's official Independence Day as a national day of mourning and organize commemorative events. The law violates their rights, and restricts their freedom to express their opinion, and will cause substantial harm to cultural and educational institutions. The law also denies Arab citizens the right to preserve their history and culture. The law deprives Arab citizens of their right to commemorate the Nakba, an integral part of their history.⁹⁹ The new law follows a report issued by the Education Ministry entitled "The Government of Israel Believes in Education" in 2009, which instructs that references to the word "Nakba" be removed from new Arabic textbooks.¹⁰⁰ The exclusion of the Nakba from the Arab education system in Israel and the punitive measures imposed on bodies which hold commemorative events to mark it is indicative of the lack of protection for the Palestinian cultural heritage in the State of Israel.

Please also refer to Adalah's NGO Report to the CESCR, October 2010, pp. 41-47.

⁹⁹ On 4 May 2011, Adalah, ACRI, the parents of school children and school alumni petitioned the Supreme Court, requesting it to rule the Nakba Law unconstitutional. HCJ 3429/11, *The Alumni Association of the Arab Orthodox School in Haifa, et al. v. The Knesset, et al.* (case pending). See Adalah news update, 5 May 2011: http://www.adalah.org/eng/pressreleases/pr.php?file=05_05_11. See also Sawsan Zaher, "The Prohibition on Teaching the Nakba in the Arab Education System in Israel," *Adalah's Newsletter*, vol. 74, August/September 2010: <http://www.adalah.org/newsleter/eng/sep10/docs/Sawsan%20Nakba%20English%20final.pdf>

¹⁰⁰ Gideon Saar, "The Government of Israel Believes in Education," August 2009 (Hebrew): http://meyda.education.gov.il/files/owl/hebrew/alsederhayom/education_presentation_final_opt.pdf. The report was adopted by the Ministry of Education and is being implemented.