



The Forum on Minorities and Effective Political Participation
12-13 November 2009
Oral Statement
Item 3

- English -

Joint oral statement submitted by Adalah – The Legal Center for Arab Minority Rights in Israel and the Arab Association for Human Rights.

Thank you Madam Chair,

We would like to highlight obstacles to effective political participation faced by the Palestinian minority in Israel, including bills tabled by the newly elected government in 2009.¹ This includes:

1. A proposed amendment to *The Basic Law: The Government*, which stipulates that ministers must take an oath to the state of Israel as a “Jewish, Zionist and democratic state”. **The bill clearly discriminates against the Palestinian citizens , and seeks to prevent them from serving in high public office.**
2. The “*Jewish and Democratic State Bill*” criminalizes public calls to negate the Jewish or Zionist nature of the state. **This bill denies the legitimacy of the democratic struggle of the Palestinian minority to transform Israel into a state for all its citizens.**
3. The “*Nakba Bill*” criminalizes public commemoration of the expulsion of the Palestinians from their homeland in 1948.² **This bill restricts the freedoms of expression and assembly, and effectively requires the Palestinian minority to deny its history and national identity, or face a maximum prison sentence of 3 years.**

Furthermore, the *Central Elections Committee* banned two Arab-political parties from participating in the last elections, based on false security allegations and the parties' demand to transform Israel to a “state for all its citizens”. The Committee’s decisions were later overturned by the Israeli Supreme Court.

¹ Palestinian-Arab citizens of Israel are an indigenous group that became a minority following the establishment of the State of Israel in 1948. Despite comprising roughly 20%, they are represented by 10 parliamentarians or 8% of the parliament seats.

² The Palestinian citizens of Israel, many of whom are IDPs, mark this day with marches to their destroyed villages

Nonetheless, in the past, the Court upheld Article 7A of the *Basic Law: The Knesset* which disqualifies a candidate or a political party from running in the elections if they, *inter alia*: (1) deny the existence of the State of Israel as a "Jewish and democratic state"; or (2) offer support for armed struggle by a hostile state or a terrorist organization against Israel. A new amendment also stipulates that visits to "enemy states" such as Syria, Lebanon, Iraq, Iran, constitute "support for armed struggle" in violation of Art.2(5) of the UNDM.

To remove these obstacles we recommend to:

- 1. Cancel Article 7A of the *Basic Law: The Knesset* because it imposes ideological restrictions on the right of the Palestinian minority to participate in elections, and it has been exploited as a tool to incite against Arab MPs and political parties.**
- 2. Block proposed anti-democratic legislation that limits and criminalizes Palestinian minority political participation and freedom of expression**
- 3. Take all affirmative measures to secure effective participation of the Palestinian minority in all spheres, including public life. This, however, cannot be achieved without critically addressing the contradictions between the declared Jewish-Zionist character of Israel, on the one hand, and democracy on the other.**