



جمعية صوت العامل النقابية
للدفاع عن حقوق العمال والعاطلين عن العمل

Registered n°: 58-0365658

**NGO Document for Consideration Regarding Israel's Combined 10th,
11th, 12th, and 13th Periodic Report to the UN Committee on the
Elimination of Racial Discrimination (CERD)**

June 2006

Complementing the shadow reports submitted by our civil-society colleagues, we would like to draw the Committee's attention to one specific issue – namely racial discrimination facilitated and condoned by the Israeli Government's welfare-to-work pilot project called the "Wisconsin Plan".

Brief Introduction: What is the Wisconsin Plan?

On 1 August 2005, the Israeli pilot project of the Wisconsin Plan, a welfare-to-work programme for long-term unemployed, facilitated by four international private companies and their Israeli partner corporations, began for 14,000 welfare recipients in the regions Nazareth/Upper Nazareth, Ashkelon, Jerusalem, and Hadera (including seven Palestinian villages).¹ In case of "non-cooperation" or work refusal by a participant, his/her income benefits are cut for one or two months respectively. If the companies do not save the state more than 35% of its welfare expenditures, they will be sanctioned. Participation in the Wisconsin Plan is compulsory for welfare recipients residing in the pilot areas.

The Wisconsin Plan exacerbates the socio-economic problems in Nazareth, the biggest Palestinian town inside Israel, and other disadvantaged communities and feeds upon the discriminatory practices that led to poverty and exclusion of the Palestinian minority citizens of Israel. Structural deficits such as the lack of employment opportunities, low levels of education, low workforce participation among Arab women, and insufficient work support services such as transportation and childcare make a sustainable implementation of the Plan impossible. The companies further exploit these disadvantages, and hundreds of citizens were already driven to waive their right to social security. The Wisconsin Plan is a continuation of the ongoing discrimination against minority citizens and their exclusion from sustainable development initiatives, and with its implementation, the Government of Israel has delegated its responsibility to adequately develop and protect certain racial groups to private entities. Therefore, the implementation of the Wisconsin Plan leads to violations of human rights guaranteed by the ICERD.

For better understanding of the situation, here it should be noted that a new regulation within the framework of the Israel Economic Recovery Plan launched in 2003 provides that in families on income benefits with one or more children between the age of two and seven, both

¹ Today, the number has risen to 18,000. The Nazareth pilot area has 6,000 participants.

spouses – or the single parent – need to register at the local job office. In the Wisconsin pilot areas, it means that both spouses/the single parent are required to attend the Wisconsin centres full-time (30-40 hours/week), notwithstanding the unavailability of daycare facilities.

The Wisconsin Plan and its implementation cause violations of the participants' social and economic rights, and therefore we believe that this government plan is not only a domestic issue but of international interest, also because foreign companies are involved in the implementation. The concerns raised below show the relevance of the issue to the UN Committee on the Elimination of Racial Discrimination (CERD).

For more background information on the Wisconsin Plan, its implementation and its impact on the socio-economic well-being of minority citizens, please consult our report *When the Cost Exceeds the Benefit*, available online on the official website of the Office of the High Commissioner for Human Rights at <http://www.ohchr.org/english/bodies/cerd/cerds69-ngos.htm> under the link "Laborer's Voice".

Main Concerns Related to the Wisconsin Plan:

1) The choice of pilot areas suggests racial bias:

- No Palestinian citizen of Israel was appointed to the expert committee mandated to select the pilot areas;
- All four pilot areas are situated in predominantly minority communities, including neighbourhoods in annexed East Jerusalem. According to programme regulations, the four pilot areas had to cover the North (selected: Nazareth/Upper Nazareth), the South (selected: Ashkelon), Jerusalem (selected area includes annexed territory) and the Tel Aviv area (selected: Hadera and surrounding Palestinian villages). All pilot areas are either overwhelmingly Palestinian or populated by new immigrants from states of the former Soviet Union and Ethiopia.
- Nazareth, the largest Palestinian town inside Israel, is the only pilot area covering the entire town. All other pilot areas only consist of selected neighbourhoods or villages. Moreover, the selected areas in Upper Nazareth are neighbourhoods with a Palestinian majority.
- In the run-up to the Wisconsin Plan, another government reform plan envisaged the closing-down of the public job office in Kufr Kana, a Palestinian town near Nazareth, and its merger with the Nazareth branch. In this case, all welfare recipients from 10 Palestinian villages in the Galilee would have been part of the Wisconsin Plan. In response to a joint petition by Sawt el-Amel: The Laborer's Voice and Adalah: the Legal Center for Arab Minority Rights in Israel, however, on May 25, 2005, the Supreme Court accepted the Ministry of Industry, Trade and Labor's decision to leave the Kufr Kana branch open.

2) The implementation of the Wisconsin Plan leads to exploitation and disenfranchisement of vulnerable citizens, particularly members of ethnic minorities:

- According to testimonies collected by Sawt el-Amel: The Laborer's Voice, hundreds of participants suffer from serious health problems, certified by the National Insurance Institute (the Israeli agency responsible for all transfer payments from the state). In Nazareth, however, the medical committee of the Wisconsin Plan repeatedly issued contrasting and sometimes contradictory health assessments. The responsible physician is employed by the

implementing company, which constitutes a conflict of interest. In Nazareth, no independent physician is involved in health assessments of participants.

- According to testimonies collected by Sawt el-Amel: The Laborer's Voice, in the first six months of implementation, none of the app. 1,200 sanctioned participants from Nazareth was informed of his/her right to challenge the decision in front of an appeals committee within 10 days. This omission is clearly a result of the implementing company's assessment of the participants as being weak members of society, i.e. they do not have access to information, they lack the self-confidence to challenge decisions made by an authority, no-one will intervene on their behalf;
 - According to testimonies collected by Sawt el-Amel: The Laborer's Voice, several hundred participants from Nazareth, particularly women, were enrolled in the so-called "Community Service Job" programme, which sends Wisconsin Plan participants who are considered "not job-ready" to do volunteer work in non-profit-making institutions. Many participants testified that they were instead sent to do menial work as potato diggers, prison cleaners, or garbage collectors in other towns. Moreover, participants testified that their unpaid work includes producing traditional Palestinian embroidery. Field investigations have so far not led to results as to where the products are sold. Testimonies suggest that the community service job project is in fact a forced labour project, as many "volunteers" were sent to profit-making entities in order to work full-time in exchange for their family's monthly benefits of USD150 (for income supplements) to USD600 (income benefits for a family with children);
 - According to testimonies collected by Sawt el-Amel: the Laborer's Voice, several hundred Palestinian families waived their right to social security (income benefits and income supplements) because participation in the Wisconsin Plan created insurmountable obstacles (such as: no daycare for hundreds of small children and needy elderly family members; crises in family life and social relations due to absence of both parents during the day);
 - The design and implementation of the Wisconsin Plan disregards social structures prevalent in non-Western societies inside Israel such as the Palestinian and the orthodox, Mizrahi (Oriental) and Ethiopian Jewish communities. The Wisconsin Plan destroys traditional social support networks and does not even offer alternative solutions to care-giving in the form of long school days or daycare facilities.
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Proposed Questions to the Delegation of the State of Israel:

Article 2.1

In order to be able to combat and eliminate racial discrimination, relevant data must be available. Regarding the Wisconsin Plan, **please provide statistics on all Wisconsin Plan participants, disaggregated into pilot area, ethnic group, gender, age and family composition.** Moreover, please provide comparative data on the overall population profile and on all of Israel's welfare recipients.

Article 2.1 (b)

As a State Party to ICERD, Israel undertakes not to sponsor, defend or support racial discrimination by any person or organisation. **Please describe in detail what preventive measures the Israeli Government has taken to ensure that the implementing companies of the Wisconsin Plan do not abuse their authority and exploit vulnerable groups such as ethnic minorities.**

Article 2.1(c)

While the State Comptroller's decision of January 17, 2006, to investigate the implementing companies' conduct shows that there are official monitoring measures in place, the issue of impartial supervision of the Wisconsin Plan and its implementation remains an issue. Does the fact that the supervision body is part of the responsible Ministry of Industry, Trade and Labor not constitute a conflict of interest? **Please explain in detail what supervision and monitoring bodies for the Wisconsin Plan are prescribed by the enabling legislation and how the regulations were realised. In this context, please provide information about the structure and working methods of the medical assessment committees and the appeals committees.**

Article 2

As a State Party to ICERD, Israel is obliged to take special and concrete measures to ensure adequate development for racial minorities in social, economic, cultural and other fields. Considering the lack of industrial infrastructure and work support services (transport, daycare, long school day), combined with low levels of education and limited access to employment opportunities in the Jewish Israeli public and private sector due to discrimination and xenophobia, **please explain how the Wisconsin Plan fits into the commitment to ensure adequate development, especially with regard to the fact that it does not create employment or provide work support services and that it is implemented by private profit-making companies.**

Article 5, as interpreted in General Comment No. 30: Discrimination against Non-Citizens

The Wisconsin Plan is being implemented in areas of East Jerusalem, which the State of Israel annexed in 1967. We are concerned that the implementation of the Wisconsin Plan violates social, economic and cultural rights of non-citizen residents of East Jerusalem. **Please explain what specific measures the State of Israel took to prevent and combat racial discrimination against non-citizen participants of the Wisconsin Plan.**

Article 5 (e) (i), (iv)

The implementation of the Wisconsin Plan violates the rights to free choice of employment, to just and favourable conditions of work, to equal pay for equal work, to just and favourable remuneration, and to the right to social security. **Please provide exact information and statistics on a) all "Community Service Job" providers and placements and b) on the employment situation of Wisconsin Plan participants who have quit the programme and thus lost their entitlement to social welfare.**

In light of the concerns and issues presented above, Sawt el-Amel: The Laborer's Voice maintains that the State of Israel should discontinue the Wisconsin Plan after the two-year pilot period that ends in June 2007 and should instead engage in the design of a sustainable development and job creation programme for Palestinian citizens of Israel, drafted in consultation with the target group.

Sawt el-Amel: The Laborer's Voice supports and encourages working poor and unemployed Palestinian Arab citizens of Israel in their struggle for socio-economic justice and against discrimination in the labour market and welfare system. The organisation works towards legal and political change through collective and individual legal action, advocacy and public awareness campaigns, and empowerment of the Arab population in Israel. Sawt el-Amel's programme activities are based on the universal right of everyone to an adequate standard of living, free from want and free from fear.