

Forced Evictions

Palestinian Arab citizens are the principal and disproportionate targets of evictions through the "gentrification" of historic Palestinian structures and districts in the mixed (Jewish & Arab) cities. "Protected tenants," who have inhabited homes in indigenous neighbourhoods (including IDPs) after the Zionist conquest and depopulation of towns and villages since 1948, are the frequent victims. Jewish investors and local judges collude in the position to evict these poorer and underhoused citizens, typically without compensation and, in some cases, with heavy penalties imposed on evictees.³⁸⁶

The housing stock for many Palestinian Arabs in the mixed cities has become dilapidated, due to restrictive rental agreements (prohibiting repair). Typically, those residents are IDPs originating from historic Arab villages or towns (e.g., `Akka, Haifa and Yaffa) and have found shelter in the old Palestinian-owned houses that Zionist forces depopulated in the 1940s and that the government-controlled housing corporations have controlled and rented out ever since.

Israel destroyed and/or depopulated at least 531 Palestinian villages in the context of provocations to, conduct of and aftermath of the 1948 War. Israeli forces deliberately razed 70% of them to the ground; 22 % were "largely destroyed"; less than 2% were only slightly destroyed; less than 2% were taken over by Israeli settlers, and the status of the remaining 5% is undetermined, either because they were closed security zones, incorporated into Israeli settlements, or their original status was unclear.³⁸⁷

Israel's demolition and depopulation of those villages and other partial towns remain unrestituted and uncompensated to date, and Jewish immigrants occupy many of the standing properties as secondary occupants. The value of this destruction, confiscation and related loss has been estimated at

See evictions in context of Article 5 (e)(iii) the right to housing above.

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US\$253 billion (in 1994 US dollars).³⁸⁸ Approximately 200,000 victims and their descendants—the compensation right holders—live in the State of Israel as citizens. By virtue of its Basic Law: Law of Absentee Property (1948) and other laws, Israel refuses to return the homes and properties of Palestinian citizens of Israel who are refugees and "present absentees."

4. The right to public health, medical care, social security and social services

Public health

The Israeli Social Insurance Law, applied to all Israeli citizens, allows for families supporting children under the age of 18 to apply for child benefits. As of July 2002, the Emergency Economic Law 2002–03 has reduced this social support by 4% to everybody who serves in the military, and by 24% to citizens who do not serve in the military. That creates an arbitrary basis and indirect form of discrimination against Muslim and Christian Arab citizens since they do not serve the military. (Of the indigenous population, only the Druze Arabs serve in the State party's military.)

The life expectancy gap

Although in both major population groups in Israel—Jews and Arabs—infant mortality has fallen and life expectancy has risen over the years, the gap between the two groups has persisted. Infant mortality among Arabs in Israel in 2002 was 8.4 per thousand live births while among Jews it was 3.6. The figure for Naqab Bedouin is disproportionately high and demands urgent attention.³⁸⁹

Israeli Arabs underwent a 6% increase in infant mortality in 2005, compared to a 13% drop among Jews. In 2004, 143,956 babies were born in Israel. Of them, 681 died: 331 Jews and 350 Arabs. The overall infant mortality rate in 2004 was 4.73 per 1,000 live births. Deaths among Jews were 3.17 per 1000 live births, while among Arabs the

According to Article 38(2) of the Fourth Geneva Convention, Israel, as the occupying power, has an obligation to ensure that Palestinians in the West Bank and Gaza Strip "receive medical attention and hospital treatment to the same extent" as do Israeli citizens³⁹¹. The Convention also stipulates that Israel must:

- ensure the food and medical supplies of the occupied population (Article 55);
- ensure and maintain the medical services, public health and hygiene in the occupied territory, and ensure that medical personnel of all categories can carry out their duties (Article 56);
- treat the occupied population humanely at all times (Article 27).

The restriction of movement imposed on the Palestinians throughout the oPt has a direct effect on their access to health facilities and the obtaining of medical care. In 2002, the Palestinian Ministry of Health (PMH) found that hospitals operated to only 30% of their maximum capacity due to the restrictions on access faced by both doctors and patients.³⁹² Hospitals and medical centres in the areas of Hebron, Jenin and Tulkarem found that their operations were seriously obstructed by the imposition of curfews, roadblocks and checkpoints during the second Intifada.³⁹³ There is a direct link between the deaths of seriously ill or injured Palestinians travelling

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rate was 8.87 per 1,000, 2.8 times higher than among Jews.³⁹⁰

The main cause of death in Jewish infants in Israel is premature birth, while among Arabs the main cause of death is birth defects. Nonetheless, the rate of infant mortality from both causes is higher among Arab infants. The mortality per 1,000 live premature births among Arabs was 2.62 in 2003, as compared with 1.95 among Jews. Thus, the prospects for survival for a Jewish baby born prematurely are better than the prospects for an Arab baby born prematurely.

Availability of, and access to, physician specialists:

In Arab towns, medical specialty services are rare or nonexistent in many fields, whereas more than half of Jewish towns did have such services available. The missing medical specialties for the Arab community include:

Cardiology, pulmonary medicine, industrial medicine, proctology, plastic surgery, allergy and clinical immunology, consultative internal medicine, rheumatology, diabetes, endocrinology, psychiatry.

from rural areas toward city hospitals, and the time they have to spend being held at checkpoints and using alternative routes due to road closures.³⁹⁴ There have also been instances where ambulances have been forced to wait at checkpoints for lengthy periods of time, either on their way to collect a patient, or with a patient already on board.³⁹⁵

Those most severely affected are from rural areas, where roughly 70% of the Palestinian population lives.³⁹⁶ A number of villages are denied access to a practicing doctor for several months at a time, as restrictions on travel prevent doctors from moving between villages.³⁹⁷ Access to and from major cities in order to reach medical centres was made particularly difficult with the imposition of road closures, especially during the second Intifada. Access is fundamental for the transportation of patients, drugs, and medical assistance, and with unpredictable restrictions on travel, there is little guarantee that people and medicine will consistently arrive in time. In 2002, these restrictions led to a situation in which ambulances were able to pick up patients at their requested location only 30% of the time. At all other times they were forced to meet the ambulance at checkpoints or roadblocks.³⁹⁸ According to a UN report in September 2005, the completion of the Wall will result in only 39% of the Palestinian population in the area surrounding East Jerusalem having access to health facilities, and 120,000 Palestinian children being deprived of vaccinations.³⁹⁹ Settlers in the OPT, however, have complete access to medical facilities, and are not detained or restricted en route, especially in emergency situations.

Meanwhile, the destruction of water and sanitation infrastructure has resulted in decreased average per capita availability of water, as well as in contaminated drinking water causing increased gastrointestinal infections especially among children.⁴⁰⁰ Power and

water cuts during prolonged curfews have increased the number of diarrhea cases. Overcrowding in schools during incursions in Rafah led to an outbreak of chickenpox among young children.⁴⁰¹ A severe outbreak of mumps afflicted Nablus-area camps and villages from autumn 2003 until August 2004, affecting 2,190 children, 73% of whom previously had been vaccinated.⁴⁰²

Further, there is also an epidemiological shift characterized by increased incidences of noncommunicable diseases such as diabetes mellitus, cardiovascular diseases and cancers, which place additional burden on UNRWA's scarce human and financial resources.⁴⁰³ Moreover, 45.3% of households have had difficulty accessing health services for financial reasons, 40.1% due to Israeli closures, 38.3% because of military checkpoints, and 8.9% because of the barrier.⁴⁰⁴ In barrier-affected areas, 73.7% of Palestinians living in "closed areas" reported difficulty accessing health facilities and services.⁴⁰⁵ Restrictions on Palestinian Ministry of Health vehicles and staff have limited outreach services, i.e. immunization in remote areas, which are now being provided only on an exceptional basis with United Nations logistical and material support.⁴⁰⁶

A Palestinian woman's right to health:

Restricted access to health services, due to the variety of closure systems used by the IOF, has resulted in a multitude of avoidable health problems experienced by all Palestinians, but particularly women and children.

Malnutrition is common among many expectant women and between October 2003 and September 2004 WHO found that 69.7% of 1,768 expectant women within one month of delivery were anaemic. Overall, 31% of pregnant Palestinian women in the OPT are anaemic.⁴⁰⁷

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	<p>Only 53.2% of women gave birth in government hospitals and/or healthcare centres.⁴⁰⁸ Between September 2000 and October 2004, 70 women delivered at checkpoints and there were 36 stillbirths.⁴⁰⁹ The number of women attending postnatal care decreased from 95.6% to 82.4%. 37.9% of women reported that access to health services became difficult. 44% of these women stated that the Occupation was responsible.⁴¹⁰ Women find it difficult to obtain hygiene and health support materials such as sanitary pads or contraceptives since supplies cannot be replenished in places far from towns or cities where pharmacies are unavailable.⁴¹¹ Infant mortality numbered at 28.3 per 1000 births⁴¹². The main causes of death were premature deliver and low birth weight.</p>
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Clean and healthy environment and water
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<p>A 1999 state comptrollers report found that Negev water is contaminated with pesticides, fertilizers, sewage and other hazardous material. This is a magnified phenomenon in the unrecognized Bedouin villages where no public sanitation infrastructure exists and where the Green Patrol spray DDT-laden chemicals that can seep into the water supply. Some villages such as Wadi al-Mishsh and Wadi al-Na'im are surrounded by the Ramat Hovav Chemical dumpsite. All these factors affect the the Bedouin water supply. In 2001, 91% of Bedouin infants were exposed to the cryptosporidium parasite, a pathogen that attacks the digestive tract.⁴¹³</p> <p>Water policy in Israel is both discretionary and discriminatory. The State party has nationalized all water resources in the country and made it illegal for the Bedouin to use their traditional wells, or dig new ones. Water among the Bedouin in the Negev is administered by the “Bedouin Development Authority” (BDA), a branch of Israel Land</p>	<p>Israel extracts more than 85% of the Palestinian water from the West Bank aquifers, accounting for about 25% of Israel’s water use. Under Israeli restrictions to Palestinians, their per capita water consumption of 82m³ compares with 326.5m³ for Israeli citizens and settlers. Figures for daily per capita water use indicate that Israelis (at 350 litres) use five times more than Palestinians (70 litres). In the water-scarce Gaza Strip, throughout the review period, Israeli settlers have consumed 584 litres of Palestinian water resources per day, or about sevenfold the Palestinian per capita consumption there.</p> <p><i>Right to Food</i></p> <p>Two areas of specific violations include the right to adequate food, and the right to adequate housing. Of the entire population surveyed in the OPT, 28% answered that they consume less food than needed. Meanwhile, about 50% of Palestinian have reduce the</p>
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Authority (ILA), which manages all "state land," much of which the State has confiscated from the indigenous Palestinians. The Bedouin are required to apply to the BDA Water Committee to receive water in their villages.⁴¹⁴ Bedouin farmers typically are either denied water altogether, or given no agricultural water-use quotas and, thus, charged at domestic-use rates (i.e., 12 times the agricultural rate charged to Jewish farmers).

The failure to connect the residents of the unrecognized villages to the water supply has grave consequences, all the more for residents in a hot, arid region like the Naqab. The table at left reveals the discrepancy in resource allocation among the Bedouin residents of the south of Israel, as compared with their privileged neighbours enjoying

Annual domestic per capita water consumption in Naqab/Negev	
Locality	Volume (m ³)
“Unrecognized villages”	24
Rahat (Arab township)	35
Tel Sheba (Arab township)	38
Metar (Jewish)	121
Lehavim (Jewish)	123
Arad (Jewish)	125
Omer (Jewish)	151

“Jewish nationality” status.

Water infrastructure in the “unrecognized villages”

The common infrastructure for water in the unrecognized villages consists of a single opening in the national pipeline, from which villagers would have to pay to extend their own pipelines. Some villages are totally without water. The villages of Wadi al-Mishsh and Tal Arad have no main line nearby, so they are virtually cut off from any access to water. The village of Wadi al-Na'im has one pipeline for 2,000 people. While the other villages do have one pipe, that pipe is hardly sufficient enough to cover all the village residents, and many families find themselves without water.

Before the 1992 Water Tribunal of Amsterdam, the state of Israel

quantity of their food consumption and 48% of Palestinian households have bought less food in the past six months⁴¹⁶. An FAO/WFP/UNRWA study found that 1.4 million Palestinians in the West Bank and Gaza Strip (i.e. 40 per cent of the total population)

Region	Obstacles to obtaining water ⁴¹⁸							
	Non e	Poor relations with other users	Others Prevent use	Hig h cost	Time to acces s	Difficul t to reach	Closure, checkpts , curfew	Othe r
All oPt	80.9	11.0	13.2	54.8	63.7	53.8	29.6	20.5
West Bank	82.1	7.3	7.3	63.9	81.6	66.1	47.2	7.6
No. West Bank	87.0	11.8	14.0	58.1	72.8	49.4	38.4	11.6
Mid West Bank	93.1	9.2	4.5	37.0	63.7	57.6	29.8	16.2
So. West Bank	61.9	4.6	4.5	72.6	89.5	75.7	55.0	3.8
Gaza Strip	78.6	17.3	23.1	39.9	34.7	34.0	1.3	39.4

are food insecure.⁴¹⁷

Overall food consumption of Palestinian households has fallen by 25–30% since September 2000.⁴¹⁹ In 2003, the FAO noted that “food is generally available in West Bank and Gaza but access [to food] is limited due to physical (curfews, closures) and economic reasons (high unemployment, depletion of resources, exhaustion of coping strategies and strained social support networks)”⁴²⁰ At the time of that assessment, FAO noted that 40% of the West Bank and Gaza were food insecure and an additional 30% of becoming so. A 2004 assessment by the World Food Programme found only slight improvement in these figures. Approximately 1.3 million people in the occupied Palestinian territory, or 37% of the population, are still food insecure.⁴²¹ A further 27%, or 975,000 of the population, is at risk of becoming food insecure.⁴²² 16% of the Palestinian population

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admitted that its Planning and Building Law of 1965 and subsequent policy preclude unrecognized villages from connecting to the main water supply. The Jury found this denial deplorable, noting that the policies “have a negative effect on the health of the unrecognized villages.” The Jury recommended that the Israeli government:

1. connect all villages to the water supply and
2. find equitable alternative solutions to planning and zoning.

Attempts at Legal Remedy

There have been recent attempts to challenge the Bedouin Development Authority’s water policy. In February 2003, the Supreme Court dismissed a petition that Adalah: The Legal Center for Arab Minority Rights in Israel filed on behalf of the RCUV and other organizations in May 2001. Adalah filed the petition in May 2001 to demand access to clean drinking water for the residents of seven unrecognized villages⁴¹⁵ and charging the National Infrastructure Minister, the Water Commissioner, the Israeli Water Company, the Minister of Agriculture and Environmental Protection, and the Interior Minister with maintaining a policy of deliberate denial to clean and accessible water. The petitioners maintain that water, like any other public good, should be divided in an equal, fair and nonarbitrary manner. The Supreme Court ruled that certain measures taken by the state, as a result of the filing of the petition, provided sufficient remedies to meet the petitioners' demands. These measures included the establishment of an inter-ministerial Water Committee, and the establishment of additional water access points for the unrecognized villages. Adequate water access has not been provided to date.

In its most recent briefing to the Court, the state reported that water access points have been added for five of the seven villages named in the petition: 18 for the neighbouring villages of Abu Tiul and Shahbi; 17 for Wadi al-Na`im; 17 for al-Gara; and six for Umm Tnan. The state

is affected by subsistence poverty; with monthly consumption of less than \$48, they can not afford to consume the minimum caloric intake as established by FAO and WHO.⁴²³ A quarter of Palestinians living in the Gaza Strip are unable to feed themselves adequately, even with food aid.⁴²⁴

Food insecurity has also adversely affected women and children’s health. Preliminary results of a study conducted by UNRWA revealed that over 60% of children below 2 years of age, 36% of pregnant women, and over 43% of nursing mothers in the Gaza Strip are anaemic.⁴²⁵ 9.9% of children under the age of 5 suffer from stunting and 4.9% from being underweight. Chronic malnutrition for children under 5 yrs. stands at 9% and 27% for the West Bank and Gaza, respectively⁴²⁶. Around 15% of children suffer goitre or present signs of iodine deficiency, thus exposing a large number of children to mental retardation.⁴²⁷ Seventy% of children have vitamin A deficiencies or are at “borderline” to developing it.⁴²⁸ Stunting (low height for age) reached 9.0% and wasting (low weight for height) at 2.5% among Palestinian children due to poor nutrition.⁴²⁹

The right to adequate food has been further violated Israeli restrictions on the delivery of humanitarian items by UNRWA in violation of UN Privileges and Immunities, as well as restrictions on humanitarian operations undertaken by international NGOs. In its first Progress Report for the period of October 1–December 31, UNRWA noted that Israeli authorities at port facilities had delayed 124 containers of flour, 25 containers of rice, and 7 containers of whole milk bound for Palestinian consumption. By the end of March 2001, approximately 40 ten-ton truckloads of supplies had yet to be delivered due to border closures and restrictions on movement. A number of international NGOs working in Gaza have scaled back or cancelled some operations because of their inability to get in

also represented that the procedure of connecting water pipes had begun in Umm Batin, which is in the process of recognition. As for Drayjat, the state added that services centers will be established in locations that will become permanent towns in the future; the residents of this village would move to these towns and have an accessible water supply.

While an increase in water access points for these unrecognized villages is a positive step, these measures were still insufficient to meet the residents' needs and far from the obligation to ensure equal treatment of citizens. Distant water points and improvised access to water is not unlike the current situation in the unrecognized villages. In their petition, Adalah argued that the proposed services centres, which relate to state land planning and land use policies, is are part of a long-term proposal developed without community consultation or consideration of present and future needs. Contrary to the state's representation, these unrecognized villages are not temporary settlements, and residents are not planning to move from their homes and lands. Instead, of connecting the villages to water access points, a water network must be installed in the villages because that is the only way possible for the Bedouin population to enjoy access to water, equal with Jewish Israelis. It is possible for the state to deliver such a solution to the Bedouin residents in "remote areas"; because Jewish ranchers and farmers living in very remote areas already enjoy this right. However political and judicial will are lacking.

In this most-recent petition, Justices Eliyahu Mazza, Dalia Dorner, and Edmond Levy delivered the Court's decision to dismiss the petition. Comments made by Supreme Court Justice Mazza, in which he claimed that the Palestinian Bedouin community "chooses to be nomads and, thus, cannot expect the state to supply their tents with water"; and that "they have cars outside their tents" demonstrates the Supreme Court Justices' discriminatory attitude. Furthermore, the

essential supplies.

The coping strategies adopted by the most vulnerable and affected groups of the population, including the chronic poor and the 'new poor,' have been exhausted and become unsustainable. Palestinian households have resorted to purchasing food through credit with shopkeepers and neighbours, forgoing payment of utilities, and selling assets. Others cope through receiving assistance from relatives. In some instances, Palestinians have used extreme coping mechanisms such as withdrawing children from schools.⁴³⁰

The right to food, water and livelihood: Golan Heights

Israel's parastatal Mekorot company exploits 400–500 million cubic metres of water annually from the Golan, supplying Israeli water networks to the south and serving local settlers with seven times more water than that allocated to Syrian citizens. Discrimination against the Arab population continues in the form of higher taxes and fees on water use, television licences, housing, income and property, health insurance, local council and national insurance taxes and value-added tax. Israel also taxes the harvests of Syrian farmers.⁴³¹

Israel confiscated many of the area's water resources preventing the local Arabs from using them. Local water was piped to settlements and into Israel proper. Israel also dug wells adjacent to springs, thereby depleting the run-off available for local farmers. Maximize the remaining water, farmers adopted new forms of irrigation, including transforming the old canal system into a modern pipe system.

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Palestinian Bedouin community in the Negev has proposed alternative planning options to state authorities, including the establishment of permanent agricultural villages that would secure their rights and provide for their future development. The state has dismissed these proposals without consideration.

5. The right to education and training

The main factor creating the disparities between Jews and Arabs in Israel is structural discrimination. However, education levels and types influence greatly the access to other State services and, particularly, the citizen's awareness and exercise of rights. Educational gaps between Jews and Arabs dictate, in part, the disparities in employment, income and health reported elsewhere in this parallel report. Education also makes the difference in how a citizen responds to the discrimination s/he faces.

Education rights: The *Compulsory Education Law* provided for free compulsory education to age 5–15. Despite achievements of Israel's education system, great disparities in facilities, funding, enrolment and academic achievements. The Law is not implemented in the Arab community. In 1997, 42% of Arab students dropped out, compared with 12% Jewish students.⁴³² Statistics published in 2004 reveal that combined public and private investment in Palestinian school students stood at an average of NIS 862 per student, compared with NIS 4,935

The State party's imposition of road blocks, checkpoints, permit systems, curfews, and road-closures by Israel severely impedes Palestinians living within the Occupied Territories from accessing educational institutions, thus preventing them from achieving their right to education.

There has been a noticeable decrease in student and teacher population within both secondary and higher education facilities,⁴⁴⁵ predominantly due to restricted access to roads and long delays at checkpoints, and most recently the Annexation Wall. Curfews, which involve confining the habitants of an area to their homes, sometimes last for days at a time, making it impossible for students to access their institutions. Educators, health workers and human rights organizations have reported that many of the 865,540 registered schoolchildren in the OPT are now suffering high instances of post-traumatic stress disorder and related symptoms as a result of the ongoing violence.⁴⁴⁶ With Israeli forces having

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per Jewish student for the academic year 2000-2001. Over the same period, public investment totalled on average NIS 534 per student for Palestinians, compared with NIS 1,779 per Jewish student.⁴³³ Thus, while these figures show that private investment in Jewish students greatly outstripped that in Palestinian students, the government spent over three times as much on each Jewish student as on each Palestinian student. This under-funding is manifested in many areas, including the poor infrastructure and facilities characteristic of Palestinian schools,⁴³⁴ crowded classrooms,⁴³⁵ few teaching hours relative to Jewish students, the lack of support and management professionals in the Palestinian educational system in Israel, and poor Arabic textbooks. This environment creates a negative experience for students, academically, emotionally and socially, and leads to phenomena such as academic under-achievement and high drop-out rates.

Despite proposed efforts⁴³⁶ by the Israeli government to reform the educational system to reflect equality between the Arab and Jewish citizens of Israel, there remains great disparity in the opportunities available for Arab students. In 2002, the median number of years of schooling in Israel was 12.6 for Jews, but 11.2 for non-Jews - the latter level comparable to that for Jewish Israelis in 1980: a gap, in other words, of more than 20 years.⁴³⁷ The core obstacle to attaining equality in the opportunities available for Arab and Jewish students is the structural discrimination inherent in all government policies, which subsequently not only affects the educational levels between Arabs and Jews but also leads to the disparities described in other sections of this report.

Gol has underfunded the Arab school system for many years at all levels of the system. This fact is heavily implicated in the underachievement of Arab schoolchildren. The Shoshani Commission, appointed at end 2001 in response to allegations of unequal budgets

damaged some 30 schools and forced 41 to close,⁴⁴⁷ the achievements in Palestinian education resulting from the considerable efforts of the PA and the international community are now at risk of reversal. Since the second Intifada and the prohibition on Palestinians from travelling between Gaza and the West Bank, Birzeit University – which is located in the West Bank – has noticed a considerable change in student population, including a near total elimination of students from Gaza.⁴⁴⁸ The UN Special Rapporteur on the OPT has identified discrimination in the free and secure movement provided exclusively for settlers in the OPT, as compared with the restricted access for Palestinians, restrictions which, especially around the Wall, 'drastically affect access to hospitals, schools, clinics, and work'.⁴⁴⁹

The Separation Wall creates additional difficulties for Palestinians to access education. For some, the time needed to travel to and from school has been significantly increased. In Abu Dis, on the outskirts of East Jerusalem, children living a few hundred yards away from The Wall now forces Palestinians to travel 23 kms around it in order to reach their school.⁴⁵⁰ There are places where the Wall physically divides the students from their school, and even, in the case of Birzeit University, buildings from the institutions where students go to get practical experience, preventing them from accessing the relevant resources necessary to complete their degree. A survey by the Palestinian Central Bureau of Statistics found that 81% of households surveyed in and around the East Jerusalem area had experienced absences from university/college as a result of the Wall.⁴⁵¹ Some of these roads are accessible only to Israeli settlers, enabling them to travel freely and quickly from one side of the Wall to the other.

The International Court of Justice's Advisory Opinion on the Wall found that the Wall impedes the exercise by the Palestinian

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and dissatisfaction with educational outcomes, addressed three principal issues:

1. Assuring fair, equal and transparent distribution of funding;
2. Improving the educational outcomes produced by the system;
3. Making the system more cost-effective and efficient.

Not one of the Commission's nine members was Arab. It conducted 12 hearings from various parties including the Education Ministry's coordinator for independent schools and the ultra-Orthodox Jewish religious schools, representatives of nongovernmental schools, the Pedagogical Department of the Ministry of Education, the director of (Jewish) religious education and so forth. The only Arab representatives who appeared before the Commission were coincidental representatives of church-sponsored schools. No Arabs were among the observers invited to the sessions.

The Commission attempted to base its proposed new funding system on objective, open, uniform and egalitarian criteria applicable to every student in the country. The Commission suggested that funding increments follow a formula based on criteria that take into account the *individual student's characteristics* and degree of educational disadvantage.

The Commission officials maintained an affirmative and antidiscrimination discourse, while methodologically discriminating against the indigenous Palestinian Arab citizens. The Commission suggested measuring educational disadvantage (the "student needs index") using variables for which there is a high correlation with the student's educational achievement. Moreover, apart from parents' educational level and number of children in the family, most of the characteristics set forth by the Commission as key variables are not individual but geographic and collective: new immigrant status (defined as having arrived in Israel in 1984 or after), immigration from a

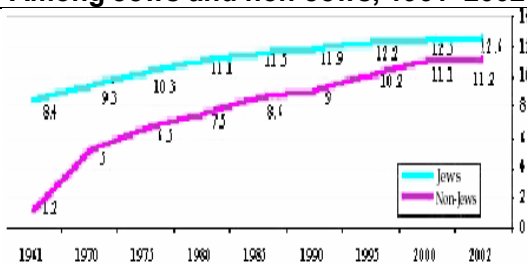
inhabitants of the Occupied Palestinian Territory of their right to education.⁴⁵²

disadvantaged country, residence within a designated national priority area and distance from the centre of the country. Only the last variable could conceivably relate to an Arab person or community at the time.

The centralized, exclusively Jewish-dominated Israeli education system has excluded Arabs from decision-making over their curriculum. That ethnic exclusion is manifest also in the fiscal policy-oriented Shoshani Commission's composition and scope of citizen consultation.

As of 2003, 418 communities had national priority area status for education purposes, and of these, 14 were Arab towns or villages: Beit Jann; Buq`ata, Jish, Hufaish, Tuba-Zangaria, Majdal Shams, Mghar, Masa`ada, Mi`iliya, Ajar, `Ayn al-Asad, Aramsha, Fassuta, and Peki'in. [Buq`ata, Majdal Shams and Masa`ada are located in the occupied Golan Heights.]

**Median number of schooling years
Among Jews and non-Jews, 1961–2002**



Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2003

In 2002, the median number of years of schooling in Israel was 12.6 for Jews, but 11.2 for non-Jews. The latter level is comparable to that for Jewish Israelis in 1980. In other words, non-Jews are over 20 years

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behind in developing education. The gap has continued to narrow since 1961, but it still exists.

Some 209,000 students in the Arab school system in Israel, 26.6% of all elementary school students in the country, are at the bottom of scholastic achievement in all the elementary grades. The Shoshani report did not address Arab students as a unique group with its unique needs like it addressed the special needs of immigrant students, in general, and those from disadvantaged countries, in particular. Implementation of the Shoshani report will have negligible effect in addressing the discrepancy between resources allocated for the Jewish and the Arab school systems, respectively.

Over the next five years, elementary education is slated to receive an additional 100,000 class hours, pursuant to implementation of the Shoshani recommendations. Ministry of Education memo No. 10G, 2002–03 states that increments will be based on the number of hours allocated in 2002–03, which will serve as the baseline. According to the director-general, 70% of the additional hours will be allocated to the Arab school system, while 30 will be allocated to the Jewish school system.

This 70/30 ratio in incremental hours has been cited in the past as constituting affirmative action,⁴³⁸ but the actual data provides a very different picture: In the academic year 2002–03, 1.89 weekly class hours per student were allocated in the Jewish school system, whereas in the Arab school system the figure was only 1.51 hours. Assuming that the national educational system indeed would have another 100,000 class hours, by the 2007–08 school year, the average additional weekly class hours per student in the Arab school system would be 1.58; whereas, in the Jewish school system it will be 1.85. Thus, the gap in allocated hours would be narrowed only slightly.

Not the extension of schooling hours but substantive differences are also needed is not the recipe to remedy educational discrimination, including:

- About half of non-Jewish Israelis aged 15 and over do not have a high school education, compared with one-fifth of Jewish Israelis 15 and over. The proportion of Jewish youngsters who go on to higher education is double that of non-Jews.
- The Compulsory Education Law makes school attendance mandatory through grade ten. The overall Arab dropout rate is 42% (57% among Bedouin Arabs), and only 12% for Jewish pupils. Matriculation rates for Arabs is 23% (10% for the Bedouins) and 44% for Jewish children. Truancy officers are available in only 29.8% of Arab schools.⁴³⁹
- Tens of thousands of Arab children with special disadvantages (disabilities, etc.) do not have suitable schools or classes to meet their needs. Hundreds of children with special needs do not attend school at all. Deteriorating housing conditions for the Arab minority leaves children in disadvantageous study environments.
- The Ministry of Education has not provided Arab students sufficient educational enrichment programs for both children with special needs and gifted students. Moreover, such programs currently offered are available in Hebrew only.
- Authorities discriminate against Arab citizens by providing inferior facilities and programs for Arab children with special needs. For example, in the Naqab, there are only seven special education programs for the entire Bedouin community; whereas 154 exist for the Jewish community there.⁴⁴⁰
- The lack of government-funded preschools in Arab areas, resulting in limited enrolment of Arab children, particularly Bedouin children in the south. Moreover, infrastructure is insufficient to the meet needs in all Arab schools, including buildings and facilities (libraries,

gymnasiums, lecture halls, and rooms for counsellors and nurses).

- Arab citizens of Israel are not allowed to learn their own history and culture. Some Palestinian authors and subjects recently were included in Israeli curriculum, but for Jewish students only on a "know-your-enemy" principle.
- According to 1999 statistics, 30% of Arab students drop out of High School and only 25% of Arab schools have guidance counsellors, compared to 95% in Jewish schools.
- Arab students also face daily discrimination in educational institutions including the university system, and, as a result, only 8.3 % of the students are Arabs.
- Students belonging to the group of "worthy of advancement" receive *mechniot* program support for living expenses provided by the Ministry of Defence and the Association for the Advancement of Education. Only 600 Arab students benefit from this program.

The government provides special aid and support, including educational services, for new Jewish immigrants for their integration. The following programs are offered for new immigrants, but not for needy indigenous Arab citizens:

1. Academic assistance and additional lessons: study groups, private lessons and university-sponsored dialogue with the departments of study of new immigrants.
2. Personal and economic assistance: including educational, psychological and academic counselling
3. Social-cultural assistance to integrate new immigrants within Israeli society. Examples of activities include social evenings, lectures, clubs and training sessions.

Higher education

At the level of higher education, indicators variously show a pattern of

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neglect and structural obstacles for Arab citizens. The following indicate both relevant causes and effects:

- Of 400 Arab researchers with a Ph.D., only 15 have permanent faculty positions at Israeli universities. Less than 1% of the lecturers at Israeli universities are Arab.⁴⁴¹
- Research on the Arab population in Israel is funded and controlled by the academic institutions, covering education, infrastructure, language, culture, religion and local municipalities and has a detrimental impact on the development of the Arab population.
- Literature in universities is provided in Russian, but not in Arabic.
- The lack of social and cultural activities for Arab students on the various campuses demonstrates a lack of respect for Arab students and their culture by the university administrations and students' unions.
- An important criterion in student housing at the University of Haifa is the completion of military service, which counts 15% of the points considered in acceptance to the university dorms.
- Dates for the Psychometric Exam were not flexible to Arab students in comparison to Jewish students. The dates for this exam were set close to the Arabic community holidays.
- The Ministry of Education funds the Mula Project. Its purpose is to encourage higher education in peripheral towns, but not yet in Arab towns.
- The requirements of the Hebrew University for acceptance to the preacademic preparatory year include a higher score on the Hebrew section of the Psychometric Exam for non-Hebrew speakers than that required for acceptance to regular studies at university. These requirements discriminate against native Arabic speakers. (The dominant language in Arab schools is Arabic. Most of the students have difficulties in expressing themselves in Hebrew on an

academic level. Academic institutions do not take these facts into consideration.)

- No Arab university exists within the Green Line. The Ministry of Education provides financial aid and scholarships to only university students who serve in the army, consequently discriminating against Arab students who are not required to, and cannot serve (i.e., all Arabs, except Druze).
- Israeli universities reject a large percentage of Arab and Mizrahi (Oriental Jewish) applicants. For example, 60.5 percent of B.A. applicants from Baqa al-Garbiyah were turned down, along with 56.4% of all applicants from `Ar`ara, and 50% from Tamra (Arab village). Prospects of university admission also seem slow for (Jewish) applicants from development towns: 26.2% of all university applicants from Dimona were turned down, as were 20.8% from Beit Shemesh and 18.9% from Kiryat Malachi (also Mizrahi-dominated towns). 24.5% of all Jewish high-school graduates attend university, as compared with 10.6% Arabs. Additionally, the percentage of students of European-American background (accounting for 32.6% of the student population in general) is double that of students of Asian-African background (16.5% of the student population in general).⁴⁴²
- Non-Jews make up 9.8% of undergraduates, 5% of students in master's degree programs, and 3.2% of students in doctoral degree programs. This miniscule representation in undergraduate and graduate degree programs has a crucial impact on the potential participation of Arabs in the ranks of university faculties and the country's civil service, as well as their career prospects in other skilled and remunerative professions. (Nor do Arabs with advanced degrees earn salaries commensurate with their talents).

Discriminatory psychometric examinations

In January 2002, the Council on Higher Education unanimously

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adopted the recommendations of a committee headed by Professor Majid Al-Haj that recommended a series of steps to help Arab students advance through the system. The committee found that the principal stumbling block to greater access to higher education for Arab students has been the psychometric examination used throughout Israel to test aptitudes, abilities, and personality. The scores on the test given in Arabic averaged 123 to 126 points lower than on the test given in Hebrew (434 compared to 560). A non-Jewish applicant is three times more likely to be rejected. Nearly half the non-Jewish candidates (45%) for admission to university in 2001/2 were rejected, compared with only 15.6% of Jewish candidates.

The proportion of Jewish candidates who were accepted and commenced their studies in that same year was 68.5%, compared with 42.1% of the non-Jewish candidates. Introduction and cancellation of the aggregate approach toward the beginning of the 2003/4 academic year, the psychometric examination requirement was eliminated; instead, applicants were permitted to submit their aggregate average score from the mathematics, English and Hebrew-language matriculation examinations. Known as the “aggregate” approach, this alternative was intended to increase the proportion of acceptances for (Jewish) students from designated development towns (generally, planned communities in outlying areas with high concentrations of immigrant families). When it became clear that the main beneficiaries of the new approach were in fact Arab students, the approach was deemed an ineffective predictor, as compared with the psychometric exam, of a student’s prospects for success at university.

In 2003, Israeli academics threatened to call for an international boycott of their own university heads if they reintroduced admission tests allegedly designed to deplete the number of Arab student entrants are reintroduced. The heads of the country's five universities announced in 2003 that they would bring back controversial

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psychometric testing that favours middle-class Jewish students.⁴⁴³

Another obstacle to university admission for Arab students cited by the al-Hajj Committee was the formal interview. Since it is always conducted in Hebrew, Arab candidates, who are not as fluent in Hebrew as their Jewish counterparts, find themselves at a disadvantage. During the aggregate approach experiment, one university even weighted the personal interview higher relative to the aggregate exam grade, as a way of screening out Arab applicants.⁴⁴⁴

6. The right to equal participation in cultural activities

A further example of discriminatory treatment of Arabic culture is the almost exclusive use of the Hebrew language. Although Arabic is recognized as an official State language, it is rarely used by the State. Government forms and publications are released primarily in Hebrew, and government offices conduct their business in Hebrew. Although efforts have been made to display road signage in three languages (Arabic, Hebrew, and English), as of 1997, over 80% of highway road signs were posted in Hebrew and English without the inclusion of Arabic.⁴⁵³ In addition, Arabic signs are often misspelled, or awkwardly translated.

Current public educational laws for the Jewish population only require the study of the Arabic language in junior high school. However, Hebrew is a required course of study for the Arab population starting in elementary school, and Arab students are tested in Hebrew for their qualifying exams. The study of Hebrew is especially significant for Arabic-speakers who wish to continue their education beyond high school; none of the public universities in Israel offer courses taught in Arabic, except for courses in Arabic as a foreign language.

The monopoly of the Hebrew language is reflected in governmental

[See also discussion under Article 5 D7.]

Israel’s colonization of Golan, East Jerusalem, West Bank and Gaza Strip has involved changing historic names of villages and localities to new, hebraicized names, erasing the memory of Palestinian civilization and land-based culture.

Israel systematically denies Palestinians access to their historic cultural capital: Jerusalem. The “Erez II” checkpoint under construction near Bethlehem *de facto* separates the northern from the southern part of the West Bank completely, a situation compounded by permit requirements for nonresident Palestinians to enter Jerusalem. Closures severely curtail cultural activities, especially Palestinians’ Christian and Muslim religious practice, by restricting the freedom of movement, regulated by way of permits and magnetic cards.

Israeli tanks and bulldozers have destroyed many historic and cultural sites in the April 2002 operations. The old casaba of Nablus was among the hardest hit, incurring direct damages of estimated at US\$114 million, half of which included priceless ancient public baths, mosques, historic homes and other cultural sites, some

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legislation on language. For example, the High Institution for Hebrew Language Law (1953) established an institute with the commission to develop and research the Hebrew language. No parallel institute has been established for the Arabic language.

Arabic culture is rich and varied, embracing a wide spectrum of customs and identities. The marginalization and exclusion of Arabic culture from mainstream society only serves to further segregate and exclude the Arab citizenry of Israel.

Israel colonization of areas inside the Green Line has involved changing historic names of villages and localities to new, hebraicized names, erasing the memory of Palestinian civilization and land-based culture.⁴⁵⁴ This process continues through physical planning today, as exemplified in the imposition of alien Hebrew names to three new *rekuzim*/townships for the transfer of Bedouin in the Naqab: Bir Heim, Mari'at and Beit Felet.

At its para. 382, the State report mentions that "the Government is in the process of establishing the above-mentioned seven new Bedouin towns. The names of the towns were chosen by the Bedouin population." In fact, the names for the seven planned *rekuzim*/townships were not the Bedouins' choice. State planners attributed Hebrew names that carry no meaning for Bedouin tradition and history. In practice, the residents of these localities maintain the traditional names: the township of Be'er Hail is called Bir Hadaj by its people. Israeli planners changed the name of the unrecognized village of Abu Tlul to the alien "Beit Pelet."

Israel has permitted the destruction and looting of priceless archaeological endowment in the reckless search for putative Hebrew-era artefacts. Palestinian cultural endowment and properties confiscated since 1948, including sacred sites such as mosques,

dating back almost 1,000 years.⁴⁵⁵

Israel has militarized religious sites and monuments commonly sacred to the three major monotheistic religions, ensuring privileged access to Jews. Examples include transforming "Joseph's Tomb" in Nablus into a military camp shared with Jewish settlers, and militarizing "Rachel's Tomb" (Bethlehem).

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cemeteries, historic structures, converted to commercial establishments, including bars and discos for Israelis.

The Minister of Religion is Jewish and its budgetary spending on religious institutions is concentrated on Jewish religious services and *yeshivot* (religious universities).

Several laws establish Jewish cultural institutions but none create similar centres for Arab citizens. Furthermore, since the establishment of Israel, the State has not devoted any resources to creating or enriching Arab educational or cultural institutions, such as an Arab university.

Israel manipulates culture (based on the criterion of religion) formally to divide the Palestinian Arab minority, most notably by separating adherents to the Druze sect from the rest of the community of Palestinian Arabs by way of official statements, documents, statistics and policies.

A disproportionately small (2.5%) portion of the Ministry of Religion's budget is allocated to the combined Muslim, Christian, and Druze religious communities. Under the Protection of Holy Sites Law (1967), the Religious Minister has complete discretion in determining holy sites to receive State funding for preservation and renewal, but successive ministers have declared only Jewish holy places as designated holy sites.

Article 6	
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Civil status

The State party's 1948 Proclamation of Independence contains a nondiscrimination clause, but Israeli courts have determined that instrument to be without legal effect.⁴⁵⁶ Judicial institutions most often

Remedies for Rights Violations

In light of the layers of legal regimes, constitutionally discriminatory State-party institutions, and military occupation, the aggrieved individual Palestinian is not likely to seek remedy from Israeli

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favour the State and its institutions discriminating against indigenous Palestinian Arab citizens, upholding a complex of legal and institutional prohibitions against equality. While some progress has been achieved in recent years (as discussed below), the most materials cases result in the courts ensuring that the indigenous people be dispossessed without remedy.

The State party has refused to recognise or establish an “Israeli nationality,” because, as the High Court has ruled, there is no legal nationality status in Israeli law apart from “Jewish nationality.”⁴⁵⁷ In the High Court of Israel case of *George Tamarin v. the State of Israel* (1971), a Jewish Israeli had petitioned to have the official registration of his nationality changed from “Jewish” to “Israeli.” The High Court denied his request as “there is no Israeli nation separate from the Jewish nation...composed not only of those residing in Israel but also of Diaspora Jewry.”⁴⁵⁸

That ruling has not been overturned since, and in a current case of 38 prominent Israelis plaintiffs have petitioned the High Court (December 2003) to recognize an “Israeli nationality.” However, the High Court remanded the case to a lower court, apparently to stall for time and exhaust the petitioners. The case is now further delayed by a continuance for the duration of Knesset action on the Law of Citizenship, now subject to the antifamily-reunification Temporary Order.

Public goods and services

The High Court so far has declined to consider petitions against the State involving land and security matters, rejected an equal civil status for all citizens in Israel, and ruled effectively to uphold practices of torture against Palestinians (with a caveat suggesting that, if the State intends to regulate the practice, the Knesset should legislate accordingly in order to facilitate the Court’s rulings in the future).⁴⁵⁹

military courts in the OPTS, but more like to appeal to one or more nongovernmental organizations operating in the OPT, including those providing legal defence services. In East Jerusalem and the Golan Heights, while indigenous residents have access to the Israeli civil courts, they are mostly inefficient in responding to the needs of indigenous residents due to the discrimination based on nationality analyzed by this report. Thus, even when access to the civil legal system is possible effective remedy and protection are rarely made available.

Handling of Complaints

Israel forms the only *de facto* sovereign authority in OPT Areas B and C and, as such, is ultimately responsible for maintaining law and order in the region. Meanwhile, it has the duty of ensuring the equal treatment of all persons within the OPT. With respect to settler violence, the IOF often either actively promotes or overlooks offences against Palestinians.⁴⁶⁸ In many cases, the restriction on the movement of Palestinians and the imposition of curfews have offered greater opportunity for settlers to attack Palestinians in their homes and attack their property.⁴⁶⁹

Israel’s obligation to provide an effective remedy is enshrined in several international human rights treaties that it has ratified, including Article 6 of ICERD. However, in 2002, the Knesset amended the Civil Wrongs (Liability of State) Law (1952) poses obstacles to Palestinians claiming remedy for wrongful acts by the State or its agents. The Law defines the situations in which the State party can be immune from responsibility for damages, such as for the death or injury of a person as a consequence of his military service or for damages arising from “war time actions.” The purpose of the Law was to limit severely the OPT Palestinians’ ability to sue the State for damages sustained at the hands of its agents since September 2000. It expanded the definition of “war

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[See separate parallel report of the Public Committee against Torture in Israel.]

As noted in the Gol report to CERD (paras. 38–47), the Israeli Supreme Court has found a need to review formal discrimination (in land and housing) within norms of equality. However, affirming that “we will proceed cautiously at every stage,” despite the State’s 58-year pattern of institutional discrimination on the basis of “Jewish nationality” and the consequent deprivation of the indigenous people as a class.⁴⁶⁰ Moreover, because of the equivocal nature of the ruling, the Court called on the parties to negotiate their resolution and report back to the Court. After nearly six years, the Qa`adan family plaintiffs have not gained access to their house or land. [See discussion under the right to housing above.]

Women

The Israeli Supreme Court has affirmed the principles of equality and nondiscrimination in the H.C.J 453/94 *Israel Women’s Network v. Gol* (01 November 1994), where the Supreme Court required the Port Authority Commission to include women in its list of candidates for directors positions and H.C.J 721/94 *El Al Israel Airlines Ltd. v. Danilovitch* (30 November 1994), where the Court held that homosexual couples are to be provided with the same employee benefits given to heterosexual couples. While this development also may potentially benefit the individual Palestinian Arab citizens, it does not meet the requirement of affirmative action to address the sector that discrimination affects most: indigenous Arabs and, especially, Arab women.

The Governmental Companies Law (1975), Amendment 6 (1993), requires equal representation for all women in Israel on boards of directors of Gol-owned companies. Its Amendment 11 (2000) sets forth that: “In the board of directors of governmental companies, adequate

time action” to include “any action of combating terror, hostile actions, or insurrection.” The 2002 amendment also limited to 60 days after the incident for filing a notice of intent to present a claim, and then a two-year period for filing an actual claim. A July 2005 amendment further limited the filing time to 30 days and *retroactively* enabled the courts to dismiss standing cases. The Law also prohibits a national of an “enemy state,” a member of a “terrorist” organization or a person injured in a “conflict zone” from seeking compensation in an Israeli court for harm inflicted by the State party’s agents. The new amendment grants the Minister of Interior the privileges of a six-month period to determine whether a claim corresponds with a “conflict zone,” thereby eliminating the claim, and to disqualify witnesses and plaintiffs by identifying them as “wanted” or blacklisted persons.

Implementing Human Rights

With its refusal to apply, monitor or report upon performance of the human rights treaties in the areas under its military occupation, the State party has testified before other treaty bodies, rather, that such matters reside in the domain of humanitarian law. Both the judicial and administrative systems fail to effectively apply the legal standards that the State purports in its report to have upheld. A key concern is the lack of monitoring systems and complaint procedures to ensure the just applications of laws and court rulings [see Part III: Article 2 and 3.]

The State party’s institutions to facilitate human rights implementation do not function in the West Bank and Gaza Strip, except in the service of Israel citizens and “Jewish nationals.”

The State’s poor record of investigation and prosecution of unlawful killings and injuries of Palestinians in OPT demonstrates a pattern of discrimination. Between 29 September 2000 and end November

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representation will be given to the Arab population.” Despite these new laws and Supreme Court litigation,⁴⁶¹ less than 1% of sitting board members are Palestinian women citizens. While Jewish women’s representation increased from 7% to almost 37% (1994–2002); Palestinian women’s representation did not increase.

Gol has not taken steps to comply with the law. In April 2003, the Israeli Supreme Court dismissed a petition, calling for government action. Despite the petitioners having provided a list of over 70 qualified Arab professionals in the petition, the Court agreed with the state’s contention that it is difficult to find suitable Arab candidates for board positions. The Court ruled, however, that it is the responsibility of the government to seek out qualified Arab candidates for appointment to the boards of directors of governmental companies, and stated that it would consider further petitions on the matter if the State does not fulfil its promises.⁴⁶²

Three feminist NGOs and Adalah: The Legal Centre for Arab Minority Rights in Israel successfully petitioned this year for the Ministry of Labour and Social Affairs to provide a shelter for Arab women in risk of violence. They argued that the Ministry funds secured shelters for Jewish teenaged girls, for Jewish teenaged boys, and for Arab teenaged boys, but not for Arab women and girls. In February 2005, the Supreme Court issued an order nisi, demanding that the Minister explain within 30 days why not to open a secure shelter for young Arab women at risk by June 2005. During a hearing in September 2005, the Supreme Court complied with the petitioners’ demand to deliver a final decision on the petition, and the Court ordered the State to open and operate a shelter by January 2006.⁴⁶³

Political participation

In a split decision, the Supreme Court upheld the candidacy of Azmi Bishara and Ahmad Tibi, of the Balad Party, whose slogan is “A State

2004, Israeli security forces killed more than 1,600 Palestinian civilians not involved in hostilities, including at least 500 children, seriously injured thousands more.⁴⁷⁰ The State party had criminally investigated only 74 such cases of alleged unlawful use of lethal force. This represents less than 5% of the civilian Palestinian deaths in nearly four years of the Intifada.⁴⁷¹

for All Its Citizens.”⁴⁶⁴ (Amendment No. 7 to the Basic Law: Knesset Law (1985), restricts electoral participation to those parties and candidates accepting the Zionist definition of the State as a "Jewish State.") On the same day, the Court also upheld the candidacy of Baruch Marzel, a notorious anti-Arab racist, originally of the banned Kach Party.⁴⁶⁵

In the case of Attorney General v. The Central Elections Committee,⁴⁶⁶ resulting in the Supreme Court’s prohibition of racist party candidates in the 1999 Upper Nazareth municipal elections. However, this challenge did not result in a prohibition of anti-Arab or racist parties as such, while Arab parties and persons promoting Israel’s democratization as “a State for all its citizens” have been threatened with prosecution and banning under the State party’s Basic Law: Knesset Law.

Religion and belief

Local organizations request that the Court enjoin the Beer Sheva Municipality from making any changes that may alter the building’s use as a mosque. In February 2004, the Court suggested that the petitioners and respondents reconsider their positions and reach an agreement involving the designation of the building as a cultural and social centre for use by the Muslim community in Bi’r Saba`. However, the Court recommended that the mosque should not be used for the purpose of prayer. In February 2005, the Municipality filed its rejection of the proposal to open the mosque as an Islamic cultural centre.⁴⁶⁷

In March 2003, the regional court in Beer-Sheva issued a demolition order for the mosque in the unrecognized village of Um al-Hiran and sentenced Sheikh Musa Abu al-Kian to a fine of US\$ 6,000 or 210 days in prison.

Recommendations

Abolish discriminatory laws and practices *inter alia*:

- Formally recognize equal nationality and citizenship status for all citizens within the State party;
- Revise its relationship with all institutions that discriminate in their functions on the basis of nationality or any other status, particularly the World Zionist Organization/Jewish Agency, Jewish National Fund, United Israel Appeal and affiliated organisations similarly discriminating on similar or other basis;
- Formally adopt and implement the recommendations of the 2003 report by the Orr Commission, established in response to the October 2000 clashes;
- Revoke the Citizenship and Entry into Israel Law (temporary order) of 31 July 2003, which prohibits Palestinians from the West Bank and Gaza married to Israeli citizens from acquiring Israeli residency permits;
- Pursue a multiyear plan to eliminate discrimination in allocation of state resources to the Arab community through legislative and budgetary means, including by implementing the existing NIS 4 billion (US\$986 million) plan and abolishing the June 2002 amendment to the National Insurance Law, which cuts child allowances for families without relatives serving in the army;
- Categorise the poorest Arab areas as national priority zones and extending services accordingly;
- Establish for Arab citizens the option of performing either military or alternative community service and providing that fulfilment of either would generate the same status and benefits;
- Increase Arab representation at all levels in the public sector and

Impunity:

In order to begin to address this pattern of impunity and discrimination, the State party should:

- Provide equal protection against violence and harassment by all parties within the State party's affective control, ceasing the discriminatory and lenient treatment of authors of violence among the settler population;
- Establish and maintain an effective, objective and independent body to receive and investigate complaints of serious human rights abuses committed by State party's law-enforcement and security personnel, Security Service (Shin Bet) and other agents, including WZO/JA, JNF and settlers;
- Effectively publicize instructions to all OPT residents for filing complaints, including in the Hebrew and Arabic media, on the internet, and consistent with the "Freedom of Information Law" (1998), as cited in the State party's 13th periodic report to CERD, para. 11..
- Provide timely, written and rational responses to complainants, in his/her own language, clarifying evidence as well as the investigative findings;
- Establish clear guidelines and procedures for all individuals involved in organizing and obtaining witness testimony of individuals residing in Area A, which is under Palestinian Authority jurisdiction;
- Adequately and fairly compensate all individuals who have suffered harm from unlawful or criminal behaviour by the State party's agents (as referred to above); and
- Amend and/or repeal current laws that impede such compensation to victims.

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planning bodies; and

- Implement racism awareness training in schools and in all branches of government, beginning with the police.
- Enhance educational opportunities for Arab citizens by equalising proportional funding for Jewish and Arab public education and compensating for past deficits in education spending for the Arab community.
- Ensure more equitable land distribution and planning and zoning regulations, in particular by:
 - Ending the official roles assumed by statutory bodies, such as the Jewish National Fund, that fulfil government functions in a discriminatory fashion;
 - Providing for representation of Arab Israelis in all relevant state planning bodies;
 - Implementing a comprehensive plan for unrecognised Bedouin villages in the Negev to be developed in consultation with legitimate representatives of the affected community; and
- Suspending destruction of illegal homes and structures until a more equitable land policy is in place.

Refugees:

The State party should:

- Cease and reverse the policy of population transfer being applied in both Israel and the occupied West Bank, with the aim of acquiring Palestinian land and carrying out demographic manipulation with the State party's jurisdiction.
- Reaffirm the rights of displaced Palestinians to return, restitution and receive compensation in line with the Principles for Housing and Property Restitution and the International Court of Justice Advisory

Proposed solutions:

- The State party should rescind those legal provisions relating to criminal law and procedure, administrative detention and remedy, applying to Palestinians from the oPt that do not conform with international human rights standards.
- The State party should provide substantive and procedural guarantees against discriminatory practices, notably in the application of rules of arrest and detention, as well as evidence and sentencing in the military courts

Investigation of criminal acts:

- The State party should institute efficient and urgent measures to prevent and punish violent acts targeting Palestinians, including the establishment of effective, independent and impartial mechanisms to investigate all such alleged incidents, and to ensure that any punishments imposed are proportionate to the gravity of the acts committed.

Law enforcement officials:

The State party should:

- Establish and publicize clear and consistent regulations for law enforcement officials' use of force and firearms in the oPt consistent with the relevant international human rights standards, and apply these regulations with out discrimination on the basis of nationality or any other civil status or other status.
- Provide qualified professional training to all of its personnel in oPt in the binding, professional obligation to uphold international norms in security and administrative functions of military and civilian operations.

Opinion and all international relevant provisions.

Women:

The State party should:

- Ensure women’s participation and access to decision making forums, particularly ensuring that Arab women’s participation is proportional;
- Provide adequate shelters and legal recourse for women victims of violence, in particular the State party’s Arab Palestinian women citizens, who are disproportionately affected.

Land and resource management:

The State party should:

- Ensure that public functions, including land use and resource distribution affecting land tenure, agriculture, housing and infrastructure, operate on a basis of nondiscrimination;
- Recognize the application of similar discriminatory laws/measures in Israel and the oPt that prevent the return of the refugees and internally displaced, as well as generate ongoing forced displacement, particularly in the Naqab/Negev, Galilee, and in the areas affected by the construction of the Wall;
- Immediately recognize the Arab villages and provide services to them on a basis of equality with citizens of the State;
- Recognise and restore land titles to citizens and others unjustly or arbitrarily dispossessed by State institutions, its subsidiaries and private parties;
- Take immediate measures to ensure equal access to water resources for citizens and residents under the State party’s jurisdiction and effective control.

Land and resource management:

The State party must:

- Reaffirm the principles of nondiscrimination on grounds of nationality and/or citizenship;
- Cease its discriminatory land allocation practices using institutions such as the JNF, and to apply principles of equality, just distribution and fairness;
- It is also necessary to inform the State party, ECOSOC, UN Secretariat and General Assembly of the discriminatory nature and official status of the JNF, particularly in view of its putative nongovernmental status;
- Restore planning jurisdiction to Palestinian local authorities throughout the areas occupied since 1967;
- Cease all eviction and house demolition practices against residents in the areas occupied since 1967;
- Adhere to the Advisory Opinion of the ICJ, including to provide restitution and compensation for losses arising from the illegal settlements and Separation Wall and its associated regime (more precisely in the Seam Zones -or closed areas and East Jerusalem) as well as in the Jordan Valley in the occupied West Bank. and remove the Wall without delay from all West Bank and Palestinian Jerusalem territory.

Refugees:

Consistent with CERD General Comment XXII on Article 5 of the Convention, Israel should respect, protect and fulfil the rights of the refugees and displaced persons arising from its territory by ensuring:

- All such refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety;
- ... that the return of such refugees and displaced persons is voluntary and to observe the principle of nonrefoulement and

Right to equal treatment before law enforcement:

Consistent with CERD General Comment XXII on Article 5 of the Convention, Israel should respect, protect and fulfil the rights of the refugees and displaced persons arising from its territory by ensuring:

- All such refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety;
- ... that the return of such refugees and displaced persons is voluntary and to observe the principle of nonrefoulement and nonexpulsion of refugees;
- All such refugees and displaced persons have, after their return to their homes of origin, the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void;
- All such refugees and displaced persons have, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels and to have equal access to public services and to receive rehabilitation assistance.

Revenue system:

Reform of the tax laws, including tax refunds or a negative income tax for people with particularly low earnings, could help make working more worthwhile for the poorest—especially Arab—families and improve their economic situation.

Right to health:

- The health services system could significantly reduce the phenomenon by helping people become better informed and more aware of the issues, improving genetic counselling services, promoting maternal use of folic acid prior to and during pregnancy and encouraging prenatal testing;

nonexpulsion of refugees;

- All such refugees and displaced persons have, after their return to their homes of origin, the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void;
- All such refugees and displaced persons have, after their return to their homes of origin, the right to participate fully and equally in public affairs at all levels and to have equal access to public services and to receive rehabilitation assistance.

Residency rights:

- Rescind time-consuming procedures that reduce and discourage applicants for residency status, particularly those with discriminatory effect on Palestinian Arab Jerusalemites;
- Cease withdrawal and restore Palestinian Arab Jerusalemites' IDs and permanent residency permits that have been rescinded on a discriminatory residence criteria, and revise the *Residency Law* accordingly.
- Reopen and allow appeals for cases of social welfare rights for Palestinians living in Jerusalem subject to arbitrary or discriminatory refusal.

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- The Ministry of Health must ensure that the Clalit Health Services HMO takes steps to provide equal health services to Jews and to Arabs and that its range of clinics and medical services be distributed in accordance with this principle. The ministry must demand that Clalit Health Services present a concrete plan to achieve such equality;
- The Ministry of Health should examine the extent to which health services are provided equally to all citizens by every HMO in the country and enforce equal distribution of health services to all;
- The Ministry of Health should insure that the Arab population in Israel be included in every aspect of preventive health programming whether through effective monitoring and public education, or early detection of illnesses and maintenance of suitable public sanitation levels in residential areas.

Right to education:

- The Ministry of Education (MoE) should re-examine the Shoshani Commission criteria without the biased perspective of considering and consulting only the “Jewish national” population of citizens, but all disadvantaged sectors, and to assure that that all the criteria for affirmative action in the education of children in Israel are equally applicable to both Arab and Jewish children;
- MoE should examine new ways to facilitate access to higher education for graduates of the Arab school system;
- MoE and teaching institutions should consider revising their policies and practices to correct the various forms of discrimination in, and obstacles to exercising the human right to education;
- Law and policy should proscribe discriminatory screening and psychometric admissions testing.

Inside Israel (Armistice Line [Green Line] of 1948–49)

1967-occupied Arab Territories

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