

האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في اسرائيل
The Association for Civil Rights in Israel



NGO Information submitted by the Association for Civil Rights in Israel (ACRI) to the Committee on Economic, Social and Cultural Rights

For consideration when compiling the List of Issues on the Third Periodic Report of the State of Israel under the International Covenant on Economic, Social and Cultural Rights

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Introduction

The Association for Civil Rights in Israel (ACRI) is pleased to present the Committee on Economic, Social and Cultural Rights with the following selection of issues relating to Israel's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR). The purpose of this preliminary document is to assist the Committee in compiling the list of issues during its consideration of Israel's Third Periodic Report. This document does not represent an exhaustive assessment of Israel's compliance with its obligations under ICESCR, but rather, focuses on a number of key areas of concern that ACRI believes should be addressed within the list of issues:

Inside Israel:

1. Lack of Constitutional Recognition of Social, Economic and Cultural Rights

Article 2 (1) (Application of the Rights of the Covenant)

Social, economic and cultural rights have not yet been given constitutional status. The passage of two Basic Laws in 1992 (Basic Law: Human Dignity and Freedom, and Basic Law: Freedom of Occupation) created a gap between civil and political

rights which were afforded constitutional status, and social, economic and cultural rights which have yet to be specifically codified. The draft version of the Basic Law: Social Rights was rejected by the Knesset in 2003, and has not been debated since, despite continuous attempts by individual members of the Knesset to put it on the agenda. This situation contravenes the fundamental principle of the indivisibility of human rights.

Economic, social and cultural rights are only partially protected under regular laws. For example, the right to health services is guaranteed by the National Health Insurance Law, but it does not cover all services, and leaves out dental health and geriatric hospitalization. Several laws enshrine the right to education, but are only partially implemented. The same situation exists for other social and economic rights. The laws that do exist do not hold constitutional weight and, as a result, are extremely vulnerable to being compromised. The courts are limited in their ability to protect these rights, and the currently dominant judicial approach is that the constitutional protection of social and economic rights is limited to the right for minimal standards of living. In general, courts in Israel exercise a policy of maximal restraint in upholding social and economic rights.

2. Inequality

Article 2 (2) (Non-Discrimination)

In Israel there is a serious problem of inequality and discrimination in the exercise of social, economic and cultural rights. The first and most acute is the problem of discrimination on the grounds of national origin against Arab citizens of the State. 62 years after its founding, Israel continues to flagrantly discriminate against its Arab citizens with regard to basic living conditions, employment, education, health care and the realization of cultural rights.

Within the Arab minority, the situation of the residents of unrecognized Bedouin villages is particularly bleak. The State refuses to recognize these villages, some of which were founded before the State itself, and refuses to supply these villages with basic services.

Large gaps exist in the realization of the rights of the Covenant among certain groups within the Jewish population. Research demonstrates that there are significant gaps between Jews with African-Asian origins (Sephardim) and those with European-American origins (Ashkenazim). These gaps are expressed specifically in education and in the standards of living and housing. The current economic policy and the

growing trend of privatization of social services contribute to the institutionalization of these socio-economic gaps.

In spite of the existence of the Equal Employment Opportunities Law there are serious problems regarding discrimination in employment including hiring, firing, work conditions, salary, benefits and retirement. The main groups injured by such discrimination are Arabs, women, people with disabilities, gays and lesbians and older workers.

3. Insufficient Implementation

Article 2 (Application of the Rights of the Covenant)

While some of the rights outlined in the Covenant are protected in legislation, the State has not fulfilled its obligation to implement these laws and, as such, to ensure the realization of those rights. For example, the lack of implementation and enforcement of various laws which are meant to protect workers' rights (such as the Equal Employment Opportunities Law, the Minimum Wage Law and Equal Wages Law) causes increased harm, particularly to workers with low wages, who start out disadvantaged with decreased bargaining power. The insufficient implementation of the Mandatory Education Law, particularly among the Arab minority and among the Ethiopian Jewish community, causes a high dropout rate.

4. Education to Human Rights

Article 2 (1) (Application of the Rights of the Covenant)

In recent years, education to human rights in Israel has been impaired, and has sometimes even been the subject of attacks. Themes relating to human rights, pluralism, and coexistence, which used to be uncontroversial, have suddenly begun to be seen as "dangerous" and questionable. Militaristic values are being emphasized in school culture, encouraging an atmosphere which views the other as the enemy, and cultivating discipline over criticism and standing up for one's rights.

These trends are particularly alarming against the background of numerous surveys and studies showing that the perception of democracy in Israel, particularly among young people, is increasingly confined to its formal dimension, i.e. the perception of a democratic system as one that holds regular elections to parliament. There has been grave erosion, in particular, regarding the protection of the rights of minorities in society against the strength of the majority. In recent years, racism has spread in

Israel, as has the social legitimacy attached to this phenomenon. There is an increasing tendency to delegitimize those who are perceived as different.

At present, activities in the education system to promote shared life between Jews and Arabs in Israel are marginal and superficial and cannot facilitate real change. The civic studies programs include activities on the theme of “coexistence.” However, education to shared life cannot be reduced to a one-time encounter or short-term, localized, and superficial programs. The Ministry of Education does not at present have any serious programs designed to promote shared life between Arabs and Jews. The Israeli education system does not recognize Arabs as a group, with its own distinct narrative. Jews do not study Arabic nor learn about the Palestinian history and culture. Arab students do not learn about their own heritage, but are compelled to learn about Jewish history.

5. Poverty and Increasing Economic Inequality

Article 9 (Right to Social Security), 11 (1) (Right to an Adequate Standard of Living)

Economic inequality in Israel has been increasing in recent years: The Gini coefficient for inequality grew by about 5% during the years 2002-2008. More than 20% of households, and one of three children, live in poverty, which means Israel has the highest rate of poverty among OECD members. The ratio of families living in long-term poverty is rising, and the ratio of families overcoming poverty due to government measures is low in international comparison. The government has repeatedly postponed the achievement of goals in reduction of poverty that have been mentioned in the state report, and has not made any progress towards achieving them in recent years.

The laws mentioned in the introduction of the state report have been legislated only recently and their scope is limited. In addition, some laws' implementation has been delayed by the government (for example, the Earned Income Tax Credit). As mentioned above (in item 3, regarding non-implementation), even progressive laws that are already in force are poorly implemented.

In 2003, the state revoked or severely reduced allocations for families in poverty, without taking into account the need to ensure an adequate standard of living. The High Court of Justice has rejected a petition against this decision. Although the High Court recognized the right to dignified living conditions as part of the right to dignity enshrined in Basic Law: Human Dignity and Freedom, it limited this right to minimal material living conditions (living off the street, lack of hunger, access to elementary healthcare, living in non-demeaning material conditions).

The state National Insurance Institute, in charge of transfer payments, is constantly struggling to maintain its independence and financial stability.

6. Inadequate Employment Policy

Article 6 (Right to Work), **9** (Right to Social Security), **11 (1)** (Right to an Adequate Standard of Living)

State measures encouraging employment and participation in the labor market are highly limited. Only 0.2% of GDP was allocated for this purpose in 2009, roughly a third of the OECD average. Despite relatively high inducements for work that exist for welfare recipients, the government policy prioritizes this issue while harming its welfare alignment, resulting in further erosion to benefits.

An experimental "welfare to work" government program, named "Lights to Employment", has harmed welfare recipients, while doing little to increase participation on the labor market or reduce poverty. It has actually increased recipients' dependency. Nonetheless, the government plans to inaugurate a similar, nationwide plan that will not remedy its predecessor's flaws.

The national Employment Service is under-budgeted and understaffed. Every clerk must handle 346 job seekers (in comparison to 29 in Finland, 39 in Germany and 37 in Ireland). The budget is 0.02% of GDP, only a twentieth of the OECD average. Only a fifth of the placement clerks have received appropriate professional training. Government vocational training programs have been repeatedly cut, and are increasingly focused on inadequate courses that are incapable of helping people out of poverty.

Over the last decade, unemployment insurance has been significantly cut. Since 2002 the number of unemployed eligible for benefits has been reduced by half. In 2007, only a quarter of the unemployed were entitled to unemployment allowances. These allowances fall far short of the salaries received by beneficiaries before losing their jobs.

7. Discrimination in Employment

Article 2 (2) (Non-Discrimination), **6** (Right to Work), **7** (Right to Favorable Conditions of Work)

Employment in Israel is characterized by major differences in pay, on the basis of gender, nationality and ethnic origin. Unemployment and underemployment among women is still higher than among men. In the public sector, women earn on average

only 63% of what men make. Arabs suffer severe and continues discrimination in the labor market. They have a higher unemployment rate than Jews, lack access to adequate employment in the areas where they reside, and receive significantly lower pay than Jews. Only a small proportion of Arab women participate in the labor market, due to lack of culturally suitable employment, adequate transportation infrastructure, and child care. Arab working women suffer particularly from violation of their worker rights.

Despite legislation meant to correct this situation, only 6.7% of public service employees are Arabs, and they disproportionately occupy the lower ranks. Government-owned corporations employ few Arab workers. The military service criterion, despite rulings by the courts that it is discriminatory, is still used mainly to weed out Arab candidates.

Jewish workers who are descended from immigrants from Arab and Muslim countries (Sephardim), earn less than other Jewish workers, and this gap (mainly due to education gaps, and a higher ratio of residents in the peripheral areas) has been increasing. Jewish academics of Ethiopian descent find it difficult to integrate in the labor market. Due to changes in the law, the ratio of Ethiopian Jews in the public service has increased, but they still disproportionately occupy administrative positions. People with disabilities face severe employment discrimination, including in the public sector. Discrimination on the basis of age, despite being illegal in Israel, has increased in scope.

8. Exploitation of Workers and Lack of Enforcement

Article 7 (Right to Favorable Conditions of Work)

The increase in the number of workers employed through manpower agencies, now numbering 5-10% of all workers (depending on the source of information), has reduced employers' responsibility to uphold their workers' rights and benefits. Some public sector workers are also employed in this manner, and the government is shirking its responsibility for their inadequate working conditions. The relatively progressive laws defending workers' rights are enforced by understaffed and under-budgeted government agencies. 50-70% of workers who are supposed to receive minimum wages, receive less than they are entitled to by law. This disproportionately affects migrants, Arab women and men. Violations of working hours, leisure and rest law, as well as abrogation of pay, are also frequent.

9. Workers' Right to Organize and Strike

Article 8 (Right to Organize and Strike)

The court rulings on the right to strike and organize, mentioned in the state report, are countered by government measures that continue to undermine these rights. The proportion of workers belonging to trade unions has dropped from 85% in the 1980s to 32% in 2003. In recent years, the government has worked to delegitimize strikes in the eyes of public opinion, and many initiatives, intended to limit the right to strike, have been discussed.

10. Family Unification

Article 10 (Protection of the Family)

Since May 2002, Israel has prevented – first by government decision and since 2003 by law – legalization of the status of Palestinians in Israel, even if they are spouses or children of Israeli citizens and residents. Although the avowed purpose of the law is security, decision makers have clarified more than once that the intent is demographic – to prevent Palestinians from having legal standing in Israel. Although the law permits spouses and children above a certain age to hold a temporary residence permit without social rights, it does not allow legalization of their status on a permanent basis. And since 2007, Israel has placed an absolute prohibition on legalizing the status of family members who are citizens of Syria, Lebanon, Iran, or Iraq and – from 2008 – also Gaza Strip residents.

The law, while ostensibly enacted for security purposes, disproportionately harms the right to family life solely on the basis of nationality and ethnic origin. The law also undermines the principle of equality as it prevents Arab citizens and residents whose partners reside in Arab states or the Occupied Territories from realizing their right to a family life. In May 2006, the High Court of Justice rejected petitions against this law, asserting in a majority ruling that these orders are temporary despite the harm they cause. Subsequent petitions against extending the validity of this law are pending.

11. The Bedouin in the Negev

Article 2 (2) (Non-Discrimination, 11 (1) (Right to an Adequate Standard of Living)

As the state report mentions, tens of thousands of Bedouin in the Negev live in dozens of “unrecognized” villages. They do not have the elementary services

afforded to other communities in Israel, including electricity, water, education and health. The state report does not explain or offer any justification for the policy that refuses to recognize these villages, encompassing only a small portion of the Negev's territory. The lack of recognition denies them safe tenure of their land and the absence of official planning results in grossly inadequate housing conditions.

The state policy is a violation of the Bedouins' rights as an indigenous people, and specifically their right to own and manage their lands according to traditional customs and laws. Instead, the state enforces its own system of land management and registration, using it to expropriate the Bedouin lands and register them under its ownership. In addition, the illegal status of the villages means that construction can only be carried out without permits, and is therefore under the permanent threat of demolitions and criminal sanctions. Such demolitions and forced evictions are common, and are conducted without offering appropriate housing alternatives. In most cases, demolitions are carried out without notification of the date and time. The government now intends, according to public pronouncements, to triple the rate of demolitions in the Negev.

12. Planning Policy in the Arab Areas

Article 2 (2) (Non-Discrimination), 11 (1) (Right to an Adequate Standard of Living)

Over the past year, the pace of house demolitions in Arab towns and villages, and in Arab neighborhoods in mixed cities, has increased substantially. Over the last few decades, the government has not advanced appropriate building plans for the Arab minority, which can answer its housing needs. Most Arab localities either do not have approved plans at all, or have plans that are not up to date, or have plans that do not allow residential building. The process of developing new and adequate plans drags on for years, sometimes decades. As a result, people who do not receive solutions to their housing needs are forced to build without permits and live under constant threat that their houses will be demolished. Despite repeated requests, the government refuses to freeze demolitions until appropriate plans are drawn up and approved.

13. Discrimination in Housing

Article 2 (2) (Non-Discrimination), 11 (1) (Right to an Adequate Standard of Living)

The law in Israel does not explicitly forbid discrimination in the private housing market, and the state does not tackle phenomena of discriminations in the rental market and in the criteria for acceptance of residents in various communities.

Following the Ka'adan ruling, explicit discrimination regarding public land sold by the state is prohibited. However, the state defends practices that in effect allow for discrimination: Communal localities are allowed to have acceptance committees which operate according to unclear parameters of social compatibility, forming a basis for discrimination. Several such communities have altered the rules, and added requirements for identification with Jewish and Zionist values, in order to exclude Arabs. The Knesset is debating legislation that will enshrine the authority of these acceptance committees, and another bill that would allow Israel's National Land Authority to allocate lands exclusively to Jews. A district court has ruled that a real estate company could sell apartments exclusively to religious Jews, in a project on state lands at the heart of neighborhood with an Arab majority. The Justice Ministry has stated that it will not allow private companies to discriminate, but in court, it has defended the company's policy in this project.

14. Lack of a Housing Policy

Article 2 (2) (Non-Discrimination), 11 (1) (Right to an Adequate Standard of Living)

Israel does not have a clear and published housing policy. Government actions on this issue are characterized by a high level of opacity. For example, the policy regarding housing assistance is not enshrined in primary legislation, or regulations, but is instead controlled exclusively by internal procedures of the Housing Ministry. These procedures determine, among other things, eligibility to public housing and rent aid.

15. The Decrease in Public Housing Units

Article 11 (1) (Right to an Adequate Standard of Living)

Over the past two decades, the Israeli government has not advanced any new public housing units. While over 20,000 public housing apartments have been sold to tenants, the proceeds (over 2 billion NIS by now) were not used to construct new public housing apartments, in contravention of the law. Right now, there are less than 66,000 public housing apartments, which is a relatively small quantity in comparison to demand. Waiting periods stretch over years, and eligibility conditions have been severely restricted, due to the shortage. Only families with three children or more, and disabled people bound to a wheelchair are now eligible for public housing. The alternative – rental allowances– is not adjusted according to the prices in each area, and the private rental market is not regulated.

16. Care for the Homeless

Article 11 (1) (Right to an Adequate Standard of Living)

As mentioned in the state report, housing policy regarding homelessness is focused exclusively on people living in the street, who have to fulfill certain conditions. There is no reference to those residing in temporary or makeshift homes, nor to those who have conducted normal lives before losing their homes. These groups are offered standard and inadequate aid. In addition, there is no prevention and early intervention policy. Aid is provided only once a person has already ended up on the street. The number of shelters is very small, there are no shelters for families with children.

17. Lack of Affordable Housing

Article 11 (1) (Right to an Adequate Standard of Living)

In the past few years, a growing number of people have encountered difficulties in attaining affordable housing. An acute shortage of apartments, in addition to an increase in the number of large apartments, has worsened the housing problem, which now also affects the young and the middle classes. The state does not take measures to ensure affordable housing, and does not encourage mixed income housing projects, with the potential to reduce socio-economic gaps and prevent the creation of pockets of poverty. A law requiring the allocation of lands for affordable housing has been passed in 2009, but has not been implemented. Several local councils have started to promote affordable housing, but without enshrining this in law, they can only do so partially and with the builder's consent.

18. Aid to Homeowners in Distress

Article 11 (1) (Right to an Adequate Standard of Living)

As the state report mentions, the Law of Execution was amended so that in situations of evictions due to debt, mortgage or pledge, the provision of an alternative housing prior to the eviction is obligatory. However, not enough has been done to protect homeowners in distress due to mortgage debts. Specifically, the government committee tasked with relief to such homeowners, has a limited mandate (assistance only to debtors who received guarantees from the state), does not operate in a transparent and independent manner, makes harsh financial requirements from debtors, and does not provide immediate emergency assistance.

19. Discrimination in Access to Health Services and Inequality in Health Outcomes

This paragraph was written in cooperation with Physicians for Human Rights in Israel and Adva Center. A more detailed document on this issue will be submitted separately by these organizations.

Article 2 (2) (Non-Discrimination), 12 (Right to Health)

Availability and accessibility of healthcare: In 1994, Israel adopted a National Health Insurance Law that is based on the principles of justice, equality and mutual aid. After the legislation of this law, its implementation succeeded in expanding the scope of health services provided by the state. However, despite these improvements, disparities have increased over the last few years, and health services in Israel are not equally enjoyed. One of the main problems of the National Health Insurance Law is that it does not include anyone who lives in Israel without permanent residency. E.g., Palestinians living in Israel with temporary permits, migrant workers and refugees have to finance their own health services.

As for the insured population, erosion in the protections created by the National Health Insurance Law over the years has made private expenditures on health services a necessity. Between 1997 and 2007, private expenditure on health has more than doubled, far outpacing the general growth in expenditure on health.

A fifth of the lowest income quintile, and a similar proportion of chronic patients, report giving up on medical care or purchasing pharmaceutical drugs, due to co-payments on services and drugs included in the national health basket. A third of chronic patients reported that payments are extremely burdensome. Studies indicate that such payments indeed push many people into poverty.

In 2003, the exemption from co-payments for several groups (including recipients of welfare benefits) has been rescinded. This trend increases the gap between socio-economic groups, and creates discrimination on the basis of income regarding access to healthcare. A government committee established to review this issue has significantly delayed submitting its recommendations. In addition, the elderly, Arabs, and those with low income are less likely to have supplemental medical insurance, which often provides necessary services.

There are substantial regional gaps in the amount of doctors and nurses, and in access to advanced medical equipment, such as C.T. and MRI. Arabic and Russian speakers, women, lower-income groups, and residents of low-income localities, were

more likely to forsake needed medical services because of physical distance. Arabs and Ethiopian Jews also find it more difficult to communicate with medical staff.

Inequality in health outcomes: The gap in infant mortality between Arabs and Jews has increased, even though mortality rates have dropped for both groups. The state report explains that the major cause for Arab infant mortality is congenital defects. However, this explains only part of the gap, and rates are higher for Arab infants of all categories of death causes. Gaps in infant mortality between different cities are extreme: up to 10 times higher.

Life expectancy gaps between Arabs and Jews are expanding, and regional life expectancy gaps remain substantial. General mortality rates are higher for Arabs than for Jews, and higher for those with lower education than for those with higher education levels.

Various chronic diseases are more common (after accounting for risk factors) among Arabs, lower income groups, lower education groups and Ethiopian Jews. These gaps are also apparent in the self-reporting of various groups regarding their health status.

Although inequities in health between social groups in Israel have been documented in various academic studies and by research institutes, government information banks, social advocacy organizations and the Israeli media, there has been no official, structured governmental action aimed at overcoming these inequities. Whereas many other countries have been taking action— some for more than a decade (such as Great Britain, Canada, Belgium, Finland, Norway and even the United States), Israel has no program at the national level for reduction of disparities in health provision and outcomes.

20. Discrimination in Education

Article 2 (2) (Non-Discrimination), 13 (Right to Education)

Over the past few years, the public financing of Israeli education has been increasingly supplemented by payments demanded from parents, including those whose children attend state-operated and state-funded schools. Many of these payments are illegal, but the government turns a blind eye to their illegal collection by schools, and does nothing to end this phenomena. This trend discriminates between students from different areas and different socio-economic backgrounds, and increases already substantial gaps in education, reducing economic mobility.

Arabs localities suffer from a shortage of thousands of classrooms and kindergartens. Arab schools are more crowded than other schools, with a deleterious

effect on the quality of the students' education. Shortage of room compels many pupils to attend schools in rented rooms and buildings, which often do not meet required standards and are unsafe. This rent is paid by Arab municipalities, increasing the burden on those towns that already suffer from severe budgetary constraints, and serious socio-economic problems.

21. Enforcement of Majority Values and Culture on the Arab Minority

Article 1 (Self-Determination), **2 (2)** (Non-Discrimination), **13** (Right to Education), **15** (Right to Cultural Life)

As the state report makes clear, little effort is made by the government to preserve and honor the cultural heritage of its Arab citizens. The state report mentions the High Court's ruling in regard to use of Arabic language on signs. However, this ruling has not been implemented, in contravention of the Court's order. Moreover, the Minister of Transport recently launched a new initiative to change the Arabic names of places on road signs, and replace them with an Arabic transcription of the Hebrew names. This is an attempt to erode the minority's identity and self-determination as an indigenous people.

In addition, a recent draft bill presented before the Knesset aims to deny public funding to institutions which commemorate the Palestinian Nakba, their experience and suffering during the war of 1948. The Ministry of Education has also decided to remove mention of the Nakba from Arab schoolbooks, to compel Arab schools to teach Jewish and Zionist values, and to reward schools not just according to educational criteria, but according to the number of students who enlist to the army or national service.

22. Civil Marriage

Article 10 (Protection of the Family)

In Israel, marriage is recognized only as a religious proceeding carried out according to the religious laws of the couple that seeks to marry. As a result, many do not have the option of marriage in Israel – couples of different religions, those who practice a religion not recognized by the Israeli religious establishment, those prevented from marrying for a religious reason, and same-sex couples. In addition, the freedom of religion and conscience of many individuals is undermined, including those who wish to marry not in a religious ceremony or those who wish to marry by groups not recognized by the state, such as the Conservative or Reform movements in Judaism.

The Occupied Territories:

23. Lack of Official Recognition of Covenant Rights for Palestinian Residents of the Occupied Territories

Article 2 (Application of the Rights of the Covenant)

For over 42 years, Israel has maintained effective control over the Occupied Territories.¹ According to both Israeli declarations and the common view of the international community, this area is held by Israel as occupied territory. Despite the length of time that Israel has controlled this territory, it rejects application of the Geneva Conventions to the region, as well as its obligation to ensure the rights articulated in this Covenant to Palestinian residents of the territory. Thus, Israel has responsibility for creating a legal regime in which the rights of this Covenant are not enshrined in or protected by law. In addition, a regime of occupation inevitably leads to violation and severe curtailment of the rights and protections enshrined in the Covenant.

24. Palestinians' Right to Adequate Housing and Family Life

Article 2 (2) (Non-Discrimination), 10 (Protection of the Family), 11 (1) (Right to an Adequate Standard of Living)

After the occupation of the territories in 1967, Israel created two systems of planning, one for Jewish settlers, and one for Palestinians indigenous to the Occupied Territories. The separation is discriminatory, and explicitly intended to suppress the Palestinian population and encourage the expansion of Israeli civilian presence in the Occupied Territories. Legal Palestinian construction is prevented through the non-issuance of permits and the lack of appropriate planning. Construction without permits is often demolished. This results in poor housing conditions, and adverse affects on family life, with extended families unable to live in close proximity, as they desire and as is the custom in Palestinian society and culture.

¹ In 2005, Israel withdrew its troops from the Gaza Strip. However, even after completing this "disengagement", Israel continues to control the fate of Gaza residents in many ways – by control over the land crossings, air space, and territorial waters of the Gaza Strip, as well as the population registry and additional mechanisms that directly and indirectly affect the lives of Gaza residents.

The Palestinian population of East Jerusalem suffers from a similar problem: Despite the fact that the population has increased 450% since the annexation of East Jerusalem, the possibility of issuing legal building permits for new construction in East Jerusalem has been practically non-existent for decades. One consequence of this policy is extreme housing density in East Jerusalem: data published by the Jerusalem Institute indicates that the average density in East Jerusalem as of 2008 was 1.9 residents per room, which was almost double the density in West Jerusalem, estimated at 1 resident per room.

Despite the clear responsibility of the municipality and of the planning and building authorities for creating this situation, the enforcement of planning and building regulations, including home demolitions and imposition of fines, are also implemented in a discriminatory manner. In 2009, 80 structures were demolished in East Jerusalem as opposed to 57 buildings in West Jerusalem. As a result of these demolitions in East Jerusalem, 300 individuals lost their homes, 149 of them children.

25. Palestinians' Right to Work and an Adequate Standard of Living

Article 2 (2) (Non-Discrimination), **6** (Right to Work), **11 (1)** (Right to an Adequate Standard of Living)

The on-going restrictions on Palestinian freedom of movement, despite recent easing, still significantly impair their right to work and their right to an adequate standard of living. It denies them the possibility to conduct regular commercial activity, and, in combination with the Separation Barrier, prevents access to work their lands, and particularly the olive grove on which many Palestinians rely for a living. The policy denying Palestinian workers entry to Israel, has severely impacted the livelihoods of those who have grown reliant on the Israeli job market during over four decades of occupation.

The construction of the Separation Barrier significantly effects the population in East Jerusalem as well. More than 100,000 East Jerusalem residents who live in neighborhoods on the east side of the Barrier (mostly in areas which are still within the Jerusalem Municipality boundaries) have been disconnected from the city, which had always been the focal point of their lives. The traffic and conditions at the checkpoints to cross the barrier are unbearable. Despite previous commitments by the authorities to the High Court, in response to a petition against the Barrier's route in the area, those passing suffer long waiting periods, routinely waiting for one or two hours while crossing into Jerusalem and upon leaving. The implications for the possibility of people to arrive to their workplaces are tremendous.

26. Palestinians' Right to Health and an Adequate Standard of Living

Article 2 (2) (Non-Discrimination), 11 (1) (Right to an Adequate Standard of Living), 12 (Right to Health)

The right to an adequate standard of living is adversely affected by the lack of sufficient access to water. Israel controls subterranean water reservoirs, and allocates insufficient amounts to the Palestinian Authority. In areas under full and direct Israeli control, the Palestinian population also suffers from a lack in the minimal water required for living, in contrast to Israeli settlements which receive substantial supplies of water. This situation harms the Palestinians' health and hygiene, their agriculture and their general economic situation (because of the need to pay for transportation of water in tankers).

Gaza is also dependent on Israel as a water source, and suffers from a chronic shortage of drinkable water. During periods of fighting, water supply is interrupted and infrastructure is damaged. The pumping of water is reliant on power from Israel and Egypt, and the local power station is dependent on fuel supplies from Israel, which are inadequate and unreliable. As a result, many Gazans rely on bottled drinking water, which increase the economic burden on the impoverished population. Water supply is also an issue in East Jerusalem. A direct outcome of discrimination in the field of planning between Jewish and Arab neighborhoods is the lack of fresh water supply. Since Israel's Planning and Building Law prohibits the connection of unauthorized buildings to the municipal water network, tens of thousands of East Jerusalem residents suffer from the lack of a regular water supply. Based on estimates of the Water Company of Jerusalem, over half the population, about 160,000 residents, have no legal source of water. They are left no choice but to rig makeshift connections to water mains or to homes that are legally connected to the water network, or to make do with stored containers of fresh water.

The quality of healthcare in the Occupied Territories is far below the standards inside Israel. Over many years, the Israeli government has obstructed the development of the Palestinian healthcare system, by preventing the entry of medical equipment and the exit of Palestinians to receive medical training abroad. The level of healthcare for Palestinians is far lower than that of the settlers who live in their midst.

27. Poverty and Welfare in East Jerusalem

Article 2 (2) (Non-Discrimination), **9** (Right to Social Security), **10** (Protection of the Family), **11 (1)** (Right to an Adequate Standard of Living)

Despite the fact that 65.1% of East Jerusalem residents live below the poverty line, only 10.3% of the population receive social services. Though East Jerusalem makes up 36% of the overall Jerusalem population, only 19% of municipally allocated welfare worker positions serve East Jerusalem residents, despite of the blatant socio-economic gaps between Eastern and Western sides of the city.

Israel's policy of revoking the residence of East Jerusalemites has significant consequences with regard to their social benefits. Israel treats the residents of East Jerusalem as foreigners whose status can be revoked as a matter of course. These residents are forced to repeatedly prove their permanent residency status in the city to the Ministry of the Interior and the National Insurance Institute, which conduct investigations and inquiries designed to gather evidence for annulling this status. Residency status is at times revoked arbitrarily, with no opportunity for appeal, and with no notification to the resident, who learns of the action only when applying for services. Between 1967 and 2008 the Ministry of the Interior revoked the status of over 13,000 residents. Half of these revocations occurred between 2006 and 2008. The meaning of those revocations is that the persons who lose their status are not allowed to live in the Jerusalem and are denied all social benefits.

28. Education in East Jerusalem

Article 2 (2) (Non-Discrimination), **13** (Right to Education)

The most pressing of the many serious problems in education in East Jerusalem is the shortage of classrooms, a reality which effectively denies many children their right to education. The population of the area has grown to four and a half times its size in 1967, but the educational system has not kept pace with the changing needs, and very few new classrooms have been built. According to the State Comptroller's Report, the East Jerusalem educational infrastructure was short of approximately 1,000 classrooms in the school year of 2008.

Thank you for your attention to our comments. For further information, please contact Ms. Tali Nir, Director of ACRI's Social and Economic Rights Department, at: tali@acri.org.il.