



The State of Human Rights in Israel and in the Occupied Territories 2013

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Introduction

Each year the Association for Civil Rights in Israel publishes the "Situation Report" – an annual report on the state of human rights in Israel. The report, released on International Human Rights Day, reviews developments in the human rights situation over the previous year in Israel and the Occupied Territories – wherever human rights are violated by government authorities. In this report we flag particularly severe violations of human rights; indicate positive changes, so far as they exist; shine a light on human rights violations that are not covered by the press and do not receive widespread public attention; and highlight systemic issues in the field of human rights that derive from the actions – or inactions – of the government, and which are leaving their imprint upon all the people who live here.

Much of 2013 was occupied with Knesset hearings on the budget and the Arrangements Law for 2013-2014. Prior to the elections which took place early this year, it seemed that social rights were finally at the top of society's agenda, as well as those of the Knesset and government; that change was taking place in the socio-economic public discourse and perhaps even in policy. In practice, however, it became clear that the elections yielded almost no change in the government's priorities or socio-economic worldview. As always, the proposed budget and Arrangements Law included a variety of socio-economic decrees that violate the basic rights of the middle class and those with limited means, increase inequality in Israeli society, and drag many people below the poverty line.

Another issue that played a central role in public discourse over the previous year was the concept of an "equal sharing of the burden." Whether or not to draft ultra-Orthodox Jews into the army or national service is a complex question with far-reaching implications on different aspects of human rights. The issue is complicated by the presence of conflicting rights: the right to culture and freedom of religion for a minority group on the one hand, and the right to equality on the other. Most importantly – the focus on equally sharing the burden, both specifically in the last election campaign, and generally in public discourse in Israel, distorts the otherwise valuable public engagement with the issue of equality. It reduces the issue of equality to just one topic, and ignores the ongoing discrimination – institutionalized and non-institutionalized, overt and hidden – from which many groups in Israel have suffered for decades. Absurdly, the demand to equally share the burden comes from the strongest groups in Israel, who enjoy access to resources and centers of power, and is directed towards two of the weakest and most excluded groups in Israeli society: Arabs and ultra-Orthodox Jews. It is impossible not to wonder how it came to pass that in a state which features record-breaking social and economic inequality, and in which poverty levels are among the highest in the western world, the primary debate over "equality"

revolves specifically around military service, rather than around other questions. The discourse on equally sharing the burden also implicitly links rights and responsibilities. This contradicts the basic principle of human rights, according to which rights accrue to a person by virtue of being human, with no conditions attached whatsoever.

In this report we sought to return the focus to the basic principles of equality: to the state's obligation to act equally towards all people without regard to religion, nationality, place of origin, gender, marital status, age, sexual orientation, gender identity or disability; to allocate its resources fairly, and to act vigorously to correct social inequality. Although courts in Israel and many laws have tried to guarantee the rights of all citizens to equality, the primary barrier to preventing discrimination in Israel is that equality as a *value*, has not been truly internalized within Israeli society, or within government authorities. This absence is expressed in legislation, policy, and the preferential allocation of resources to Jewish citizens while Arab citizens are excluded and deprived; discrimination towards various groups in employment and housing; processes of segregation, self-seclusion of groups, and the exclusion of those different from them; racist incidents; racist messages and statements by public figures; treatment of migrant workers, asylum-seekers and refugees; inequality in healthcare and gaps in levels of health between different population groups; and deep and growing social inequality. Some of these phenomena will be discussed in this report.

Above all of these issues, hovers the heavy shadow of the occupation, which is becoming evermore entrenched in the West Bank. Under the control of a state that defines itself as a democracy, millions of people have now lived under a military occupation regime for two generations with no rights guaranteed. The vast presence of settlements in the heart of the occupied territories – themselves a violation of international law – and the policies supporting them have created a situation of institutionalized segregation and discrimination that violates the principle of equality before the law. In the same territorial space, under the same administration, two populations live side by side, subjected to two different and fundamentally opposed legal systems and infrastructures that discriminate based on the national origin of the residents. A clear relationship of superiority and inferiority exists between the populations: While the Israeli citizens enjoy full civil rights, the Palestinian residents – who under international law are entitled to special protection from the occupying army – are denied the same rights. This discriminatory situation, in which services, budgets and access to natural resources are granted differentially to different groups in the same territory, constitutes a glaring violation of the principle of equality.

The "violation of human rights" is not a theoretical legal construction. When human rights are violated, real people are injured. Human rights organizations stand together with these people, seeking to ensure

that the state carry out its duty and obligation to protect, fulfill and promote human rights. The struggle for the realization of human rights never ends, and is often maddeningly Sisyphean. A harmful law is invalidated, and the government and the Knesset hurry to legislate another one in its place; a law promoting rights passes, but is not enforced – or is frozen for years; certain inequalities are corrected, while others become more severe; the government changes, and pro-human rights initiatives and reforms are neglected. But in spite of the frustrations, the ongoing fight for human rights bears fruit – whether through achievements in one particular sphere, or in strengthening the human rights discourse in society, in the media or amongst policy-makers, so that it will become a concern that cannot be ignored. We invite you to read this report, understand the situation – and join the struggle.

The Right to Equality

The right to equality stands at the heart of human rights. “All human beings are born free and equal in dignity and rights.”¹ The right to equality asserts that each human being is entitled to equal treatment and can live free from discrimination of any kind. Equality must prevail in all areas of society including law, politics, property and land ownership, healthcare, and more. The right to equality imposes an obligation on the state to act equally towards all people, irrespective of religion, nationality, birthplace, gender, marital status, age, sexual and gender orientation or disability. A state seeking to operate in an equitable manner must distribute its resources fairly and actively seek to correct any and all social inequality.

In Israel, multiple legal rulings have reiterated that the right to equality is a constitutional right derived from the right to dignity enshrined in the Basic Law: Human Dignity and Liberty, and that violation of this right shall only be allowed within the limitations set by the Basic Law. Nevertheless, there is no explicit constitutional enshrinement of the right to equality in Israel. More than a few legal provisions have sought to ensure the right to equality for all the state’s citizens, yet the elusive nature of discrimination and the difficulty of proving it in court make it one of the more difficult issues to prevent and enforce. The primary barrier to the prevention of discrimination in Israel is that the value of equality has not been truly internalized within Israeli society – neither by the wider public nor by government authorities. This is reflected in government policies and legislation that preferentially allocate resources towards Jewish citizens; in discrimination shown towards various groups in employment and housing; in processes of segregation, the self-seclusion of groups and the exclusion of others; in racist behavior, incitement and discourse by both citizens and public figures; in the treatment of foreign workers, asylum seekers and refugees; in the gaps in health services and conditions between different demographics; and in the ever-deepening socio-economic gaps. Some of these phenomena will be discussed below.

Discrimination in Housing

“I don’t think that it’s a conscious thing, but the fact that we are Mizrahi [...] Out of all of these couples, we were the only Mizrahim.”

“The fact that I am a single mom doesn’t mean that you have to discriminate.”

“I think the only thing that prevented me from being accepted [...] was my age.”

“They told me that [...] up to age 40 or with small children. I said thank you very much. I don’t have small children and I am over age 40, so I didn’t even try.”²

All people have the right to choose their place of residence, free from discrimination of any kind. The state is obliged to refrain from direct or indirect discrimination, as well as to ensure that private entities refrain from discriminatory conduct. Listed below are several developments that occurred throughout 2013.

For the hundreds of community settlements established on state lands, the Admission Committees Law³ grants veteran residents the ability to “screen” those who do not meet the criteria of “suitability to the community’s life” or “suitability to the socio-cultural fabric” of the community. This is granted even in cases where the residents have no unified culture or other designation that might justify the screening. Although the language of the law prohibits discrimination based on nationality, marital status, parental status or worldview, the broad criteria of suitability to the community’s life and social fabric allow the communities to reject “undesirable” populations such as Arabs, persons with disabilities, senior citizens, Mizrahi Jews (Jews of Middle-Eastern or North-African descent), persons of Ethiopian origin, religious persons, single-parent families, same-sex couples, etc. Petitions against this law, including one filed by ACRI, are pending before the High Court of Justice.⁴

A recent study⁵ found that veteran residents of community settlements make use of a variety of covert and overt mechanisms of exclusion and discrimination to turn away “undesirable” candidates from the community even before they reach the admissions committee stage. Among these are informal screening conversations with candidates and early screening by a Community Absorption Committee – an informal body, not governed by the law. The study also found that the tests conducted at evaluation institutes (a mandatory step in the admissions process) are likely to exclude certain populations such as persons with memory problems, learning disorders, dyslexia and hyperactivity, or those with a mother tongue other than Hebrew. Of those who participated in the study, there were some who described their rejection as rooted in ethnic discrimination, ageism and discrimination based on family status. The researchers noted that it was clear from speaking with the interviewees that the rejection caused emotional repercussions.

The Admission Committees Law also allows each community to add conditions of admission to the community’s cooperative society’s articles of association. This mechanism can be used to allocate land in the community in a discriminatory, racist and exclusive manner. For example, in the new community of Carmit, located on public land near Meitar in the Negev and generously funded by public money, the cooperative society’s articles of association unambiguously express discriminatory acceptance standards regarding nationality, religion, and family status, and also require military service and a clean criminal record. It is clearly stated in the articles of incorporation that only Jews can be admitted to the community.⁶ The community was built to accommodate 2,500 families, and while the Admission Committees Law entitles admissions committees to screen applicants in small communities of up to 400 residents, those who purchase plots in Carmit are still requested to pass through this requirement. In

September 2013, ACRI petitioned the High Court of Justice to suspend the marketing of plots in Carmit owing to the discriminatory terms of membership and to prevent the continued conditioning of community membership upon passage through an illegal admissions committee.⁷ The articles of incorporation have since been amended and the sections containing unlawful requirements have been erased, but the state stands behind the community's ability to utilize an admissions committee.

Discriminatory practices also exist in the form of allocating and/or marketing of residential compounds to certain 'well-regarded' populations, in spite of the fact that these compounds are located on public land and intended to serve the wider public. This is reflected, for example, in the government decision to instruct the Israel Land Authority to allocate land in Jerusalem through a public tender-exempt process in order to create an exclusive neighborhood for military career officers, even though there was no military request for such an allocation.⁸ A further example is a tender in Nazareth, in which "service in the security forces" was included as a condition.⁹

Even if discrimination and exclusion are not carried out so unequivocally, the allocation of plots "to the highest bidder" allows the authorities to promote homogenous neighborhoods for wealthy residents on public land, in a manner which does not provide equal opportunity for all city residents to exercise their right to housing. For example, in the Ajami neighborhood in Jaffa, the Israel Land Authority is marketing one of the last land reserves left in the neighborhood to the highest bidder, ignoring the severe housing crisis suffered by the poorer residents of the neighborhood. In a petition filed by the neighborhood residents, they claim that the Israel Land Authority Law requires it to take into account a wide variety of public considerations when marketing state lands. These include, the possibility of marketing land for public housing and affordable housing; the obligation of the ILA to consider the needs of the local population and provide a solution to the housing crisis in the neighborhood; and the duty to act in accordance with the principle of distributive justice, according to which the development of a certain area cannot come at the expense of those who have lived there for decades.¹⁰

Housing discrimination is also a common occurrence amongst private entities in the real estate market. In June 2013, the Haifa Magistrate's Court gave legal force to a settlement in a precedent-setting lawsuit against a realtor who discriminated against an Arab buyer. The suit was filed on behalf of an Acre resident who attempted to purchase a housing unit in the Green Palace real estate development of the Moshe Hadif Group in Acre, and was refused.¹¹ The suit was filed in accordance with the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000, which prohibits private entities whose business relates to the provision of goods or services from discriminating amongst those receiving their services. In a settlement between the sides, the company agreed to pay NIS 50,000 in compensation to the plaintiffs - Al-Yater Association for the Social and

Cultural Development of Acre and the Association for Civil Rights in Israel, to fund activities against discrimination. The company announced that it was working to prevent a recurrence of this sort of incident and stated that discrimination is against its policies. The Israel Land Authority was also sued because the project was built on public lands marketed in a tender and the ILA is required to verify that the housing units are not marketed in a discriminatory manner. Following the proceedings, the ILA has begun to add to its tenders a section allowing the state **to fine contractors who violate the law by engaging in discriminatory practices.**

Discrimination in the Workplace

"There were several store owners who weren't afraid to say right to my face: 'You wear a kippah, you're not appropriate for this job.' I was hurt to the depths of my soul. How could it be that because of the kippah on my head, I would not excel at work? Does it prevent me from performing? No, just the opposite."¹²

"For Ethiopian immigrants, it's difficult to even reach the job interview stage [...] Look at my name, for example. It's problematic and strange and people don't really want to meet me after hearing about me."¹³

The Employment (Equal Opportunities) Law - 1988, prohibits discrimination in hiring, employment conditions and the termination of employees on the basis of an extensive list of personal characteristics including sex, sexual orientation, marital status, parental status, age, religion, nationality, country of origin, worldview or performance of IDF reserve duty. However, despite the legislation and despite growing awareness and various programs to promote and encourage the integration of certain disenfranchised groups into the job market,¹⁴ discrimination against people who belong to minority groups is still a common phenomenon. Aside from infringing upon the right to earn a living, discrimination in the workplace also severely infringes upon the right to dignity as it is clear to the person being discriminated against that they are being evaluated according to general stereotypes and prejudices. The phenomenon is familiar, and we will list here just a sample of the vast amount of data gathered on the issue.

In a survey conducted recently by the Ministry of Economy, 25% of all job-seeking respondents reported that they were not hired for reasons connected to their belonging to the following groups: women, mothers of young children, senior citizens, Arabs, religious people, Mizrahi Jews, new immigrants, people who serve in the reserves or persons with disabilities. 41% of respondents felt that they are negatively discriminated against at work – in their general treatment, wages, work conditions, or promotion – due to their belonging to one of these groups.¹⁵ An additional survey conducted by the Ministry of Economy

found that employers regard Ethiopian immigrants, Arabs and the ultra-Orthodox among the least desirable demographics from which to employ new workers.¹⁶

The integration rate of **persons with severe disabilities** in the workplace is particularly low at approximately 40%, compared to 76% of the entire population.¹⁷ Only 5.4% of businesses employ workers with disabilities and approximately 40% of employees with disabilities who are integrated into these workplaces are non-professional workers.¹⁸ In 2009, the average monthly wage of workers with disabilities was NIS 5,350, compared to NIS 7,100 for the general population.¹⁹

The struggle against the income disparity between genders has achieved significant progress in recent years, however **significant wage gaps still exist today** in Israel,²⁰ both in the private and public sectors.²¹ Roughly 41% of women are employed in six traditionally female occupations characterized by low wages: teaching, secretarial work, cleaning and cooking, therapy, sales and clerical work.²² Single mothers and mothers of small children have a particularly difficult time obtaining employment and are discriminated against by the Israeli Employment Service, which has relented in this matter to the dictates of employers.²³

In a survey conducted by the Government Publications Bureau, 22% of employers declared that they discriminate against **Arab** job applicants when hiring new employees. A survey conducted by the Ministry of Economy indicates that almost one-third of workers prefer that Arabs not be hired at their workplace.²⁴ It is five times harder for an Arab academic to find a job befitting his/her skills, compared to a Jewish academic with the same qualifications. The wages of an Arab academic are, on average, 35% lower than the wages of a Jew in the same job and with the same skills and education.²⁵ The discriminatory criterion of having performed army service continues to be used as a condition for being hired²⁶ and, this year, a government bill was advanced that sought to grant preferential treatment to those who served in the army for a range of limited public resources, including government jobs.²⁷

Fewer than 15% of **academics of Ethiopian origin** are employed in a job befitting their skills,²⁸ and despite a moderate improvement over the years,²⁹ the percentage of workers of Ethiopian origin in government companies does not meet the requirements of law.³⁰

According to a study conducted at Ben-Gurion University, men between the **ages of 55-59** have only a 33% chance of obtaining a job, Women between the ages of 45-54 have only a 37% chance of obtaining a job, and between the ages of 55-59 it drops to 18%.³¹ In a separate study, **Ashkenazim** (Jews of European descent) had a 34% higher chance than **Mizrahim** (Jews of Middle-Eastern or North-African descent) of attaining a job interview.³² According to initial data, approximately 95% of **transgender**

persons in Israel have a difficult time finding work.³³ A survey of graduates of Ono Academic College found that **ultra-Orthodox** graduates were invited to fewer job interviews and spent longer seeking employment than non-ultra-Orthodox graduates.³⁴ In the survey, 36.2% of employers responded that they would not employ **people who perform reserve duty in the IDF**.³⁵

Several recent court rulings illuminate different aspects of workplace discrimination against various groups. Most incidents of employment related discrimination do not reach the courts due to the difficulty of proving discrimination and other barriers that prevent workers from standing up for their rights.³⁶

- In August 2013, for the first time, a court explicitly recognized that Mizrahim in Israel also suffer from discrimination in hiring. The Tel Aviv District Labor Court affirmed a suit by a paramedic who claimed that he was not invited to a job interview at the Israel Aerospace Industries because of his Mizrahi name and awarded him NIS 50,000 in compensation.³⁷ According to the description of facts in the judgment, the employer who received the plaintiff's resume ignored it and contemptuously uttered, "Who is this thug?". When the plaintiff re-sent his resume with an altered last name that was not obviously Mizrahi, he was invited to an interview.

"While any decision to reject a prospective employee is likely to be insulting," the ruling stated, "the insult to the dignity of the rejected prospect is significantly harsher when the refusal to consider candidacy stems from the person's national origin and is not attached to any relevant consideration. It is clear that there is some kind of mark of disgrace being attached to a person's heritage, and an internalization of the negative associations that society attributes to membership of the group, which severely undermines self-image."

- The Tel Aviv District Labor Court awarded NIS 150,000 in compensation to a teacher who is an immigrant from the former Soviet Union, and who was fired from her job at a "recognized but unofficial" educational institution due to her national origin.³⁸ The teacher was employed at the school specifically because of her national origin and because of her ability to draw in students of similar national background. She was later dismissed following a decline in the number of student enrolments from former Soviet countries. The court ruled that the consent of a job applicant to special treatment because of extraneous factors such as membership within a certain group does not negate the possibility of recognizing this behavior as discriminatory. The court found that the organization operating the school discriminated against the teacher by refusing to take her skills as a teacher into consideration during her dismissal. After relating to her national origin as a benefit, they later fired her when this ceased to be an advantage.

- The Tel Aviv-Jaffa District Labor Court affirmed the lawsuit of a senior staff member of the National Water Authority who claimed that she had not been promoted on the basis of her gender, while men in similar positions were promoted and received higher salaries. The women's rights organization - Naamat, and the Israel Women's Network, joined the case as *amicus curiae*, and claimed that the Civil Service Commission did not adequately consider the issue of fair representation for women. The court accepted the lawsuit, noting that women only filled three out of the eleven senior positions at the Water Authority and that men held all of the VP positions. The court expressed outrage in its ruling stating that "Discrimination at the Water Authority is an affront to the heavens in light of the oppressions suffered by women whilst promotions are granted to men ." ³⁹
- The Tel Aviv-Jaffa District Labor Court affirmed the lawsuit of a worker of Ethiopian origin who quit his job because of deteriorating employment conditions. After questioning his employer following a wage cut, his employer retorted, "Who are you, *kushi*? (racial slur) Go home." The court ruled that in light of the humiliating treatment that he suffered, the plaintiff could not be expected to continue working at his job, and awarded him approximately NIS 70,000 in compensation. ⁴⁰
- The Tel Aviv-Jaffa District Labor Court affirmed a lawsuit by a young person of Ethiopian origin who arrived for a scheduled job interview and was told that new employees were no longer required. In contrast, friends of the young man, who are not of Ethiopian origin, were invited to the same interview and one of them was eventually hired. ⁴¹ The court was left with the impression that the discrimination suffered by the plaintiff did not derive from a standard workplace policy, but ruled that the company in question displayed indifference and contempt towards the likely reaction of any reasonable Ethiopian applicant, and awarded NIS 95,000 in compensation.
- A hearing-impaired person who was not hired as a public transportation inspector filed a lawsuit at the Tel Aviv-Jaffa District Labor Court. In his claim, he asserted that the company discriminated against him based on his disability by declaring him unsuitable for the job, not as a result of his job skills, but because he wears a hearing aid. In a settlement, which received the legal force of a court ruling, the company was required to compensate the applicant to the sum of NIS 20,000. ⁴²
- A person with a hearing disability was subjected to discriminatory working conditions for seven years, wherein he received a below minimum wage as a result of a disability that in now way affected his job performance. He submitted a lawsuit to the Haifa District Labor Court and agreed

to a settlement whereby the employer was required to compensate him to the sum of NIS 70,000.⁴³

- The Tel Aviv-Jaffa District Labor Court affirmed the lawsuit of a person who was fired under false pretenses on his second day on the job after it became known that he was an HIV carrier. The court ruled that in such circumstances, the burden of proving that there was a practical justification for dismissal unconnected to the plaintiff's medical condition rested on the company, and the company could not meet this condition. The court ruled that the defendant violated the Equal Rights for Persons with Disabilities Law, the Employment (Equal Opportunities) Law, as well as the principle of equality, and awarded NIS 42,000 in compensation.⁴⁴

Discrimination in Healthcare – private medical services

The Advisory Board for Strengthening the Public Health System (the “German Committee”), chaired by Minister of Health Yael German, is currently tackling the issue of discrimination in the provision of healthcare services.⁴⁵ The committee is primarily deliberating on the relationship between the private and public healthcare systems, including private medical insurance, with the intention of transforming state hospitals into independent corporations. One of the core issues on the committee's agenda is whether to expand private medical services to all public hospitals in Israel.⁴⁶

Private medical services currently operate within public hospitals through a number of different practices. Among other services, it allows patients to select their consulting physician and surgeon and decreases the time spent waiting for tests and operations (only non-emergency procedures) through additional payments, or private insurance or supplementary insurance. Private medical services are generally provided inside public hospitals after regular work hours. The Attorney General's 2002 position, and a High Court of Justice ruling from 2009, found private medical services to be unlawful and, hence, prohibited in Israel, except for in Jerusalem hospitals (such as Hadassah Hospital) where private medical services have been offered since the 1950s.⁴⁷ Private medical services are also planned to be offered at the new hospital to be established in Ashdod, and will constitute 25% of its activity.⁴⁸

The issue of private medical services continues to cause public and professional controversy.⁴⁹ Its supporters claim that by expanding private health services to all public hospitals, it would be easier to retain good doctors within the public health system; resources and infrastructure within hospitals could be used more efficiently; and hospital income would be increased. Its opponents argue that private medical services are in essence contradictory to the basic principles of equality and justice, which form

the foundation of the National Health Insurance Law, and that its expansion would increase private spending on healthcare in Israel, which today is already among the highest in the Western world.

Human rights organizations, including ACRI, are concerned about how private medical services infringe on social justice and the right to equality in healthcare.⁵⁰ Discrimination in the quality of healthcare provided to different patients would deepen gaps in access to medical services, which already exist between different demographics in Israel.⁵¹ Below is a summary of the organizations' claims:

- The **privatization of medical services** within public hospitals results in the allotment of services and resources to the sub-section of society who can afford them. The public facilities of hospitals, and to a large extent the expertise of senior Israeli doctors, were acquired through public investment and infrastructure, and therefore must be equally available to everyone, not just a part of the population.
- Private medical services create, within the public healthcare system, **two systems of very different quality – one for the rich and one for the poor**. Those with funds who can choose private medical services receive better and more efficient care. Additionally, there is concern that the attention of medical staff who work in the public health system during the day and in private medical services in the evening, will be more devoted to their private – or, “preferred” – patients.
- **A shorter wait for one person means a longer wait for another**: Supporters of private medical services vaguely guarantee that sophisticated systems can be developed such that shortening the wait time for patients in the private sphere will not harm the other patients waiting in the public queue. However, with strictly limited resources, granting preferential access to those who pay more must come at the expense of someone. Support for this position is found in a recent study that reported unusual gaps in wait times between the public track and the private medical services track at both Hadassah and Shaare Tzedek Hospitals in Jerusalem.⁵² The study found that at Hadassah Hospital, there was an average wait of 4.7days for paid services at its private clinic, compared to an average wait of 64 days for an appointment at the hospital's public clinic. At the Shaare Tzedek Hospital, the difference was smaller but still significant – public patients were made to wait only 4.8 times longer (a 7.2 day wait on average for private medical services, compared to a 34.4 day wait for public patients). Data provided by Shaare Tzedek to the German Committee indicated larger differences in wait times for surgeries, tests and consultations with specialist physicians when comparing the experience of patients using public versus private medical services. In one department, the difference was more than tenfold, with a 10.7day wait for private medical services compared to 111.3day wait for the public track.⁵³

- **Increasing inequality between residents of the periphery and the center:** Most of those with financial capability live in the center of Israel where they can best utilize private medical services. It is also reasonable to assume that those with financial capability in the periphery would prefer to utilize private medical services in the hospitals in the center of Israel. This may cause senior physicians and talented surgeons to strongly prefer remaining in the center of the country, thus expanding the already existing gaps in quality between the hospitals in the center and those in the periphery.
- **Private medical services encourage charging patients large amounts for services that are intended to be purely public.** For example, it was recently reported that parents of a premature baby paid Shaare Tzedek Hospital NIS 20,000 for the department director's "special supervision" of their child.⁵⁴ Clearly, from a medical and ethical perspective, the department director must supervise all the premature babies and the decisions regarding which babies should receive special supervision must be determined by medical need, not by payment by the parents. An additional example is the fast track for tests that are included in the health services basket, such as MRIs and CTs, which Sheba and Ichilov Hospitals offer to those with private insurance.⁵⁵
- The expansion of private medical services is inseparably connected to the **expansion of supplementary insurance** fees. Today, a substantial share of supplementary insurance expenses goes towards selecting consulting physicians and surgeons⁵⁶. Some 80% of the population in Israel currently pays for supplementary insurance, and as the trend of purchasing supplementary insurance has spread, different levels of insurance have been created for different population groups and the perception that medicine has become a commercial market has become further entrenched.

In a position paper prepared by ACRI and Physicians for Human Rights – Israel, the organizations present an alternative to private medical services based on the successful model currently operating in Canada. The model is based on employing physicians with a "full day" agreement (known as a "full-timer"), which ensures that doctors employed at public hospitals work there full time. At the same time, the paper suggests allowing patients to select physicians (surgeons and specialists) within the public system and without an additional fee, in a manner that would reward sought-after doctors while remaining fully transparent. This alternative would promote a more egalitarian and transparent medical system, increase patients' freedom to choose and retain senior surgeons in the public system, without severely undermining the right to equality.⁵⁷ The organizations' proposal would require a one percent increase in the health tax, but it is proposed that this increase would be offset by consumers no longer

having to pay supplemental insurance fees. The burden borne by most households who earn at or below the average wage would be eased because the health tax, as opposed to supplemental insurance, is a progressive tax (weighted according to income.)

Inequality in Education: funding gaps between Arabic-language and Hebrew-language programs

Although efforts to bridge the funding gaps between Arabic-language and Hebrew-language education continue, significant inequality persists.⁵⁸ As a result of the complex manner in which Israeli schools are funded, and due to the existence of a number of different funding sources (the Ministry of Education, local authorities, fees paid by parents, independent funds raised by the schools), the statistics on this matter are not precise. Adding to this confusion is the lack of transparency in the Ministry of Education budget⁵⁹, which arises primarily from the failure to publish complete budget data for each individual school.⁶⁰ Nevertheless, it remains clear that the major components of the education budget prioritize Jewish students, with fewer resources being invested in the Arab education sector.

For example, an analysis of the Ministry of Education 2012 budget recently conducted by 'The Marker' website shows that each Jewish high school student in the non-religious stream receives an average of NIS 24,800 in annual funding; a Jewish high school students in the state religious stream receives an even higher level of funding at some NIS 27,000; while only approximately NIS 21,000 are invested in an average Arab high school student.

A Bedouin student receives some NIS 21,400 of funding, and a Druze student receives an estimated NIS 22,000.⁶¹ To further illustrate the fact, a high school student in Nazareth (a predominantly Arab city) is funded at NIS 19,000 per year, and a student in Upper Nazareth (a predominantly Jewish city) – at around NIS 26,000 per year, despite living a few minutes drive from one another. By contrast, in Tira and Rahat, the per-student investment is NIS 17,500.

It should be noted that these statistics refer to the main budget which the Ministry of Education transfers to high schools, and do not include additional budgets which are dedicated to funding subjects beyond the basic hours of classroom instruction, and which according to the Ministry of Education are distributed differentially in support of weaker local governments and Arab local governments in order to reduce inequality.⁶²

During a hearing held by the Knesset's Education, Culture and Health Committee (July 2013) on the subject of education in the Arab sector,⁶³ the Director-General of the Ministry of Education, Dalit Stauber, discussed the funding discrepancies and assured participants that the Ministry of Education is working

to create a new funding model that will bridge the gaps. She asserted:

"There has been an improvement in the Arab sector over the last three years, and today we are talking about the basic funding clause, which doesn't include special education or performance incentives. There has been an improvement and the base funding for the Arab sector is higher than the other sectors, higher than the Jewish sector. [...] The gap, if there is a gap, is created by grants of various kinds. The Minister of Education has already said in a very clear and transparent way that he is committed to the establishment of a student basket and differential funding in the coming year. This will cause a significant improvement next year, of course in the Arab sector, and that's his target for next year. The staff is working on it at the moment in very high gear. This is our task for the year, to finish. [...] There are many partners for this discussion, the Ministry of Education, the Ministry of Finance, local government. The discussion will be transparent. [...] We are working transparently. We are working in cooperation. The goal is very, very clear: to improve the situation of those who have less."

As stated, a portion of the funding that schools receive does not depend on the funding methods of the Ministry of Education, but rather on local government resources. It follows that strong local governments are able to invest more in their students than weaker ones. Given that most Arab communities are economically weak, this contributes to increasing inequality between Jewish and Arab education.⁶⁴ Furthermore, schools in wealthy communities can offer additional courses of study that are funded with fees paid by parents, and parents in wealthy communities are also able to fund private lessons, enrichment studies and extra-curricular activities for their children. An additional factor which widens the gap are the rewards granted to schools in accordance with enlistment rates to the IDF – a criterion which is not relevant for Arab schools, and does not reflect the "moral education" which ought to be offered in schools.⁶⁵

Numerous other factors contribute to the inequality between the Hebrew-language and Arabic-language education systems, which are reflected in the varying academic achievements of students.⁶⁶ Such factors include, *inter alia*: a shortage of classrooms; a shortage of psychologists and guidance counselors;⁶⁷ problems in teacher training and pedagogical methods;⁶⁸ and problems in transporting students to school. A subject that has generated interest and entered the public consciousness this year is the shortage of Arabic-language educational institutions in several communities in which a significant portion of the residents are Arab. This developed after Upper Nazareth Mayor Shimon Gapso expressed public opposition to the establishment of an Arab school in the city, with the claim that Upper Nazareth is a "Jewish city".⁶⁹ Approximately 1,900 Arab children and teenagers of school-age live in Upper Nazareth, yet there is not one public educational framework catered to them. In the absence of any educational

alternative, they turn to the Arabic education system in the neighboring city of Nazareth, but this system can not cope with so many additional students, and so many of them are forced to enter the private education system in the city, which entails paying considerable sums of money. The absence of education services and public schools for the Arab residents of Upper Nazareth, as compared to those enjoyed by their Jewish neighbors, infringes on the rights of the residents to educational equality.

Arab Minority Rights

Racism, Violence and Segregation

*"They pulled me from the wheel, kicked me in the stomach and head and broke my teeth. I felt I was losing my strength [...] [None of the passengers on the bus] tried to stop the attackers. They didn't even say a word to them."*⁷⁰

*"Everybody looked and nobody did anything [...] They just stood there and watched [...] It wasn't one or two, I couldn't defend myself from them."*⁷¹

*"My dear students, I apologize in advance! I have no idea what your reactions will be but I really did try. During a whole year I tried to instill you with humanistic values, first and foremost the acceptance of others, but the reality out there says otherwise."*⁷²

*"The attack on the residents of Abu Gosh is a terrible injustice from the human point of view. [...] The Knesset must demand of everyone: Do not harm innocent people, no matter who they are. These are called hate crimes. They are the result of incitement to hatred, everyone against everyone else; the result is pure hatred. If a discourse were to exist forbidding hate speech, forbidding the allocation of funds towards hate and deliberate discrimination, then there will be no more hate crimes."*⁷³

Racism against the Arab minority in Israel is not a new phenomenon and, in 2013, instances of racism and attacks against Arab citizens persisted. This year began with manifestations of racism that were instigated by a decision to add two Muslim soccer players to the Beitar Jerusalem football team.⁷⁴ Additional prominent instances include the revelation that banks in Israel systematically and continually discriminate against Arab citizens;⁷⁵ the controversy surrounding Rabbi Eliyahu's candidacy for Chief Rabbi in light of his past racist statements against Arab citizens;⁷⁶ and the refusal of Upper Nazareth Mayor Shimon Gapso to open an Arabic school in his city, claiming that Upper Nazareth is a "Jewish city."⁷⁷

Broad instances of racism occurred throughout the year, from derogatory statements and racist graffiti to serious incidents of assault and violence. The phrase "price tag" also crossed the Green Line into Israel and began to be used by Jewish citizens against the Arab minority, culminating in the spraying of the words on monuments at a Christian cemetery in Jaffa. Other examples of racist incidents in 2013 include the beating of an Arab bus driver by Jewish youth; a Molotov cocktail was thrown into the Beit Jimal monastery near Beit Shemesh followed by the spraying of abusive graffiti nearby; cars were lit on fire in the village of Nein near Afula; Beitar Jerusalem fans assaulted Arab employees of a McDonald's and of the Malkha Mall in Jerusalem; insulting graffiti was written on Arab residences in Tzfat, Tel Aviv, and the

community of Rakefet; vehicles were lit on fire and derogatory graffiti sprayed on a mosque in a village in Wadi 'Ara; an Arab woman in Upper Nazareth was spit on by youths who told her to leave the "Jewish neighborhood;" an Arab employee was assaulted at a restaurant in Tel Aviv; an Arab was assaulted by Jewish youth at the promenade in Tel Aviv and was left with moderate to serious injuries; students at the bilingual school in Jerusalem were verbally attacked on a bus; Arab vacationers at Lake Kinneret were attacked by youths; many more cases of this nature were recorded.⁷⁸

The phenomenon of racism was also revealed this year in reports of **segregation** between Jews and Arabs, the **exclusion** of Arabs from recreational sites, and **discrimination** against Arabs in the provision of public services. For instance, it was reported that the Superland amusement park in Rishon LeZion holds separate activity days for Jewish schools and for Arab schools;⁷⁹ that Bedouin children with cancer were refused entry to a pool in the town of Mabu'im;⁸⁰ that parents in Haifa refused to send their children to a community center at which activities were also run for Arab children;⁸¹ that a country club in Be'er Sheva refused entry to Arab visitors based on the excuse that only city residents are allowed;⁸² and that in maternity wards in various hospitals, Arab and Jewish women are segregated.⁸³

Segregation and exclusion of this kind are particularly severe when they are carried out by public authorities or relate to public services funded by public money. An example of this is the exclusion of Arabs from the central public library in Upper Nazareth. Despite Arabs comprising approximately 20% of the city's population, the public libraries contain no Arabic-language books. In response to an appeal from ACRI, the municipality announced that it intends to establish a library primarily intended to serve the city's Arab population, but that it would not act to integrate Arab residents into the city's central library, nor any other.⁸⁴

In addition to severely violating the right to equality and the right to dignity, segregation and exclusion also strengthen stereotypes and prejudices, and erode the legitimacy of Arab citizens' presence in the public sphere. With the exception of mixed cities, Jews and Arabs rarely encounter one another in day-to-day life – not at school, not at work, and not in residential neighborhoods. The additional segregation of the populations at recreational sites and in cultural spaces and services further decreases the opportunity for familiarity and closeness. This segregation therefore enhances the cycle of stereotypes and prejudices as it leads to a sense of 'otherness' and difference, thereby increasing demands for further segregation.

Instances of violence, discrimination and segregation were condemned by Members of Knesset and office-holders, including in special hearings, which took place in Knesset committees, the Knesset plenum and in the media.⁸⁵ However, at the same time, the Knesset advanced **several discriminatory, racist,**

and anti-democratic bills which harm the Arab minority in Israel, and several even gained the support of the Ministerial Committee for Legislation. The proposed 'Basic Law: Israel - the Nation-State of the Jewish People' seeks to subjugate the democratic identity of the State of Israel to its Jewish identity, and is likely to legitimize discrimination towards Arab and other non-Jewish citizens;⁸⁶ the Contributors to the State Bill seeks to legislatively enshrine preferential treatment for access to a range of limited public resources for those who serve in the army. This is despite the fact that the State is required to ensure these resources are distributed equally or even used for the purposes of affirmative action;⁸⁷ the Bill to Raise the Electoral Threshold threatens to undermine representation in the Knesset for minorities such as Arabs and Ultra-Orthodox Jews.⁸⁸ In addition, this year, the Knesset and the Ministerial Committee for Legislation rejected a proposed bill on education against racism.⁸⁹

Before the local elections, held in October 2013, several politicians piggybacked on this wave of racism. Attempts were made to use the racist environment to gain political traction which in turn gave this racist environment additional momentum and legitimacy. The Likud party list running in the Carmiel municipal elections distributed a video clip which, among other things, claimed that only the Likud "will prevent a mosque from being built in Carmiel;" "Zionist Carmiel always and forever;" and "a Zionist city with a Jewish character."⁹⁰ Upper Nazareth Mayor Shimon Gapso led a campaign focused on Arab residence in the city, one of his slogans being "Jewish Upper Nazareth forever."⁹¹ The United Jerusalem list promised "to get the Arabs out of the parks" and to "Judaize Jerusalem,"⁹² and one Likud list sign in Tel Aviv declared, "Silence the muezzin in Jaffa? Only the Likud can."⁹³

In August 2013, following a lengthy correspondence with ACRI, the police announced that they intended to investigate possible discrimination against Arabs in the entry policies of a country club in Be'er Sheva.⁹⁴ Opening a criminal investigation into suspicion of discrimination sends an important message that discrimination is not a private matter between the discriminator and victim of discrimination, but rather a concern of the State, and that prohibiting discrimination is a social value which the State must protect. Nonetheless, ACRI believes that the most effective way to confront racism, discrimination and segregation is not through criminal enforcement, but rather through education. The widespread social legitimacy granted to racist worldviews and their proliferation throughout Israeli society – and particularly amongst the younger generation⁹⁵ – requires the **adoption of a comprehensive and long-term educational strategy to combat racism.**

In recent years, the Ministry of Education promoted educational programs such as participating in the International Day for Elimination of Racial Discrimination,⁹⁶ launching the program "The Other is Me",⁹⁷ and promoting a program to absorb hundreds of Arab teachers into Jewish schools.⁹⁸ However, these efforts are not sufficient. Education against racism also requires a pathway to understanding that racism

is a social phenomenon that harms democratic values and human rights, and internalizing the complementary understanding that it is the task of all citizens to identify it, condemn it and combat it – within themselves, their friends, their family, and all other social circles surrounding them.

A holistic educational process against racism must involve education towards democratic values, human rights, and co-existence. Education against racism must be taught at all ages and in all components of the education system – from preschool up until the higher education system and teacher training institutions – and must be implemented in all subjects. Such a process requires providing teachers, as a part of their training, with the proper tools for educationally handling incidents of racism in the classroom and at school. Moreover, combating anti-democratic values and racism in education requires harnessing the potential of the informal education system and youth movements. Various committees operating under the auspices of the Ministry of Education submitted a range of recommendations in the field of civics and education towards co-existence,⁹⁹ the adoption of which is likely to contribute significantly towards the struggle against racism in Israeli society.

The Negev Bedouin

Over the past two years the Israeli government has advanced the **Prawer-Begin Plan** for Bedouin resettlement in the Negev.¹⁰⁰ In June 2013, on the basis of the plan, the Knesset approved the first reading of the Bill for the Arrangement of Bedouin Settlement in the Negev, 5773-2013.¹⁰¹ The declared aim of the bill is to regulate the issue of land ownership in the Negev, but in effect, its real meaning is the **continuation of a discriminatory policy, which disregards the reality on the ground, ignores the Bedouin citizens' rights and historical connection to the land, and forces a unilateral arrangement upon them.** The plan involves concentrating the Bedouin in a small, predefined area, which in practical terms means uprooting dozens of communities, forcibly transferring more than 40,000 residents from their homes, confiscating their property and disregarding their historical connection and rights to the land. The implementation of this plan will seal the fate of thousands of families, condemning them to poverty and unemployment and destroying their community life and social fabric. Industrial areas, military bases and Jewish communities are expected to be built on the land of the Bedouin communities that are slated for destruction.

The government's handling of both issues – the relocation of communities and the settling of land rights – is characterized by a disregard for the reality the Bedouins live in, and the absence of a serious examination of possible, mutually acceptable alternatives such as granting formal recognition to the Bedouins' unrecognized villages.¹⁰² This behavior is a clear reflection the state's intention to expel the

residents under any circumstances, **and with no consideration granted to their legal rights to property, equality and dignity.**¹⁰³

The bill's premise is that the 70,000 residents living in unrecognized villages are squatters with no rights to the land. The government ignores the fact that most of the villages are historical settlements that predate the establishment of the state, and that others are villages of internally displaced persons, founded by Bedouin residents when the military government evicted them from their land in the 1950s. The government is also ignoring the many reports and research that demonstrate the historical Bedouin connection to and ownership of the land under discussion,¹⁰⁴ as well as their status and rights as an indigenous minority.¹⁰⁵ The territorial "arrangement" which the state is forcing upon the residents, and the financial and territorial "compensation" that the bill proposes, are presented as benefits that the state is granting *ex gratia* to its Bedouin citizens, and not as deriving from their proprietary rights and historic connection to the land. This is an unequal and discriminatory arrangement as is applicable to the Bedouin population only, and supersedes the general legal processes of determining land ownership that apply to the wider population. The bill includes problematic conditions relating to sanctions that could impinge on fundamental rights. It is specified that any person who does not join the arrangement within the time frame stipulated by the bill will receive progressively decreasing compensation for the land, until all proprietary rights are foregone.

The vast majority of the Bedouin community (along with NGOs and international bodies) opposes the arrangements proposed in the Prawer Plan and in the Knesset bill.¹⁰⁶ In July 2013, as a continuation of the criticism voiced by the UN Committee for the Elimination of Racial Discrimination (CERD) and the European Parliament in 2012,¹⁰⁷ the United Nations High Commissioner on Human Rights expressed serious concern that "the Knesset is promoting a bill which seeks to legitimize forcible displacement and dispossession of indigenous Bedouin communities in the Negev." The High Commissioner added that the Israeli government "must recognize and respect the specific rights of its Bedouin communities, including recognition of Bedouin land ownership claims."¹⁰⁸

At the same time that it legislating the Prawer Plan, the government is also advancing other planning processes in the Negev that entail the forced evacuation of Bedouin villages for the sake of establishing new Jewish communities on the evacuated land. The plans, currently at different stages of the planning process, demonstrate a complete disregard for the needs and desires of the Bedouin population, and don't take into account the unique Bedouin lifestyle or their social and cultural background. The plans are riddled with planning flaws, and their implementation will violate the rights of the Bedouin community to equality, dignity, housing and property. Some of these inadequate planning processes are listed below:

- The government is advancing a plan for the establishment of ten small communities in the Mevo'ot Arad region, all but one of which are designated for the Jewish populace. The ramifications of the plan are the demolition of five Bedouin villages in the area and the expulsion of their residents.¹⁰⁹ Aside from the impact on the Bedouin residents, the establishment of new communities in the area is likely to affect the residents of Arad, Be'er Sheva, and other towns in the area, and cause serious damage to open land. The adoption of the plan was made without consulting the public and ignores alternative settlement solutions, which could have satisfied the Negev's housing needs.¹¹⁰
- The regional master plan for the Southern District involves concentrating the residents of three unrecognized villages alongside Route 40 – Al Sar, Wadi al-Na'am and Wadi al-Mashash – within the township of Segev Shalom. These three villages contain approximately 14,000 residents. In a petition filed by ACRI together with Bimkom – Planners for Planning Rights, the organizations argue that the plan does not suit the cultural and social needs of the residents, and disregards their desire to be recognized as independent rural agricultural communities – recognition that would allow them to maintain their rural and agricultural lifestyle. Planning authorities rejected a similar plan in the past due to, among other reasons, the dangerous proximity of the planned neighbourhood in Segev Shalom to the Ramat Hovav industrial zone – home to a hazardous waste disposal facility.¹¹¹
- A partial regional master plan for the Ramat Tziporim area threatens to transfer the place of residence of a number of shepherding communities in Har Hanegev to a new location, against their will. The residents have no objection in principle to the relocation of the Bedouin community in Ramat Tziporim, so long as the arrangement will not force them to move to a location unsuited to their unique way of life, their desire to remain one united community, and the different social and cultural backgrounds of each community and family. However, the current outline of the plan does not meet those conditions. Moreover, the plan reflects a discriminatory policy, in that it offers the residents a single resettlement model (suburban settlement). In contrast, the Jewish population is given the freedom to choose to live in a wide variety of communities in the Negev, including small communities such as moshavim, kibbutzim or communal towns.¹¹²
- The state is promoting a plan to establish a forest on the land of the unrecognized Bedouin village of Atir. If the plan is approved, the entire village will be demolished and its 500 residents will be uprooted from their homes. The plan considers Atir an unpopulated area, ignoring the existence

of the village and enabling the planning authorities to approve the demolition of every building in the area without offering any housing solution to the residents. The Southern District Regional Planning and Building Committee rejected the residents' oppositions to the plan. Dozens of village residents, along with organizations Adalah and Bimkom – Planners for Planning Rights, have submitted an appeal against the decision to the National Council for Planning and Building.¹¹³

Alongside the harmful planning processes, **home demolitions have continued incessantly**. According to statistics from the Negev Coexistence Forum for Civil Equality, one hundred homes in unrecognized villages were demolished from the start of 2013 until mid-November.¹¹⁴ The authorities have continued to demolish the village of al-Araqib, over and over again, such that from the beginning of 2010 until mid-November 2013, it has been demolished fifty-seven times.¹¹⁵ In July 2013, the Be'er Sheva District Court approved the execution of demolition orders for the unrecognized Bedouin village of Saawa, stating that upholding the appeal would cause chaos and render the judicial demolition orders meaningless.¹¹⁶ The court made this decision despite the fact that the solutions offered by the state did not suit the communal and social structures of the residents, and that they were left without a housing solution.

In May 2013, the Supreme Court overturned a ruling from the Be'er Sheva District Court that obligated the state to implement increased enforcement procedures, including the demolition of homes, in the Abu Basma Regional Council. (The council is made up of recognized Bedouin villages. Recently it was split into two regional councils: Neve Midbar and al-Kasom.)¹¹⁷ ACRI joined the appeal against the District Court's ruling as *amicus curiae*. ACRI emphasized that the enforcement policy needs to be examined in light of the prevailing planning and historical realities on the ground and need to consider the fact that planning for the Abu Basma communities has yet to be completed. An enhanced enforcement policy that disregards this reality is an illegal policy that goes against the rule of law.¹¹⁸ In fact, the Supreme Court ruled that the issue of enforcement of planning and building laws in the Council's territory and among the Bedouin villages in the Negev is more complex than issues of planning and enforcement in other areas in Israel because of, *inter alia*, the planning reality and the legal and historical disagreements on the subject of land ownership. However, the Supreme Court based its decision to uphold the appeal on the lack of sufficient resources available to enforce the policy in the Council's territory.

A just and feasible solution to the issue of unrecognized villages and Bedouin residents in the Negev means, first and foremost, recognizing that the Bedouin are citizens with equal rights. **The government must shelve the Praver Plan and recognize the thirty-five unrecognized villages.** Furthermore, it must recognize the Bedouin's proprietary rights to their land in the Negev, and introduce a fair system

for determining ownership claims to the land in a way that will take the Bedouin citizens' long-standing historic connection to the land into account.

The Right to Live in Dignity and the Right to Social Security

The budget hearings and the Economic Arrangements Law for 2013-2014 were major points of focus in 2013. Just before the elections that took place in the beginning of the year, it appeared that social rights were finally atop society's agenda, as well as that of the Knesset and the government, and change was taking place in the socio-economic public discourse and perhaps even in policy. Nevertheless, in practice, it became clear that the elections made little to no change in the socio-economic outlook or in the priorities of the government. As in previous years, the proposed budget and Arrangements Law included a variety of socio-economic decrees that infringe upon the basic rights of the middle class and populations with limited financial means,¹¹⁹ and worsens inequality in Israeli society, plunging thousands of additional families below the poverty line. Child allowances were cut; the expansion of nationally supported dental care to children aged 12-14 was frozen indefinitely;¹²⁰ co-payments for healthcare were increased;¹²¹ income taxes were raised; the Wisconsin Plan was revived;¹²² the exemption from National Insurance Institute fees and health insurance fees for housewives was cancelled;¹²³ and much more. Ultimately, some of the cuts were cancelled due to public outcry and owing to the work of members of Knesset and human rights organizations¹²⁴, yet many others went into effect.¹²⁵ In addition, the attempt to promote the proposed Basic Law: Social Rights failed in the Knesset.¹²⁶

This section will cover two aspects of the budget and the Arrangements Law. The first aspect is the cuts to child allowances in the wider context of welfare benefits and the right to live in dignity in Israel, and the second is the gender aspects of the Arrangements Law. We will also consider the barriers and obstacles that stand in the way of debtors paying their debts, and which condemn them and their family members to a life of poverty.

Child Allowances and Arbitrary National Insurance Allowances

In August 2013, the reduction in child allowances determined by the Arrangements Law entered into effect. The reduction decreased the allowances for all children born since June 2003 to NIS 140 per month, instead of the NIS 175-263 in accordance with the child's order in the family.¹²⁷ The cut can mean a loss of hundreds of shekels of income per month. For example, a family of three children who were born after 31 May 2003 will receive an allowance of NIS 420 per month, instead of the NIS 701 prior to the cut. A family with ten children born after 31 May 2003 will receive NIS 1,400 instead of NIS 2,041.¹²⁸ This cut is significant for families who already live in poverty, including many Arab and ultra-Orthodox families, and for some of the families in the middle and lower classes who do not manage to make ends meet.

The proposal to cut child allowances instigated a stormy public debate with many opponents to the law – including human rights organizations,¹²⁹ members of Knesset,¹³⁰ and professionals. The National Insurance Institute warned that the cut was expected to plunge some 35,000 children below the poverty line, and would significantly raise the number of poor children in Israel by approximately 4%, to 37% of all children.¹³¹ Prior to the current cuts, the child allowance in Israel was already low in comparison to typical levels in OECD countries. After the cuts, only three countries had lower child allowances than Israel.¹³²

On the topic of the cuts to child allowances, combined with additional budgetary cuts in the Arrangements Law, National Insurance Institute experts said:

*“There are several proposals In the economic program authorized by the government which are expected to harm families with children, and especially families with many children, who have high levels of poverty, as is well known. The harm is not limited in time, meaning that it is permanent, in spite of the fact that a significant portion of the budget deficit could be discovered to be **temporary**. In such a situation, the cuts’ damage will continue while the budget problems may be revealed to be transient.”¹³³*

Despite the opposition and warnings, the government decided to implement the cuts.

Over the years, child allowances have undergone turmoil and upheaval. The eligibility criteria, allowance amount and update mechanism have undergone many changes – some after deep thought by professionals and professional committees, and some due to political decisions. For several decades, Israeli governments have related to the child allowances as a means to promote various political and economic goals, **in a manner that is disconnected from the primary goal of the child allowances – (minimal) support of children**. Accordingly, the amount of the child allowance is not determined on any practical basis. The current cut is not based on research or practical parameters of any kind.¹³⁴

The impact of the cuts to child allowances seem even more severe when they are examined in the context of poverty statistics in Israel and in light of the wider welfare system, primarily income support benefit.¹³⁵ In recent years, the child allowances have become a basic component of the budget of many families in Israel, particularly those of limited means who rely on welfare support. This results from, among other things, **the income support benefit, which is meant to serve as the most basic safety net for severe cases of financial hardship, yet does not cover the cost of living, or provide the ability to live with dignity**.

Those who receive income support benefits are the poorest population in Israel. The poverty rate among families who receive income support is 64.5%, and the poverty rate among children who live in these families is 83%.¹³⁶ In most circumstances, those who receive the allowance are supported by it for many

years. These are households who have difficulty finding independent sources of income and who are dependent on government assistance for extended periods of time.

As of August 2013, the income support benefit ranged between NIS 1,697 for an individual per month to NIS 4,269 per month for families of various compositions. In the first quarter of 2013, the average monthly income support benefit was NIS 2,067.¹³⁷ Health insurance contributions of NIS 101 are deducted from the benefit, meaning that the net amount is less. These are sums of money upon which it would be difficult for a family to subsist. The National Insurance Institute's review for 2012 found that "there is a clear gap between the minimum for subsistence in dignity and the financial assistance which the state grants to large families." In practice, the National Insurance Institute allowances to families with two or more children cover less than 50% of the minimum for subsistence in dignity for these families¹³⁸ (this is prior to the current cuts to child allowances). The National Labor Court also recently pointed out that "it is doubtful that the level of income support benefits for an individual actually allows for minimal subsistence in dignity."¹³⁹

Under the Income Support Law, there is no difference in financial allocations between families with two children and families with more than two children. The rationale for this is that in cases of families with more than two children, child allowances are supposed make up for what's lacking. This shows that income support benefits and child allowances are considered two inseparable parts of assuring the basic subsistence of poor families with a large number of children.¹⁴⁰ The official opinion of the state has always been that child allowances are an important component of the social safety net,¹⁴¹ however the most recent cuts do not reflect this.

Akin to child allowances, the numerical amount provided through income support benefits has been determined **arbitrarily** in recent decades and is often subject to change – both decreased and increased – depending on the balance of political power at any point. Changes to the benefits take place without analysis of the cumulative and long-term consequences, and usually also without the possibility for a deep, substantial, public and professional conversation on the impact this has on the lives of those who need the benefits, as well as on the character of Israel as a welfare state. During the 1970s and early 1980s, the state attempted to define, on a rational and scientific basis, what is required for basic subsistence and to determine the amount of the benefits accordingly. It did so with considerable success.¹⁴² The results of this inquiry found some expression in the Income Support Law, 1980, in terms of both the amount of the benefit and the manner in which it is updated.¹⁴³ However, the changes made since to the level of the benefits were not based on a needs assessment or any study. In practice, since the 1990s, while the state recognizes the right to live in dignity,¹⁴⁴ it consistently refuses to define and quantify this right, and separated the amount of the subsistence benefits from general population

standard of living indices. During legal proceedings the state claimed that it is not possible to determine a minimum subsistence level, despite successful attempts to do so by many countries throughout the world, as well as by the State of Israel itself.

Recently, ACRI appealed to the Ministry of Finance requesting data on the amount that the state determined for basic subsistence in dignity and about the manner in which this amount is determined. We also requested information about the relationship between this amount and the subsistence benefits. The Ministry of Finance's response was, "There is no such thing."¹⁴⁵

In recent decades, most welfare states throughout the world have attempted to grapple with the question of defining living in dignity and ensuring that their social support programs, especially the benefits system, meet this standard. As part of this discussion, various methods of determining subsistence benefit amounts were determined. There are countries, such as Israel, in which no system has been adopted, and the amount is arbitrary and largely determined on the basis of the balance of political power. However, in several countries worldwide, there is a reasoned and empirically based mechanism for determining the amount provided as part of the benefit and how it should be updated.¹⁴⁶

Levels of poverty and inequality are only growing in Israel. Despite well-developed rhetoric on the need to eradicate poverty, Israel appears to have no serious plan to reduce poverty and no overall multi-disciplinary thought on the issue, with the exception of occasional initiatives and temporary solutions for "food insecurity".¹⁴⁷ In order to truly fight poverty, the State of Israel must **define the content of the right to live in dignity, and derive from the definition a mechanism based on professional analysis and quantification of needs, which would ensure that the subsistence benefits enable the fulfillment of this right.**

Budget Cuts – impact on women¹⁴⁸

Women in Israel make up over 60% of those receiving income support benefits, and over 70% of those who receive long-term care benefits. Women earn, on average, some two thirds of a man's wages, and make up the majority of the unemployed as well as the majority of people living in poverty.¹⁴⁹ The rate of women living in poverty in Israel is the highest of all OECD countries, and significantly higher than the OECD average.¹⁵⁰ Women in Israel, and mothers in particular, face substantial difficulties in finding work that fits their needs and those of their families. This is especially true for women with a large number of children and for single mothers. In spite of this, government budgets, including this past year's budget, have never included a structured approach to gender¹⁵¹ that would enable the government to deal directly with the social gender gaps and allow for monitoring of how budget affects gender inequality.

Moreover, several of the cuts which applied to Israeli citizens this past year will particularly influence female citizens, especially working mothers, single mothers, and poor women.

Cut in child allowances

As described above, in recent years child allowances have become a primary source of subsistence for families living in poverty, largely due to the fact that the level of welfare benefits that poor people in Israel receive does not adequately meet the most basic of needs. Single-parent families – the majority of which are headed by women – are at a higher risk of living in poverty.¹⁵² As a result, child allowances are especially important to single-parent families and shows why they are more severely harmed by cuts than other families. Even for families with two parents, the cuts to child allowances are likely to reduce resources available for child welfare expenses (food, clothing, toys, activities, culture and entertainment, etc.) and increase the burden on women, who are usually children's primary caretakers.

“Full utilization of earning capacity” as a condition for receiving day care subsidies

In the original draft budget it was proposed that the state contribution towards the cost of day care for children be conditioned on both parents working, and not only the mother, as the law determines today. In the end, the article was removed from the final version of the Arrangements Law with the intention of advancing it separately.¹⁵³ But to the best of our knowledge it is not currently being promoted. This is an extremely negative step in terms of integrating women into the job market. Without discounts for daycare, many women who are working today will be forced to quit their jobs. The expected result is additional worsening of the already inferior condition of women in the workplace¹⁵⁴ and a strengthening of ‘traditional’ gender roles wherein the man is the breadwinner and the woman is responsible for managing the household and taking care of the children.

Revival of the Wisconsin Plan

The 2013-2014 Arrangements Law revived the program for integrating those who receive welfare allowances back into the job market, which in the past was operated in a privatized format, and was discontinued by the Knesset. In the program's previous versions, almost 70% of its participants were women.¹⁵⁵ The significant powers granted to private contractors severely infringed upon the participants' rights and threatened their families' subsistence benefits.¹⁵⁶ Despite statements to the effect that lessons were learned, the current plan still places far-reaching authority in the hands of private contractors who would be managing the program. Among other powers, the private companies will be able to declare a participant a “work refuser” and cancel his/her eligibility for benefits, even if the job offer was refused because of the need to take care of children or because of workplace inaccessibility, which is a critical parameter for women who live in the periphery and rely on public transportation.

In October 2013, following joint activity by the Committee on the Status of Women, led by MK Aliza Lavie, and human rights organizations such as the Adva Center, it was declared that the Ministry of Finance would establish a **committee to assess government budgets from a gender perspective**. The committee is supposed to form policy recommendations and guidelines for gender analysis of budget procedures and to submit its recommendations by May 1, 2014.¹⁵⁷ There is reason to hope that this committee will lead to the integration of a gender-based perspective into the budget, in a manner that will deal with gender gaps and advance equality between the sexes.

Barriers to Debt Settlement

In May 2013, the Finance Minister and the Governor of the Bank of Israel appointed a committee, headed by Ministry of Finance Director-General Yael Andorn, to examine the process of debt restructuring in Israel.¹⁵⁸ The committee, which was quickly nicknamed "the haircut committee," was appointed in light of the public outcry that arose in the wake of massive sums of debt relief and restructuring granted to the market's largest borrowers – wealthy tycoons and large corporations.¹⁵⁹

A position paper to the Andorn committee sent by Yedid – The Association for Community Empowerment, pointed out the difference between the treatment of wealthy debtors and that of ordinary debtors. According to the organization's letter,¹⁶⁰ the latter:

*"Do not get a 'haircut' but rather difficult and problematic treatment, which leads them towards an endless financial quagmire and deeper distress... **It is usually difficult or impossible to get out of the debt-collection system, especially for people living in poverty, who lack family and social support networks capable of coming to their rescue in times of financial need.** Thus the majority of debtors, who face a real threat of life in poverty or already live in poverty, are distinguished from the top percentile of debt holders, who as a result of their great wealth receive different treatment from both their creditors and from the enforcement and collection system, and who have a vast support network and many defenses against the negative influence that debt may have on their personal lives and on their families."*¹⁶¹

Yedid pointed out several characteristics of sinking into debt that may snowball and make it difficult for the debtor and immediate family members to overcome the burden of repaying debt. In the context of "financial fragility" – in which many families in Israel find themselves today,¹⁶² – many small incidents such as illness, an accident, a family or professional crisis or late payment of a salary may lead a family to collapse. In most cases, the debtor does not face a single creditor but rather several creditors, who all seek to collect their money at the same time. Additional characteristics shared by many debtors include – language barriers, alienation from government authorities, lack of understanding of legal procedures and lack of knowledge regarding their rights – leading many debtors to ignore the warning letters that they

receive. Whether they ignore these letters out of a feeling of powerlessness or a lack of awareness, many are forced to negotiate debt restructuring only when the sword is already at their throat (house eviction, bank account seizure, and so on).¹⁶³

In addition to these characteristics, the debt collection procedures among different authorities contain various obstacles that hinder debtors from realizing their rights: information is inaccessible, it is difficult to clarify the amount owed and receive the discounts they are entitled to, unrealistic repayment plans are set, etc. These factors do not allow a person who is interested in restructuring his/her debt to meet the repayment burden while living in dignity – a situation that leads to the enlargement of the debt and consigns the debtor to a life of poverty. We will review some of these barriers below.

Debts to local governments

Local governments in Israel have extensive authority to collect debts, which allows them to use harmful methods against citizens. Over the last two decades these government powers have been privatized, and more than half of Israel's municipal councils currently use the services of external collection agencies (we will expand below on the problems this causes).¹⁶⁴ A study about poor debtors and the professionals who assist them conducted by the Forum for the Struggle against Poverty¹⁶⁵ indicated a number of obstacles that arise in debt collection proceedings carried out by local governments:

- There is no available or clear information about the possibilities of debt restructuring. Committees such as the Discount Committee and/or debt forgiveness committees, which were established to handle unusual cases, are not known to the public and, in some instances, not known to professionals. Details about these committees are not included in the enforcement letters sent to debtors.
- The local governments do not allow payment plans to take into account the income and expenses of the debtors. In many cases, when a debtor does not meet a payment plan, even if this is a result of a sudden family tragedy or a large one-time financial expense, the entire debt must be paid immediately and without warning. Additionally, each local government has a different collection policy about payment plans.
- In the case where a person accumulates debt and is entitled to a discount on municipal property tax, the discount is absurdly cancelled. The cancellation of the discount enlarges the debt further, and makes it difficult for the debtor to stand by an agreed-upon payment plan and meet the payments.
- Enforcement letters sent by collection bodies are written in small print, and in legal and accounting language, which is not easily understood by the general public. Often they are written only in Hebrew, which adds to the difficulty for Arab citizens and new immigrants. Enforcement

letters also often add to the confusion of the situation insofar as they do not include detailed and accessible information about all components of the debt. For example: the date the debt was created, the original charge that the debt is for, how much has and has not been paid, the amount of the discount which was cancelled, the principle, the amount of the late payment fee, the interest rate, the amount of the collection expense which was added, and so on.

- The collection procedures used by local governments do not include a mechanism for assessing financial capacity (as exists in the procedures of the Execution Office), which examines the capacity of the debtor to meet a payment plan and repay the debt.
- During proceedings vis-à-vis local governments, many debtors are also dealing with the Execution Office. The different bodies do not necessarily take each other into account, and thus additional difficulties are created in repaying the debt.¹⁶⁶

Debts to the National Insurance Institute¹⁶⁷

ACRI has received many inquiries that reveal that the National Insurance Institute (NII) often demand immediate payment of a debt without any warning. In some instances, a debt was created several years ago, and is only revealed to the insured when they require some kind of service from National Insurance, which is abruptly denied, or when they receive a surprise demand for payment. In this demand, the size of the debt, which has inflated significantly due to interest and indexing, is indicated, yet the origin of the debt is not specified, nor is it accompanied by any kind of guarantee that this is the only debt owed to the NII. Experience has taught us that these debts are often not the result of negligence on the part of the insured but rather derive from the negligent conduct of their employers, or a result of incorrect information held by the NII.

Currently, Israeli citizens do not receive regular updates about their payments to the NII, or about disruptions in the payment. **In the absence of ongoing documentation, the insured cannot meet a repayment schedule** and correct an employer's omissions in real time, not pay debts before interest and fees begin to accumulate. As a result, the debtor is often exposed to the cancellation of allowances and to administrative means of collection such as seizure of bank accounts and property. Taking into account the fact that National Insurance allowances are a vital source of subsistence, such steps impinge on the right of those insured to live in dignity.

ACRI appealed in June 2013 to the Director General of the NII with a request to send to each insured person a printed annual report, which would include a list of payments made to the NII, debts and credits. ACRI noted that the obligation of periodic reporting applies to institutional bodies similar in their essence to the NII such as insurance companies, provident funds and pension funds, and would be consistent with the principles of transparency and fair disclosure which apply to government authorities.

Debts to the Execution Office

A notable characteristic in the debt settlement framework of the Execution Office is **the power imbalance between creditors and debtors**. According to statistics from the Enforcement and Collection Authority for 2012,¹⁶⁸ in 78% of cases the creditors were bodies such as companies (banks, telecommunications companies, etc), government ministries, local governments, etc. In contrast, a large majority of the debtors (90.7%) were private citizens. Naturally, the companies and government authorities have the resources to afford representation by legal counsel, whereas the private citizens, especially those ensconced in debt, may not be able to afford to hire an attorney. Thus, according to the statistics in the report, 94% of the debtors in 2012 lacked legal representation, whereas only 6% of those owed were without legal counsel.¹⁶⁹

Yedid points out several additional barriers which make it difficult for someone who has entered debt settlement proceedings in the framework of the Execution Office,¹⁷⁰ including:

- Collection expenses, high fees and high interest rates, the accumulation of which inflates the debt to the point where it is unmanageable, even with a settlement. According to an installments order, debt continues to accumulate interest in spite of whether a person is making payments on the debt.
- Creditors possess an ability to open a file in any Execution Office anywhere in the country, which sometimes leads to debtors being forced to travel to offices far from their place of residence, which can result in the loss of workdays, and can risk their job security. The difficulty is exacerbated by the Enforcement and Collection Authority's policy of not sending "long" rulings (over 17 lines) in the mail, which requires debtors to travel in person to the office.¹⁷¹
- Enforcement measures include preventing the debtor from holding a driver's license or prohibiting the debtor from leaving the country. These methods aggravate debtors' situations and are likely to hamper their ability to make a living and repay their debts. They can also cause them to resort to desperate measures such as turning to the so-called "grey market," which offers loans to those not eligible for credit at banks.

In May 2013, the temporary injunction prohibiting the imprisonment of debtors was extended for another year. It is the opinion of human rights organizations that the ban on imprisoning debtors must be enshrined in law, due to the severe infringement on the right to liberty and the right to dignity.¹⁷²

- Owing to the privatization of the Execution Office's processes of inquiring into the repayment ability of debtors, many of the private investigators who are responsible for determining the ability of a person to repay debt are motivated by profit considerations. These employees are not subject to the restraints and restrictions that apply to government employees.¹⁷³

- Obstacles such as age, low-level command of the Hebrew language, or non-proficiency in Execution Office procedures, or legal procedures generally, may lead to a situation in which debtors do not respond to a warning or do not appear for a repayment ability inquiry. As a result they can be declared "payment evaders," even though they are unaware of the case or had no intention of evading debt repayment.
- Often unfeasible debt repayment plans are offered to debtors, which they are not able to meet, and only worsen the situation. This includes, for example, the requirement to pay a large one-off initial payment; a payment plan spread over a very short time; the restoration of a debt to its original status as a result of a one-time stumble or non-payment; and unwillingness to forgive a portion of a debt, even in cases of extreme distress.
- There is no "mini-bankruptcy" arrangement, which would allow debtors to manage debts in an all-encompassing manner, and to reach a reasonable payment plan, before they have accumulated significant debts. Such an arrangement, that would include forgiveness of a portion of the debt, would allow people to resume their lives and earn a living with dignity, as opposed to continuing to be entangled in debt and becoming a burden on the welfare system.

Water debts

"They didn't inform me that they were going to disconnect me. They told me that they sent me loads of warnings but nothing came in the mail. I came home one evening with the children, I turned on the faucet – and there was no water. [...] I asked them to wait until the 28th of the month, when I get my [National Insurance] allowance, and not to cut me off before then. I would pay them when I get the allowance, which I don't have at the moment, but they said that's impossible. [...] I got a report from the social worker and I asked the [Water] Corporation for a reduced price but they wouldn't even accept her report. They told me that it's not relevant, they won't reduce the price for me, that I shouldn't expect it: 'Pay, and if not – we'll cut you off.'"

- A.A., Migdal Ha'emek, single mother with two children. Lives off of an income support benefit of NIS 1,800 per month.

"I called the [Water] Corporation and I spoke with the supervisor by phone. [...] I explained to her that I'm not trying to get out of paying, that I want to pay. I explained my whole situation to her and asked her to break it up into several installments, because I can't pay it all at once: I have kids, I have to pay for clothes, municipal tax, everything's on me. But she wasn't willing to reach any kind of arrangement. She said to me that I needed to pay NIS 2,000 now in cash, and afterwards NIS 500 every month. I told her that I can't pay that much. [...] I said that I can pay half of that, but she wasn't interested. 'I'm not the welfare office', the water corporation clerk said."

- R.S., Lod, single mother with two children. Lives off of child support payments from National Insurance of NIS 2,800.¹⁷⁴

In recent years, private Israeli consumers have witnessed a dramatic increase in water tariffs and , the responsibility for supplying water has simultaneously been transferred from the local authorities to water and sewage corporations (in the case of the regional councils, it has been transferred to private

water suppliers). In the wake of these changes, the right of Israel's residents to water has been infringed upon in a number of different ways.

Families with limited means are more significantly affected by the raised prices, and many of them have difficulty meeting the high charges. In the past, local governments have assisted families with limited means – with financial assistance, debt relief, debt-restructuring and so on – in order to prevent disconnection from the water supply. But since the authority for supplying water and sewage services has been transferred to corporations, social assistance of this kind has become almost non-existent. Government policy in this field does not include discounts (except for small discounts for individuals with disabilities),¹⁷⁵ and allows the water corporations to disconnect consumers who accumulate debts.¹⁷⁶

Besides the high tariffs, a range of failings in the conduct of the corporations cause debts to be incurred by middle class families and by families living in poverty. Further complications are experienced in the settling of these debts. For example, many people encounter unexplained increases in their water bill; are subjected to incorrect charges; water meter malfunctions; unreasonable charges for joint consumption; unmanageable bureaucracy; and inadequate responses from the corporations regarding the manner in which debts were created.¹⁷⁷ Citizens who accumulate debts to water corporations are required to deal with corporation clerks, who are often inflexible or act in a humiliating way. Many debtors are offered uncompromising payment plans, which the debtors cannot afford. The interest charged on late payment of water debts is extremely high and can inflate the debt significantly, to the point where the interest owed is, on occasion, more than the debt itself.

The Right to Housing

Affordable Housing

Over the past year, the Israeli government and Knesset promoted a series of laws and initiatives concerning housing, planning and construction, which are currently at various stages in the legislative process. The proposals include extending and expanding the National Housing Committees (NHCs) Law; reform in the process of planning and construction; a vast government housing plan for the construction of 150,000 housing units; and more. Despite the importance of dealing with the issue of housing, and despite the manifestation of some positive aspects in certain proposals, the perception of housing as a basic right belonging to all, irrespective of financial status, is not a value that has gained widespread traction. As will be detailed below, the suggested proposals do not establish mechanisms that will ensure affordable housing that individuals can access without sacrificing other individual or familial needs.

The National Housing Committees Law

In August 2011, NHCs Law came into effect, enabling the temporary establishment of special planning committees that can swiftly promote large-scale construction and housing plans, while bypassing the regular planning procedures.¹⁷⁸ Following the social protest in the summer of 2011, the wording of the law was adapted and references to affordable housing were added; yet the state completely disregarded the social purposes of the law and **the NHCs did not use their authorities to approve a single unit designated for affordable housing**. Other social tools established by this law – such as the construction of small apartments (which could be offered at reasonable prices to young buyers) or designating apartments for rental – were employed sparingly.¹⁷⁹ On the other hand, the NHCs promoted luxury neighborhoods on public land reserves without paying heed to varying needs, and without taking into account the need to provide a diverse combination of planning solutions in each location. The conduct of the NHCs clearly points to an intentional trend of increasing the general supply of apartments under the guise of promoting affordable housing for the wider public.

There are two petitions standing in the Jerusalem Court for Administrative Affairs, filed by several member organizations of the Coalition for Affordable Housing on the matter of two large-scale construction projects that were discussed in the Jerusalem District NHC.¹⁸⁰ Both projects, which relate to planning for state lands, are being undertaken by the Israel Land Administration. In both instances, despite the submission of objections, the NHC refused to invoke its authority to designate land for affordable rental housing.

The NHC Law was initially approved as a temporary order for a period of eighteen months. In May 2013, it was extended by eight additional months, and in October, a proposed bill seeking to extend the law until August 2015 passed its first reading in the Knesset.¹⁸¹ Moreover, the bill seeks to enhance the authorities of the NHCs to approve different types of land and to determine the ownership rights of the land to which NHC plans can be applied. The Knesset Committee on Internal Affairs is currently conducting deliberations to prepare this bill for its second and third readings.

The New Planning and Building Reform

In 2010, the Israeli government began advancing a large-scale reform in the area of planning and building. Following a struggle led by planning, social and environmental organizations, and in conjunction with other bodies, the reform was thwarted and its advancement frozen.¹⁸² This year, the Director of the Planning and Building Administration, Binat Schwartz, and the Minister of Interior, Gideon Sa'ar, initiated a new reform intended to expedite planning processes in Israel. This reform, which has been formulated into a government bill,¹⁸³ is more limited than the former bill but continues to bear significant implications for Israeli planning policy. It is predicted that this new bill will affect the rights and quality of life of all Israeli citizens and have a large impact on social gaps and access to basic and essential services.

At the core of this proposed bill stands the idea of **expanding the authority of local committees**, so that they can approve plans that are currently under the exclusive authority of the district committees. Generally speaking, this is a worthwhile initiative; however, the bill does not complement the decentralization of authority to the local committees with mechanisms ensuring that the local planning will serve all of the residents; that it will be equal and inclusive; and that it will take into account the diverse needs and interests of the residents. It should be emphasized that local authorities occasionally act to exclude low-income populations and minority groups, and that the interests of different groups are not always reflected in decisions made by local authorities. Therefore, the transfer of authority to local committees should be accompanied by increased transparency and lead to a more extensive inclusion of the public in planning processes. Furthermore, the committee must be required to appoint professional advisers and public activists as members in local committees; all members of the local committee should receive professional training; and it must be ensured that the planning incorporates social aspects, such as affordable housing, inclusion of persons with disabilities and public transportation. These mechanisms exemplify what is currently lacking from the proposed bill.

Furthermore, within the framework of this reform, the government is planning to create three categories of local committees, each one with different planning authorities. The committee's categorization will be mostly based upon the local authority's financial standing, so that the weaker the local authority, the less powers are granted to the committee. This situation could contribute to widening the already existing

gaps between the center and the periphery and between wealthy local communities and socio-economically disadvantaged ones. Moreover, the proposed bill does not link the expanded authority of the local committees with commensurate funding or tools to improve their professionalism and conduct, which is required all the more for weaker local authorities.

There is conspicuously no requirement in the proposed reforms for planning institutions to consider affordable housing when granting authorization for plans. The proposed bill does not obligate the local committees to make sure that plans specify a diverse combination of housing units in various sizes nor to guarantee housing solutions tailored to economically disadvantaged groups and minorities, such as affordable housing (i.e. housing that is significantly cheaper than the market price and is fitted to the income level of those entitled to it). Powers relating to affordable housing were included in the framework of the previous reform, following the social protest of summer 2011, yet they were omitted in the bill memorandum of the current reform. Without them, it would be impossible, from a legal perspective, to promote affordable housing in the framework of planning in the local authorities.¹⁸⁴

Public Housing

The Public Housing Law (Purchase Rights) - 1998 (hereafter: the Affordable Housing Law)¹⁸⁵ was designed to serve a social objective of the highest order: to enable tenants in public housing to purchase their apartments at a discount, thereby providing low-income populations with an opportunity to acquire inheritable capital, promoting social mobility and breaking the cycle of poverty. The law was also intended to mend the historical wrong caused to families that had immigrated to Israel during the 1950s, mostly from Arab-speaking countries, who were placed in public housing projects in poverty-stricken neighborhoods and development towns in Israel's periphery. A key component of that law was that income from apartment sales would be allocated to renewing the supply of public housing in Israel, by means of building or purchasing new apartments.

However, this law was never implemented. It was frozen several months after its legislation, as a result of the Arrangements Law (a budget allocation mechanism), and has remained frozen in that manner ever since. Only in early 2013, fourteen years after its enactment, did the law finally go into effect, and yet still the government has refused to comply with its dictates. Human rights organizations received complaints from citizens, who had turned to public housing companies and requested to purchase the apartment they were living in, but were declined. Representatives of the Housing Ministry have informed the media that no apartments will be sold until the Ministry of Justice reviews the matter.¹⁸⁶ The High Court of Justice was asked to intervene¹⁸⁷ and to require the state to provide an explanation as to why it fails to uphold the provisions of the law. In its response submitted to the HCJ, the state claimed that the new

government, established after the elections, needs an additional period of time to formulate a position regarding the law. In June 2013, the Finance Minister and Housing Minister published an announcement claiming that the government intends to sell the apartments to those entitled under the law.¹⁸⁸

Towards the end of the year the government decided to renew the Public Housing Law, but with a significant change. **In contrast to the original law, which determined that the money received from selling apartments to entitled persons would be used for the construction or purchase of new apartments, the new version of the law allows some of this income to be used to provide rent assistance.**¹⁸⁹ The significance of this decision is the gradual but certain decline of public housing, because the supply of apartments will continue to dwindle.

The State Comptroller, in his latest report (published October 2013), pointed to many shortcomings in the managing of public housing and warned of a severe shortage in apartments. Among other things, the Comptroller found that 2,300 apartments in the public housing reserves are not rented out to entitled persons, while a similar number (2,500) of entitled families and individuals are waiting in line for an apartment, sometimes for many years.¹⁹⁰ The State Comptroller stressed the importance of maintaining the supply of apartments and the significance of public housing in protecting the rights of disadvantaged populations:

“It is of vital importance that the ministry reevaluate the full extent of past allocations made to non-entitled tenants, identify the allocations that do not fulfill the current requirements, and return the apartments to the public housing reserve. The aforementioned bodies must take into account the state's constitutional obligation, under the Basic Law: Human Dignity and Liberty, to cast a 'safety net' for those disadvantaged in our society; granting public housing to those entitled to it is an essential and central component of this 'safety net.’”¹⁹¹

The decay of public housing and the preference shown towards rental assistance harms entitled persons, as renting an apartment in the private market, even with the support of rental assistance, can be extremely difficult in light of prevailing market conditions in many locations throughout the country. This is especially the case considering the unregulated increases in rental prices often seen in the free market. Public housing arrangements enable those who are unable to afford housing to enjoy stability in their place of residence, thereby assisting them in realizing their rights to adequate housing and dignified living.¹⁹²

According to the position of the Public Housing Forum organizations, it is inappropriate to drastically alter a policy so integral for socio-economically disadvantaged populations, without first conducting

extensive review. A professional public committee must be founded in order to examine and evaluate both the short and long term implications of changing the law.

Evicting Homeless Persons from Public Spaces

In late 2012, the Tel-Aviv District Court accepted a petition – filed by ACRI together with three homeless persons – against the Tel-Aviv-Jaffa municipality's actions to remove homeless persons from public spaces and confiscate their personal belongings.¹⁹³ In a precedential judgment, the court ruled that the actions of the municipal inspectors were disproportionate and ordered the municipality **to devise regulations for preserving the spaces without disproportionately violating the rights of the homeless**. The judgment contained significant statements concerning the protection of the human rights of homeless people. Among other things, it noted:

“Stronger groups must be tolerant, even if their enjoyment of the public space is slightly restricted, in order to afford the homeless a dignified existence in the public sphere.”

The Tel-Aviv municipality refused to accept the court's ruling and filed an appeal. The Supreme Court ordered that the Attorney General be added to the case, and he submitted his position in July 2013. The Attorney General stressed that in enforcing municipal bylaws for managing public spaces, the interest of homeless persons being able to exist in the public sphere, and the basic rights of homeless persons, must be considered. This is due to the fact that homeless people do not have a roof over their heads, and that the existence of private space is relevant when the local authority is exercising its discretion. According to the Attorney General, an appropriate balance should be found that enables the municipality to remove the belongings of a homeless person (resulting in the *de facto* expulsion from that public space) only when those belongings prevent the general public from utilizing the public space, or constitute an actual obstacle to the public's ability to utilize the space in a reasonable manner. The Attorney General further noted that regulations must be devised to delineate the discretion of the municipal inspectors, and that there should be a coordinated and joint action of the municipal inspectors and the welfare services, which are in charge of caring for the homeless. In light of the position of the Attorney General, the Supreme Court Justices instructed the Tel-Aviv municipality to submit a draft version of regulations regarding their enforcement policies towards homeless persons in the public space, and this draft was submitted to the Court in September 2013.

Although the subject of the aforementioned deliberations is the right of homeless persons to subsist in the public sphere, the rights of homeless people do not end there, and these rights obligate the authorities to provide comprehensive solutions and assistance. Moreover, homeless persons are not only those living in the streets. The Forum for the Homeless¹⁹⁴ also includes under the definition of

‘homeless’: people living in emergency housing such as shelters for homeless persons or for immigrants; persons released from institutions (such as hospitals or prisons) who have no housing to which they can return; and those living in a place where they are exposed to violence or abuse, only because they have no other place to which to turn. The “Homeless Index” of the Institute for Structural Reforms, published in June 2013, included under its definition: people living in temporary and improvised structures, such as tents and tin shacks; in the home of their elderly parents or in the homes of relatives; or in structures that are not approved for residential purposes. The institute found **that between the years 1995 and 2012, the number of families in Israel living in inadequate housing situations had doubled and reached 8.5% (approximately 189,000 families)**. This is a 26% increase in the number of homeless persons since 2008, and overall a leap of 221% in less than two decades.¹⁹⁵

Privatization

After the Fact: Failed Privatization

Over the past three decades, Israeli governmental policy has sanctified reductions in public sector activities and embraced the delegation of responsibility for providing all services (including social services) to the hands of the market forces. As a result of this policy, a long list of public services were privatized – services intended to guarantee the realization of rights in the areas of housing, healthcare, education, employment and welfare¹⁹⁶ – usually alongside or following extensive cutbacks in the public service. The justifications for privatization are usually saving money and boosting efficiency, and stem from the perspective that the private market is more efficient and will undertake the task at a lower cost. However, in practice, privatizations are sometimes conducted in a negligent manner, harming the rights of the ‘consumers’ and diminishing the scope and quality of the services on offer. Occasionally it is realized in hindsight that the cost of performing a duty by a private body is higher than the cost in the public system.

Two instances of failed privatization appeared prominently in the public and professional discourse in the past year and led the state to wind back, at least partially, the privatization of the related services. In both cases, the severe faults of the privatization were only discovered following violations of human rights.

Private Psychiatric Institutions

In November 2012, the Director General of the Health Ministry, Ronni Gamzu, announced his intention to shut down the private psychiatric facilities, in which some 250 persons with a double disability (psychosocial and cognitive) were hospitalized, and to transfer the patients to public hospitals.¹⁹⁷ This announcement was made following the uncovering of a severe case of abuse and neglect in the private psychiatric institution Neve Yaakov. The neglect was revealed owing to the ongoing activity of Bizchut – The Israel Human Rights Center for People with Disabilities,¹⁹⁸ and shed light on difficulties encountered by the Health Ministry in supervising what occurs in privatized institutions.¹⁹⁹ According to the Health Ministry's announcement, by the end of 2013, the two other facilities that operate in the same manner – Ilanit and Neve Shalva – will be shut down.²⁰⁰

Following the Neve Yaakov affair, the Head of the Medical Administration in the Health Ministry appointed an inquiry committee, which published its conclusions in July 2013.²⁰¹ The committee criticized several aspects concerning the operation of the private hospital by the Ministry of Health. Among other things, it concluded that the conditions of the tender won by the Neve Yaakov hospital

exemplified a preference of low cost over standards of professionalism, medical experience and quality infrastructure,²⁰² and analyzed the failures in the Health Ministry's mechanism for supervising the institution. The committee recommended that closed wards in private psychiatric hospitals be shut down, and that special wards be established in public hospitals for people with double disabilities. According to the committee's report, treating patients in "closed ward" conditions entails the denial of freedom, and just as it was decided not to have private prisons in Israel, the same principle should apply to closed psychiatric wards in private medical institutions.

Student Health Services

The student health services cater for approximately one million schoolchildren in grades 1 through 9, and include, inter alia, vaccinations, medical examinations and health education. In the past, the Health Ministry provided these services via school nurses yet, due to financial reasons, the Finance Ministry has decided to privatize these services. The process of privatizing the student health services began more than a decade ago when this service was extensively "drained" of funds,²⁰³ and continued with its transferal in 2006 to a private contractor, initially without a tender and later with a faulty tender that was under-budgeted.²⁰⁴

In 2010, the State Comptroller published a report highlighting a series of shortcomings in the operation of this service. These included, among other things: using expired equipment; conducting hearing and vision tests in inadequate conditions; and a vaccination rate that is lower than required.²⁰⁵ The High Court of Justice also concluded that "it is questionable whether a service of this kind should be privatized,"²⁰⁶ and speculated "if there isn't a place for the Health Ministry to resume taking responsibility for the aforementioned services."²⁰⁷

In early 2012, the Health Ministry announced that it would reassert control over providing student health services in the southern district and in the city of Ashkelon, but the government simultaneously decided to continue privatizing these services in other districts. In October 2012, it was published that the central, northern and Jerusalem districts will be split between the two companies, Natali and Femi Premium, which won the tender. Performance data from Ashkelon and Jerusalem paints an inconclusive picture. On one hand, it appears that the situation in the south and in Ashkelon has improved following the operation of the service by the state,²⁰⁸ and it was further claimed that the cost of the public service is lower than that of the privatized service, contrary to the money-saving rationale that stood at the basis of the privatization.²⁰⁹ On the other hand, insofar as the quantitative aspects of checkups and vaccinations are concerned, it appears there was an improvement in the performance of the private companies.²¹⁰ Even if it is concluded that quantitatively the service to the students was not impaired, the damage caused by privatizing the service remains substantial. The service of nurses in schools has become an

“assembly line” of checkups and vaccinations, leaving little room for the qualitative aspect of their work, which involves their presence as an attentive medical figure that knows the students and can respond to their needs as a member of the education staff.

Aside from the specific deficiencies in the operation of services subsequent to their privatization, the cases of the student health services and the psychiatric institutions exemplify **the negligent manner in which privatizations are occasionally executed in Israel, as well as the shortcomings in the area of supervision, which end in human rights violations.**²¹¹ The privatization of psychiatric hospitals also illustrates the need to **establish boundaries for privatization**, particularly with regard to closed institutions, where patients live disconnected from society, far from the public eye.²¹² Such cases emphasize the need to **broadly include legislative requirements in the execution of privatization.**²¹³ Legislation should entail the requirement to publish privatization decisions **before** they are executed, in order to allow public debate, objections and presentation of alternatives and to afford the citizens sufficient opportunity to confront the erosion of their human rights.

It was recently published that Justice Minister Tzipi Livni intends to advance a government proposal that would require public bodies to publish their contracts with private institutions.²¹⁴ This is a significant step, both for realizing the rights of the individual when receiving privatized services and for guaranteeing public review and supervision. However, as stated above, the public should be included prior to the execution of the privatization. Decisions regarding privatization should be made in a transparent manner, through consulting with bodies that have a special interest in the matter, or ones that represent a population that might be affected by this move. The public should have access to information concerning the procedure, including the reasons for the move to privatize, reviews of its expected implications on the quality of services and on the rights of the clients and the supervision mechanisms overseeing the privatized body.

The Return of the Wisconsin Plan

The Israeli Wisconsin Plan, in all its various incarnations (the Mehalev Program and Lights to Employment), operated with the aim of integrating recipients of income support benefits into the labor force. The program began operating in Israel in August 2005 on a trial basis. Private companies executed the plan and their employees were granted far-reaching governmental powers and discretion. Among these was the authority to determine that a participant of the plan had not fulfilled his or her duties, leading to the denial of their income support.

The Wisconsin Plan achieved a certain degree of success in returning unemployed persons to the workforce,²¹⁵ but it failed to bring results. The salary levels of participants that were placed in jobs were not distinctly higher relative to the benefits they had previously received, and many of them were placed in part-time positions and in jobs that were non-professional or lacked future prospects.²¹⁶ The program required its participants to be in the employment center for about 35 hours per week, yet during their time there it did not provide them with adequate assistance to obtain work, such as necessary professional training. The program led to the denial of income support benefits to many participants, and amassed much criticism from human rights organizations for violating the basic rights of its participants, including the right to dignity.²¹⁷ The State Comptroller²¹⁸ and an inter-ministerial committee that was appointed to review the program also recognized its failings.²¹⁹ In this context, it is noteworthy that millions in public funding had been invested in the Wisconsin Plan, while the budget of the Employment Service – which is the public body intended to assist employment seekers – is constantly dwindling year after year.²²⁰ Notwithstanding this, the Wisconsin Plan did not pass the cost-benefit test, and its outputs, relative to investment, were much lower than the outputs of the Employment Service.²²¹

In light of the criticism, and following a public struggle by NGOs, the Knesset's Labor, Welfare and Health Committee refused to extend the Wisconsin Plan under the same format and, in April 2010, it was cancelled. Since then, the government tried to extend it twice by means of the Budget Arrangements Law (in 2010 and 2011) and the Knesset decided to reject it. The program returned this year as well, initially in the Budget Arrangements Law for 2013-2014 and later as a separate bill, under the title "Encouragement for Heading to Work."²²²

The stated intention of the plan – integrating benefit recipients into the workforce – is positive, if only it had been implemented properly, in a comprehensive and serious manner: by funneling budgets to the battered Employment Service; by intervening in the job market and creating proper jobs for a fair pay; by operating an array of employment-supporting services, such as professional training; and by providing solutions for the cost of childcare. However, as in previous proposed bills, the Ministry of Finance largely

reverted to a system that had already failed: transferring distinctively governmental authorities, such as the denial of benefits, to private companies – whose goal is first and foremost financial gain – while injuring the rights of income support recipients, who depend on these benefits as a last safety net.²²³

In order for a new plan to succeed in integrating income support recipients into the workforce, while protecting their rights, decision-makers **must learn from previous mistakes and insert a long list of changes into the proposal being currently debated.**²²⁴ First and foremost, they must ensure that supervision over the program is granted to the Employment Service who would also retain governmental authorities with regards to the participants, including: selecting participants suitable for the program; placing the participants in jobs; determining the personal plan for each participant; having discretion over the denial of income support benefits; and more.

Privatization of Tax Collection in Local Authorities ²²⁵

Since the year 2000, local authorities have been authorized to collect municipal taxes, tolls and fines (such as municipal rates, water bills and parking tickets) under the Tax Order (Collection), which establishes extreme arrangements for debt collection.²²⁶ The order grants local authorities the power to repossess and sell the assets of a debtor through administrative collection, without any judicial procedure. Such a procedure enables the authorities to take collection and execution measures without having to prove the existence of the debt before a judge. It therefore constitutes a far-reaching authority, with a severe impact on the individual.²²⁷ As such, special care must be taken to ensure the cautious use of debt enforcement measures, and a proper balance should be maintained between the rights of the debtor and the power of the local authority to collect their debt.

In the past two decades, the powers to collect debts in local authorities have been privatized, and more than half of the local authorities use the services of external collection companies.²²⁸ These private companies are authorized to use a wide range of aggressive measures in order to collect debts, including: entering homes of debtors and confiscating property, using force to break into houses, foreclosing real estate, repossessing vehicles and freezing bank accounts. These are **broad measures that directly impinge upon individual rights to privacy, property and dignity. It is inappropriate for such measures to be utilized by private agents who seek to maximize profit at the cost of human rights.**

The powers transferred to the collection companies do not only include “technical” execution roles, but also roles that entail **substantive discretion**. In fact, the handling of all stages of the collection procedure was transferred to private companies, which *de facto* replaces the municipality's debt collection department. The company is the one printing the collection requests, holding reception hours,

replying to residents, negotiating with debtors and establishing payment arrangements with them.²²⁹ The collection companies are also the ones gathering the material submitted to the local authority's discounts committee, reviewing the material and making decisions regarding discounts in municipal rates. They also conduct **investigations** regarding the financial situation of the debtors in order to enable the local authority to make a decision about writing-off a debt.²³⁰ For the purpose of performing their task, the collection companies were granted the authority to **receive information about the debtors** from the Ministry of Transportation and the Ministry of the Interior,²³¹ and they compile extensive information about debtors. The municipality's treasurer is indeed required to grant specific authorization for every act of collection and to approve payment arrangements and other decisions, but the initiatives and the decisions are in the hands of the private companies. Moreover, in light of the vast scope of the collection companies' activities,²³² it is likely that the treasurer's authorization is no more than a rubber stamp for decisions that had already been made by the collection company.²³³ According to the agreements between the local authorities and the collection companies, the payment to the company is a commission from the money it manages to collect on behalf of the municipality. The combination between this incentive mechanism and the delegation of the entire collection process to the company, including discretionary powers, creates a **conflict of interests** and raises concerns about the unnecessary use of aggressive collection measures. Reports in the media indicate that private collection companies occasionally use illegal measures against debtors, such as threats, extortion and use of force.²³⁴

The conflict of interests might also be manifested in decisions to freeze collection proceedings. Municipalities have the authority to freeze collection proceedings on the basis of the debtors' socio-economic situation. For example, a moratorium on the debt could be justified in light of the debtor's financial or medical situation, when, for example, the only asset available for repossession is the debtor's apartment, and it's decided that the confiscation of the asset found might cause the debtor severe harm.²³⁵ Transferring the collection process to the private companies in full, which includes engaging directly with the debtors, means that the private company is also the one weighing the debtor's situation; and it raises the concern that a company whose profits are based on succeeding in collecting debts, will tend to ignore factors concerning the debtor's socio-economic situation.

The transfer of the collection responsibilities of local authorities to private, for-profit companies has been taking place for many years **without any legal sanction, without the arrangement of uniform regulations and without proper supervision**. Among other things, there is no framework for the appointment of appropriate debt collectors; they are not required to undergo any training; there is no mechanism for handling complaints; and there is no defined and obligatory monitoring of collection procedures by the local authorities or the Ministry of the Interior. It appears that in practice, the local

authority has no effective control over collection procedures, nor the ability to supervise the collection companies.

Pursuant to a High Court petition, the state pledged in 2005 to assemble legislation, as soon as possible, regarding the employment of private collection companies.²³⁶ Two years prior to that, in the framework of court hearings on the petition, the Director General of the Ministry of Interior issued a "Regulation for the Employment of Collection Companies,"²³⁷ however this regulation does not answer the need for sanctioning legislation. Furthermore, as became apparent from the State Comptroller's report for 2008, this regulation is not upheld and the local authorities do not insist on supervising the collection procedures carried out by the companies.²³⁸ The State Comptroller concluded:

"[There is] a real concern that the mode of operation of the local authority does not suffice to guarantee that the authorities they have transferred to the collection companies are used while maintaining due process and safeguarding the rights of the debtors."

The report further stated that the Ministry of the Interior must immediately act to satisfy this issue through legislation.²³⁹ Despite such sentiments, no changes were made to this effect. Whilst over the years the Justice Ministry has prepared several bill memorandums intended to arrange the authority for employment of debt collection companies, these were not promoted, despite repeated promises by the Ministry of the Interior in Knesset committees.²⁴⁰

In light of the failure to regulate the activity of the private companies, the Coordinating Bureau of Economic Organizations petitioned the High Court in June 2013, demanding to put a stop to the collection of debts through these companies.²⁴¹

In the case of the collection of debts for water bills, there is, in effect, a **double privatization** of both the enforcement and the collection. The majority of the municipal authorities have established water corporations, which manage the municipal supply of water. Most of these corporations, which are owned by the municipality but operate as business companies in every sense of the word, have transferred the enforcement and collection procedures for water bill debts to private collection companies. Recently, the State Comptroller pointed out the faults in the relationship between the local authorities, the Water Authority and the corporations, and concluded:

*"The corporate reform, which was intended, inter alia, to guarantee that the money from water and sewage consumers would be used solely for the benefit and development of the water and sewage system, a reform whose implementation entailed significant costs, did not fully achieve this goal."*²⁴²

In light of the potential for violations of human rights in the process of debt collection by the local authorities, **the privatization of the debt collection must be discontinued in its current model**, in which collection proceedings are fully transferred to private debt collection companies. At a minimum, the collection system must remain in the hands of the local authority, including discretion in each and every stage of the debt enforcement procedure, and contractors should only be charged with execution roles, similar to the model established in the Execution Office (under the Enforcement and Collection Authority). In any case, the current reward system must be abolished, a system under which the payment to the collection company depends upon its success in collecting. If it is intended to continue the relationship with collection companies, **the delegation of authorities to these companies must be urgently regulated by legislation.**

Refugees, Asylum Seekers and Migrant Workers

Law to Prevent Infiltration

*"One of the most fundamental rights of a human being, situated at the top of the pyramid of rights, is the right to liberty. Since earliest times, humans have always fought to achieve freedom. A violation of the right to liberty is one of the gravest imaginable. Denying the right to liberty to infiltrators', by means of their incarceration for a protracted period, is a severe and disproportionate violation of their rights, their person and their soul. We must not resolve one injustice by creating another. We cannot deny basic fundamental rights and at the same time grossly violate human dignity and liberty in the framework of a solution to a problem that requires an appropriate systemic and political solution."*²⁴³

On 16 September 2013, the Israeli Supreme Court, sitting as the High Court of Justice with an extended panel of nine Justices, accepted the petition filed by Eritrean asylum seekers and human rights organizations, and ruled that Amendment 3 of the Law to Prevent Infiltration (hereafter: Anti-Infiltration Law) is unconstitutional and must be annulled.²⁴⁴ This amendment, which enabled the administrative detention, without trial, of asylum seekers from Sudan and Eritrea, was passed in January 2012, and began to be enforced in June 2012. At the time of the High Court ruling, some 1800 women, men and children were incarcerated under this law.²⁴⁵

The State of Israel abides by a policy of not deporting Eritrean and Sudanese nationals to their country of origin due to the danger the state acknowledges they would face upon their return. The majority of detainees are from Eritrea and Sudan, and despite this policy, the government still insists on their imprisonment. **The Supreme Court ruled that such administrative detention contravenes the principles of the Basic Law: Human Dignity and Liberty, and that the state must immediately begin releasing the detainees** in accordance with the provisions of the Entry into Israel Law, and end the incarceration of individuals for whom there is no longer cause to detain them. The court ruled that this process must be completed within a period of 90 days. As opposed to the Anti-Infiltration Law, the Entry into Israel Law does not enable, as a rule, the protracted detention of persons who are not undergoing deportation procedures.

As noted above, the judgment stated that the release of the detainees must begin immediately²⁴⁶ and be completed in no more than ninety days. However, the Population, Immigration and Border Authority (PIBA) maintains that it possesses the authority to release the persons in custody according to its own schedule and priorities so long as it is within the ninety day period. Forty days after the ruling, only a handful of detainees had been released, and the rate of release of detainees was actually even lower than

the period prior to the judgment being handed down. It appears that PIBA is refraining from releasing Eritrean and Sudanese men (who make up the largest proportion of detainees) in order to gain time to legislate a new law enabling the establishment of a detention facility operated by the Israel Prison Service where detainees may be transferred.

On October 28, 2013, the petitioning organizations filed an emergency motion under the Contempt of Court Order.²⁴⁷ In the hearing, conducted in early November, the High Court struck down the motion but criticized the state's conduct.²⁴⁸ The Court clarified that its judgment ordered the State to immediately begin releasing the detainees, and that the 90-day period established therein is the maximal period for completing the review. It was agreed that PIBA must provide the petitioning organizations a weekly update on the number of asylum seekers that had been released and publish these figures on its website.

At the same time as the government is defending its behavior before the courts, **it is seeking to pass a new bill in the Knesset that would “bypass” the High Court of Justice and enable it to continue to imprison asylum-seekers.** Under the bill, initiated by the Minister for the Interior, Gideon Sa’ar, it would be possible to imprison asylum-seekers arriving in Israel from Africa for a period of one year without trial, and then keep them in an “open-air facility” for an unlimited amount of time. The consequence of the bill would be the continued extra-judicial imprisonment of asylum-seekers, and the only possibility of release would be to return to the country from where they are seeking asylum, not because of any crime they committed, but to act as a deterrent against other potential asylum-seekers. What the government refers to as “open-air facilities” are nothing but isolated detention camps in the middle of the desert, under the management of the Israeli Prison Services, and consisting of three headcounts per day. Failure to comply with procedures would result in the imposition of heavy punishments. The bill is being advanced through the Knesset at an unusually fast pace. The public were given an abnormally short period of seven days to lodge responses to the bill memorandum from the time it was published, and it is expected to be passed into law in the coming days.

The release of asylum seekers is merely the first step necessary in devising an appropriate, humane, and practical policy on the issue of asylum seekers. Asylum seekers do not hold work permits and are therefore compelled to reside in concentrated areas suffering from poverty and neglect, such as those in southern Tel-Aviv. **The Israeli government must formulate just and appropriate long-term solutions for these neighborhoods,** which take into account the hardships of both the longtime residents of these areas and the asylum seekers. The government must allow asylum seekers to work,²⁴⁹ rent apartments and receive public healthcare and welfare services. This will allow them to escape the cycle of poverty and distress and reduce the burden on the poorest neighborhoods. At the same time, real examination procedures must be established to effectively review asylum requests and recognize

genuine refugees. Alongside the aforementioned steps, the state **must invest in strengthening these neglected neighborhoods and allocate budgets and resources that will provide the residents the safety and public services they deserve.**

“Voluntary Return”²⁵⁰

On July 14, 2013, Israel deported fourteen asylum seekers to Eritrea. This was the first time Israel returned Eritrean nationals from its borders to the country from which they had fled, despite the real danger to their life and liberty.²⁵¹ The deportation was conducted in accordance with a procedure approved by Israel's Attorney General in late June 2013, which arranged the “voluntary return” of migrants from Eritrea and Sudan, who are incarcerated in Israel under the Anti-Infiltration Law.²⁵² Under this procedure, a person who is in custody and expresses a desire to return to their country of origin is requested to write down their wish to leave Israel, and conduct a videotaped interview in which they announce that they are doing so of their own free will.

Some of the asylum seekers who have signed these papers did so after having been detained for over a year in the Saharonim detention facility. The testimonies by men and women being held in this facility were given to human rights organizations. There is concern that these testimonies do not represent an expression of free will, but rather reflect coercion on the part of immigration officials who reportedly warn that the alternative option is to face long-term incarceration in Israeli prisons. Officials from the office of the United Nations High Commissioner for Refugees (UNHCR) reported that some of the deportees had told them that they “will do anything to get out of prison.”²⁵³ One of the individuals detained in the Saharonim facility testified before NGOs, **“Every day they pressure us to sign, more and more people are signing. Many people have lost hope.”** Human rights organizations estimate that prior to the annulment of the Anti-Infiltration Law, hundreds of Eritrean asylum seekers had been returned to their country of origin under the “voluntary return” procedure.

Many of those seeking asylum in Israel are afraid of living in an Israeli prison for an indefinite period without any assurance that their requests for asylum will be genuinely examined. In their desperation to avoid a life of imprisonment, such individuals opt to return to the atrocities in their home countries. This notion of “voluntary return” may enable agency to a certain degree yet it can hardly be regarded as an act of *free will*.

The words of an Eritrean asylum seeker detained in Saharonim demonstrate the state of mind that impels incarcerated asylum seekers to sign “voluntary return” papers:

*"When we arrived at the democratic State of Israel, we did not expect such a severe punishment. We still don't know what crime we have committed, for which we are enduring such a long period in prison. We have lost all hope and we are so frustrated by this situation, that we are asking you to find a solution to our problem or to return us to our homeland, no matter what our fate shall be, even if we are to be executed by the Eritrean regime."*²⁵⁴

Prior to the approval of this procedure in February 2013, it was published that Israel had returned approximately 1000 asylum seekers to Sudan. This was performed despite the threat to their lives, without the knowledge of the UN, and in contravention of the UN's position.²⁵⁵ It was concurrently published that Israel offered Eritrean asylum seekers in Saharonim the choice between continuing their prolonged incarceration and signing "voluntary return" papers.

UNHCR's representative in Israel at the time, William Tall, voiced harsh criticism of the Population and Immigration Authority's conduct:

*"As UN High Commissioner, we have access to the prison, and we heard what the state had offered them. Agreeing to return to Eritrea under an ultimatum of 'jail or home' cannot be considered voluntary by any criterion, it is explicitly not voluntary return [...] In practice, there is no voluntary return from prison, because there is no free will." Tall further claimed that the detainees "do not receive full access to the refugee apparatus, and when there is no access to the refugee apparatus that can lead to their release, then there is no voluntary return."*²⁵⁶

In September 2013, immediately after the ruling that annulled the Law to Prevent Infiltration, the Knesset's Internal Affairs and Environmental Committee convened in order to discuss the implications of this ruling. In this discussion, PIBA director Amnon Ben Ami and committee chair MK Miri Regev admitted that the "willingness" of asylum seekers to leave Israel is born from the conditions of their incarceration, and that the annulment of the law will hinder this "willingness."²⁵⁷ Thus, the 'desire to return' is insidiously imparted to individuals as a result of their conditions of imprisonment, indicating the dilution of all aspects of free will associated with "voluntary return".

Prolonged Incarceration for Minor Offenses

Senait Tasfahuna, an Eritrean woman who had come to Israel, received a temporary permit stating that she is not allowed to work.²⁵⁸ Like many others, she had difficulties finding a job and providing for herself. When she finally found a cleaning job, she was informed that she would not be hired without a work permit. Having no other option, she resorted to paying for a forged work permit, thereby enabling her to work. Tasfahuna was arrested in early August 2012, and it was decided not to put her on trial, for lack of public interest. In spite of that, she was immediately placed in administrative detention for an

indefinite time period, under the Law for the Prevention of Infiltration. The Supreme Court decided not to intervene in the decision to hold her in custody,²⁵⁹ and determined that the principled questions relating to detention under the Infiltration Law shall be deliberated within the framework of the petition filed regarding this matter. Only toward the end of July 2013, following the filing of an additional appeal to the Supreme Court, did the Ministry of Interior decide to release her.²⁶⁰ She had been imprisoned for almost a year, despite never having been put on trial.²⁶¹

The policy under which Tasfahuna was placed in detention was based upon the Ministry of Interior's September 2012 procedure for **"handling infiltrators involved in criminal proceedings."** This procedure enables the Israeli police and the Ministry of Interior to detain Eritrean and Sudanese asylum seekers for up to three years, when there is no interest in indicting them or insufficient evidence to indict. This detainment is enforced solely on the basis of a suspected offense and with no need to prove the suspicion.

Initially, the procedure held that "infiltrators" shall only be subject to detention when the suspected offense indicates that they constitute a threat to national security or public safety; however, this broad definition included a long list of offenses including minor property offenses. In early July 2013, following the intervention of the Minister of Public Security, MK Yitzhak Aharonovitch and the Minister of Interior, Gideon Sa'ar, Attorney General Yehuda Weinstein approved an even stricter policy, which extended the procedure to relatively minor offenses that constitute "actual harm to public order." Among the offenses included in the procedure were theft of mobile phones; bicycle theft; forging permits and licenses; and violent offences such as threats and assaults.²⁶²

Hundreds of asylum seekers from Sudan and Eritrea have been incarcerated under this procedure.²⁶³ For example, an Eritrean woman who filed a complaint about rape and later decided to renege on it was placed in custody for providing a "false complaint". A Sudanese national was incarcerated for the suspected theft of a mobile phone and another asylum seeker was incarcerated on the suspicion of being in possession of military property, even though the Israeli landlord in whose house the asylum seeker was living, stated that it was his own equipment.²⁶⁴ Eventually, an asylum seeker from Sudan, who was incarcerated for the suspected theft of a bicycle despite no evidence against him, was released by order of the Attorney General following public pressure, which included a demonstration in front of the Attorney General's home.²⁶⁵ As the public became more aware of this procedure, private individuals also began using it for dubious purposes. For example, several cases were brought to the attention of human rights organizations, where Israeli employers who owed asylum seekers wages for their work warned them that, should they dare to stand up for their rights, their employers will file a police complaint against them that would lead to their arrest.²⁶⁶

This procedure established a **separate, oppressive and unprecedented penal system for asylum seekers**. It trampled basic human rights, including liberty; equality before the law; the presumption of innocence; and the right to a fair, public and independent legal process. Administrative detention, with no time limits, is an extreme measure and not a tool for regular use by law enforcement agencies. Specifically, administrative detention as a means of punishment, deterrence, or prevention is an exceptional measure and is generally prohibited. Persons who are suspected of committing criminal offenses should be dealt with through criminal law, which is meant to ensure the right of a suspect to due process and to provide guarantees against the arbitrary denial of liberty. These guarantees, which are not granted under this procedure, include being brought before a court; the right to representation; the presumption of innocence; the prosecution's duty to prove beyond reasonable doubt; and more. "Infiltrators," so dubbed by the State, have been stripped of all of these rights and subjected to the arbitrary denial of their liberty for an indefinite period of time. It should be emphasized that this is not incarceration for the sake of administering deportation procedures, because the State of Israel acknowledges that deporting citizens of Eritrea and Sudan is not an option owing to the danger they face in their countries of origin.

In light of the above, in July 2013 a group of leading lawyers petitioned the Attorney General to end this procedure.²⁶⁷ The office of Public Defense has also criticized this procedure, claiming that it establishes an alternative system of law enforcement, which is only imposed on "infiltrators" and permits prolonged incarceration without due process or human rights protections; constitutes an overstep of authority; unequally implements the power to revoke status and to hold in custody for a protracted period; and constitutes an illegal utilization of criminal detention powers. The Public Defense even presented a few examples of cases in which this procedure was applied to "infiltrators" without undertaking any basic investigative actions, which could have pointed to their innocence.²⁶⁸

In September 2013, following the High Court ruling in the petition against the Infiltration Law, the Attorney General instructed the government to freeze the "procedure for handling infiltrators involved in criminal proceedings."²⁶⁹ The Ministry of Justice issued an announcement on this matter stating that for each "infiltrator" incarcerated under the Anti-Infiltration Law, an individual review should be conducted to ascertain whether there are grounds for release. As noted above,²⁷⁰ in early November 2013, the High Court of Justice instructed the state to expedite the review of all those incarcerated under the Anti-Infiltration Law, in accordance with the HCJ ruling. It is assumed that the cases of those incarcerated under the procedure will also be examined in the framework of this review. As of the start of November 2013, 256 individuals remained held in custody as per the provisions of the existing law²⁷¹.

Arrest and Detention of Children

In testimony given by a detainee of the Yahalom Detention Facility, a child reflects on the poor living conditions they face:

*"I cried first and then Mom cried. We only watched television, there's nothing else to do. The cell has four beds. This is where my Mom and I slept, and here someone from Africa with her baby, and on the top bunk someone else slept, but I don't know who she was. Mom told me everything's going to be alright."*²⁷²

Up until the beginning of March 2011, the Ministry of Interior refrained from **arresting migrant workers and their children** who had remained in Israel without a permit. However, over the past two and a half years, PIBA has been detaining female migrant workers, together with their young children, and holding them in the Yahalom Detention Facility (Yahalom is a Hebrew acronym for: Flight, Accompaniment and Custody Unit) at Ben-Gurion Airport until their deportation. In most cases, the parents and children stay at the facility for two or three days, after which they board a flight leaving Israel, however there are families who stay at the detention facility for longer periods, and some families have stayed there for more than half a year.²⁷³ The facility, which usually serves as a brief holding facility for persons who have been refused entry into Israel until they are deported, is the only detention facility in Israel that is not operated by the Prison Service or Israel Police, but rather by PIBA inspectors.

After beginning to hold children at the Yahalom facility, PIBA claimed that it had made changes to the facility that qualified it for the incarceration of children, such as painting the walls and placing toys in the rooms. However, according to testimonies by mothers who were being held there – which were provided to the Israeli Children organization, the facility has many shortcomings. There are no healthcare services, no available doctor, and, on occasion, there is a shortage of baby food. In some instances, meetings with social workers were not facilitated for families.²⁷⁴ The facility lacks any educational framework for the children, and without enough toys, the single most enriching activity is the half an hour allowed each day to go to the yard to watch television.²⁷⁵

It would be reasonable to assume that the detention of young children would only be carried out when there is no other option, with utmost precaution and in a manner intended to minimize, inasmuch as possible, the psychological damage inflicted on the child. Yet despite the instructions formulated by PIBA and the training undergone by its inspectors,²⁷⁶ the arrests are at times carried out in an unnecessarily harmful manner. The children are sometimes arrested at dawn, when they are still in their beds, while others are taken from their kindergarten. Men in uniform, who are sometimes accompanied by armed

Border Police officers, perform these arrests.²⁷⁷ To the best of our knowledge, a social worker was not present in any of the arrests of these children. The State Comptroller found that, in contravention of procedures, in 64% of the cases reviewed the arrest was not videotaped; in 59% more than four inspectors participated in the arrest; in 27% of the cases there was no woman on the arrest team; and only in 14% did all inspectors in the squad receive adequate training.²⁷⁸

Detention facilities in Israel were also used in the past year **to imprison child and adolescent asylum seekers**, who had entered Israel through the Egyptian border, most of them originating from Eritrea and Sudan. Children who had come with their families were taken to the Saharonim facility in the Negev, which is essentially a prison.²⁷⁹ The families were separated, with mothers and little children sent to the women and children's ward and men and boys over the age of 12 sent to the men's wards. Boys over the age of 12, who arrived with their mothers, were separated from them and moved to the men's wards. Family members can only meet once a week.

In May 2013, the Administrative Court in Be'er Sheva ordered the release of a mother and her daughters who were being held in Saharonim, and ruled that the status of a minor constitutes humanitarian grounds for release.²⁸⁰ Following this ruling, the state released nine Eritrean women and their ten children, aged one and a half to seven years, who had been held in Saharonim for periods ranging between eight months to a year. Despite that, as of early October 2013, seven children were still being held in Saharonim.

Israeli prisons are also holding **“unaccompanied minors”** – minors who are either without legal status, asylum seekers or migrants, and who are staying in Israel alone. Some of them arrived in Israel alone, and some of them came with parents or relatives that had passed away or deserted them. Irrespective of whether there is no intention to deport them, these minors will likely remain in a hopeless and protracted incarceration until an adequate solution for them is found. State Comptroller reviews, conducted during different periods in 2011-2012, found that unaccompanied minors were held in custody for an average of 62 days at the Saharonim detention facility and subsequently held for a period of 68-126 days (on average) at the Matan facility (for boys) or Givon facility (for girls).²⁸¹ It should be noted that Matan is a unique facility intended for unaccompanied minors. It was shut down in late July 2013, due to a decline in the number of unaccompanied minors arriving there. Eight of the minors staying at the facility were placed in alternative (mostly internal) frameworks and the remaining two were transferred to Givon, where as of early October 2013, six female minors were also being held.

In June 2013, the UN Committee on the Rights of the Child (CRC) published a review, in which it strongly condemned Israel's policy of incarcerating asylum-seeking children and children of migrants workers.

The Committee expressed its concern over the rise in arrests of children of migrant workers, the manner in which these arrests are conducted and the conditions at the Yahalom Detention Facility. The Committee further expressed concern over the detention of girls together with adult women in the Givon facility and suicide attempts by unaccompanied minors in the Matan facility. The Committee also noted that asylum-seeking children, who were victims of abuse, torture or trafficking, are not provided with appropriate psychological care and support. The Committee called upon Israel to immediately cease the detention of children on the basis of their immigration status, and to conduct individual assessments and evaluations that consider the best interests of the child. The Committee also called upon Israel to develop and enact a legal framework to regulate asylum procedures, repeal the provisions of the Anti-Infiltration Law that allow for the prolonged detention of children, and guarantee that all asylum-seeking children and children of migrant workers have access to the education system and to health services.²⁸²

The criticism voiced by the CRC joins the findings of the State Comptroller's report, which was published about a month earlier.²⁸³ The Comptroller found shortcomings in the treatment of unaccompanied minors, including: prolonged stays in detention facilities, sometimes due to quota limits on their absorption in hostels and delays in procedures to review their age; using detention as a first, routine and sole measure rather than a last resort; and a lack of adequate response for custody alternatives.²⁸⁴ The Comptroller noted that "severe negative consequences stem from extended incarceration, including the adolescents' feeling that they have nothing to lose in the absence of a light on the horizon (a foreseeable release date)". Furthermore, it is the assessment of the Israeli Prison Service that "incidents of attempted suicide will increase in light of previous events."²⁸⁵

The Comptroller's report highlights the "considerable doubt" regarding the state's ability to meet the requirements established by international law concerning the incarceration of unaccompanied minors.²⁸⁶

Concerning the families being held in the Yahalom detention facility, the Comptroller found that the facility's orders indeed require that "every minor brought to the facility shall meet with a social worker no longer than 24 hours after being brought to the facility," but aside from this rule, PIBA did not devise regulations regarding the care of families, and the care that is provided tends to focus on mothers and not on children. Moreover, the remarks of the Yahalom facility social worker, presented in the Comptroller's report – that she "joined up in order to assist the enforcement authority in the mission of deporting families from Israel"²⁸⁷ – indicate that she is not a impartial source whose goal is to maintain the child's best interests, but rather fulfills the needs of the Interior Ministry and serves as an element in the deportation mechanism. The Comptroller noted, "the Immigration Authority must provide the Yahalom facility with a suitable professional [a social worker experienced in working with children], without delay."²⁸⁸

Furthermore, as mentioned above, the State Comptroller discovered flaws in the implementation of orders regarding the detention of children. The Comptroller invoked the International Convention on the Rights of the Child (ICRC), which prescribes that the detention or imprisonment of a child “shall be used only as a measure of last resort and for the shortest appropriate period of time”. The Comptroller thus concluded that PIBA must “conduct a genuine and thorough evaluation” of detention alternatives before carrying out the arrests of children.

A sovereign state is entitled to decide who shall be allowed to enter its gates, and it has the right to deport persons who are illegally staying within its borders. However, it does not have the authority to routinely arrest babies and children. If the State of Israel seeks to deport parents alongside their children who are minors, **it must adopt an arrangement under which detention is not the default option, but rather a last resort.** Many countries around the world have adopted such arrangements,²⁸⁹ and experience demonstrates that beyond the alleviation of human rights violations, such arrangements are also more cost-effective than arrest and incarceration.²⁹⁰ Insofar as the State of Israel continues to arrest and imprison children of migrant workers and asylum seekers, it must ensure that these children will receive health and education services and emotional support, and that they do not suffer irreversible damage.

Granting Status to Children of Migrant Workers

In Israel, there are currently approximately 2,100 children of migrant workers who have legally entered Israel. For over 15 years, the state refrained from arresting and deporting these children, who were born and raised in Israel. These children are integrated within Israeli society and have attended local schools, yet exist without legal status.

In 2005 and 2006, following legal and public activities conducted by human rights organizations,²⁹¹ the Israeli government granted status to some 900 children of migrant workers and to their first-degree relatives. Approximately 1,200 children however remained status-less. In 2009, following the establishment of the Immigration Authority, it announced that it will begin executing the government's decision²⁹² to deport families that had remained in Israel without legal status. The struggle against these deportations, led by human rights organizations²⁹³, was supported by Members of Knesset and ministers from the entire political spectrum, and the government consequently decided in August 2010 to grant status to children who met several criteria: that their parents had legally entered Israel; the child has been attending the Israeli education system since the first grade; the child has been living in Israel for more than five consecutive years; the child speaks Hebrew; and several other prerequisites.

Of the 1,200 children of migrant workers living in Israel with no legal status, approximately 700 met the criteria established by this government decision and filed a request for status. Of these 700 families, 339 received a positive response by November 2013, and approximately 244 families (for whom the government agreed to provide status) have been waiting for a response for three years and continue to wait. The then Interior Minister MK Eli Yishai rejected 117 applications, which for example, were rejected under the pretext that one of the parents had a legal work permit (and therefore the child is not “a child of an illegal resident,” as articulated in the government's decision). Requests filed by divorced fathers were also rejected despite the fact that they were full partners in raising their children. The Israeli Children organization and the Hotline for Migrant Workers helped families to appeal rejected requests and have since seen 40 families granted status through approved appeals.

In March 2011, the Population and Immigration Authority began deporting the remaining 500 children who failed to meet the criteria²⁹⁴.

The Rights of the Elderly²⁹⁵

Due to increased life expectancy and ever decreasing birth rates, the elderly (those aged 65 and over)²⁹⁶ now comprise ten percent of the total Israeli populace. Despite this increasing demographic representation, in absolute and proportionate numbers, senior citizens continue to contend with ageism in varying forms of exclusion, discrimination, stigmatism, and paternalism²⁹⁷.

Whilst improvements in public health benefits have contributed to a decrease in poverty levels among the elderly, almost twenty percent continue to live below the poverty line.²⁹⁸ The average monthly income for the elderly in Israel is NIS 4,819 per month, and the median income is NIS 4,008²⁹⁹. Conditions are especially difficult for senior citizens who live alone as well as for the many immigrants from the former Soviet Union. Many of these immigrants from the former Soviet Union do not receive the full value of the pension that they had accrued in the countries from which they emigrated and, as a result of not working a sufficient number of years in Israel, are entitled only to national insurance allowances. Consequently, many elderly Israelis face a daily struggle to survive and are often forced to choose between purchasing medicine or food.³⁰⁰ In 2012, more than 94 percent of new immigrants who arrived in Israel after retirement age were in need of income support benefits.³⁰¹

This year, with the election of a new government, the absence of a comprehensive plan for dealing with issues specific to the elderly was particularly noticeable. The important reforms and legislation put on the table by the previous government and Knesset, which were intended to improve the situation of the elderly, were removed from the current government's agenda. Human rights groups continue to fight to alter the social stigma in Israel against the elderly, and to develop a rights-based discourse in connection to this group. The following sections will review some of the issues currently at the forefront of this struggle.

Dental Care

The elderly have special dental health needs. Approximately 60 percent of senior citizens in Israel suffer from missing teeth, and most of them have dentures. **Missing teeth is not just an aesthetic problem; it is also a source of health, emotional and social difficulties.**³⁰² The publically funded health services basket fails to include dental care, and many senior citizens who are unable to afford the high cost of dental treatment are forced to forego such treatments altogether.³⁰³

During the term of the previous government, the Health Ministry (then under the direction of Deputy Health Minister, MK Yaakov Litzman) worked rigorously in an effort to include dental care in the health

services basket. In 2012, public dental coverage for children was expanded to provide for all children up until 12 years of age. Initially, the plan was to continue the gradual expansion of the dental coverage to include children between the ages of 12 and 14, and eventually also the elderly. However, as part of the budget cuts, the current government froze the expansion of eligibility to children between the ages of 12 and 14, and today the inclusion of dental care for the elderly in the health services basket seems more distant than ever. Health and human rights organizations continue their efforts and are seeking, among other measures, to promote a legislative bill prepared together with dental care experts from Hadassah Hospital and the Ministry of Health. The bill, led by MK Haim Katz, outlines a set of treatments which are to be included in the National Health Insurance Law.³⁰⁴

Long-term care: in-patient and home-care

One in every five senior citizens in Israel requires assistance in their daily functioning (nursing care). Approximately 170,000 of these senior citizens and their families are forced to contend with severe deficiencies in the field of hospitalization and nursing care. Most difficult of these shortcomings is that hospitalization and nursing care are not fully insured by law. In effect, only a fraction of nursing services received by the elderly is provided for by the state, and this is further divided among four government authorities and a number of other bodies. Despite having paid taxes all their lives, the elderly are not entitled to receive comprehensive care. Thus, in a majority of instances, the families of these individuals must bear the financial burden and often undergo invasive means testing in order to receive minimal assistance. This familial support often results in individuals liquidating their assets and drawing on personal savings to support elderly relatives.

The care-giving allowance, which provides for at-home nursing care in situations where the patient's day-to-day functioning has been diminished, does not provide for a substantial amount of care (only up to 20 hours a week). Additionally, the level of care available in the community (such as day centers) fails to offer a solution to their vast and varying needs. Given that the main eligibility requirement for nursing care – both home-care or inpatient care – is means testing, the middle class is left to manage without government assistance and is forced to obtain these essential services through the private market. Given these shortcomings, many citizens rely on expensive private insurance plans, and yet still harbor understandable concern for their futures.

The Nursing-Care Reform – a plan advanced by the Ministry of Health and Deputy Health Minister of the previous government, MK Yaakov Litzman – sought a new approach to improving the current healthcare situation.

The reform proposed solutions such as bringing the physical examinations and care-providers under one roof (the HMOs); canceling all means testing - including tests for the children of senior citizens, establishing universal and progressive payment plans; and expanding nursing care both at home and through community day centers.³⁰⁵ As with dental care reform, this reform has also not been included in the current government's agenda.

In instances where senior citizens are without any means at all, the state covers the cost of their nursing care, yet it is problematic that the State is only prepared to fund institutional hospitalization in spite of the broad acknowledgement that home-care is often cheaper and preferable insofar as it preserves the dignity of individuals and their life in the community.³⁰⁶

In 2013, the non-governmental organization – The Association of Law in the Service of the Elderly, represented a 67-year-old woman with cognitive disabilities who wished to remain at home and receive 24-hour home-care from a caretaker rather than move to a closed institution for mentally frail and elderly residents. After the association petitioned the Supreme Court, the state suggested a solution that allowed the woman to refrain from moving into an institutional framework, while reducing the costs of employing a caretaker.³⁰⁷ The court approved the proposal and this case represents a precedential achievement, illustrating how welfare and health organizations are in fact able to find creative solutions for keeping the elderly inside the community.

Mandatory Retirement at Age 67³⁰⁸

Ageism is embedded in Israeli legislation and is reflected in the Retirement Age Law (2004), which imposes retirement at the uniform age of 67, insofar as an employee may be forced to retire from the workforce, irrespective of their individual capabilities or qualifications. Forced retirement tends to produce severe financial and emotional ramifications, especially in light of rising life expectancy and the difficulties experienced by senior citizens in finding employment in the 21st century labor market.³⁰⁹

This issue has undergone significant changes in recent years. In a precedent-setting development in December 2012, the National Labor Court heard the appeal of Libby Weinberger, an employee at Bar Ilan University, who wished to continue working even after reaching the mandatory retirement age.³¹⁰ The university refused her request, claiming that it was not possible to continue employing her after the age of 67 by virtue of the Retirement Age Law and university protocols. Weinberger, who was represented by the Association of Law in the Service of the Elderly, lost her claim in the District Labor Court and consequently appealed to the National Labor Court. Her appeal was partly upheld, and the university was obligated to pay for her court fees and provide NIS 50,000 in compensation.

The National Labor Court ruling set a new precedent that, despite employers possessing the legal ability to terminate employees once they reach the age of 67, the principles of good faith, fairness and equality as well as the Employment (Equal Opportunities) Law,³¹¹ oblige employers to consider the employees' continued employment if they wish to continue working and if their individual circumstances allow it. The court also agreed, in a first ruling of its kind on the matter, that mandatory retirement based on age alone constitutes a *prima facie* violation of constitutional rights - the rights to human dignity, equality, and even occupational freedom. Nevertheless, the final decision on this matter will be left to the Supreme Court. Indeed, after the ruling was published, three professors, two of whom are employees of the Technion Israel Institute of Technology, presented a petition to the High Court of Justice based on the judgment in the Weinberger case, in which they are seeking to invalidate the legislative article that provides for forced retirement at the age of 67.³¹²

Legal Guardianship

The appointment of legal guardians on the behalf of the elderly can serve to restrict their agency, and can potentially lead to a host of violations of their rights. When senior citizens are declared to be in need of legal guardianship and consequently have guardians appointed for them, they lose their legal liberty, and in effect their status becomes comparable to that of minors.³¹³ It is the right of those who are subjected to legal guardianship – the elderly and other wards of the state – to receive ethical, professional and high quality treatment; to be confident in the knowledge that their guardians received proper instruction and training; and to know that their actions are supervised – both in terms of the management of their wards' finances and the quality of the personal care which is provided. However, this is not the situation today: legal guardians are appointed with excessive ease, without the senior citizen even taking part in the procedure; the supervision that the state provides is partial at best and deals only with issues of financial management without ensuring the professional-therapeutic standards required of legal guardians.³¹⁴

The State Comptroller has repeatedly raised concerns³¹⁵ about violations of the rights of wards of the state. The Comptroller's report indicates that the state is neglecting its duty to take responsibility for the welfare of wards of the state.³¹⁶ Despite the fact that more than 20 years have passed since the Attorney General first issued a set of recommendations on the matter, proper oversight is still lacking, and the rights of the elderly and other wards to dignity and liberty continue to be violated. A petition presented by the Association of Law in the Service of the Elderly in April 2013 sought to establish formal standards for training, to establish a set of professional criteria and to create a framework for comprehensive supervision in matters relating to the protection of State wards. The petition is currently pending in the High Court of Justice.³¹⁷

Enshrining the Human Rights of the Elderly

The Senior Citizens Law lays out the rights of Israel's elderly and primarily grants them benefits and discounts – but not human rights. Students at the Clinic for Social Change at the College of Law and Business in Ramat Gan,³¹⁸ in cooperation with the Association of Law in the Service of the Elderly, chose to focus on enforcing the law, and sought the appointment of a government advisor on elderly affairs. Additionally they are seeking to expand the law, so as to legislatively enshrine the human rights of the elderly, including the rights to equality and personal autonomy; for their special needs to be met; and to require the appointment of a commissioner for the rights of senior citizens. The clinic and the association drafted an amendment to the law, and they are currently working to promote it in the Ministry for Senior Citizens with the goal of advancing it before the Knesset.

In the international sphere, the human rights of the elderly are often ignored. As opposed to other population groups, there is still no international document that declares rights for the elderly, or a formal body that represents their interests. In recent years, a community of elderly rights organizations from around the world has formed a coalition in the United Nations and is working to promote a UN convention on the subject. In the last two years, two discussions have taken place at the UN, with the participation of Israeli representatives from the Association of Law in the Service of the Elderly.³¹⁹ The State of Israel has yet to express its official support for this matter, but hopefully in the future it will join the ranks of the countries supporting and leading this important initiative.

Rights of East Jerusalem Residents ³²⁰

The Palestinian population in Jerusalem stands today at approximately 40% of city residents, yet the extent of the institutionalized and systematic neglect suffered by this population group defies their numbers. Since the Israeli annexation of East Jerusalem in June 1967 – an act performed in violation of international law – this population has received only a few percent of the total budgets and resources invested in the city. Approximately 79% of Palestinians residing in Jerusalem live below the poverty line. The Palestinian neighborhoods are the most neglected areas of the city in every way: there is only a minimal and intermittent supply of basic municipal services such as garbage collection, road paving and lighting; residents suffer from a severe shortage in public facilities such as schools, kindergartens and playgrounds; there is a lack of industrial and commercial areas, cultural and social institutions, and so on. This situation is far worse in the Palestinian neighborhoods that have been separated from the city in recent years by the separation barrier.

The most basic resource – land – has been consistently expropriated by Israel, especially in the Eastern parts of the city, in order to establish Israeli neighborhoods that act to prevent the expansion and development of pre-existing Palestinian neighborhoods. In the absence of planning and development solutions, residents build homes without permits, and are regularly faced with demolition orders and fines, which are levied upon them for building without a permit. The lack of planning gives rise to a host of serious problems such as gaining access to water and sewage systems and the lack of regulation of public buildings and infrastructure. In addition, since they possess the status of ‘permanent residents’, Palestinian Jerusalemites are subject to abuse by the Interior Ministry, reflected, inter alia, in the policy of confiscating residency. Jerusalem police officers and border patrol officers have been known to act violently towards Palestinian residents, and their rights are routinely violated in the processes of interrogation and arrest. The grim result of all of this is the extensive and severe harm caused to the rights of these residents.

Absentee Property Law

This year the Supreme Court of Israel deliberated once again on the issue of applying the Absentee Property Law to property located in East Jerusalem and belonging to Palestinian residents of the West Bank. The expanded panel of the Supreme Court held two hearings concerning properties in East Jerusalem, which were expropriated from their West Bank resident owners and transferred to the Custodian of Absentee Property.³²¹ The hearing is yet to be concluded, though as a result of the litigation the Attorney General was required to clarify his position regarding applying the Absentee Property Law

in East Jerusalem. Though it is unclear whether a new policy is likely to be formulated, the Attorney General's statements to date³²² have been sufficient to trigger concern.

Following the War of Independence in 1948, many Palestinians became refugees, and a profusion of Palestinian properties located in territory belonging to the State of Israel were left – either theoretically or in reality - “without owners”. The Absentee Property Law - 1950, was designed to transfer these properties to the state – through the Custodian of Absentee Property. According to the law, any person who at the time of the establishment of the State of Israel was in one of the countries defined as an enemy state, is considered to be an “absentee.” The consequences of such a designation is the expropriation of all properties, which would be transferred to the custodian as absentee properties.

Some 20 years later, three years after the annexation of East Jerusalem and the application of Israeli law in the area, the Legal and Administrative Matters Law -1970 was established. Under this law, the properties of East Jerusalem residents could not be declared as absentee properties, despite the fact that such individuals were technically residing in an ‘enemy state’ (Jordan) at the time that the law was established and it could, therefore, be argued that they were absentees. Thus, the law enabled Jerusalem residents to retain their properties in the city's east, yet it neglected to provide such protection to Palestinians who held properties in Jerusalem but did not live in the city, including those who lived near the city but outside its municipal boundaries.

Through this law, therefore, it is possible to transfer lands to the Custodian of Absentee Property, notwithstanding the fact that the owners of that land never abandoned them and in fact continued to cultivate and make a living from them, as they and their ancestors had done for generations. The definition of certain people as “absentees” tends to be based on an arbitrary border that runs between their homes and their land, and which distinguishes the territory annexed by the State of Israel and the territory which it did not annex. In other instances, these are properties belonging to West Bank residents, who lease their property to others or allow their relatives to make use of it.

From the time it was legislated up until today, the application of this law has **infringed upon the right to property, freedom of occupation and the right to live in dignity for Palestinians** who own property in Jerusalem and who live in the occupied territories. It is also a clear violation of principles of international humanitarian law.³²³ The attempt to apply the law to the owners of the Cliff Hotel³²⁴ demonstrates the great damage it causes, and the meaninglessness of the concept of “absentee”: While the hotel was situated within the municipal boundaries of Jerusalem, the owners lived several hundred meters away, in the West Bank, just beyond the city's borders. Though the owners never abandoned their

home, the technical definition according to Israeli law turned them into "absentees," and their property was expropriated.

The Absentee Property Law also impacts upon family-owned properties located throughout East Jerusalem, in instances where some of the property's owners or heirs to the property are East Jerusalem residents while others live in the Palestinian territories or Arab countries. In these instances, the Custodian of Absentee Property is liable to claim ownership of the relative portion of the properties. Thus, buildings that belonged in the past to large Palestinian families are divided according to court order. In one part of the property live members of the family who stayed in Jerusalem, and in other parts, which belonged to members of the family who do not live in the city, are Jewish settlers who received the rights to use the relative percentages of the property via the custodian.³²⁵ The precise amount of properties expropriated through the law is unknown because the residents prefer not to register their land for the purposes of legal construction, or in order to sell the properties, for fear that the registration process would lead to the confiscation of their families' land and properties.

The policy of expropriating properties in East Jerusalem, on the grounds that their Palestinian owners living in the Occupied Territories were "absentees" according to the language of the law, has been implemented intermittently since 1967, in accordance with political pressures.³²⁶ Occasionally the policy is utilized as a tool in order to transfer "absentee properties" to settlers in areas like Silwan and the Muslim Quarter of the Old City.³²⁷ For many years, decisions regarding expropriations and policy changes regarding the application of the Absentee Property Law were made behind closed doors, in a manner that did not allow for public discourse, and without even informing the property owners themselves. Many of these properties are the only source of income for their owners. The Absentee Property law causes them to live in ongoing instability, with the anxiety that the law could be abruptly applied at any time, and without warning, and eliminate their ownership and management of their properties.

In a stinging letter sent to the government in 2005 by then Attorney General, Meni Mazuz, against attempts to apply the law in East Jerusalem, the Attorney General explained:

"The absenteeism of the East Jerusalem properties of residents of Judea and Samaria is technical in nature, as they were turned into absentees through a unilateral decision made by the State of Israel, and, ostensibly, the purpose of the law does not apply here."³²⁸

Mazuz ordered that the law not be applied, except under exceptional circumstances, and only with the prior approval of the Attorney General. The position of the current Attorney General, Yehuda Weinstein, is that the application of the Absentee Property Law on West Bank residents "raises considerable

difficulties regarding both international law and administrative law." Nevertheless, the Attorney General holds that the law does indeed apply to properties in East Jerusalem belonging to residents of the occupied territories.³²⁹ A notice, submitted by the State Attorney to the Supreme Court, suggested that the Attorney General was working on a new protocol. According to this new protocol, when the state needs to reach a decision regarding the issue of absentee Palestinian property, it will be required to take into account two new criteria. Firstly the state will consider whether the property owner has a security record or connection to hostile elements. Secondly, it will consider the predicted consequences of restoring the property to its Palestinian owners, "given its place in the fabric of Jerusalem's neighborhoods". In other words: whether it is in a clear Palestinian area or in an area in which there are also Jewish families.³³⁰ It seems therefore that this new policy being formulated will permit the continued expropriation of Palestinian properties in East Jerusalem.

Construction of Route 4 through Beit Safafa

In late 2012, work began on the construction of a six-lane section of the southern part of the Begin Highway, in the heart of Beit Safafa, a Palestinian village located in southern Jerusalem. In contrast to the route of the Begin Highway in other parts of the city, where the road runs past the edges of the neighborhoods, in Beit Safafa the route is planned to run **directly between the village's houses**, such that the village will be cut into four segments.

Since construction began, the residents have held a range of demonstrations and protest events and even submitted an administrative petition to the Jerusalem District Court and an appeal to the Supreme Court.³³¹ **The residents explained the destructive implications of constructing the highway as planned:** the dissection of the village; disconnection of internal roads; land theft; severe environmental damage stemming from the massive construction work; constant noise from the highway's traffic; and danger to human life.³³² The purpose behind this destructive project, the residents emphasized, is not the improvement of the quality of transportation for the people of Beit Safafa, but rather the establishment of a more efficient travel route between Gush Etzion and Jerusalem, i.e. connecting the southern settlement bloc to Jerusalem.

In contradiction to what is proper and acceptable, the municipality failed to provide a detailed plan for one of the sections of the road that cuts through Beit Safafa – a plan for which the public is invited to present opposition to the planning committees. Instead, the authorities are relying on a local master plan from 1990. Not only have more than two decades passed since then such that the old plan no longer reflects the reality on the ground, but the old plan also did not include a six-lane expressway.³³³ In a planning review submitted to the Supreme Court by Bimkom – Planners for Planning Rights, the

organization argued that the plan is not detailed and, therefore, it was not possible at all to issue building permits based on it.³³⁴ In discussions held between representatives of the village and municipal representatives, and in the process of presenting a petition to the district court and appealing to the Supreme Court, the residents and planners presented concrete suggestions to minimize damages, for instance by reducing the width of the road, building tunnels and covering the highway. As yet, the authorities have refused. The issue is currently pending in the Supreme Court, in the meantime construction continues.

Route 4 is an example of a broader policy of **improper planning in the public spaces in East Jerusalem, which ignores the needs of the Palestinian residents and violates their rights**. For instance, Dov Yosef Road, which was constructed in the 1990s and connects the neighborhoods of Gilo and Pat, runs through Beit Safafa land and incidentally cuts off part of the village. Similarly, this year, construction was completed on Road 20 in northern Jerusalem that was designed to connect Route 443 with the Ramallah Bypass Road, and cuts through the neighborhood of Beit Hanina. The unilateral annexation of East Jerusalem – a move forbidden by international law – bestows upon Israel a range of obligations, most significant of which is to take responsibility welfare of the residents of East Jerusalem. The lack of basic services, infrastructure and public buildings such as schools, kindergartens, post offices, and so on, obliges the state to designate public resources for the benefit of the local residents. However, instead of dedicating efforts toward developing Palestinian neighborhoods and considering their welfare, the authorities are promoting plans that stand in opposition to the interests of the residents and violate their rights, without involving the public and while occasionally bypassing planning laws.

Palestinian Neighborhoods of Jerusalem Beyond the Separation Barrier

A concrete wall, at least eight meters high, separates several Palestinian neighborhoods in northern Jerusalem from the rest of the city. Tens of thousands of residents live in these areas,³³⁵ which are located within Jerusalem's municipal boundaries.

Despite the responsibility of the Israeli authorities to safeguard the rights of Palestinian Jerusalemites, who are permanent residents of the State of Israel,³³⁶ these areas have been completely neglected since the construction of the separation barrier. There is no police presence in these neighborhoods, and it is difficult to even convince technicians to enter in order to conduct repair work. There is an acute lack of public facilities, such as schools, post offices, health clinics, etc. Standard services such as waste collection and street cleaning, or repairing and resurfacing roads, have become infrequent or have disappeared completely. Playgrounds, parks and even parking bays have become mere pipe dreams.

The Israeli authorities have for decades neglected to conduct city planning in these neighborhoods and thus the residents are unable to receive building permits. In the absence of planning and regulation, construction in these neighborhoods is carried out without permits, and in an unregulated manner. Like mushrooms after the rain, massive buildings have sprung up on every available plot in recent years, leading to the collapse of already weak water and sewage infrastructure.

Over the last year, following a few years of relative quiet, the Jerusalem Municipality renewed its policy of home demolitions as opposed to fulfilling its obligation for planning and enabling development in the area. In 2013, the municipality asked the courts to authorize the demolition of buildings and houses in the Ras Khamis and Ras Shehada neighborhoods, home to hundreds of families.³³⁷ The municipality in recent months begun to map unlicensed construction in the area and this will likely result in additional demolition orders.

Though all Palestinian neighborhoods in Jerusalem suffer neglect by the municipality and government authorities when it comes to receiving services, the situation of the neighborhoods beyond the separation barrier is significantly worse. Requests made to municipal departments and government ministries are ineffective. In July 2012, the media reported that Jerusalem Mayor Nir Barkat intended to request that the IDF take responsibility for supplying services to the areas, via the military's Civil Administration.³³⁸ Steps of this nature indicate to Jerusalem municipal workers that they bear no responsibility for the needs of this area's residents, as their statuses as Jerusalemites are in question. An absurd situation has come to pass whereby, on the one hand, the Israeli authorities are not providing these neighborhoods with the bare necessities and, on the other hand, the Palestinian Authority is prevented from operating in the area by virtue of the Oslo Accords, which prohibit it from operating within the Jerusalem boundaries.

The residents of the neighborhoods beyond the separation barrier are intimately connected to Jerusalem. As in the past, every day they must reach the rest of the city for work, study, family visits and to access healthcare and other services. Tens of thousands of people are forced to cross daily through a checkpoint on their way to other parts of the city. The Jerusalem residents of Kfar Aqab and Samiramis cross through the Qalandiya Checkpoint, which is also used by thousands of residents of the Palestinian territories who hold entry permits into Israel. The checkpoint and the roads that lead to it are renowned for the massive traffic jams that take place every day of the week, and those crossing are forced to contend with overcrowding and long wait-times. Residents of the Shuafat refugee camp and the surrounding neighborhoods of Ras Khamis, Ras Shehada and Dahiyat a-Salam cross through the Shuafat Refugee Camp Checkpoint, which is designated for use only by residents of the area who hold Israeli identity cards (i.e. not residents of the West Bank). Only a few years ago, the High Court of Justice

approved the route of the separation barrier through the area on the condition that the state ensure that the normal routine of residents would continue in spite of the wall and the checkpoints,³³⁹ though in practice these promises have gone unfulfilled.

As expected, the placement of walls and checkpoints inside a city creates various problems. For instance, throughout 2013, traders who own workshops in the Shuafat refugee camp area who used to cross regularly through the Shuafat Refugee Camp Checkpoint discovered a new policy forbidding them from crossing through the checkpoint if they are in possession of commercial merchandise. The traders were required to travel via long detours and cross through other checkpoints.

Schoolchildren from the neighborhoods beyond the barrier are forced to attend schools outside of their neighborhoods due to the severe lack of classrooms in the area, and must contend every day with the challenges of passing through the checkpoints. Every morning, thousands of school students gather at the checkpoints and travel to schools throughout the city. In the area of the Shuafat refugee camp, the municipality does provide transport from the checkpoint to the schools, but not from the children's homes to the checkpoint, even if they live far enough away to make them eligible for it.³⁴⁰ Thus, there are students who are forced to travel great distances by foot in order to reach the arranged transport at the checkpoint.³⁴¹ Throughout the years, various protocols introduced at the checkpoints have made life difficult for students and violated their rights. It is quite possible that the difficulties associated with crossing through checkpoints have contributed to the high dropout rates of students living in these areas, a phenomenon that begins in the early years of schooling. The few existing solutions to the crisis are provided by the residents, not the authorities. For instance, in Kfar Aqab the residents themselves established a new school, which enables children to study in the area in which they live.

In September 2012, in the process of rebuilding some parts of the separation barrier, a pedestrian crossing serving the residents of the Ras Khamis neighborhood was closed, and incidental yet serious damage was caused to infrastructure. An access road which was paid for by the residents was damaged and partly dug up due to the use of heavy machinery; the side of the road used by pedestrians were destroyed, and hazards were left that endanger the people who pass through the narrow strips; light poles, electrical lines and Bezeq telecommunications infrastructure were also damaged. A request from ACRI to the Border Police commander in charge of the "Jerusalem Envelope District" to repair the damages was made to no avail.³⁴² As soon as the residents saw that the authorities were not intending to fix the problems they had created, the residents raised money and carried out part of the repairs by themselves.

The separation barrier and checkpoints additionally affect the statuses of Palestinians from the West Bank who are married to spouses who hold Israeli ID cards and who live in these neighborhoods. The amendment to the Citizenship Law (Temporary Order), which has been renewed several times throughout the past decade, does not enable residents of the Palestinian territories who marry Israeli citizens or residents to receive Israeli ID cards,³⁴³ and instead they are given temporary residence permits. Though the permits enable them to travel anywhere in Jerusalem and in Israel, often residents of the Palestinian territories who live in the Shuafat refugee camp area are not permitted to cross through the checkpoint closest to their homes, on the grounds that the checkpoint is designated for Israeli ID holders alone. Thus, even though their partners and children are entitled to cross through the checkpoint, these residents are forced to undertake a long detour in order to enter the city through the Qalandiya checkpoint.

Aside from the harm caused to residents of the neighborhoods beyond the wall, the construction of the separation barrier in the Jerusalem area has impinged on all Palestinian residents who live on both sides of the wall and on both sides of the municipal boundaries. Shutting down checkpoints and introducing protocols regarding entry permits have cut Jerusalem off from the West Bank, and economically and socially weakened the residents of the entire region.³⁴⁴

The Right to Life and Bodily Integrity

Murders Committed with Private Security Company Guns

On July 23, 2013, a security guard walked into a law firm located in the Clal Building in Jerusalem and fatally shot the firm's owner, Natan Jorno, and his daughter Yamit. This double homicide, together with previous incidents this year, where guns provided to security-guards were taken home and used to commit murders, indicate that this has become a phenomenon. According to the figures of the Gun-Free Kitchen Tables (GFKT) coalition,³⁴⁵ between the year 2000 and April 2013, the use of security-company weapons outside the workplace has taken the lives of at least thirty-one victims.³⁴⁶ Seventeen of those victims were women and, in many cases, were related to the murderer. Since the beginning of 2013 until the end of July, thirteen people were killed with firearms licensed to different organizations (among them security companies).³⁴⁷ The GFKT coalition's activities since 2010, as well the ever-growing list of murder victims, raised public awareness to this phenomenon and to the fact that firearms carried by private security guards could be extremely dangerous.

In Israel there are currently approximately 290,000 registered civilian firearms. Of those, some 160,000 are privately owned guns carried by the general public, and 130,000 are owned by security companies, arms traders, shooting ranges, factories and communal settlements. To the best of our knowledge, security companies hold approximately 43,000 guns and employ approximately 34,000 guards.³⁴⁸ In 2005, an inter-ministerial committee – The Brinker Committee – appointed by the Minister of Interior, concluded that **the number of firearms issued with a license for security purposes in Israel is excessive** and does not correlate to the security situation on the ground. Thus, this “hyper-arming” actually enhances the danger to the public rather than diminish it.

In the home, firearms provided to employees of security companies, and guns in general, **pose a particularly acute threat to women**. According to the Gun-Free Kitchen Tables coalition, women are over-represented among victims of gun shootings in the domestic sphere; in every other sphere, men constitute the vast majority of gun injuries and fatalities. Research from around the world indicates that the frequency of murders of women significantly rises when there are firearms in the house, and that in places that have implemented more stringent legislation and enforcement regarding firearms licensing, the number of shootings of women has greatly decreased.³⁴⁹

As noted above, in Israel, already in 2005 the Brinker Committee unequivocally recommended to curtail the excessive social arming and securitization, and also recommended that security guards be forbidden from taking guns home at the end of the workday. Following these recommendations, in 2008 the Firearms Law – 1949 was amended, and article 10C was added to it stating that a security guard's license to carry a weapon shall be limited to the guard's area of employment. The Ministry of Public Security subsequently instructed security companies to desist from allowing guards to take guns home at the end of their workday, unless they have special authorization. However, this article of the law was not enforced, and authorizations were routinely granted.³⁵⁰ The practice of bringing guns, issued for security purposes, into the domestic sphere continues, and so does the string of gun-related injuries and fatalities.

In 2012, in the framework of transferring the responsibility for the licensing and monitoring of firearms from the Ministry of Interior to the Ministry of Public Security, the Memorandum of Law for Security Services was formulated.³⁵¹ This memorandum neither improves nor enhances the provisions established by Article 10C of the Firearms Law, but rather completely voids it of its meaning.³⁵² The explanation provided was that this article entails high financial costs for security companies and that logistical obstacles make it difficult to enforce. However, thanks to the actions of various organizations, including the GFKT coalition, the Minister of Public Security, Yitzhak Aharonovitch, initiated new ministry discussions on the matter. This has led to, among other things, the invalidation of thousands of gun permits since 2011.³⁵³ This reform has been accompanied by extensive discussions in the Knesset Committee on Internal Affairs,³⁵⁴ and the committee chairwoman, MK Miri Regev, has been decisively acting to decrease the proliferation of firearms in the public sphere. In late July 2013, after the aforementioned double homicide in Jerusalem, the Minister of Public Security announced that from the end of August, it would be once again forbidden to remove firearms from workplaces without approval from an exceptions committee.³⁵⁵ Yet according to publications, by early September 2013 many workplaces still do not comply with this regulation – either due to the absence of an on-site safe in which to deposit the weapons, or because of a misunderstanding of the regulations.³⁵⁶ The minister further announced that, as part of the reform, every individual seeking to receive a gun permit should be required to undergo a psychological and/or psychiatric review.³⁵⁷

The work being carried out to better regulate this issue is commendable, but past experience indicates that the damage inflicted by hyper-arming in the public sphere can only be alleviated if there is adequate monitoring, and only if the decisions that are made – and will be made – are in fact implemented, and do not dissolve like previous recommendations. The GFKT coalition continues to closely monitor developments, to seek the comprehensive enforcement of Article 10C and the reduction in the distribution of firearms in the civilian sphere.

Police Violence – Use of Taser Guns

“Legendary device, magnificent [...] Every smartass – just electrocute them. Don't think twice. After they are electrocuted they comply, they act like good little kids, and their friends learn.”

“The Taser is an awesome device. Without any blows it busted a young man's jaw. Guys, I recommend the frequent use of Tasers.”³⁵⁸

In August 2013, public outcry was ignited by video footage in which police officers can be seen using a Taser gun (electric stun gun) against a resident of the Yitzhar settlement, at his home, and in full view of his family and children. The video suggests that the police tased the suspect several times, despite the absence of any violence or direct threat to the officers, and despite the fact that the suspect explicitly stated that he would not resist arrest.³⁵⁹

This is not the first time such a case has arisen. Among other incidents, several days prior to the even, police officers had been documented using a Taser gun against two Jaffa residents, both approximately 60 years old, who were not resisting arrest;³⁶⁰ in April of this year, a young man needed medical assistance after a volunteer police officer had used a Taser on him;³⁶¹ and in July 2012, security cameras documented cops using Taser guns on a suspect long after he was already lying on the ground.³⁶²

Already in 2012, ACRI has appealed to the Police Commissioner, asking him to reexamine police regulations regarding the use of Taser guns.³⁶³ ACRI noted that police regulations currently permit the use of a Taser gun as “an additional authority when conducting arrest” and as “a measure for restraining detainee(s)”, that is to say even when the suspect poses no threat to others. In light of the information that has been accumulated around the world regarding the potential dangers associated with the use of Taser guns,³⁶⁴ ACRI demanded in February 2012 that the Taser be recognized as a potentially lethal weapon, and that its use be restricted to circumstances in which deadly force is allowed. In its response, the police maintained its position that the Taser is internationally defined as a “less than lethal technology,” and thus it is in fact unsuitable for extreme situations in which an officer's life is in danger.³⁶⁵

Following the publication of the aforementioned video and the public outcry it ignited; in August 2013, the Police Commissioner suspended the use of Taser guns pending the recommendations of an evaluation by a committee appointed by him to review this matter.³⁶⁶ The committee concluded that the Taser is an expedient and appropriate police tool, and that problems only arise in exceptional cases. Such problems, they asserted, are caused by insufficient knowledge of the regulations or insubordination. The team recommended that police officers undergo suitable training and that, subsequently, the use of Taser

guns be resumed. The team also recommended that officials be appointed who will implement the regulations among police officers; that the regulations be refreshed once every six months; that disciplinary measures be taken against officers who deviate from the regulations; and that monitoring and supervision of the matter be conducted on a national level.³⁶⁷

In a meeting of the State Control Committee in October 2013, the Police Commissioner announced that new procedures for the use of Taser guns had been formulated, and that authorization for their operational reinstatement would only be issued to police units that fulfilled all the requirement of the evaluation team. The statement made by the police representative in that meeting indicates that the new procedures incorporate safety measures, which will restrict the use of the Taser gun, such as a limiting the number of times police officers are allowed to use the device on the same suspect; warning the suspect before using the device; and restrictions concerning vulnerable populations, such as children and the elderly.³⁶⁸ However, the new procedures have still not been published and, therefore, it is unclear whether they properly reflect and resolve the safety hazards entailed in the use of Taser guns, and whether its use has been sufficiently limited. Another issue raised in the committee meeting was the difficulty in obtaining data regarding the use of Taser guns, such as the number of complaints filed against police officers for disproportionate use of the device. Following the meeting, the committee asked the State Comptroller's office to review this matter.

Freedom of Expression

The Right to Demonstrate

The Association for Civil Rights in Israel works tirelessly to ensure freedom of expression and the right to demonstrate. ACRI maintains ongoing dialogue with the police in order to ensure that police officers employ suitable procedures for permitting demonstrations and handling protest events. As detailed in last year's Situation Report, the police apply **a number of tactics to suppress the freedom to demonstrate**³⁶⁹, including: granting demonstration permits with illegal and unreasonable requirements; dispersing demonstrations without due cause; detaining and arresting demonstrators; and utilizing excessive force to suppress demonstrations. It is evident that many police officers lack sufficient understanding of the laws pertaining to demonstration, and that the police illegally exercise their authority in a manner likely to deter activists from exercising their right to demonstrate.

The following points illustrate a number of issues that arose in 2013 between protesters and police:

- In May 2013, a protest vigil took place in Be'er Sheva against the Praver-Begin Plan, in which less than twenty people participated. The demonstrators used a megaphone, erected signs and distributed printed materials to passersby. The event lasted approximately an hour and fifteen minutes and was conducted with exemplary order. A protest vigil of this nature does not require a permit. Nevertheless, at its conclusion, two demonstrators were detained and interrogated at the police station, based on the erroneous assumption by the police officers that the gathering was illegal.³⁷⁰
- In June 2013, five activists participated in a legal and quiet protest against animal cruelty.. One of the activists was arrested and taken to a police station for interrogation based on a false claim that he had organized an illegal gathering. He was searched and stripped completely and for was held in a cell for four hours with his hands handcuffed behind his back.³⁷¹
- In June 2013, some 500 protestors gathered at the Horse Park in Jerusalem to protest the government's intention to cut the state budget and to export Israel's natural gas resources, and began marching towards the Prime Minister's official residence. ACRI recorded a number of testimonies, which revealed that unnecessary and severe violence was used against protesters.³⁷² As the demonstrators approached the police barriers, police officers began to disperse the protestors, arresting many through the use of force and the deployment of horses and tear gas. Whilst the protestors failed to request the necessary permit in advance, rendering their demonstration illegal, the police reaction remains inappropriate and irrational. In the days leading up to the protest at the Horse Park in Jerusalem, intelligence officers of the Jerusalem District Police contacted activists by phone and invited them to a meeting at their

District offices to provide information about the planned demonstration. The police frame conversations of this kind as a mechanism for communicating openly with activists and for ensuring public order. According to activists, however, the conversations are oftentimes intended to induce fear and used as a means of deterring individuals from protesting. These conversations are reminiscent of the “conversations” the Israel Security Agency (ISA) holds with political activists, conversations which are not defined as official interrogations on suspicion of any particular crime, but rather used to deter activists and to gather intelligence information on their plans. In July this year, ACRI submitted a petition to the High Court of Justice against these intimidating conversations conducted by the ISA.³⁷³

- Early in 2013, the Minister of Public Security confirmed reports³⁷⁴ that the police were monitoring the Facebook pages of some of the activists of the social protest movement.³⁷⁵ Whilst Facebook is largely open to the public, the police may only gather information on individuals who are suspected of committing a crime. Monitoring of this kind has a threatening dimension, which creates a sense of ‘surveillance’ and which may deter law-abiding citizens from exercising their right to demonstrate and express themselves in public.
- Over the last sixteen years, on the eve of Independence Day, a torch-lighting ceremony takes place in Jerusalem. This year, the police placed unprecedented conditions on event organizers. Among the requirements, the police insisted that they receive the personal details of all event organizers, including their identification numbers and mobile phone numbers. Such a demand is illegal and, following ACRI’s appeal, the police had no choice but to retract the request.
- In August 2013, ultra-Orthodox residents of Beit Shemesh held a demonstration in opposition to construction in the area. During the protests an Israel Border Police Officer attacked one of the demonstrators by kicking him and punching him in the head and face. Channel 10 subsequently broadcast a video recording of the assault, in which severe violence is exhibited.³⁷⁶ The demonstrator, who was subsequently arrested, alleged that the beating did not stop inside the police car.³⁷⁷
- ACRI received reports³⁷⁸ – some supported by video evidence – that police officers engaged in violent behavior at the July 15 demonstrations against the Prawer Plan in Be’er Sheva and Saknin. Amnesty International condemned the excessive use of force at these demonstrations and called on the Israeli government to avoid using violence against protestors.³⁷⁹ In response to ACRI’s claims, the police claimed that the demonstrators blocked main roads during rush hour; did not respond to attempts at dialogue with the police; did not obey instructions of the police; and acted violently towards police officers. Nevertheless, during similar demonstrations that took place on the same day in both Umm al-Fahm and Jaffa (which also included hundreds of demonstrators blocking roads), the police acted with restraint and the demonstrations concluded without disturbances or clashes.

In early July 2013, a meeting was held in the Knesset by the Internal Affairs and Environment Committee, in which testimonies and reports were submitted about police violence at a wide variety of demonstrations throughout recent years. The Committee also discussed deficiencies in the Police Internal Investigations Department's handling of complaints of police violence. Members of Knesset (MKs) from both the right and left expressed unanimous support for freedom of expression and the right to demonstrate, and recognized the grave phenomenon of police violence at demonstrations. The meeting resolved that the Committee would continue to monitor this issue in order to "eradicate the phenomenon once and for all."³⁸⁰

It is the police force's responsibility to act to protect public order and prevent disturbances, but it must also possess the tools to better handle complex events without immediately resorting to violence and brute force. Police should employ moderate measures in situations where a protest must be dispersed or stopped. Experience proves that a restrained response on the part of the police contributes to calming the atmosphere and preventing a volatile situation from spiraling into violence.

Requiring Business Licenses for Social and Political Events in Public Spaces

Public spaces, such as promenades, squares, streets and parks, may be used for holding public events for entertainment or commercial purposes such as festivals, carnivals, street parties or concerts. These events are classified as "public entertainment" by local authorities and police and they require the issuance of a business license by the local authority under whose jurisdiction the event is expected to take place. Alongside events of this kind, are events such as demonstrations, rallies and protests, which exercise the legal right to free expression and seek to express a message of a political or social nature. Events of this nature, whose goals are not for profit, are usually open to the public and are generally organized by public bodies, organizations, social movements, volunteers, groups of activists, etc. Similarly to commercial events, these events also occasionally include music, performing arts and entertainment. Prominent examples of these events include: the socioeconomic protests in the summer of 2011; gay pride marches in various cities throughout Israel; the Flag March in Jerusalem; Refugee Day events; the Human Rights March; and more.

Despite not being for "public entertainment", local authorities and police often tend to classify these as events requiring business licenses, and oblige event organizers to meet the same requirements as events of those of a commercial nature. These include a series of burdensome requirements, for which event organizers – often volunteers and non-commercial organizations – are not able to uphold. This conduct inhibits freedom of expression both for the event organizers who seek to express social and political

messages, and for the wider public. The consequence of imposing such burdensome requirements is that, free expression and the freedom to protest are limited to those activists and organizations who have the determination, free time, know-how and means to deal with and overcome the municipal bureaucracy. This policy also contradicts a High Court of Justice ruling, which determined that an event that expresses a public, social or political message – even if it includes performances by artists or merchandise stands etc. – is protected under the right to freedom of expression and free speech.³⁸¹

It appears that the situation described above derives largely from **ambiguity in the laws that deal with licensing public events**. This issue is regulated through a number of contradictory and convoluted laws.³⁸² On the one hand, these laws do not clearly or explicitly determine the method of licensing different kinds of public events, and on the other hand, they create inconsistencies among the various necessary requirements. In light of this uncertainty regarding what law applies to each kind of event – both for the event organizers and for the licensing authorities and inspectors – there is scope for misinterpretation. The fact that local authorities differ from one another³⁸³ in how they approach different events, and in the conditions they place upon event organizers (occasionally even within the one local authority itself³⁸⁴) strengthens the hypothesis that the law is unacceptably ambiguous. The local authorities' confusion or misinterpretation of the law was evident in the procedures published last year by the Jerusalem and Tel Aviv-Yafo municipalities, in which they announced that **all** events conducted in public spaces within their jurisdiction required municipal approval and would be subject to any and all conditions imposed by the municipality.³⁸⁵ In establishing these procedures the municipalities purported to derive their authority from the municipal ordinance to monitor the placement of chattels in the street and to remove from the street any "obstacle" which was placed without prior approval, and from bylaws that govern public interests such as order, cleanliness and preventing hazards. However, an analysis of the legislation and common law reveals that the local authorities are not authorized to permit or refuse public events within their jurisdiction, except for events designated as for "public entertainment".³⁸⁶ ACRI's appeal on the matter of the legality of the Tel Aviv municipality's policy is currently sitting before the Supreme Court³⁸⁷.

In May 2013, ACRI requested that the Interior Ministry publish detailed and clear instructions to provide clarity and uniformity for all local authorities in Israel regarding the situations in which they are permitted to condition the conducting of public events upon their prior approval. The request further sought clarification concerning what conditions the municipalities are authorized to impose upon event organizers of various kinds, in order to prevent the placing of excessive limits on freedom of expression. The Interior Ministry's position, according to their response to ACRI's request, is that the legal provisions on the subject are sufficiently clear, and that there is therefore no need to publish clarifying instructions.³⁸⁸

Strategic Lawsuits against Public Participation (SLAPP):

A SLAPP is a defamation lawsuit, or the threat of one, in response to an expression or action on a public issue, whose outcome, often intentionally,³⁸⁹ is **to cause a “chilling effect” that deters the defendant or the general public from participating in a certain debate or public conversation.** The SLAPP phenomenon is already well known in other countries, and has been steadily growing in Israel in recent years. This year, the Association for Civil Rights in Israel published a report that describes the nature of the phenomenon and the severe consequences of SLAPPs and the threat they pose to freedom of expression.³⁹⁰

SLAPPs developed as a response to the growing involvement of individuals and groups in affairs of state and society. In recent decades, groups and organizations for social and environmental change have blossomed, in particular, as a result of the Internet, social media and citizens' awareness of their power to influence public discourse. SLAPPs are a tool by which organizations can transfer the conversation from the public arena to the courts, where they enjoy a clear advantage.³⁹¹

In Israel, SLAPPs typically take place in several arenas. A “natural” arena is the media, but in recent years there has been a decrease in the number of lawsuits filed against media outlets. Lawsuits and the threat of lawsuits have increased against ordinary citizens who seek to have their voices heard on issues of public interest. For example, employees struggling against exploitation or trying to unionize; internet users, particularly those expressing critical opinions on blogs and social networks; activists and organizations for social change and environmental protection; consumers complaining about defective products or poor service, etc.

A common characteristic of a SLAPP is the **power differential** between the two sides. Often the plaintiff is a financially powerful entity that can easily absorb the financial burden of conducting a lawsuit. The defendants, however, are often individuals or organizations with limited means. The power differential is especially prominent in cases in which the plaintiff chooses a weak or “comfortable” adversary from among its critics. Often, the power differential between the sides is a sufficient cause for defendants to renege on their claim. SLAPPs deter individuals or groups from exercising their free speech and, therein, impinge on democracy more broadly, because democracy is conditional upon the ability to conduct an open and free public discourse on issues of public importance.

This past year, two important rulings in relation to SLAPPs were handed down. In February 2013, the Jerusalem District Court ruled in favor of an appeal by Daniel Morgenstern, an environmental activist,

rejecting the lower court's ruling on a libel suit filed by the ELA recycling corporation. Over the last few years, Morgenstern had been criticizing the corporation on every public stage he came across. The corporation selected five of the many publications in which Morgenstern's criticisms appeared and filed a libel lawsuit against him for NIS 500,000. The Jerusalem Magistrates Court rejected the lawsuit in relation to three of the publications, but ordered Morgenstern to compensate the corporation to the amount of NIS 90,000 for the two other publications. The court ignored the substantial resources that Morgenstern had paid in order to fight off the majority of the suit, and ordered him to pay NIS 25,000 of the plaintiff's legal expenses.³⁹² Rulings of this kind act to deter others from taking part in future public campaigns against large corporations.

The Environmental Justice Program at the Faculty of Law at Tel Aviv University volunteered to assist Morgenstern and appealed the ruling in his name with the support of the Israel Union of Environmental Defense. The Jerusalem District Court affirmed the decisive majority of the appeal³⁹³ ruling that "the defendant is conducting a legitimate campaign of public importance, and we find that there is a just basis to the criticism that he raised at various opportunities." The court also ruled that it was impossible to ignore the impression that the corporation acted with the goal of silencing Morgenstern. In light of this, the amount of compensations imposed on Morgenstern was lowered to NIS 10,000. The court revoked his requirement to pay legal expenses, and ruled that the corporation would pay his NIS 45,000 because "he was dragged into lengthy court proceedings resulting from the unjustified scope of the lawsuit."³⁹⁴ Likewise, in September 2013, the Jerusalem District Court rejected the major part of a libel suit filed by Im Tirzu against Internet users who established a Facebook group entitled, "Im Tirzu - a fascist movement."³⁹⁵ In a partial ruling, the court determined that most of the written statements cited in the lawsuit were protected by both a good faith defense as well as a truth defense, due to the fact that "there is a basis for the existence of a certain common denominator between the stances of the plaintiff and certain founding principles of Fascism." At the beginning of the ruling, the court noted that "it would have been better to avoid filing this suit," and that the moral and political differences between the sides should have been resolved in the public arena, rather than in court:

"In order for discourse to be fruitful, allow the sharpening and elucidation of differences, and allow the possibility for mutual influence, it is desirable that sanctions not be claimed even in cases of harsh statements [...] so that written and oral statements will not be 'vegetarian', 'sterile,' and weak in meaning and force."

This case exemplifies several of the characteristics of SLAPPs: a power differential between the sides; high claim amounts (in this case – NIS 2.6 million); and the plaintiff's ability and willingness to force the defendant into lengthy litigation, even if the plaintiff's chances of winning are negligible.

The two aforementioned rulings and other similar rulings that were handed down over the last year³⁹⁶ lay a foundation for hope that the courts are recognizing the consequences of SLAPPs on public discourse relating to social and political issues, as well as the dangers such lawsuits pose to freedom of expression and democracy.

The Right to Privacy in the Workplace³⁹⁷

The right to privacy, which is a basic constitutional right,³⁹⁸ consists of a person's control over his/her personal information and the restriction of others' access to that information.³⁹⁹ The exposure of this information or its removal from its owner's control is a violation of the right to privacy. The rapid pace of technological advances has provided employers with the ability to invade their employees' privacy and severely violate their rights with unprecedented ease.⁴⁰⁰ This violation can take many forms and includes the forced use of biometric time clocks; a requirement to produce a "certificate of good character" (aka a criminal record printout); a requirement to sign a medical privacy waiver; the installation of surveillance cameras in the workplace;⁴⁰¹ and the installation of continuously operating surveillance devices in company vehicles or mobile phones which employees receive as part of their terms of employment. We will expand briefly on several of these below.

The violation of workers' privacy and dignity is usually predicated on workers' **'consent', but can often be achieved through coercion** and is, therefore, lacking in true free-choice. The employee-employer relationship (or relationship between a job seeker and a potential employer) is characterized by an inherent power imbalance in favor of the employer, due to the relations of authority and the employee's financial dependence.⁴⁰² For this reason, the National Labor Court ruled that "the claim of an employer as regards the consent of the employee to the violation of his/her rights" should be interpreted "narrowly and very literally."⁴⁰³ The Supreme Court also recently ruled that "it cannot be presumed that an employer can violate the privacy [of an employee] and justify the violation by saying it was done willingly."⁴⁰⁴

Employees do not often complain about their injuries, and are rarely able to overcome the hurdles to launching a suit. As such, for every judicial invalidation of an "agreement" allowing for the invasion of employees' privacy, there are dozens, if not hundreds, of similar cases that do not arrive before the court. Beyond the financial cost involved in the legal proceedings and the limitations of the court's jurisdiction, workers fear confronting their employers in court and putting their livelihoods at risk. Because the majority of violations do not reach the courts and are not regulated by rulings, employees have few precedents to rely on in their attempts to protect their basic rights. In this state of affairs, the lack of clarity in the law operates to the detriment of workers wherein the employer determines the facts on the

ground based on broad interpretations of the law and often ignores the law entirely. The worker is compelled to relinquish the claim – or quit.

ACRI has received complaints that indicate a very limited patience on the part of employers toward attempts by employees to protect their privacy. Many employers utilize a variety of tactics in order to suppress opposition in its infancy, including threatening to lower wages, and occasionally even terminating jobs. Legislation is required that would expressly prohibit the practices common today and place harsh sanctions on employers who violate the law.

Inappropriate Criminal Background Checks

Many employers require job applicants to “consent” to the disclosure of their criminal record, despite the express direction of the Crime Register Law, which prohibits procuring such information, either directly or indirectly. The many complaints received by ACRI from applicants who were required to obtain and submit a printout of their criminal background (or “certificate of good character”), and a report produced by a committee established by the Ministry of Justice⁴⁰⁵ – indicate that this unlawful requirement is a common occurrence. Despite the widespread nature of this practice, no single lawsuit has been submitted on this matter.

This phenomenon has escalated to the extent that the Ministry of Justice and the Israel Police have changed the layout of the criminal record printout in order to allow job applicants to present a partial printout – including identifying details, but not information on criminal history. This occurred notwithstanding the fact that it is against the law to demand a criminal record printout. This is also the background of the amendment to the law passed in 2008, which put in place stricter sanctions against employers who obtain criminal information to which they are not entitled, even if done consensually.⁴⁰⁶

Recently, the Supreme Court discussed the issue of the disclosure of criminal information to employers.⁴⁰⁷ In the ruling, the court discussed, among other things, the problematic nature of receiving “consent” from the employee to violate his/her privacy. Taking into consideration the concern of employers to avoid risks, the court ruled that employers are permitted to request declarations about an applicant’s criminal past, even if they are not entitled to receive the official criminal record printout, according to the Crime Register Law.

This ruling is likely to effectively render meaningless the privacy protection granted to workers under this law. Though the court narrowed the ability to compel the provision a declaration by ruling that the requirement must be proportional and relevant to the substance of the job,⁴⁰⁸ experience shows that this

kind of arrangement – which grants broad discretion to employers, who are in a position of power relative to prospective employees – is unenforceable. The ruling also pulls the rug out from under the Attorney General on the issue, and undermines the significant effort invested by the Attorney General and the police in protecting workers and job applicants from unlawful attempts to exploit their weakness and force them into disclosing confidential information.⁴⁰⁹ In May 2013, the court accepted a request to conduct additional hearings on the ruling, and this may lead to an alteration of the arrangement created by the ruling. ACRI has requested to participate in the proceedings as *amicus curiae*.⁴¹⁰

Medical Confidentiality Waiver

In many instances, job applicants and workers experience unnecessary violations of their privacy by being required to sign a sweeping waiver of medical confidentiality or fill out a medical questionnaire. Often, the requirement is part of a routine selection process, regardless of the conditions or attributes of the specific position.⁴¹¹ Beyond the violation of the rights to privacy and dignity, the rejection of a job applicant due to a medical condition – if irrelevant to the job – violates the right to equality. Even if a job applicant is employed, the knowledge that the employer possesses private medical information can influence their working relationship over the course of the employment.

However, in addition to the labor rights of workers, employers also possess certain rights and obligations. In order to effectively manage a business, an employer must verify that all employees are healthy and fit to carry out their tasks without putting themselves, other workers or customers at risk. These interests justify limited violations of privacy, so long as they meet the conditions of relevance, proportionality and good faith. These conditions are not met in the disclosure of medical information to an employer, who does not have the necessary expertise to determine medically related capabilities. As such, the prevailing practice – forcing workers to disclose their medical file – is invalid and illegal. This conclusion can be drawn from legislation and court rulings, which sets a balance between the basic rights of workers and the needs, rights and obligations of employers. However, this body of law is routinely violated in the absence of specially formulated legislation that could explicitly declare these principles. A bill, submitted in June 2013, seeks to ensure protection of employers' interests while only moderately violating employees' privacy.⁴¹² The bill expressly enshrines the legal regulations according to which employers are prohibited from obtaining employees' medical information or having them sign a waiver of medical confidentiality. In cases where there an employer is obliged to verify the employee's fitness to perform a job, the employer may require an external consultation performed by an occupational physician, and this is the only case in which the employee's medical information may be disclosed. The Israeli Medical Association's Ethics Board has expressed support for this proposed arrangement.

Biometric Time Clock

Any use of biometric identification (identifying a person according to physical characteristics) involves a violation of privacy because it appropriates a person's personal information and provides others with a mechanism to identify and track him/her. The use of biometrics for the purpose of registering attendance at work is also a violation of the right to dignity, as employees' bodies are transformed into an object for their employer's use. Biometric time clocks are particularly disproportional as there are other means that would allow employers to monitor attendance at the workplace without utilizing the workers' bodies. Another potential violation is the possibility that the biometric information may be leaked externally. Ultimately, there is no justification for storing employees' biometric data in any database.⁴¹³

In December 2012, the Sderot Municipality decided to install a biometric time clock. Municipality employees were ordered to provide fingerprints and "consent" to the collection of their biometric information in a database. As part of the pressure brought to bear upon the employees, the municipality removed the old time-clock from the wall and offered the workers a stark choice: biometrics or no salary. Most of the workers were "convinced" and gave in. Three psychologists from the municipality's education department stood up for their rights. In response, the municipality suspended their pay, even though nobody claimed that they did not carry out their regular work or sign the time sheets provided by their supervisor. In the end, the psychologists were forced to resign. Before they did so, they turned to the courts and requested that the Regional Labor Court determine that the biometric time clock is an illegal violation of their privacy. The proceedings are ongoing and are expected to continue for some time. The suspension of the Sderot Municipality's employees' salaries exemplifies the pressure that employers can apply to employees in order to obtain their "consent" to violate their privacy. At the same time that the workers filed the suit against the introduction of the biometric time clock, they also requested that the Regional Labor Court instruct the municipality to immediately cease withholding their wages, but the court refused. The workers appealed the decision to the National Labor Court and eventually the municipality announced that it had decided to pay the workers their withheld salary. Thus, the case concluded on appeal, but the court clarified that had the municipality not agreed to pay the salary, it would have instructed that the salaries be paid in accordance with the hand-written time sheets, until a decision could be handed down in the suit that they filed against the use of the biometric time clock. "A working employee must receive his/her salary on time," said National Labor Court President, Nili Arad, during the hearings. "They worked and they must receive their salaries regardless of anything else."⁴¹⁴

Human Rights in the Occupied Territories

For over two generations, millions of people, denied of their basic rights, have been living under the military control of the State of Israel – a state that defines itself as a democracy. The vast presence of settlements in the Occupied Palestinian Territories (OPT) contradicts international law, and the policy that has been adopted regarding these settlements has created **a reality of institutionalized discrimination** that undermines the principle of equality before the law. In the same territorial area and under the same State rule, two populations live side by side yet are subjected to **two entirely separate and dissimilar legal and infrastructure systems**, based solely on the national identity of the residents. While martial law is applied to the Palestinian population, Israeli law is applied to Jewish settlers. International law entitles Palestinians to special protections from occupying forces, yet they receive few rights as compared to those enjoyed by their Jewish neighbors. The discrepancy in services, budgets and access to resources granted to different groups within the same territory constitute a gross violation of the principle of equality. Below, the policy of separation and discrimination will be illustrated through two aspects: planning, building and development, and freedom of movement.⁴¹⁵

Pushing Palestinians Out of Area C⁴¹⁶

Area C, which is under full Israeli control in both security and civilian matters, constitutes approximately 60% of the West Bank. There are an estimated 180,000 Palestinians living there, and all of the Jewish settlements are located within Area C (except for the settlements in Hebron).⁴¹⁷ The State of Israel has adopted various policies that inhibit the activities of Palestinians, including: preventing the planning of Palestinian villages and the discriminatory enforcement of planning and building laws; closing areas by defining them as firing zones or nature reserves; demolishing wells and confiscating water tanks; and more. **These practices inhibit Palestinian building and development** in approximately 70% of Area C,⁴¹⁸ and **force residents out of the territory**. Israel, therefore, fails to adhere to international laws imposed upon it as the occupying power in the West Bank, most notably, its duty to maintain the welfare of the local population and to respect its manners and customs.

Two Separate and Discriminatory Planning Systems

In Area C, there are two separate planning and enforcement systems that distinguish between the residents based on their nationality: one planning system for settlers and another for Palestinians.⁴¹⁹ Most settlements have detailed outline plans, which enable private building, the construction of public facilities, and future expansion. By contrast, many Palestinian villages and towns in Area C, some of

which have existed for dozens of years, do not enjoy even minimal planning. Most of them do not have outline plans; at best, they have “delineation plans,” which mark the village boundaries, and for which the main target is in fact to limit the area approved for construction to the minimum possible. The state views the natural expansion of these villages, as a result of population growth, as “illegal” expansion. Each year, only a few building permits are issued,⁴²⁰ and **every attempt to expand or develop a Palestinian village brings about the issuance of a demolition order.**⁴²¹ Under the Civil Administration's broad interpretation of the term “structure,” any minor essential action – such as plastering, repairs, placing a lid on an existing cistern, protecting an existing structure with a plastic cover or erecting a temporary tent – is considered illegal, and demolition orders are routinely issued even for cisterns and small sanitation structures.⁴²²

In 2007, for example, the Civil Administration issued demolition orders for most of the houses in the village of **Khirbet Zanuta**, which is located in the south Hebron Hills. The state's position is that these structures are illegal, because they were built without permits; yet without an outline plan, the village residents had never had the opportunity to receive building permits. The Civil Administration claims that there is no reason to provide planning for Khirbet Zanuta, largely due to the presence of an archeological site in the area. Over the course of the hearings of the petition filed by ACRI and the residents of Zanuta against the decision to demolish the building, the state held to its position and declared that it has no intention of promoting a planning solution or any other solution concerning the village and its residents. Directly prior to a court hearing set for mid-October 2013, the state requested a delay, claiming that “due to an error” it did not respond to the Court's question as to what will happen to the families living in the area once the demolition orders are executed, and that it will hold an urgent internal discussion about the fate of the village residents.⁴²³

The Palestinian village of **Susya** in the south Hebron Hills presents us with another similar example. The story of the village over the past 25 years includes the repeated expulsions of its residents, preventing their access to some of their agricultural lands that are adjacent to the Susya settlement; harassments by the military and the settlers; demolition orders; petitions; appeals; and unsuccessful attempts on behalf of the residents to perform construction within the village. The organization Rabbis for Human Rights, which represents the residents in court, submitted outline plans for the village to the Civil Administration. However, following a petition filed by the research institute Regavim, the court prohibited the residents from adding structures and tents, and in June 2013 the Civil Administration issued stop work orders for tents and greenhouses constructed in the area.⁴²⁴ In late October, the outline plan submitted via the initiative of the village residents was rejected, and final demolition orders were issued for the new structures. The village and its representatives were given 60 days to turn to the courts.⁴²⁵

According to data provided by the organization Bimkom – Planners for Planning Rights,⁴²⁶ over the past two years, no adequate outline plan for development and residential expansion was submitted for the Palestinians in Area C. On the other hand, dozens of outline plans were submitted, approved and published⁴²⁷ for settlements throughout the West Bank (such as Eli, Ofra, Itamar, Sansana, Nofei Prat and the Brukhin outpost).

Other aspects of the planning policy are also implemented in a discriminatory manner. For example, while the state claims that there is no possibility to provide planning a solution for Khirbet Zanuta because of the archeological site located there, the Jewish settlement of Tel Rumeida, which is located on an important archeological site, was granted planning approval, and vast amounts of money were invested in order to preserve the structures while enabling the development of the settlement. Recently, it was even published that the Settlement Division of the World Zionist Organization, which receives public funding, has funded NIS 400,000 of infrastructure work in the illegal outpost of Negohot in the Hebron Hills, despite the fact that the work was conducted without building permits and contravened the orders of the Attorney General that public funds cannot be allocated to work conducted without a permit.⁴²⁸

Another discriminatory planning aspect is the issue of representation in planning bodies in the West Bank. Israelis in the West Bank have their interested represented in all the different committees, and they are full partners in planning procedures that relate to them, such as the issuance of permits and the supervision of construction. By contrast, Palestinians who live in Area C are completely left out of the planning system and have no influence on the outline plans for their places of residence. The Civil Administration's planning and building policy does not take into account their customs or their welfare, and consistently violates human rights.

Furthermore, the lack of planning impacts upon the **supply of basic services**, such as water infrastructure, electricity, and sewage. Many Palestinian residents are not connected to the electricity grid and are forced to purchase overpriced water from tankers.⁴²⁹ Under the current circumstances, the residents find themselves in somewhat of a lose-lose situation: either they can continue to build on their private lands without permits, thereby becoming “law breakers” in spite of themselves and live under constant threat of demolition; or, they can relocate to Areas A and B and lose their family's land.

Designating Residential Areas as Firing Zones

The residents of the villages in the area known as **Massafer Yatta**, in the south Hebron Hills, maintain a unique and traditional way of life: many of them live in or beside caves, and rely on farming and

husbandry of sheep and goats for their livelihood. Most were born to families that have been living in this area long before 1967.

In 1999, the Israeli military renewed an order declaring their area of residence a firing zone and issued eviction orders for the residents, claiming that they are not permanent residents, and ignoring their unique way of life and their ancient farming culture. In November 1999, security forces forcibly removed more than 700 residents. Immediately after the eviction, ACRI, together with Attorney Shlomo Lecker, filed two separate petitions to the High Court of Justice, on behalf of the residents.⁴³⁰ The Court instructed the state to allow the residents to return to their homes and to permit them to herd their sheep on their lands while the legal proceedings continue.

In August 2012, the state announced that the residents of four of the twelve villages located in the firing zone can continue to reside in the area, and the High Court of Justice consequently dismissed the petition without prejudice. In January 2013, ACRI filed a renewed petition on behalf of 108 residents of the remaining villages facing expulsion. The High Court again issued a temporary injunction, ordering the state to refrain from forcefully removing the petitioners and their families from their homes pending the outcome of the new petition. Towards the end of 2013, the petitioners and the state consented to the Court's recommendation that they begin a mediation process, in order to try and reach a settlement that both parties accept. The Court appointed the retired Supreme Court Justice Yitzhak Zamir as a mediator, and allocated four months for the mediation process, with an option to extend.

Areas designated as firing zones constitute some 18% of the West Bank territory and nearly 30% of Area C.⁴³¹ Approximately 5,000 Palestinians reside in these firing zones, mostly Bedouin or herding communities, who are among the most disadvantaged and vulnerable of the West Bank residents.⁴³² Many of these communities lived there prior to the closing of the area. Due to the military restrictions, their access to education and health services is limited, and they live without water, sanitation and electricity infrastructures. Furthermore, restricting access to grazing grounds has severely harmed the livelihood of these communities.⁴³³

Allocation of State Lands

Prior to 1967, most of the area currently defined by the Civil Administration as state lands was not considered government property, but rather private Palestinian property. During the years of Israeli rule in the West Bank, approximately one million dunams were declared state lands. Following the formal declaration process, Israel included almost all of the newly declared state lands within the jurisdiction of local and regional settlement councils.⁴³⁴ Thus, Palestinian use of this land was discontinued.

Recently, pursuant a freedom of information petition filed by ACRI and Bimkom – Planners for Planning Rights, data was revealed regarding the allocation of state lands to Israeli and Palestinian sources in Area C. The data provided by the Civil Administration indicates that since 1967, the Civil Administration **has allocated only 8,600 dunams (860 hectares) to Palestinians – about 0.7% of state lands in Area C.** By contrast, the Civil Administration has allocated **approximately 51%** of state lands in Area C to Israeli sources: about 400,000 dunams (approximately 31% of state lands in Area C) to the World Zionist Organization (WZO), which develops settlements; about 103,000 dunams (approximately 8%) to Israeli mobile phone companies and to the municipal authorities of settlements (local and regional councils); and about 160,000 dunams (approximately 12%) to Israeli government ministries and utility companies such as Bezeq (telephone company), the Electric Company and Mekorot (Israel’s national water company).⁴³⁵

It must be emphasized that this is only a government estimate, since the state admitted that it does not have accurate figures regarding the total scope of state lands in the West Bank or in Area C, nor regarding the extent of allocations to different sources, and that the difference between the figures it has and the *actual* figures “could reach tens (!) of percent” [sic].⁴³⁶ In essence, the state admitted that it does not have records that would enable it to properly manage state lands in the West Bank – a resource that, in accordance with international law, must be utilized for the benefit of the Palestinian public in the occupied territory. The fact that the management of state lands in the occupied territories is carried out without transparency and in violation of the basic rules of good governance is no coincidence. A situation where there is no certainty with regards to state lands – its scope, the extent of its allocation and the beneficiaries of its allocation – opens up endless opportunities for manipulation and exploitation.

Demolition of Water Cisterns

Many of the Palestinians living in the West Bank suffer from water shortages, irregular supply of water and inferior water quality. The shortage is exacerbated during the summer months and in drought years.⁴³⁷ According to the data of the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 70% of the communities located entirely or mostly in Area C are not connected to the water network; water consumption in some of these communities is merely one-fifth of the amount recommended by the World Health Organization.⁴³⁸

In recent years, access to certain water sources was restricted for Palestinians as a result of large areas being closed off for the benefit of settlements, being defined as military zones, or being taken over by settlers.⁴³⁹ An increasing number of families are being compelled to spend a large portion of their income on purchasing expensive water from tankers. This situation has severe ramifications for the living conditions of the residents and for their basic rights, particularly: the right to health; the right to earn a

livelihood (due to the need for water for farming and raising animals); and the right to life and human dignity.

This adversity is further exacerbated by the Civil Administration and security forces, which demolish water cisterns in Area C due to the absence of building permits. A large number of these cisterns have been serving the Palestinian residents for decades and even centuries. Therefore, this is not new construction, but rather the repair, cleaning or covering of existing cisterns in order to protect the collected rainwater from becoming contaminated or to avoid a safety hazard.⁴⁴⁰ Contrary to the provisions of the planning and building laws, the Civil Administration inspectors are not content with removing the new construct – the one built without a permit, such as the cover of the cistern – but destroy the entire cistern in a way that renders it unusable.

The demolitions frequently take place in isolated communities, which are not connected to the water grid and whose only sources of water are these cisterns. These people, farmers and shepherds, rely on water from the cisterns for their very living. The demolitions are performed without any humanitarian discretion and without offering the residents alternative solutions, thereby serving as another tool for undermining the stability of these communities and for pushing Palestinians out of the area.

According to the data of OCHA, between the years 2009 and 2012, Israeli authorities demolished 90 cisterns, 61 wells and 17 reservoirs belonging to Palestinians in Area C.⁴⁴¹ Such demolitions continued in 2013.⁴⁴² In a meeting held in December 2012, between representatives of the Association for Civil Rights in Israel and Rabbis for Human Rights and representatives of the Civil Administration, the Civil Administration noted that the planning and building laws present intricate obstacles to residents, and that meetings are taking place in order to simplify the process for receiving a permit and to enable old cisterns to qualify for an exception for maintenance and protective works. In April 2013, the organizations asked for an update on the progress of this policy change, but did not receive a substantive response. The situation on the ground currently remains unchanged.

Violations of International Law

Through its policy in Area C, Israel violates the rules of international humanitarian law, because it does not fulfill the obligations incumbent upon it as the occupying power in the West Bank. The occupying state must, inter alia, maintain the situation that had existed in the territory prior to the occupation and to ensure the welfare of its residents, which are granted the status of “protected persons.” The occupying power is prohibited from destroying, removing or rendering useless any “objects indispensable to the survival of the civilian population.”⁴⁴³ The occupying power is also required to maintain public order and

safety; civil life and the welfare of the protected population in the occupied territory;⁴⁴⁴ and to provide for the needs of the residents in all aspects of life.

Therefore, not only was Israel obligated to automatically acknowledge the villages and towns that existed in the territory prior to the occupation, it was further required to afford their residents future planning and building solutions, taking into consideration their natural population growth, their traditional ways of living and their desire to improve their living conditions. As for the water cisterns, since Israel bears the responsibility for the fate and welfare of the population, it is obliged to provide water to the residents of the West Bank. Wherever Israeli authorities demolish water reservoirs due to planning reasons, it is their duty to provide the population affected by the demolition with an alternative and accessible supply of clean and usable water, in an amount that is appropriate for their needs. As for the firing zones, using an occupied territory for general military objectives contravenes international law, under which the occupying power may not use the occupied territory as it sees fit. The military commander is obliged to avoid infringing the rights of the local residents and damaging their resources, unless it is absolutely necessary for specific and unambiguous security related objectives, which relate to the military activity in the territory.⁴⁴⁵ International law further prohibits the forcible transfer of protected persons, except in emergency situations and only temporarily, usually in order to protect the population.⁴⁴⁶

Regarding state lands, Israel is holding lands in the occupied territory as a trustee, and it is required to maintain and develop them for the benefit of the local Palestinian population. Therefore, the use of state lands for the purpose of building Jewish settlements and/or developing infrastructure and industrial zones not for the benefit of the Palestinian population is a violation of international law.

Restrictions on Freedom of Movement

Against the backdrop of a significant improvement in the security situation, the last few years has seen a considerable amelioration in the freedom of movement afforded to Palestinian residents of the West Bank: checkpoints and roadblocks within the West Bank have been removed or opened and access to previously closed roads has been granted. Towards the end of 2012, **Israel lifted the restrictions on free movement between the Jordan Valley and the rest of the West Bank.**⁴⁴⁷ During the month of Ramadan, Israel enabled hundreds of thousands of Palestinians to enter East Jerusalem for Friday prayers.⁴⁴⁸ However, restrictions upon the free movement of Palestinians are still imposed within the West Bank – mainly, upon the entry of Palestinians into the “Seam Zone,” which lies west of the Separation Barrier as well as to areas adjacent to settlements and areas declared as firing zones and nature reserves.

Movement restrictions still exist also in Hebron.⁴⁴⁹ The policy concerning freedom of movement, as reflected by the situation on the ground, is that the free and safe movement of settlers must be prioritized, and it is necessary first and foremost to enable them to lead normal lives and to separate them, inasmuch as possible, from Palestinians.

The relative ease of movement experienced in recent years is reflected in the fact that the issue of movement restrictions is less prominent in public discourse and in the media. The Separation Barrier became a fact on the ground,⁴⁵⁰ and notions of movement discrimination and separation implemented in the West Bank for the last decade have become a habitual fact of life that no longer generates any bewilderment. As a result of this view, ACRI resolved to return the spotlight on the situation in 2013. **It is by no means reasonable nor “natural” that a person's ability to move around freely is derived from a person's national identity.** A string of orders and regulations, which apply only to Palestinians, hinder the movement of the residents, both between different areas of the West Bank and inside each of the separate areas. Conversely, the movement of Israelis is permitted almost without any restrictions in most of the area of the West Bank.⁴⁵¹

Separation in Roads

As part of the settlement enterprise, and based on the policy of separating settlers and Palestinians, many new roads were constructed that run between the settlements and Israel proper. Since the Second Intifada (in late 2000), these roads have restricted Palestinian movement.

The improvements in freedom of movement in recent years have been manifested in the **reopening of roads for Palestinian traffic** – whether pursuant to High Court petitions⁴⁵² or following the relative calm and the improvement in the security situation.

For example, on July 2013, two main roads leading to the cities of Ramallah and Hebron were opened for Palestinian movement, thereby facilitating the access of tens of thousands of people to services and sources of livelihood. Over the past twelve years, Israeli authorities had blocked the main access road to Hebron, citing the security needs of the nearby Beit Haggai settlement.⁴⁵³

In spite of the above, dozens of kilometers of West Bank roads are still **designated for the near-exclusive use of Israelis and West Bank settlers.**⁴⁵⁴ Palestinians are prohibited from crossing some of these roads with vehicles. Such restrictions on Palestinian movement on the roads are not established in writing – neither in the military legislation nor in any other official document. Rather, it is a practice implemented by soldiers and Border Police officers based only on verbal orders.

Alongside restricting the movement of Palestinians on roads designated for settlers, the Israeli military has, over recent years, begun paving separate roads for Palestinians called “fabric of life” roads. These roads, the paving of which entailed the appropriation of lands privately owned by Palestinians,⁴⁵⁵ perpetuate the exclusion and expulsion of Palestinians from the main network of roads in the West Bank. Thus, whereas Israelis travel on fast roads in the upper levels, Palestinians are forced to travel on separate, low-quality roads in the lower level.

Checkpoints and Roadblocks

According to B'Tselem,⁴⁵⁶ in September 2013, there were 99 fixed checkpoints in the West Bank. Of those, 59 are internal checkpoints, located well within the West Bank, far from the Green Line. This figure includes 17 checkpoints located in Area H2 in Hebron, where Israeli settlement enclaves are situated. Some have been completely or partially privatized, and several are staffed by armed civilian guards employed by private security companies, under the supervision of the Crossing Directorate of the Ministry of Defense.

Apart from the checkpoints, there are hundreds of unmanned physical obstructions in the West Bank, such as concrete blocks, dirt embankments, road gates (iron gates blocking the way), road fencings (concrete fences preventing free passage on or across the road) and trenches. These obstructions prevent vehicles from crossing the road, even in emergency situations, and restrict the movement of many pedestrians, who have trouble bypassing them: the elderly, sick persons, pregnant women and young children. In addition, each month the military erects hundreds of surprise checkpoints along West Bank roads, which are checkpoints without permanent infrastructure that are only active for a few hours at a time.⁴⁵⁷

“Special Security Areas” (SSAs) Forbidden for Palestinian Entry

The prevention of Palestinian access to settlement lands was extended in the last decade following the creation of an additional obstacle, which is intended to prevent movement in large areas surrounding settlements. In 2002, following the events of the Second Intifada, the military announced the establishment of “barrier zones” surrounding the external boundaries of some of the settlements, the purpose of which is to provide them with a security zone. These areas, termed “Special Security Areas” (SSAs), are marked by fences, patrol paths, electronic sensors and cameras.⁴⁵⁸ The SSAs were declared as a closed military zone, and entry to the area between the fences was forbidden. Yet, despite the fact that they are supposed to serve as a vacated “deterrence zone,” the SSAs are freely open to settler access, without any supervision.⁴⁵⁹

The SSAs also include land under private Palestinian ownership. Alongside the closure of these areas, a procedure was devised to enable Palestinians, who own agricultural lands trapped within the confines of this area (as well as their immediate families and employees), to enter in order to cultivate their lands, pending prior coordination with Civil Administration bodies. Palestinian farmers seeking to access their lands are required to prove ownership of the land and to coordinate their time of entry with the Civil Administration.⁴⁶⁰

The Permit Regime in the “Seam Zone”

In 2003, Israel began to implement a wide and institutionalized separation regime in the areas known as the “Seam Zone” – the lands trapped between the Separation Barrier and the Green Line. These areas were declared a closed zone, and every Palestinian – even if they have lived there for their entire life – needs a personal permit or a Seam Zone resident certificate in order to pass through, live in, or work in the area. Concurrently, Israelis and tourists have a general permit to be in these areas.⁴⁶¹

In order to receive permits for staying in the Seam Zone, the Palestinian residents must face a complicated bureaucratic mechanism, and receiving a permit can sometimes take many months. Each permit is granted for a limited period and requires renewal once it is no longer valid. Each renewal process requires the applicants to prove afresh their connection to the land, under a closed list of objectives (managing a business, trade, employment, agricultural work and a small number of other roles and activities). The decision to accept or reject an application falls under the exclusive discretion of the Civil Administration, which denies the right to a due process and issues a decision without providing a reason, a hearing, documentation or an opportunity to appeal.

The permit regime has turned the Palestinians in the Separation Barrier enclaves into **illegal residents in their own homes and on their own lands**, thereby violating their basic rights to **freedom of movement; to earn a living; to a dignified existence; and to have a family life**. According to OCHA, approximately 11,000 Palestinians, living in 32 communities located between the Barrier and the Green Line, depend on the granting of permits or special arrangements to live in their own homes. A much greater number of Palestinians – about 150 communities – depend on the permit regime to cultivate their lands, which are located in the Seam Zone.⁴⁶²

It should be noted that possessing a permit does not necessarily confer the ability to move freely in and out of the area. Access to agricultural lands across the Barrier is channeled through 74 gates, the majority of which (52) are only open during the olive harvest (October-December).⁴⁶³ The permit granted to each farmer is limited to entry and exit through one particular gate. Palestinians are not allowed to sleep inside the Seam Zone, thereby additionally restricting their daily routine. Entering the

Seam Zone in a vehicle requires obtaining a special permit, even for the residents of the closed area, and a special permit is similarly required for farmers with a permit, who wish to transport their produce or cultivate their lands using an agricultural vehicle.

Changing one's place of residence to a Palestinian village that remains locked inside the Seam Zone is also subject to the approval of the Civil Administration. The application for a "new resident" permit in the Seam Zone must be filed by both the applicant and "the relative (a permanent resident of the Seam Zone).⁴⁶⁴" This means that relocation to the Seam Zone hinges upon the singular reason of "family reunification," as if this were a case of immigration to another country. By contrast, all Israelis – including Jews entitled to the Right of Return or tourists - are free to move to a settlement located within the Seam Zone without requiring any permit.

The permit regime contributes to the **systematic expulsion of Palestinian residents from their lands in the Seam Zone**. Research conducted by OCHA with respect to 67 communities in the West Bank, found that only 18% of those who used to cultivate lands in the closed area before the establishment of the Separation Barrier were issued a permit to continue doing so. This means that by virtue of the construction of the Separation Barrier and the implementation of the permit regime, Israel has denied access to some 80% of the people who had previously cultivated their lands and their families' lands in that area.⁴⁶⁵ Yet in 2011, the High Court of Justice rejected petitions filed by human rights organizations and ruled that, pending several changes to the arrangements, the decision to close the area and implement the permit regime is proportional.⁴⁶⁶

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<http://www.law.tau.ac.il/Heb/Uploads/dbsAttachedFiles/adiNir.pdf>

³ Law Amending the Cooperative Societies Ordinance (no. 8), 2011. For the full wording of the law and ACRI's position [in Hebrew], see: <http://www.acri.org.il/he/?p=97>

⁴ HCI Uri Sabach v. the Knesset. The petition was filed by the Association for Civil Rights in Israel together with the Abraham Fund Initiatives and residents of community settlements in Misgav (the Misgav's Future group). For more information and court filings, see <http://www.acri.org.il/en/2012/12/03/petitions-against-acceptance-to-communities-law/>.

⁵ Adi Nir-Binyamini and Tal Ganor, **Beneath the Radar: Hidden Exclusion Mechanisms in Residential Screening Processes in Israel**, Ma'asei Mishpat, Volume 5, 2013, pp. 143-163 [Hebrew]. See note 2.

⁶ Article 4.1 of the articles of association: "Jewish citizens or permanent residents of Israel who keep the values of Judaism." The articles: <http://tinyurl.com/pr4e77g>. In an article published on this issue, the Carmit Cooperative Society and the Regional Council responded that in practice, they have not operated according to the articles of incorporation, and nobody has been rejected for not meeting the conditions of the articles of incorporation. Following the publication of the article, the articles of incorporation were taken down from the Carmit website, and registration for membership in the community, which had already been closed, was opened for an additional week. Ofer Petersburg, **Inadmissible**, Yedioth Ahronoth – *Sheva Yamim* (24 Hours), 9 September [Hebrew].

⁷ HCJ 6320/13 the Association for Civil Rights in Israel v. Israel Land Authority. The petition was filed via the Human Rights Clinic at Tel Aviv University. For the court filings, see: <http://www.acri.org.il/he/?p=28509> [Hebrew].

⁸ The petition filed by the Association for Civil Rights in Israel is pending in front of the High Court of Justice, HCJ 314/13 the Association for Civil Rights in Israel v. the Government. For the court filings, see: <http://www.acri.org.il/he/?p=25362> [in Hebrew].

⁹ The petition filed by Adalah to cancel the condition was denied. Press release (27 January 2013): <http://www.adalah.org/eng/Articles/1915/District-Court-Refuses-to-Cancel-%E2%80%9CSecurity-as-of>.

¹⁰ Administrative appeal 22361-07-13 Darna – The Popular Committee for the Protection of the Right to Land and Housing in Jaffa v. Israel Lands Authority. The petition was also filed on behalf of ACRI, Adalah and Bimkom – Planners for Planning Rights, with the participating of the Human Rights Clinic at Tel Aviv University. See the court filings at the ACRI website: <http://www.acri.org.il/he/?p=27888>. See also: **Don't sell Jaffa to the highest bidder!**, Israel Social TV, 27 June 2013 - <http://tv.social.org.il/en/dont-sell-jaffa-to-the-highest-bidder>

¹¹ Fast track civil case 1749-12-12 Hawari v. Moshe Hadif Construction and Investments [Hebrew]. The suit was also filed by the Association for Civil Rights in Israel and Al-Yatter. The plaintiffs were represented pro bono by Attorney Adam Fish of the Rachel Ben-Ari, Adam Fish and Partners law office. See court filings at ACRI's website: <http://www.acri.org.il/he/?p=24770>.

¹² Shimon Vaknin, a newly religious person seeking employment, quoted in: Moshe Cohen, **"Do you have a kippah? Not suitable" – An ultra-Orthodox man who wanted to work tells all**, Hadarei Haredim, 6 October 2013, <http://www.bhol.co.il/article.aspx?id=59910&cat=1&scat=1>.

¹³ Kanubash Talalah-Tagaya, who works at Teva and has a BA, quoted in: Sagit Pestmen, **"People ask us: Are there even Ethiopian academics?"** Calcalist, 10 October 2010 [Hebrew], <http://www.calcalist.co.il/local/articles/1,7340,L-3419833,00.html>.

¹⁴ A few examples from this past year: **Government Decision 4193: Raise rate of participation in the workforce and rate of employment for persons with disabilities** [Hebrew], <http://www.civil-service.gov.il/Civil-Service/TopNavHe/Units/TichnunBakara/UnitForms/2012420>; Knesset Press release, 9 September 2013, http://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10887; Guy Katsovich, **Bennett promotes equal**

- pay between women and men, “can’t accept this situation,” Globes, 29 April 2013 [Hebrew], <http://www.globes.co.il/news/article.aspx?did=1000839811>; Press release at the Ministry of Economy (Ministry of Industry, Trade and Labor), 27 February 2013 [Hebrew], <http://www.moital.gov.il/NR/exeres/DABE1C44-1988-41F5-83F9-18C0A9EA1F08.htm>; Yonatan Urich, **The Ministry of Economy will allocated NIS 500 million for integrating ultra-Orthodox into the workforce**, Kipa website, 6 August 2013 [Hebrew], <http://www.kipa.co.il/now/52888.html>; Ruth Shevach Getride, **Campaign to employ workers from the Arab sector – deserving**, nrg-Maariv, 24 June 2012 [Hebrew], <http://www.nrg.co.il/online/16/ART2/380/030.html>.
- ¹⁵ Shuki Handels, **The Sense of Discrimination of Workers and Job Seekers, and Occupational Diversity at Workplaces**, Ministry of Industry, Trade and Labor and the Equal Employment Opportunity Commission, February 2013 [Hebrew], <http://www.moital.gov.il/NR/rdonlyres/16676F55-FCB7-4289-89A1-131544E06F64/0/X12183.pdf>.
- ¹⁶ Benny Pepperman, **Whether and to what extent is there occupational diversity in Israel – analysis of findings from a survey of employers**, Ministry of Industry, Trade and Labor, March 2013 [Hebrew], <http://www.moital.gov.il/NR/rdonlyres/22474AB9-0EE3-4E12-AACE-92A5171C5250/0/060313.pdf>.
- ¹⁷ Commission for Equal Rights of Persons with Disabilities, in **Government Decision 4193: Raise rate of participation in the workforce and rate of employment for persons with disabilities** [Hebrew], See note 14. Similar data is presented in: **Persons with disabilities over the last decade – statistical data desk: socio-demographic and employment characteristics**, Ministry of Industry, Trade and Labor, February 2011 [Hebrew], <http://www.moital.gov.il/NR/rdonlyres/60B31CE2-4466-4BE6-A66C-8AD32E1270AD/0/X10697.pdf>.
- ¹⁸ The survey was conducted by the Ministry of Economy in late 2011 with a sample size of some 780 businesses. Press release from the Ministry of Economy, 20 March 2013 [Hebrew], <http://www.moital.gov.il/NR/exeres/CFBC6622-6CD5-4A05-907B-2113F7C0CFD8.htm>.
- ¹⁹ D. Naon, et. al, **People with Disabilities in Israel’s Working-Age Population: Prevalence, Characteristics, and Employment Status**, The Myers-JDC-Brookdale Institute and the National Insurance Institute, December 2012, <http://brookdale.jdc.org.il/?CategoryID=192&ArticleID=298>.
- ²⁰ For data, see Central Bureau of Statistics press release, 6 March 2013 [Hebrew], http://www.cbs.gov.il/reader/newhodaot/hodaa_template.html?hodaa=201311056. Equal Employment Opportunity Commission’s opinion in the case Labor Dispute 47986-07-10 Leah Neidorf v. Koah Atzmah Security and Touring Service ltd and the Israel Electric Corp, <http://tinyurl.com/ndak6y> [Hebrew].
- ²¹ Yael Hasson and Noga Dagan-Buzaglo, **Wage Gap between Women and Men in the Public Sector**, Adva Center, February 2013 [Hebrew], <http://www.adva.org/default.asp?pageid=1001&itmid=724>. The analysis is based on 2011 wage data. See also: **Wage Gap between Men and Women in the Public Sector: Findings from the report of the Director of Wages at the Ministry of Finance for 2010**, The Knesset Research and Information Center, November 2011 [Hebrew], <http://www.knesset.gov.il/mmm/data/pdf/m02950.pdf>.
- ²² Central Bureau of Statistics press release, 6 March 2013 [Hebrew], See note 20
- ²³ Alon Shani, **Single mothers have difficulty finding employment**, mako-News2, 15 August 2013 [Hebrew], http://www.mako.co.il/news-channel2/Economy-Newcast/Article-144a5037fd28041004.htm&Partner=facebook_share; Haim Rivlin, **Not only employers: The Israeli Employment Service also discriminates against women with small children**, mako-News2, 1 September 2013 [Hebrew], <http://www.mako.co.il/news-israel/education/Article-db5d4f7669ad041004.htm>.
- ²⁴ Tze’ela Kotler, **Ashkenazi last name? Chance of being hired jumps**, Globes, 27 July 2013 [Hebrew], <http://www.globes.co.il/news/article.aspx?did=1000864941>. On discrimination against Arabs in the job market, see, for example: Talya Steiner, **Combating Discrimination against Arabs in the Israeli Workforce**, Israeli Democracy Institute, May 2013, <http://en.idi.org.il/analysis/idi-press/publications/hebrew-policy-papers/combating-discrimination-against-arabs-in-the-israeli-workforce>. Eran Yashiv and Nitsa Kasir (Kaliner), **The Labor Market of Israeli Arabs: Key Features and Policy Solutions**, Tel Aviv University, December 2013, http://www.tau.ac.il/~yashiv/dec2013_exec_summary.pdf.
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- ²⁷ The Contributors to the State Bill, 2013. For the full text of the bill and critique See note 87
- ²⁸ Data from Olim Beyahad, which integrates Ethiopian academics into the job market, cited in **Breaking Equality**, <http://www.globes.co.il/news/article.aspx?did=1000497289> (2009 data).
- ²⁹ Henya Markovich, **Fair representation for members of the Ethiopian community in the civil service – 2011 report**, Civil Service Commission, 2012 [Hebrew], <http://www.civil-service.gov.il/NR/rdonlyres/F30A02B0-81DC-4E1E-BEE3-5A6CEE196519/0/ethiopiansReport2011.pdf>.
- ³⁰ Telem Yahav and Danny Adino Ababa, **The missing community**, Yedioth Ahronoth, 10 July 2013 [Hebrew]; **Livni to nine ministers: Companies under the responsibility of your ministries discriminate against Ethiopians and Druze**, TheMarker, 3 November 2013 [Hebrew], <http://www.themarker.com/news/politics/1.2155861>.
- ³¹ Study conducted by Or Liebs at Ben-Gurion University, See note 24
- ³² The finding is cited in the Equal Employment Opportunity Commission's opinion, as quoted in the ruling of District Labor Court Case (Tel Aviv) 3816 Michel Malka vs. Israel Aerospace Industries Ltd (ruling dated 2 August 2013) [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-09-3816-749.htm. On discrimination against Mizrahim, See note 24
- ³³ Dany Zack, **A young transgender women: "At the National Insurance Institute, they told me: Go work in prostitution,"** mako, 16 September 2013 [Hebrew], <http://www.mako.co.il/pride-news/local/Article-3785cc0c4962141006.htm>.
- ³⁴ A study conducted in 2011 by The Jerusalem Institute for Israel Studies, cited in: **Ashkenazi last name? Chance of being hired jumps**, See note 24
- ³⁵ Cited in: **Ashkenazi last name? Chance of being hired jumps**, See note 24
- ³⁶ "Despite the progressive legislation in the field of employment equality, of the most famous is the great difficulty in proving employment discrimination. This difficulty is based, among other things, on the evidence barrier and the understood knowledge gap between the employee and employer [...] Discrimination at the hiring stage is the most difficult to prove, because it is very easy to disguise." - Equal Employment Opportunity Commission's opinion, as quoted in the ruling of District Labor Court Case (Tel Aviv) 3816 Michel Malka vs. Israel Aerospace Industries Ltd (ruling dated 2 August 2013) [Hebrew], See note 32. Also: "Discrimination on the basis of age, similarly to discrimination for other reasons, is difficult to prove and the employee is often unable to contradict the employer's argument that it was not his belonging to a discriminated against group which led to his failure to be hired or to his termination. We accept the [Equal Employment Opportunity] Commission's position that often the defendants claim that the worker was not hired or was dismissed for other reasons, while the true reason was his/her belonging to a group." District Labor Court Case (Tel Aviv) 4592-10 Koren v. The Zinman College of Physical Education and Sport Sciences (ruling dated 20 October 2013, paragraph 13 of Judge Hanna Trachtingot's ruling), http://www.nevo.co.il/psika_html/avoda/A-10-4592-150.htm.
- ³⁷ District Labor Court Case (Tel Aviv) 3816-09 Michel Malka vs. Israel Aerospace Industries Ltd (ruling dated 2 August 2013) [Hebrew], See note 32. The plaintiff was represented by Tmura – the Legal Anti-Discrimination Center. See also: Ilan Lior, **Court finds IAI discriminated against Mizrahi job applicant, awards NIS 50,000 compensation**, Haaretz, 5 August 2013, <http://www.haaretz.com/news/national/.premium-1.539772>.
- ³⁸ District Labor Court Case (Tel Aviv) 7757-09 [Dina Fisher v. The Secondary and Religious Local Training Center, part of the Federation of Working Religious Youth in Israel](http://www.nevo.co.il/psika_html/avoda/A-09-7757-11.htm) (ruling dated 27 January 2013) [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-09-7757-11.htm.
- ³⁹ Labor dispute 470003-12-11 [Sara Elhanany v. The State of Israel – the Government Authority for Water and Sewage](http://www.nevo.co.il/psika_word/avoda/A-11-12-47003-815.doc) (ruling dated 17 June 2013) [Hebrew], http://www.nevo.co.il/psika_word/avoda/A-11-12-47003-815.doc. The plaintiff was represented by Attorneys Nava Pinchuk-Alexander and Reut Pocker-Kapuno.
- ⁴⁰ Labor dispute (Tel Aviv) 563-06-10 [Yosef Avkah v. Ben Ami Shaul Gardening and Irrigation Ltd](http://www.nevo.co.il/psika_html/avoda/A-10-06-563-297.htm) [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-10-06-563-297.htm (reported at the [College of Law and Business's Human Rights Portal](http://www.nevo.co.il/psika_html/avoda/A-10-06-563-297.htm)).

⁴¹ District Labor Court Case (Tel Aviv) 9690-09 Ababa Yitzhak v. A.A. 101 Center Ltd (ruling date 23 October 2012) [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-09-9690-44.htm (reported at the [College of Law and Business's Human Rights Portal](#)).

⁴² Ruling dated 6 February 2013. The claim was submitted by the Rights of People with Disabilities Clinic from the Faculty of Law at the Hebrew University on behalf of the plaintiff and the organization Bizchut, The Israel Human Rights Center for People with Disabilities. [Annual Report: The Clinical Legal Education Center 2012-2013](#), Clinical Legal Education Center, Faculty of Law, the Hebrew University of Jerusalem, June 2013. See also: [The Deafness of Employers](#), Israel Social TV, 19 February 2013 [Hebrew], <http://tv.social.org.il/social/2013/02/19/deafness-employers>.

⁴³ Ruling dated 28 May 2013. The worker in the dispute was represented by the Rights of People with Disabilities Clinic from the Faculty of Law at the Hebrew University. [Annual Report: The Clinical Legal Education Center 2012-2013](#).

⁴⁴ District Labor Court Case (Tel Aviv) 5645-09. Anonymous v. Anonymous (ruling dated 3 September 2012), [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-09-5645-33.htm (reported at the [College of Law and Business's Human Rights Portal](#)).

⁴⁵ Ronny Linder-Ganz, [The German Committee begins deliberations: It will deal with private insurance and the incorporation of hospitals](#), TheMarker, 20 June 2013 [Hebrew], <http://www.themarker.com/consumer/health/1.2051448>.

⁴⁶ It's important to note that the private medical services issue is just one component in the deterioration of the public health system and in the mixing of private and public sphere inside the system, including all the negative consequences that this process has on the right to health and the right to equality. For more on this, see a position paper presented to the German Committee, by ACRI and Physicians for Human Rights – Israel, July 2013 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2013/07/German-Mabat2013.pdf>.

⁴⁷ For historical background see: Leah Achdut and Gabi Bin Nun, [The Private-Public Mix in the Health System in Israel: The Case of Private Health Service in Public Hospitals](#), the Van Leer Jerusalem Institute, April 2012 [Hebrew], <http://www.vanleer.org.il/en/publication/private-public-mix-health-system-israel-case-private-health-service-public-hospitals>.

⁴⁸ In August 2012, the High Court of Justice rejected (on procedural grounds) the petition by ACRI, Physicians for Human Rights – Israel, and the Adva Center against the operation of private medical services in Ashdod. HCJ 2114/15 [The Association for Civil Rights in Israel v. the Government of Israel](#) (ruling dated 15 August 2013). See court filings at ACRI's website: <http://www.acri.org.il/he/?p=20262>

⁴⁹ For a summary of claims for and against the expansion of private medical services, see: **The Private-Public Mix in the Health System in Israel: The Case of Private Health Service in Public Hospitals**, See note 47. The position of the CEO of Meuhedet Health Services (against the expansion of private medical services), as quoted in Shaul Amsterdamski, **Do not let private medicine into the hospitals**, Calcalist, 22 July 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3608145,00.html>; the position of the CEO of Clalit Health Services (also opposed), as quoted in Shaul Amsterdamski and Mickey Peled, **If private medical services go into effect, then the doctors will be the ones to manage hospitals**, Calcalist, 4 August 2013 [Hebrew], <http://www.calcalist.co.il/money/articles/0,7340,L-3609176,00.html>; the position of professor Kobi Glazer (in favor), as quoted in Shaul Amsterdamski, **Private medicine in hospitals will save public medicine**, Calcalist, 5 July 2012 [Hebrew], <http://www.calcalist.co.il/money/articles/0,7340,L-3576238,00.html>; the position of the directors of major public hospitals in Israel – Rambam, Ichilov, and Sheba (in favor), quoted in Sarit Rosenblum, **Situation: Critical**, Yedioth Ahronoth – *Sheva Yamim* (Seven Days), 20 September 2013 [Hebrew]; the position of the Eye Department Director at Ein Kerem (opposed), quoted in Shaul Amsterdamski, **We have surgeons at Hadassah Hospital who do 70% private work**, Calcalist, 8 August 2013 [Hebrew], <http://www.calcalist.co.il/money/articles/0,7340,L-3609594,00.html>.

⁵⁰ For more information, see: [An immediate danger to your health: private medical services](#), the Association for Civil Rights in Israel, April 2011 [Hebrew], <http://www.acri.org.il/he/?p=820>.

⁵¹ On inequality in healthcare see the website of the Public Network for the Advancement of Health Equity in Israel, of which ACRI is a member: <http://www.equalhealth.org.il/>

⁵² Ronny Linder-Ganz, **Private medicine is taking over the hospitals: wait on the private track – four days; on the public track – two months**, TheMarker, 3 June 2013 [Hebrew],

<http://www.themarker.com/consumer/health/1.2036307>. One of the researchers notes in the article that the fact that the study was conducted by students and physicians at Hadassah Hospital itself should be commended. In addition, the hospital's response is quoted, "The Hadassah management is proud of the freedom in research that it provides to its employees. However, and despite the study's data, the reality on the ground is different. [...] Only 20% of those requesting receive healthcare via private medical services. The decisive majority of patients receive excellent care at no cost and through the public framework only." However, data provided by the Hadassah management to the German Committee was recently reported which indicates, in contrast to this response, that in eight out of thirteen departments, the extent of private medicine is greater than 20% - the maximum bar that the hospital set for itself. See: Shaul Amsterdamski, **28% of surgeries at Hadassah Hospital are carried out privately**, Calcalist, 22 September 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3612635,00.html>.

⁵³ Shaul Amsterdamski, **Seven months wait for a doctor on the public track compared to one week on the private**, Calcalist, 23 October 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3615036,00.html>.

⁵⁴ Ronny Linder-Ganz, **Parents paid the NICU director at Shaare Tzedek NIS 20,000 for special supervision**, TheMarker, 17 October 2013 [Hebrew], <http://www.themarker.com/consumer/health/1.2142636>.

⁵⁵ Ronny Linder-Ganz, **Through the back door: Sheba and Ichilov offer a fast track for those with private insurance**, TheMarker, 23 October 2013 [Hebrew], <http://www.themarker.com/consumer/health/1.2147128>.

⁵⁶ See for example: Ronny Linder-Ganz, [trans.] "The Doctor Won't Ask 'How You Feel' But Rather 'What Insurance Do You Have?'" TheMarker, 16 April 2012, www.themarker.com/consumer/health/1.1686584 [Hebrew]

⁵⁷ For more information, see position paper by ACRI and Physicians for Human Rights – Israel, as per footnote 46

⁵⁸ See for example: Shaul Amsterdamski, **How does the Ministry of Education distribute 44 billion shekels a year?**, Calcalist, 3 July 2013, [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3606638,00.html>.

⁵⁹ See for example: Shlomo Swirski and Noga Dagan-Buzaglo, **Inequality and Non-Transparency: The Education Budget in Israel**, Adva Center, April 2013 [Hebrew], <http://www.adva.org/uploaded/%D7%97%D7%99%D7%A0%D7%95%D7%9AA4.pdf>; **How does the Ministry of Education distribute 44 billion shekels a year?**, See note 58

⁶⁰ Press release from the Adva Center website, 13 August 2012, <http://www.adva.org/default.asp?pageid=1001&itmid=698>.

⁶¹ Lior Dattel, **Israel's funding for high schools favors state religious stream over Arabs, Haredim**, Haaretz, 19 July 2013, <http://www.haaretz.com/business/.premium-1.536724>. It should be noted that students of ultra-Orthodox girls' seminaries and ultra-Orthodox students in yeshivot, which teach towards the matriculation exams, received low funding – NIS 18,700 per student.

⁶² The Ministry of Education's response to the article stated, *inter alia*, "The information systems on the Ministry's website contain only partial information. Right now the Ministry is working on the formation of a public transparency system, which will include all Ministry data ... Likewise, the Ministry is currently working on a differential basket for each student, which will, among other things, provide a proper answer towards reducing gaps between the various sectors."

⁶³ **Protocol #55 from the meeting of the Education, Culture and Sports Committee**, 10 July 2013 [Hebrew], <http://www.knesset.gov.il/protocols/data/rtf/chinuch/2013-07-10.rtf>.

⁶⁴ See, for example, **How does the Ministry of Education distribute 44 billion shekels a year?**, See note 58; Shaul Amsterdamski, **Spending on a student in Tel Aviv is twice as high as in the north**, Calcalist, 20 October 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3614713,00.html>.

⁶⁵ Talila Neshet, **Appeal to Saar: Bonuses to schools according to enlistment rate – unacceptable**, Haaretz, 30 January 2013 [Hebrew], <http://www.haaretz.co.il/news/education/1.1918930>; Or Kashti, **Israeli teachers who 'impart values' get bonuses – but what sectors benefit most?**, Haaretz, 16 August 2013, <http://www.haaretz.com/news/national/.premium-1.541827>.

⁶⁶ Some of these were discussed in the meeting of the Education Committee of the Knesset in July 2013, **Protocol #55 from the meeting of the Education, Culture and Sport Committee**, See note 63

⁶⁷ See for example: Maria Rabinovich, **Shortage of counselors and educational psychologists in the education system**, The Knesset – Research and Information Center, February 2010 [Hebrew], <http://www.knesset.gov.il/mmm/data/pdf/m02304.pdf>.

⁶⁸ For example, according to a Hirak Center report, "the teaching method in the Arab schools is based more on the traditional methods of memorization and text comprehension at the basic level, and less on critical thinking and analysis and drawing conclusions." Raja Zaatry and Muhammad Khalaileh, **Via Dolorosa: 14 Obstacles to the access of Palestinian-Arab society to higher education in Israel, and 10 recommendations for their removal**, Hirak – The Center for Advancement of Higher Education in the Arab Society, June 2013, [http://www.pacbi.org/pics/Accessibility Report-Eng\(1\).pdf](http://www.pacbi.org/pics/Accessibility Report-Eng(1).pdf).

⁶⁹ In his response to ACRI on this matter, Gapso referred to ACRI's appeal as a "provocation" and "bullying," and also wrote, "Nazareth Illit was founded to Judaize the Galilee. That was its purpose in those days, and that is its purpose still today." For the appeal by ACRI and the response by the mayor: <http://www.acri.org.il/he/?p=25416> [Hebrew]. See also: Yarden Skop, **Education Ministry calls for Arab school in Upper Nazareth, despite mayor's objections**, Haaretz, 26 July 2013, <http://www.haaretz.com/news/national/.premium-1.538077>.

⁷⁰ Shahdi Hadar, Arab bus driver who was attacked by passengers, quoted in: Eli Ashkenazi, **Arab bus driver beaten at wheel by passengers in Israel's north**, Haaretz, 15 August 2013, <http://www.haaretz.com/news/national/.premium-1.541660>.

⁷¹ Arab employee who was attacked in a Tel Aviv restaurant, quoted in: Doron Herman, Reut Mishor and Aviad Glickman, **Documented: Arab employee attacked at Tel Aviv restaurant, "Everyone stood and watched,"** Nana10, 4 March 2013 [Hebrew], <http://news.nana10.co.il/Article/?ArticleID=962278>.

⁷² Khaled Shakra, Grade 7 educator at an Arab school in Jaffa, whose students were discriminated against in entry to Superland in Rishon LeZion, quoted in: Ilan Lior, **Segregation at Superland: Separate days for Arab and Jewish students at amusement park**, Haaretz, 30 May 2013, <http://www.haaretz.com/news/national/segregation-at-superland-separate-days-for-arab-and-jewish-students-at-amusement-park.premium-1.526705>.

⁷³ MK Israel Eichler. Knesset website notice, 18 June 2013 [Hebrew], <http://main.knesset.gov.il/News/PressReleases/Pages/press180613d.aspx>.

⁷⁴ See for example, **Beitar will remain clean of Arabs**, Israel Today Newsletter, 1 February 2013 [Hebrew], http://www.israelhayom.co.il/site/newsletter_article.php?id=26462.

⁷⁵ Sharon Shpurer, **The Israeli bank that opens its doors to everyone - except Arabs**, Haaretz, 30 July 2013, <http://www.haaretz.com/business/.premium-1.538667>.

; Jonathan Lis, **After Haaretz's exposé: MKs claim systematic discrimination against Arabs at banks**, Haaretz, 6 August 2013 [Hebrew], <http://www.haaretz.co.il/news/politi/1.2090733>.

⁷⁶ Yair Ettinger and Revital Hovel, **Israel's AG urges Eliyahu to drop 'inappropriate' bid for chief rabbi in light of anti-Arab remarks**, Haaretz, 15 July 2013, <http://www.haaretz.com/news/national/.premium-1.535948>; **Chaim Levinson, Israel's high court rejects petition to disqualify 'racist' chief rabbi candidate**, Haaretz, 22 July 2013, <http://www.haaretz.com/news/national/.premium-1.537262>; ACRI's position (4 July 2013) - <http://www.acri.org.il/en/2013/07/04/rabbi-elyahu/>.

⁷⁷ For ACRI's appeal, See note 69

⁷⁸ For a long list of occurrences, see the site <http://in-oneplace.net/english-page/>, run by Doubi Schwartz, and the Coalition Against Racism site. The list does not include many of the racist incidents, which took place in Jerusalem and were directed against residents of East Jerusalem, where the significant tension between Jews and Arabs is a daily reality.

⁷⁹ Ilan Lior, **Segregation at Superland: Separate days for Arab and Jewish students at amusement park**, Haaretz, 30 May 2013, <http://www.haaretz.com/news/national/segregation-at-superland-separate-days-for-arab-and-jewish-students-at-amusement-park.premium-1.526705>. ACRI appealed to the CEO of the company, which operates Superland, demanding an end to the segregation, and also appealed to the police, demanding a criminal investigation into violation of the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000. ACRI's position: <http://www.acri.org.il/en/2013/05/30/superland/>. Following the appeals and the public storm instigated by the reports on this matter, the Superland management claimed that the segregation was put in place at the request of both Jewish and Arab school principals, but that it

would reconsider the matter. See: Ilan Lior, **Superland amusement park to reconsider Arab-Jewish segregation policy**, Haaretz, 30 May 2013. See note 72

⁸⁰ Yonatan Riger, **Pool refused entry to Bedouin children with cancer**, Mako-New2, 31 May 2013 [Hebrew], <http://www.mako.co.il/news-israel/local/Article-b5f87ca0fabfe31004.htm>.

⁸¹ Orna Nirenfeld, **Parents in Haifa: "Our children will not play with uncultured Arabs,"** NRG-Maariv / Haifa time, 31 January 2013 [Hebrew], <http://www.nrg.co.il/online/54/ART2/426/510.html>.

⁸² Racism in Be'er Sheva: **A pool for Jews only?**, nana10, 4 July 2013 [Hebrew], <http://news.nana10.co.il/Article/?ArticleID=988964>. Regarding ACRI's appeal (19 August 2013), see: <http://www.acri.org.il/en/2013/08/19/country-club/>.

⁸³ Physicians for Human Rights – Israel press release [Hebrew], <http://www.phr.org.il/default.asp?PageID=66&ItemID=1749>.

⁸⁴ **ACRI press release** (11 November 2012) [Hebrew], <http://www.acri.org.il/he/?p=24335>.

⁸⁵ Knesset press release (27 August 2013) http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10877; Knesset press release (5 March 2013) http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10689

; Knesset press release (29 April 2013) [Hebrew], <http://main.knesset.gov.il/News/PressReleases/Pages/press290413-6.aspx>; Yair Altman and Mor Shimoni, **Police Commissioner on the racist assaults: "a despicable and contemptible phenomenon"**, Walla, 7 March 2013 [Hebrew], <http://news.walla.co.il/?w=%2F10%2F2622972>; Ofra Edelman, **Israel's attorney general vows to rein in racist Beitar fans**, Haaretz, 5 February 2013, <http://www.haaretz.com/news/national/israel-s-attorney-general-vows-to-rein-in-racist-beitar-fans.premium-1.501642>; Ministry of Justice press release (30 May 2013) [Hebrew], <http://index.justice.gov.il/Pubilcations/Articles/Pages/KavMaavakGizaanot.aspx>; Knesset press release (19 June 2013), http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10790.

⁸⁶ Draft Basic Law: Israel - the Nation-State of the Jewish People (19/1550/P). For criticism of the bill, see: Adalah's stance: <http://tinyurl.com/o49de5v> [Hebrew]; Molad's opinion, by Dr. Naomi Sussman, <http://www.molad.org/en/researches/basic-law-Israel-nation-state-of-the-jewish-people>; Amir Fuchs, **An Anti-Zionist Law**, Israel Democracy Institute translation of the Hebrew article published in Haaretz, 27 June 2013, <http://en.idi.org.il/analysis/articles/an-anti-zionist-law>.

⁸⁷ The Contributors to the State Bill, 2013. For ACRI's stance, see: <http://www.acri.org.il/en/2013/10/29/kruoct29/>. See also: Talya Steiner and Mordechai Kremnitzer, **The Contributors to the State Bill: Contributing to the Jewish-Arab Divide**, Israel Democracy Institute, 29 October 2013, <http://en.idi.org.il/analysis/articles/the-contributors-to-the-state-bill-contributing-to-the-jewish-arab-divide>; Adalah's stance: <http://adalah.org/eng/Articles/2214/Bill-to-legalize-preferences-based-on-military>; Abraham Fund's stance: <https://www.facebook.com/theabrahamfund/posts/738382146176192>.

⁸⁸ **ACRI Protests Raising the Elections Threshold**, (3 October 2013), <http://www.acri.org.il/en/2013/10/03/elections-threshold/>.

⁸⁹ **Education against racism bill rejected**, nrg-Maariv, 12 June 2013 [Hebrew], <http://www.nrg.co.il/online/1/ART2/479/801.html>.

⁹⁰ Eli Ashkenazi, **Likud campaign in Carmiel aims to continue 'judaizing' Israel's north**, Haaretz, 9 October 2013, <http://www.haaretz.com/news/national/.premium-1.551322>. The Chair of the Israeli Central Elections Committee received an appeal from MK Omer Bar-Lev and disqualified the advertisement. Local elections case 177/20 MK Omer Bar-Lev v. Mr. Neumark Koren,, http://www.bechirot.gov.il/elections19/heb/law/DecisionLocal20_177-178.pdf. Local elections case 178/20 **MK Omer Bar-Lev v. Mr. Arnon Giladi**.

⁹¹ Eli Ashkenazi, **Upper Nazareth mayor uses fake leftist campaign to show his stand against Arabs**, Haaretz, 5 August 2013, <http://www.haaretz.com/news/national/.premium-1.539912>.

⁹² Nir Hasson, **Jerusalem city council hopeful's campaign platform: Get Arabs out of our parks**, Haaretz, 22 August 2013, <http://www.haaretz.com/news/national/.premium-1.542978>; Tzipi Malchov, **MK Rivlin: "Embarrassed of the slogan: Judaizing Jerusalem,"** mynet, 7 October 2013 [Hebrew], <http://www.mynet.co.il/articles/0.7340.L-4437235.00.html>.

⁹³ The Chair of the Israeli Central Elections Committee received an appeal from MK Omer Bar-Lev and disqualified the advertisement. Local elections case 177/20 MK Omer Bar-Lev v. Mr. Neumark Koren, Local elections case 178/20 MK Omer Bar-Lev v. Mr. Arnon Giladi [Hebrew], See note 90.

⁹⁴ See note 82.

⁹⁵ See for example: Or Kashti, **When racist expressions are no longer the exception**, Haaretz, 15 March 2013, <http://www.haaretz.com/weekend/week-s-end/when-racist-expressions-are-no-longer-the-exception.premium-1.511305>. In addition, the most recent democracy index found that 57.7% of Jewish youth (ages 18-24) would support the government taking steps to encourage Arab emigration from Israel, reported in: Jonathan Lis, **Democracy Index: Half of the public supports greater rights for Jews**, Haaretz, 7 October 2013 [Hebrew], <http://www.haaretz.co.il/news/politi/.premium-1.2133862>.

⁹⁶ **From exclusion to inclusion: Dealing with incidents of racism in Israel**, Ministry of Education [Hebrew], http://cms.education.gov.il/EducationCMS/Units/Mazkirut_Pedagogit/Mate/YemeiLochEzrachim/YomGizanout/gzanot2013.htm.

⁹⁷ **The Other is Me**, Ministry of Education website [Hebrew], <http://cms.education.gov.il/EducationCMS/Units/ui/>.

⁹⁸ Yarden Skop, **Israel planning to integrate 500 Arabs teachers into understaffed Jewish schools**, Haaretz, 4 June 2013, <http://www.haaretz.com/news/national/.premium-1.527760>.

⁹⁹ **"Being Citizens"** report at the website of the Headquarters for Civics and Co-existence Education at the Ministry of Education [Hebrew], http://cms.education.gov.il/EducationCMS/Units/Mazkirut_Pedagogit/Mate/OdotHamate/DohBeEzrah.htm; **The Public Committee Report on Education towards Co-existence between Jews and Arabs in Israel – Executive Summary**, at the website of The Abraham Fund Initiative's and the Center for Educational Technology's Common Ground [Hebrew], <http://commonground.cet.ac.il/ShowItem.aspx?itemId=706&itemState=VIEW&language=HEB&itemType=1>.

¹⁰⁰ The government approved the Praver Plan in September 2011 (Government decision No. 3707, 11 September 2011). The plan was slightly amended later by a team led by former minister Benny Begin.

¹⁰¹ In-depth explanation of the bill on the ACRI website: <http://www.acri.org.il/en/wp-content/uploads/2013/09/Summary-of-the-Law-for-Regulation-of-Bedouin-Settlement-in-the-Negev.pdf>

¹⁰² See for instance the **Alternative Master Plan** prepared by The Regional Council for the Unrecognized Villages in the Negev (RCUV) and Bimkom – Planners for Planning Rights, 2012, <http://bimkom.org/eng/wp-content/uploads/AMP-English2.pdf>.

¹⁰³ For further details see: Position papers from ACRI and other organizations: <http://www.acri.org.il/en/wp-content/uploads/2013/05/Bimkom-ACRI-Position-Paper-Praver.pdf>, for reading on the subject on the Adalah website: <http://adalah.org/eng/?mod=articles&ID=1589>; and on the Bimkom website: <http://bimkom.org.il/eng/building-rights-you/>.

¹⁰⁴ See for instance: Oren Yiftachel, **The Unrecognized Bedouin Space: Development of a Strategic Issue**, from: **The Negev Bedouin – a Strategic Challenge for Israel**, the S. Daniel Abraham Center for Strategic Dialogue, January 2013, 17-18 [Hebrew], <http://www.fnst-jerusalem.org/beduim.pdf>; Oren Yiftachel, Sandy Kedar and Ahmad Amara, **Re-examining the 'Dead Negev' Doctrine: Property Rights in the Bedouin-Arab Space**, Mishpat Umimshal, April 2012 [Hebrew]; Off the Map: Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages, Human Rights Watch, March 2008, http://www.hrw.org/sites/default/files/reports/iopt0308_1.pdf. In this context it should be noted that the Bedouin, who comprise 30 percent of the population of the Negev, claim a very small percentage of its territory. See for instance: http://adalah.org/upfiles/2011/Thabet_English_2.pdf; Tal Dahan, **Human Rights in Israel – Situation Report 2009**, Association for Civil Rights in Israel, footnote 71 on pages 25-26, <http://www.acri.org.il/pdf/State2009en.pdf>.

¹⁰⁵ On the issue of indigenous minority rights see: Rawia Aburabia, **Principles for Arranging Recognition of Bedouin Villages in the Negev** (May 2011), <http://www.acri.org.il/en/wp-content/uploads/2011/09/Praver-Policy-Paper-May2011.pdf>.

¹⁰⁶ See for instance: **Bedouin in the Naqab Reject Praver and Propose Alternative Plan** (18 September 2013); Position paper of the Negev Coexistence Forum for Civil Equality: <http://www.dukium.org/eng/?p=1517>; Oded Bar Meir, **Bedouin: 'The Bulldozers Will Not Break Our Spirit'**, mynet, 1 August 2013, <http://www.mynet.co.il/articles/0.7340.L-4412462.00.html>.

¹⁰⁷ In March 2012 the UN Committee on the Elimination of Racial Discrimination called on Israel to withdraw its efforts to enshrine the Praver Plan in law: <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>. In July 2012 the European Parliament called on Israel to stop the Praver Plan and cease the policy of demolition, forced displacement and dispossession: <http://tinyurl.com/cqtfzkl>

¹⁰⁸ **UN criticizes Bedouin reorganization bill**, ynet, 25 July 2013, <http://www.ynetnews.com/articles/0.7340.L-4409947.00.html>; Announcement on the UN Human Rights Commission website (25 July 2013) <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13577&LangID=E>.

¹⁰⁹ Residents of the unrecognized Bedouin Villages, together with residents of Arad, the Association for Civil Rights in Israel, Bimkom and the Negev Forum for Coexistence and Civil Equality, petitioned the High Court of Justice against the plan. HCJ 6094/12 Abu Alkiyan v. State of Israel (ruling dated 19 November 2012.) The court rejected the petition on the basis that there is still no operative decision to establish the towns, and thus the petition was premature. The petition on the ACRI website: http://www.acri.org.il/en/wp-content/uploads/2012/08/Summary_of_Arad_Petition_-_English_2.pdf.

¹¹⁰ For the economic, social and environmental implications of the plan, see: Shiri Bass-Spector, **Consequences of the Government Decision to Establish a Settlement Region in the Mevo'ot Arad Area**, The Knesset Research and Information Center, November 2011 [Hebrew], <http://www.knesset.gov.il/mmm/data/pdf/m02967.pdf>. See also: The Society for the Protection of Nature's position, in: **Will More Communities be Built Near Arad? A Public Discussion**, announcement on the Society for the Protection of Nature's website, 9 July 2013 [Hebrew], <http://www.teva.org.il/?CategoryID=1313&ArticleID=19210>; Arik Mirovsky, **Arad fears towns planned for the area: the wealthy residents will leave**, TheMarker, 25 December 2012 [Hebrew], <http://www.themarker.com/realestate/1.1893478>; **Between Arad and Be'er Sheva**, Israel Social TV, 9 July 2013.

¹¹¹ ACRI's opposition to the plan: <http://www.acri.org.il/he/?p=27242> [Hebrew].

¹¹² The Association for Civil Rights in Israel and Bimkom presented opposition to the plan on behalf of the residents. The opposition on the ACRI website: <http://www.acri.org.il/he/?p=27270> [Hebrew].

¹¹³ **Adalah and Bimkom appeal against "Yatir Forest and Park" to be built on ruins of Arab Bedouin village of Atir** (31 March 2013) <http://adalah.org/eng/Articles/1990/Appeal-against-Yatir-Forest-and-Park-to-be-built-on>.

¹¹⁴ **House Demolitions**, Negev Coexistence Forum for Civil Equality, http://www.dukium.org/eng/?page_id=885.

¹¹⁵ Accurate as of 20 November 2013. **Al-Araqib – Full List of Demolitions**, Negev Coexistence Forum Civil Equality [Hebrew], http://www.dukium.org/heb/?page_id=10002.

¹¹⁶ The court rejected the appeal brought by ACRI on behalf of 300 out of the 1,500 residents of the village, against the ruling of the Be'er Sheva Magistrate's Court, which rejected the request to delay the demolition orders. OCA 41790-03-13. Alhutra v. The Southern District Regional Planning and Building Committee (ruling dated 14 July 2013). Background and court documents at the ACRI website: <http://www.acri.org.il/he/?p=26401> [Hebrew]. As of the beginning of November, 2013, the demolition orders had not been carried out.

¹¹⁷ Administrative Appeal 2219/10. Head of the Abu Basma Planning Committee v. Regavim NGO (ruling dated 26 May 2013) [Hebrew], <http://elyon1.court.gov.il/files/10/190/022/k03/10022190.k03.pdf>.

¹¹⁸ ACRI's request to join proceedings: <http://www.acri.org.il/he/?p=2638> [Hebrew]

¹¹⁹ For example, in a survey conducted by Yedid, 24% of respondents said that due to the budget cuts, they were likely to cut their food spending. 11% said that they would cut their medication spending, 39% said clothing and 35% culture. Dana Weiler-Polak, **Due to the budget: A quarter of the public will cut their food spending**, Walla, 30 March 2013 [Hebrew], <http://news.walla.co.il/?w=/90/2665456>.

¹²⁰ For the position of the Coalition for Public Dental Health, of which ACRI is a member, on the importance of the dental care reform and the harm that freezing its expansion to ages 12-14 will cause, see: **Don't freeze the reform in dental health**, Press release at the ACRI website, 23 July 2013 [Hebrew], <http://www.acri.org.il/he/?p=28040>. The freeze of the reform was authorized in the final Arrangements Law.

¹²¹ On co-payments, see the appeal by The Public Network for the Advancement of Health Equity in Israel, of which ACRI is a member, to MKs and Ministers: **The Economic Program for 2013-2014 – No to Cuts in Healthcare**, 9 May 2013 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2013/05/health090513.pdf>. In the end, co-payments were not raised in the final version of the Arrangements Law.

¹²² This topic will be discussed further in the section of this report on privatization.

¹²³ For the analysis by the Knesset Research and Information Center, see:

<http://www.knesset.gov.il/mmm/data/pdf/m03243.pdf> [Hebrew]. For information on the harm to Arab women, see: **Adalah appeals to the Minister of Finance and Members of Knesset: Taxing housewives will primarily harm Arab women**, Press release at Adalah website, 11 July 2013 [Hebrew]. In the end, the exemption was not cancelled.

¹²⁴ See for example: Knesset press release (17 July 2013) [Hebrew],

<http://main.knesset.gov.il/News/PressReleases/Pages/press170713c.aspx>; Zvi Zrahiya, Moti Bassok and Ronny Linder-Ganz, **Israeli treasury rescinds NIS 3.8 billion of tax hikes, benefit cuts**, Haaretz, 17 July 2013, <http://www.haaretz.com/business/.premium-1.536312>; Zeev Klein, **Lapid: "We took from the yeshivas first," Israel Hayom**, 29 July 2013 [Hebrew], <http://www.israelhayom.co.il/article/105101>.

¹²⁵ See for example: Amnon Atad and Hadar Kane, **Cuts to households: Say goodbye to thousands more shekels a year**, Calcalist, 29 July 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3608708,00.html>. Along with the decrees of the Arrangements Law, one must also mention the one percent increase in VAT which went into effect in June 2013. The Adva Center points out that, positively, over recent years, after a decade of budget cuts, government expenses per person rose significantly, and specifically for social expenses per person as a percentage of total government expenses. However, this greater budget was funded at the expense of other public services in a manner which increased inequality in Israel and by raising taxes for all parts of the populations. Amongst these are those with low and medium income, despite the fact that those who enjoyed the lower taxes that were put into effect over the last decade were the wealthy. **A deficit requires specific treatment – not making a show of catastrophe**, Adva Center, July 2013 [Hebrew], [http://www.adva.org/uploaded/taktziv 2013-2014 final final.pdf](http://www.adva.org/uploaded/taktziv%202013-2014%20final%20final.pdf).

¹²⁶ Knesset press release (1 May 2013) http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10722.

¹²⁷ Regarding third and later children born before June 2003, the allowance after the cut is greater than NIS 140, but the cut in the allowance is the same. For details, see: Esther Toledano and Daniel Gottlieb, **The Effect of the Decrease in Child Allowances on Family Income**, National Insurance Institute, 10 September 2013 [Hebrew], http://www.btl.gov.il/Publications/more_publications/Documents/HafhatatYeladim.pdf.

¹²⁸ As mentioned above, the allowance amounts are different for children who were born after June 2003 and are the third or later child, but the cut in the allowance is the same. Citation 127 above.

¹²⁹ See for example ACRI's appeal to the Prime Minister, Minister of Finance and Minister of Welfare and Social Services [Hebrew], <http://www.acri.org.il/he/?p=26899>; Hila Raz, **Legal clinics in a letter to Lapid: the cut to child allowances is against the law**, TheMarker, 13 May 2013 [Hebrew], <http://www.themarker.com/law/1.2019390>; Moti Bassok, **Yedid: The cut in child allowances will put tens of thousands of families in the street**, TheMarker, 28 April 2013 [Hebrew], <http://www.themarker.com/news/politics/1.2006047>; Adalah's appeal to the Prime Minister, Minister of Finance and Attorney General emphasizes the impact on Arab and ultra-Orthodox families, 9 May 2013: <http://adalah.org/eng/Articles/2129/Adalah-to-Finance-Ministry:-Reduction-in-child>

¹³⁰ See for example: Knesset press release (10 June 2013), http://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10804.

¹³¹ Daniel Gottlieb, **the National Insurance Institute's position on and description of the social impact of the primary proposals of the Arrangements Law for 2013-2014**, National Insurance Institute, May 2013 [Hebrew], http://www.btl.gov.il/Publications/more_publications/Pages/hesderim2013-2014.aspx.

¹³² Change in the structure of child allowances – analysis of the Knesset Research and Information Center, 27 June 2013, <http://www.knesset.gov.il/mmm/data/pdf/m03251.pdf>, pages 4-5 [Hebrew]. The document presents the government's argument according to which the cuts stem from, among other things, "The government's policy of expanding government services to children in Israel, including free education from age three, expanding support for day care and funding afternoon programs." However, in the previous year, there were across-the-board cuts to government ministries in order to subsidize early childhood education. See: Ofir Bar-Zohar, Barak Ravid, Moti Bassok and Gili Cohen, **Ministry of Defense gets an additional 1.5 billion || Across-the-board cuts approved to fund free education from age three**, Haaretz, 8 January 2012 [Hebrew], <http://www.haaretz.co.il/news/politics/1.1611896>.

¹³³ **The National Insurance Institute's position on and description of the social impact of the primary proposals of the Arrangements Law for 2013-2014**, See note 131 above (emphasis in original). A short time

after the cut came into effect, the Central Bureau of Statistics changed its definition of Israel's GNP, and as a result the deficit decreased. Afterwards, voices were heard calling for cancellation of the cuts or the VAT raise. See: Yuval Goren, **"40,000 children became poor because of a mistake"**, nrg-Maariv, 11 September 2013 [Hebrew], <http://www.nrg.co.il/online/1/ART2/506/180.html>; Yossi Greenstein, **Despite the addition: Lapid is against cancelling the cuts**, nrg-Maariv, 11 September 2013 [Hebrew], <http://www.nrg.co.il/online/1/ART2/506/183.html>.

¹³⁴ Naomi Mei-Ami, **Child Allowances in Israel: Historical Review – Update Document**, the Knesset Research and Information Center, October 2008 [Hebrew], <http://www.knesset.gov.il/mmm/data/pdf/m02177.pdf>.

¹³⁵ For more information on subsistence benefits in Israel, see: Maskit Bendel, **"No Such Thing": On the Israeli Standard for Basic Subsistence (in Dignity) and Income Support Benefits** (henceforth: **"No Such Thing"**), Position paper submitted to the Elalouf Committee to Decrease Poverty, Association for Civil Rights in Israel, October 2013 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2013/10/EinDvarKaze.pdf>.

¹³⁶ **The National Insurance Institute's position on and description of the social impact of the primary proposals of the Arrangements Law for 2013-2014**, citation 131 above.

¹³⁷ **Statistical Quarterly**, National Insurance Institute, April-June 2013, volume 43 (2) Part 4: Income Support. Tables 4.42 and 4.43 [Hebrew].

¹³⁸ **National Insurance Report (Annual Survey) 2012**, National Insurance Institute, September 2013, pages 39-40 [Hebrew], http://www.btl.gov.il/Publications/Skira_shnatit/2012/Documents/skira_2012.pdf. See also: Omri Efraim, **National Insurance benefits do not allow for living in dignity**, ynet, 2 October 2013 [Hebrew], <http://www.ynet.co.il/articles/0,7340,L-4435542,00.html>.

¹³⁹ National Insurance Appeal 6682-03-12 Avi Ben Avraham v. National Insurance Institute (ruling dated 4 July 2013 [Hebrew], http://www.nevo.co.il/psika_html/avoda/A-12-03-6682-793.htm). Cited in Miki Peled, **The National Insurance Institute trap: Restrictions that reinforce the cycle of poverty**, Calcalist, 1 August 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3609031,00.html>. The article conveys how under the cover of law there lies a Kafkaesque situation: an individuals' allowance can reach a limit of NIS 2,122 per month, an amount which is not enough for minimal subsistence; but if the person receiving the benefit also receives financial assistance from family members, even in small amounts, the National Insurance Institute will cancel his/her allowance.

¹⁴⁰ Avraham Doron and Tzippi Ziskind, **Subsistence Benefits – Proposed Program**, National Insurance Institute, 1978, page 49 [Hebrew].

¹⁴¹ **"No Such Thing"**, citation 135 above, pages 12-13.

¹⁴² **"No Such Thing"**, citation 135 above.

¹⁴³ At that time, the benefit level was 40% of the average wage. The update mechanism selected was linkage to the average wage.

¹⁴⁴ For more information on High Court of Justice rulings on the issue, and specifically the Living in Dignity High Court case, see: **"No Such Thing"**, citation 135 above.

¹⁴⁵ Atty. Maskit Bendel, **A standard for living in dignity must be determined to decrease poverty**, <http://www.acri.org.il/he/?p=28814>.

¹⁴⁶ In a significant portion of countries, the amount of the subsistence benefits is derived from the minimum wage or from the amount of a government pension. In other countries, it is derived from the consumption basket and family expenses, and is transparent and reasoned. For more information, see: **"No Such Thing"**, citation 135 above.

¹⁴⁷ For example, in September 2013, following criticism of the cuts to child allowances, the Minister of Welfare declared a program to rescue 8,000 families from poverty. The details of the program are still unknown – according to reports, the Minister is meant to place it on the government's agenda within three months. Omri Efraim, **Welfare Minister: National Insurance Institute's warnings are unacceptable**, ynet, 10 September 2013 [Hebrew], <http://www.ynet.co.il/articles/0,7340,L-4427596,00.html>.

¹⁴⁸ Based on: Alva Kolan, **Gender issues in the 2013-2014 Arrangements Law – Issues handled by the Association for Civil Rights in Israel**, Association for Civil Right in Israel, 26 May 2013 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2013/05/budget-gender0513.pdf>. See also, Yael Hasson and Noga

Dagan-Buzaglo, **What about the Working Woman? A Gender Perspective on the Budget Arrangements Law for Fiscal 2013-2014**, Adva Center, May 2013, <http://www.adva.org/default.asp?pageid=1002&itmid=738>.

¹⁴⁹ **In honor of International Women's Day: Women and Benefits**, Press release from the National Insurance Institute [Hebrew], <http://www.btl.gov.il/About/newspapers/Pages/nashimVkitsbaot.aspx>.

¹⁵⁰ Israel Fisher, **OECD report says Israelis are wealthy, but fearful**, Haaretz, 6 November 2013, <http://www.haaretz.com/business/cost-of-living-in-israel/.premium-1.556515>.

¹⁵¹ The Minister of Finance recently appointed a committee to analyze the government's budget from a gender perspective, see below.

¹⁵² In 2010, the percentage of single-parent households in Israel with dependent children at risk of poverty was 43%. Central Bureau of Statistics press release (17 October 2012) [Hebrew], http://cbs.gov.il/www/hodaot2012n/23_12_275b.doc.

¹⁵³ Tzvi Lavi, **The Arrangements Law passed the next stage. What made it in and what was taken out?**, ynet, 19 July 2013 [Hebrew], <http://www.ynet.co.il/articles/0,7340,L-4407121,00.html>.

¹⁵⁴ Many women who work part-time (some 40% of all employed women) work in "women's occupations" and earn significantly lower wages than those of men. For more information, see the first section of this report, under the title, "Discrimination in the Workplace."

¹⁵⁵ Denise Naon, et al., **Findings from the Evaluation of the Lights to Employment Program: Final Report**, National Insurance Institute and Myers-JDC-Brookdale Institute, May 2010, page 40, <http://brookdale.jdc.org.il/?CategoryID=192&ArticleID=222>; Yael Hasson, **The Israeli Wisconsin Plan: A Gender Perspective**, Women's Budget Forum [Hebrew], http://wbf.org.il/uploaded/wisconsin_heb_1.pdf.

¹⁵⁶ For criticism of the various formats of the Wisconsin Plan and the current plan, see the section of this report on privatization.

¹⁵⁷ Ministry of Finance press release (21 October 2013) [Hebrew], <http://www.mof.gov.il/Lists/List26/Attachments/597/2013-1869.docx>.

¹⁵⁸ Bank of Israel press release (19 May 2013), <http://www.boi.org.il/en/NewsAndPublications/PressReleases/Pages/19-05-2013-v.aspx>.

The appointment announcement at the Ministry of Finance website: <http://tinyurl.com/qxrmbdh> [Hebrew].

¹⁵⁹ See for example: Yuval Yoaz, **Comptroller: Ninety-four debt rearrangements totaling NIS 21 billion in four years**, Globes, 19 April 2013 [Hebrew], <http://www.globes.co.il/news/article.aspx?did=1000837276>.

¹⁶⁰ **Yedid to the Andorn Committee: The right of private debtors and households to debt restructuring should be examined**, Press release at the Yedid website, 21 July 2013 [Hebrew], <http://www.yedid.org.il/?id=5144>.

¹⁶¹ **Yedid position paper for the consideration of the Committee to Assess the Debt Restructuring Proceedings** (henceforth: "[Yedid position paper](#)"), July 2013 [Hebrew], <http://tinyurl.com/pv9azmy>.

¹⁶² See for example: Mickey Peled, **70% of the public could not afford an 8,000 shekel unusual expense**, Calcalist, 14 August 2013 [Hebrew], <http://www.calcalist.co.il/local/articles/0,7340,L-3609986,00.html>.

¹⁶³ [Yedid position paper](#), footnote 161 as cited above.

¹⁶⁴ In the section dealing with privatization, under the heading "Privatization of Tax Collection in Local Authorities".

¹⁶⁵ For a broader discussion see: **Obstacles and rights infringement in local government debt collection proceedings**, <http://www.acri.org.il/he/?p=28142>. The members of the Forum for the Struggle Against Poverty are: ACRI, Community Advocacy, The Social Work for Social Change Forum – Ben-Gurion University of the Negev, Jerusalem Municipality – Community Services Administration – Welfare Department, Paamonim, HALEV, Yedid, Ezra Migad, the Israeli Center for Social Justice, Rabbis for Human Rights, Itach-Maachi, The Haifa Partnership for the Eradication of Poverty, Shatil, and activists from communities living in poverty.

¹⁶⁶ To demonstrate, Ran Melamed, CEO of Yedid, explained the matter in a meeting of the Knesset Constitution Committee, "What happens, for example, when a person who is in financial difficulty and has debts, consolidated their debt at the Execution Office, is paying his consolidated debt as he should, and suddenly out of nowhere comes a bank account seizure from the local authority, without proper procedures, without anything? The debt

consolidation is ruined, he can't bring it back and he of course cannot pay the local authority. There is no correlation, there is no coordination, there is no work. [...] If we can solve the matter of conflicts with debt consolidations in the Execution Office, and other matters, we are making progress in some direction. The way it happens today, I think that there is truly fatal infringement on the debtor's rights, and debtors, by the way, have rights." **Protocol #28 from the Constitution, Law and Justice Committee**, 24 June 2013 [Hebrew], <http://www.knesset.gov.il/protocols/data/rtf/huka/2013-06-24.rtf>.

¹⁶⁷ Based on ACRI's appeal to the Director General of the National Insurance Institute from June 2013. The appeal and the Director General's response are at: <http://www.acri.org.il/he/?p=27909> [Hebrew].

¹⁶⁸ Rivka Aharoni, **Annual report on activity of the Enforcement and Collection Authority for 2012**, April 2013 [Hebrew], <http://www.eca.gov.il/loadedFiles/doch 2012.pdf>.

¹⁶⁹ **Annual report on activity of the Enforcement and Collection Authority for 2012**, citation 168 above. On the lack of legal representation in Execution Office proceedings see: Tal Dahan, **Situation Report: The State of Human Rights in Israel and the OPT 2011**, ACRI, December 2011, p. 9-10, <http://www.acri.org.il/he/wp-content/uploads/2011/12/State2011.pdf>.

¹⁷⁰ **Yedid position paper**, citation 161 above.

¹⁷¹ For more information, Yedid press release (27 April 2013) [Hebrew], <http://www.yedid.org.il/?id=5037>.

¹⁷² Knesset press release (13 May 2013) [Hebrew], <http://main.knesset.gov.il/News/PressReleases/Pages/press130513-8.aspx>. On the injunction and ACRI's position: <http://www.acri.org.il/he/?p=26496> [Hebrew]; Yedid's position, March 2013: <http://tinyurl.com/npextk5> [Hebrew].

¹⁷³ For more information on the defects and the dangers in privatizing capacity inquiries see: **Law and Order Inc: The Privatization of Law Enforcement in Israel**, ACRI, August 2013, Section D [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2013/10/laworderltd.pdf>. The response of the Enforcement and Collection Authority: <http://tinyurl.com/pefva4h> [Hebrew].

¹⁷⁴ From: **The Right to Water in Israel – Testimony from People Living in Poverty**, Association for Civil Rights in Israel and the Water Forum, October 2013 [Hebrew].

¹⁷⁵ As of 2014 discounts are also meant to be granted to elderly people living in poverty.

¹⁷⁶ In January 2013 ACRI petitioned the High Court of Justice together with four families whose water supply had been cut off as a result of debt, demanding that water corporations be instructed to desist cutting off water until rules were set on the matter. HCJ 671/13 Mizrahi v. the Governmental Authority for Water and Sewerage. See court filings at the ACRI website: <http://www.acri.org.il/he/?p=25643> [Hebrew]. In July 2013 the Legal Aid Division of the Ministry of Justice petitioned the High Court of Justice in the name of ten petitioners, with a request to instruct the water authority and the corporations to avoid cutting off the water supply to consumers who are unable to pay their water bills. In the petition it was claimed, *inter alia*, that the water corporations are not authorized to cut off water as a means of applying pressure on consumers to pay their debts, and certainly not consumers of limited means. The petition: <http://tinyurl.com/mnclddc> [Hebrew]. The hearing on the two petitions was merged, and they are pending.

¹⁷⁷ For examples of the difficulties which debtors face, see for example: **The Right to Water in Israel – Testimony from People Living in Poverty**, citation 174 above; **Petition of the Legal Aid Division**, citation 176 above; Almog Boker, **Because of the water bill: the bank account of a 90-year old woman was seized**, nana10, 12 August 2013 [Hebrew], <http://news.nana10.co.il/Article/?ArticleID=998050>.

¹⁷⁸ *Law of Planning and Building Procedures to Expedite Residential Construction (Temporary Order)*, 2011. The government claimed that the establishment of the NHCs will reduce bureaucracy and increase the supply of apartments in Israel, thus helping in solving the housing crisis. Human rights and planning organizations, including the Association for Civil Rights in Israel (ACRI), harshly criticized this law – both from the planning rights and transparency aspect and from the environmental aspect – and claimed that it will bring more harm than good. It was further claimed, *inter alia*, that this law bypasses the proper planning procedures, which are founded on gentle and delicate balances, and creates an additional planning system that operates alongside them; and that the procedure of approving plans through the NHCs could damage the protection of open spaces and the balance between all public interests. To read more about the law and the position of the Coalition for Affordable Housing, see ACRI's website: <http://www.acri.org.il/en/2013/01/29/coalition-report/>.

¹⁷⁹ According to the data submitted to the Knesset Committee on Internal Affairs and Environmental Protection in October 2013, out of the 26,000 apartments approved in national housing plans, only 1,627 are small apartments (6%), only 80 are rental apartments (0.3%) and no apartments at all were approved for affordable rental housing.

¹⁸⁰ Administrative Petition 44796-05-12 *Bimkom – Planners for Planning Rights v. The National Housing Committee of the Jerusalem District*. To read the petitions, see: <http://www.acri.org.il/he/?p=21496> (in Hebrew). For more on the hearings see also: Ranit Nahum-Halevy, “Israel’s Legal Mechanism for Creating Affordable Housing Doesn’t Work, State Admits,” *Haaretz / TheMarker*, 15 January 2013, <http://www.haaretz.com/business/israel-s-legal-mechanism-for-creating-affordable-housing-doesn-t-work-state-admits.premium-1.494186>.

¹⁸¹ Law of Planning and Building Procedures to Expedite Residential Construction (Temporary Order) (Amendment), 2013 (in Hebrew), <http://www.knesset.gov.il/Laws/Data/BillGovernment/799/799.pdf>.

¹⁸² To read about the 2010 reform and the positions of various organizations, including the Association for Civil Rights in Israel, see ACRI’s website: <http://www.acri.org.il/he/?p=1462> (in Hebrew).

¹⁸³ Planning and Building Law (Proposed Amendment 102), 2013 (in Hebrew). The positions of the Coalition for Affordable Housing, the Social-Environmental Council for Planning, ACRI and Bimkom can be found on ACRI’s website: <http://www.acri.org.il/he/?p=28579> (in Hebrew).

¹⁸⁴ This, according to the position of the legal adviser to the Ministry of Interior and of the Deputy Attorney General (for civil matters). For more on this, see the position of the Coalition for Affordable Housing <http://www.acri.org.il/he/?p=28579> (in Hebrew).

¹⁸⁵ Public Housing Law (Purchase Rights), 1998 (in Hebrew), http://www.nevo.co.il/Law_word/law01/069M1_001.doc.

¹⁸⁶ Talila Neshet, “Despite Taking Effect, Public Housing Law is again Postponed,” *Haaretz*, 1 January 2013 (in Hebrew), <http://www.haaretz.co.il/news/education/1.1897599>.

¹⁸⁷ HCJ 519/13 *Ran Cohen v. The Minister of Construction and Housing*. The petition is still pending.

¹⁸⁸ “Ministers of Finance and Housing Agree on Renewal of Public Housing Apartment Sales to Those Entitled,” *Ministry of Construction and Housing website*, 20 June 2013 (in Hebrew), <http://www.moch.gov.il/Spokesman/Pages/DoverListItem.aspx?ListID=5b390c93-15b2-4841-87e3-abf31c1af63d&WebId=fe384cf7-21cd-49eb-8bbb-71ed64f47de0&ItemID=493>.

¹⁸⁹ Memorandum of the Public Housing Law (Purchase Rights) (Amendment 6), 2013. The Knesset vote on the law in its current version, which was supposed to take place in mid-October, was postponed in order to enable the continuation of the public debate and the presentation of objections. Zvi Zerachia, “Lapid Heeds Request of MK Levi-Abekasis: Vote on Public Housing Law Postponed by Two Weeks,” *Haaretz / The Marker*, 15 October 2013 (in Hebrew), <http://www.themarker.com/news/politics/1.2140764>. As of November 2013, the vote has not yet taken place.

¹⁹⁰ State Comptroller, **Annual Report 64a**, 15 October 2013, p. 303 [Hebrew], <http://www.mevaker.gov.il/he/Reports/Pages/113.aspx>. It should be further noted that, in addition to the 2,500 veteran families, 30,000 more families and individuals who are new immigrants are also waiting for public housing.

¹⁹¹ **Annual Report 64a**, p. 311, See note 190.

¹⁹² The response of the Coalition for Affordable Housing to the findings of the State Comptroller: “[State Comptroller Concludes: Severe Shortage in Public Housing Apartments](#),” *ACRI*, 15 October 2013 [in Hebrew]; Yuval Goren, “Welfare Personnel against Public Housing Law: ‘Catastrophic’,” *NRG-Maariv*, 19 November 2013 [Hebrew], <http://www.nrg.co.il/online/1/ART2/523/285.html>.

¹⁹³ Administrative Petition 20761-10-11 *Association for Civil Rights in Israel v. The Tel-Aviv-Jaffa Municipality*. To read more: <http://www.acri.org.il/en/2012/11/19/homeless-cannot-be-evicted-from-public-spaces/>.

¹⁹⁴ The members of the Forum are ELEM – Youth in Distress, ACRI and the Sapir Academic College.

¹⁹⁵ “[The Homeless Index](#),” *Institute for Structural Reforms*, June 2013 (in Hebrew). For more on the findings of this report, see: Nimrod Bouso, “189,000 Israeli Families Live in Temporary Housing,” *TheMarker / Haaretz*, 18 June 2013, <http://www.haaretz.com/business/.premium-1.530532>.

¹⁹⁶ For more on this subject and for examples of services that were privatized, see: Tali Nir, **Between Realization and Dehydration: How Israeli Governments Drained Social Services**, ACRI, July 2012,

- ²¹³ For a list of guiding principles for executing privatizations see: **Law and Order Ltd.** (ibid.), p. 80-81; “**ACRI to Attorney General: Publish Regulations Regarding Privatization Processes**,” *ACRI*, 26 October 2008 [Hebrew], <http://www.acri.org.il/he/?p=1976>.
- ²¹⁴ Zvi Zrahiya, “Livni: Public Bodies Will Publish Contracts with Private Bodies,” *TheMarker / Haaretz*, 8 September 2013 (in Hebrew), <http://www.themarker.com/news/1.2114716>. It should be noted that in November 2012, ACRI and the Movement for Freedom of Information turned to the Attorney General with a similar demand: <http://www.acri.org.il/he/?p=24650>.
- ²¹⁵ Noam Fischman and Denise Naon, **Follow-Up Study of Individuals Referred to the Lights to Employment Program at Time of Discontinuation of the Program and Eight Months Later**, Myers-JDC-Brookdale Institute and the National Insurance Institute, October 2012, <http://brookdale.jdc.org.il/Uploads/PublicationsFiles/Orot-Taasuka-English-summary.pdf>.
- ²¹⁶ Leah Ahdut et al., **Evaluation Study of the Mehalev Program – Concluding Report No. 6**, National Insurance Institute and the Myers-JDC-Brookdale Institute, November 2008 (in Hebrew), <http://brookdaleheeb.jdc.org.il/Uploads/PublicationsFiles/514-08-Mehalev-REP-HEB.pdf>; Denise Naon et al., **Evaluation of the Plan Lights to Employment – Research Findings, Final Report**, National Insurance Institute and the Myers-JDC-Brookdale Institute, May 2010 (in Hebrew), [http://brookdaleheeb.jdc.org.il/Uploads/PublicationsFiles/Lights-to-Employment-REP-HEB-2010\(1\).pdf](http://brookdaleheeb.jdc.org.il/Uploads/PublicationsFiles/Lights-to-Employment-REP-HEB-2010(1).pdf).
- ²¹⁷ Among the organizations that acted to end this program: Community Advocacy, Rabbis for Human Rights, Saut al-Amal, the Mizrahi Democratic Rainbow and the Association for Civil Rights in Israel (ACRI). For more information, see: the follow-up project founded by the organizations Community Advocacy and Commitment to Peace and Social Justice: <http://advocacy.org.il/content/view/25/47> (in Hebrew); the petition of the aforementioned organizations against the Wisconsin Plan, HCJ 3101/10 Association for Civil Rights in Israel v. The Minister of Industry, Trade and Commerce: <http://www.acri.org.il/en/?s=wisconsin>.
- ²¹⁸ State Comptroller, *Several Aspects of the Mehalev Program (the “Wisconsin Plan”)*, June 2007 (in Hebrew).
- ²¹⁹ Report of the Committee for Reviewing the Mehalev Program (Dinur Committee), Prime Minister's Office, June 2007 (in Hebrew), <http://www.pmo.gov.il/policyplanning/Documents/doch.pdf>.
- ²²⁰ For more on the draining of the Employment Service, see: [Between Realization and Dehydration](#) (See note 196), p. 7-8.
- ²²¹ According to the calculations of human rights organizations, the budget of the Lights to Employment program was 14 times bigger than the budget of the Employment Service in the same period, yet the program's job-placement rate was only two times that of the Employment Service. See: **No, Minister!**, Association for Civil Rights in Israel, Rabbis for Human Rights, the Mizrahi Democratic Rainbow and Community Advocacy, 2009 (in Hebrew), <http://www.acri.org.il/he/wp-content/uploads/2011/08/wisconsin-lo-adoni-hasar.pdf>.
- ²²² Proposed Bill: **Encouragement for Heading to Work**, 2013 (in Hebrew), <http://knesset.gov.il/committees/heb/material/data/kalkala2013-11-11-02.pdf>.
- ²²³ For more in English, see: <http://www.acri.org.il/en/2013/05/30/heading-to-work-an-exact-replica-of-past-bill-rejected-by-knesset/>.
- ²²⁴ For comments by ACRI, Rabbis for Human Rights and Community Advocacy: <http://www.acri.org.il/he/?p=27884>.
- ²²⁵ This section is based on [Law and Order Ltd.](#) (See note 173), chapter 4.
- ²²⁶ The Tax Order (Collection) was applied to the collection of municipal rates and other required payments to the local authority under the Finance Minister Orders, which have been extended since 2000: Tax Order (Collection) (General Municipal Rate and Required Payments to the Local Authorities) (Temporary Order) (Amendment), 2002. The power of administrative collection of municipal rates is also granted to municipal authorities under the Municipal Authorities Order [New Version], chapter 15.
- ²²⁷ Recently, the Knesset's Constitution, Law and Justice Committee called upon the Finance Minister to revoke the power of municipal authorities to collect taxes under the Tax Order (Collection). MK David Rotem, chair of the committee, stated that “local authorities should collect their debts through the accepted channels of sending bills and, when necessary, turning to the courts, the way every debt is supposed to be sorted.” **Constitution Committee Calls upon the Finance Minister to Revoke the Powers Granted to Local Authorities under the**

Tax Order,” *Knesset Spokesperson*, 24 June 2013 (in Hebrew),
http://www.knesset.gov.il/Committee_online/NewDesign/News.asp?NewsID=655.

²²⁸ “Constitution Committee Calls upon the Finance Minister” (Ibid.).

²²⁹ For example, the website of the Milgam company lists the various collection services it provides,
http://www.milgam.com/eng/page.php?instance_id=3&actions=show&id=50.

²³⁰ For example, in a tender published by the Haifa Municipality for employing private companies in conducting collections of parking tickets, the roles of collection company are listed: investigating the debtor's address, place of work and ownership of other assets; negotiating with debtors to arrange their debts under the municipality's instructions and in coordination with it; operating a repossession mechanism for payment refusers, under the municipality's authorization; legal procedures and holding reception hours. *Invitation for Offers for the Execution of Parking Debt Collection Services*, Haifa Municipality, public tender no. 11/2003, 2003 (in Hebrew).

²³¹ For example, an agreement between the Eilat Municipality and the Milgam company, regarding the collection of parking fees, establishes that the contractor “will turn to the Ministry of Transportation and/or the Ministry of the Interior in order to receive any detail and/or information necessary for executing its duties as stated above.” Section 14a of the *Agreement Concerning Assistance Services for the Parking Authority of the Eilat Municipality between the Eilat Municipality and Milgam Services Ltd.*, 20 January 2009.

²³² The wide scope of the collection companies' activities can be inferred from the data concerning municipal rate collections in the Netanya municipality: In 2011, the M.G.A.R. Company, contracted by the municipality, sent out 9,909 payment requests and conducted 2,559 listed repossessions and 1,195 actual repossessions. Yossi Soiro, income department, Netanya municipality, reply dated 26 June 2012 to a freedom of information request filed by the Association for Civil Rights in Israel (ACRI). Soiro notes in his reply that the number of actual repossessions does not reflect the number of incidents in which possessions were taken out of a house and that the number of such cases is close to zero. “In effect, it means reaching a debt arrangement following the threat of taking out possessions in the vast majority of cases.”

²³³ In an exceptionally harsh judgment, the Haifa District Court related to the use of administrative collections by local authorities and to the privatization of discretion: “True, the final authorization to take collection measures is provided by a source in the municipal authority. **However, any knowledgeable person can understand that in a large local authority, it is impossible to review the details of each case. The authority trusts, in most cases, the discretion of the collection company.**” Administrative Appeal (Hai) 3061/06 Israel Railways v. The Hadera Municipality, 19 September 2007, article 91 [Hebrew], http://www.nevo.co.il/psika_html/minhali/mm06003061-1a.htm.

²³⁴ For example: Amit Goldenberg, “**Shohar Measures,**” *NRG-Maariv*, 30 November 2008 [Hebrew], <http://www.nrg.co.il/online/54/ART1/818/115.html>; Ziv Goldfischer, “**Netanya: The Small Citizen's Victory over the Municipality's Collection Company,**” *Maariv / Zman Netanya*, 30 August 2011 [Hebrew], <http://www.nrg.co.il/online/54/ART2/277/532.html>. See also the statement made by MK Hana Swaid in Protocol No. 28 from the Meeting of the Knesset's Constitution, Law and Justice Committee, 24 June 2013, p. 16 (in Hebrew), <http://www.knesset.gov.il/protocols/data/rtf/huka/2013-06-24.rtf>.

²³⁵ Instructions of the Attorney General, Instruction No. 7.1002, Using Administrative Collection Procedures under the Tax Order (Collection), February 2012, article 8.2 (in Hebrew), <http://old.justice.gov.il/NR/rdonlyres/0EF572B5-1E70-4D55-B322-7405B09BF91C/36379/71002.pdf>.

²³⁶ HCJ 9474/00 Eliezer Gal v. The Haifa Municipality, 21 November 2005 (in Hebrew), http://www.nevo.co.il/psika_html/elyon/00094740-n24-e.htm.

²³⁷ Notice of the Director General of the Ministry of the Interior No. 2/03, *Regulation for the Employment of Collection Companies*, March 2003.

²³⁸ State Comptroller, *Reports on Inspection in Local Authorities for 2008*, p. 434 (in Hebrew).

²³⁹ Ibid., p. 428.

²⁴⁰ For example, a representative of the Ministry of the Interior, Atty. Nathan Babayof, declared during a meeting of the Knesset Committee on Internal Affairs and Environmental Protection in December 2011, that a draft version of the bill is ready and will soon be promoted (Protocol No. 462 from the Meeting of the Committee on Internal Affairs and Environmental Protection, 6 December 2011; in Hebrew), <http://www.knesset.gov.il/protocols/data/rtf/pnim/2011-12-06.rtf>; during a meeting of the Constitution

Committee in June 2013, a representative of the Ministry of the Interior, Ittiel Malakhi, estimated that the proposed bill on this matter will be brought before the Ministerial Committee on Legislation “in the coming weeks” (Protocol No. 28 from the Meeting of the Constitution, Law and Justice Committee, see above; in Hebrew), <http://www.knesset.gov.il/protocols/data/rtf/huka/2013-06-24.rtf>. As of mid-October 2013, this has not yet happened.

²⁴¹ HCJ 4113/13 *The Coordinating Bureau of Economic Organizations v. The Minister of the Interior*. See: Ora Coren, “High Court Petition: Stop Collection of Municipal Rates Using External Lawyers,” *Haaretz / TheMarker*, 10 June 2013 (in Hebrew), <http://www.themarker.com/news/1.2042745>.

²⁴² *State Comptroller's Report 64a* (See note 190), p. 763 and onwards (in Hebrew).

²⁴³ HCJ 7146/12, **Adam v. The Knesset** (hereafter: *Anti-Infiltration Law Petition*), judgment granted on 16 September 2013, Paragraph 120 of the opinion of Justice Arbel, http://elyon1.court.gov.il/files_eng/12/460/071/b24/12071460.b24.pdf.

²⁴⁴ *Anti-Infiltration Law Petition* (Ibid.). The petition was filed by the Clinic for Migrants' Rights at the Academic Center for Law and Business, the Refugee Rights Clinic at the Tel Aviv University Faculty of Law, the Association for Civil Rights in Israel (ACRI), Hotline for Migrant Workers, ASSAF Aid Organization for Refugees and Asylum Seekers in Israel, Kav LaOved and the African Refugee Development Center (ARDC), with a group of five asylum seekers. For more resources on this petition, see ACRI's website: <http://www.acri.org.il/en/2013/09/16/anti-infiltration-overturned/>. See note 241.

²⁴⁵ Regarding the conditions of incarceration see, for example, the response of the plaintiffs to the state's response in the *Anti-Infiltration Law Petition*, May 2013, <http://www.acri.org.il/he/wp-content/uploads/2013/05/hit7146otrim0513.pdf> [Hebrew], Paragraphs 50-57; Nurit Wurgaft, “**Cigarettes and Soap for Snitching: Migrants Tell of Life in Saharonim and Ketziot**,” *Haaretz*, 19 September 2013 [Hebrew], <http://www.haaretz.co.il/news/education/.premium-1.2122044>.

²⁴⁶ “[T]he proceeding for individual examination and release on bail must be commenced **immediately**,” Paragraph 118 to the opinion of Justice Arbel in the *Anti-Infiltration Law Petition* (see above).

²⁴⁷ The motion, the state's response and the plaintiffs' response to the state's claims: <http://www.acri.org.il/en/2013/10/28/infiltration-contempt/>.

²⁴⁸ Regarding this hearing: Ilan Lior, “HCJ: State Must Increase Pace of Release of Incarcerated Migrants,” *Haaretz*, 7 November 2013 [Hebrew].

²⁴⁹ For further information: Atty. Yonatan Berman and Atty. Oded Feller, “**Pushing Israel's Asylum Seekers into a Legal Twilight Zone**,” *Haaretz* op-ed, 18 April 2013, <http://www.haaretz.com/opinion/pushing-israel-s-asylum-seekers-into-a-legal-twilight-zone.premium-1.516015>; for a position paper by Physicians for Human Rights – Israel, Hotline for Migrant Workers, Kav LaOved, Association for Civil Rights in Israel, Amnesty International and ASSAF Aid Organization for Refugees and Asylum Seekers in Israel, October 2013 [Hebrew]: <http://www.acri.org.il/he/wp-content/uploads/2013/10/refugees-work1013.pdf>.

²⁵⁰ This section is based on **You Don't Return People to a Dictatorship** – Urgent Call by Israeli Human Rights Organizations to Stop the Deportation to Eritrea, a position paper by ASSAF Aid Organization for Refugees and Asylum Seekers in Israel, Hotline for Migrant Workers, Kav LaOved, Association for Civil Rights in Israel, Amnesty International and Physicians for Human Rights – Israel, 25 July 2013 [Hebrew], <http://www.phr.org.il/default.asp?PageID=52&ItemID=1796>.

²⁵¹ Regarding the situation in Eritrea, see the judgment on the matter of the *Anti-Infiltration Law Petition*, Paragraph 6 to the opinion of Justice Arbel, See note 243.

²⁵² As stated above, the *Anti-Infiltration Law* enabled the State of Israel to hold asylum seekers in detention facilities for up to three years, without trial. Under this law, Eritrean and Sudanese nationals were incarcerated for protracted periods.

²⁵³ “**Israel: New Pressure on Asylum Seekers to Leave**,” *Human Rights Watch*, 23 July 2013, <http://www.hrw.org/news/2013/07/23/israel-new-pressure-asylum-seekers-leave>.

²⁵⁴ “**A Solution to Our Problem – or We're Dead**,” *Walla*, 9 July 2013 [Hebrew], <http://news.walla.co.il/?w=/2952/2659039>.

²⁵⁵ Talila Neshet, "Israel Secretly Repatriated 1,000 to Sudan, Without Informing UN," *Haaretz*, 26 February 2013, <http://www.haaretz.com/news/diplomacy-defense/israel-secretly-repatriated-1-000-to-sudan-without-informing-un.premium-1.505806>.

²⁵⁶ Talila Neshet, "UN Demands Israeli Explanation over Secret Deportation of Sudanese Migrants," *Haaretz*, 27 February 2013, <http://www.haaretz.com/news/national/un-demands-israeli-explanation-over-secret-deportation-of-sudanese-migrants.premium-1.506071>.

²⁵⁷ Protocol No. 95 from the meeting of the Committee for Internal Affairs and Environmental Protection, 17 September 2013 [Hebrew]:

"Ben Ami: 'I want to say that the judgment ignored the issue of voluntary exit, which is a preferred route. Completely ignored. I think that the route we were working in, of voluntary exit, was beginning to make its mark.'

MK Regev: 'Just explain that voluntary exit requires the transfer of these migrant workers from the streets to the detention facilities, where they sign the forms as the Attorney General has instructed us, and receive the funds they are supposed to get and voluntarily leave to a third country. With the HCJ now preventing us from bringing them to a detention facility, we cannot continue with the same policy of exit to a third country, of voluntary exit [...]'

Ben Ami: 'After receiving the authorization of the Attorney General to initiate a route of voluntary exit even from custody, we in fact offer infiltrators a grant of 1500 dollars, they sign their consent to voluntarily exit [...] they choose to return to their countries. I want to say that hundreds have exited, returned to Sudan, and more than dozens returned to Eritrea [...] We had an important momentum of this route, which we fear that this judgment now might also affect.'

²⁵⁸ The majority of asylum seekers and persons who entered Israel through the Egyptian border hold such permits. In accordance with the Supreme Court ruling in HCJ 6312/10 *Kay LaOved v. The Government of Israel*, the state refrains from taking measures against individuals employing asylum seekers holding these permits.

²⁵⁹ AAP 8642/12, *Senait Tasfahuna v. Ministry of Interior* (judgment from 4 February 2013) [Hebrew].

²⁶⁰ AAP 4498/13, *Senait Tasfahuna v. Ministry of Interior* (judgment from 29 July 2013) [Hebrew].

²⁶¹ Tasfahuna's story is told here: Oded Feller and Yonatan Berman, "Eritrean Woman Who Bought a Fake Permit to Work in Cleaning – A Danger to Public Safety," *Laissez Passez*, 6 February 2013 [Hebrew], http://www.mehagrim.org/2013/02/blog-post_6.html.

²⁶² Ilan Lior, "Attorney General Approves: Protracted Detention for Migrants Suspected of Committing Minor Offenses," *Ha'aretz*, 3 July 2013 [Hebrew], <http://www.haaretz.co.il/news/education/1.2062778>; Avi Ashkenazi, "500 Foreign Nationals from Africa Held in Administrative Detention," *Maariv*, 9 July 2013 [Hebrew]. The more austere version of the procedure: <http://www.piba.gov.il/Regulations/10.1.0010.pdf> [Hebrew].

²⁶³ "Attorney General Approves," "500 Foreign Nationals," See note 262.

²⁶⁴ These examples are taken from "Attorney General Approves" (See note 262) and from the request to participate as *amicus curiae* filed by the Hotline for Migrant Workers, the Association for Civil Rights in Israel (ACRI) by means of the Clinic for Migrants' Rights at the Academic Center for Law and Business.

²⁶⁵ Ilan Lior, "[Israel's AG Orders Release of Two Sudanese Asylum Seekers Jailed Without Evidence of Crime](http://www.haaretz.com/news/national/israel-ag-orders-release-of-two-sudanese-asylum-seekers-jailed-without-evidence-of-crime)," *Haaretz*, 25 July 2013.

²⁶⁶ *Amicus curiae* request, See note 264.

²⁶⁷ The lawyers' letter can be found on the website of Hotline for Migrant Workers: <http://www.hotline.org.il/hebrew/pdf/WeinsteinLetter.pdf> (in Hebrew).

²⁶⁸ The position of the Public Defense, 22 July 2013: <http://tinyurl.com/q8x9sr2> (in Hebrew). This brief was filed in the framework of a request to participate as *amicus curiae* in a process in which Hotline for Migrant Workers represented a Sudanese citizen, who had been arrested in accordance with this procedure.

²⁶⁹ "Freezing the Procedure Regarding Infiltrators Involved in Crimes," announcement on the Ministry of Justice website, 23 September 2013, <http://index.justice.gov.il/Publications/News/Pages/HakpaatNohal.aspx>; Revital Hovel and Yarden Skoop, "Weinstein Orders Freezing of Procedure Enabling Prolonged Detention of Migrants," *Ha'aretz*, 23 September 2013 [Hebrew], <http://www.haaretz.co.il/news/law/1.2125338>.

²⁷⁰ See the section regarding the Anti-Infiltration Law earlier on in this chapter

²⁷¹ Thus, the state announced to the Supreme Court, in a contempt of court motion submitted to the High Court of Justice, regarding anti-infiltration law, discussed at the beginning of this chapter. The information was mailed to ACRI by the Hotline for Migrant Workers on 27 November 2013.

²⁷² AJ, eight years old, is recounting the detention at the Yahalom facility. For AJ's testimony, as well as other testimonies and videotaped arrests of children, watch this video made by the organization Israeli Children: <http://www.youtube.com/watch?v=IF9pHTjZV0U> [Hebrew].

²⁷³ For example, Member of Knesset Ilan Gilon reported that he had come across two cases of children who were being held at the facility for five and seven months. His report was mentioned in: Yehuda Shohat, "Summer Vacation Ends," *Yedioth Ahronoth*, 26 August 2013 [Hebrew].

²⁷⁴ The State Comptroller's report found that, according to the Yahlaom facility's records, only in half the cases examined has the family met with a social worker. PIBA's response to the State Comptroller maintained that all families being held in the facility met with a social worker, but that initially these meetings had not been documented. State Comptroller's annual report 63c, released 2012 regarding the financial year of 2011 (Henceforth "Annual Report 63c"), May 2013. p. 1908 [Hebrew]. In interviews conducted by the organization Israeli Children, some of the mothers testified that they had not met with a social worker during their stay at the facility.

²⁷⁵ See, for example, "Summer Vacation Ends" (See note 271).

²⁷⁶ State Comptroller's Annual Report 63C, p. 1907 (See note 274).

²⁷⁷ See "Summer Vacation Ends" (See note 273); video made by the organization Israeli Children (See note 270).

²⁷⁸ State Comptroller's Annual Report 63C, p. 1907 (See note 274). The report notes that, "the Immigration Authority has replied in November 2012 that it is aware of the importance of the instructions and procedures and of the inspectors maintaining them, and in light of that will again clarify them to the inspectors. It added that every enforcement activity is examined according to specific operational needs; therefore, there might be incidents in which several teams partake in an enforcement activity; recently, the inspector procedures have been amended in order to minimize damage to the minors as much as possible."

²⁷⁹ Regarding the conditions at the Saharonim prison, see the petitioners' response to the state's response in the Anti-Infiltration Law Petition and "[Cigarettes and Soap for Snitching](#)," (See note 245).

²⁸⁰ Ilan Lior, "Israel Releases 19 African Women and Children 'Infiltrators' from Detention Center," *Haaretz*, 8 May 2013, <http://www.haaretz.com/news/national/israel-releases-19-african-women-and-children-infiltrators-from-detention-center-1.519800>. The mother and her daughters were represented by Hotline for Migrant Workers.

²⁸¹ State Comptroller's report (See note 274), p. 1851.

²⁸² Committee on the Rights of the Child, "http://www.crin.org/docs/Country_Care_Review_Israel.pdf," 4 July 2013.

²⁸³ State Comptroller's Annual Report 63C (See note 274). The report relates to 2012, but the majority of its findings regarding the detention and arrest of children hold true for the following year as well.

²⁸⁴ State Comptroller's Annual Report 63C, p. 1850-1851.

²⁸⁵ State Comptroller's Annual Report 63C, p. 1912.

²⁸⁶ State Comptroller's Annual Report 63C, p. 1850.

²⁸⁷ State Comptroller's Annual Report 63C, p. 1908.

²⁸⁸ State Comptroller's Annual Report 63C, p. 1908-1909.

²⁸⁹ See the amended petition in AP 29231-08-11 *Matias v. Minister of Interior*, <http://www.acri.org.il/he/wp-content/uploads/2011/08/hit29231.pdf>, Paragraph 53 (in Hebrew).

²⁹⁰ International Detention Coalition, **There Are Alternatives: A handbook for preventing unnecessary immigration detention**, 2011, <http://idcoalition.org/cap/handbook/>.

²⁹¹ See, for example, petitions by NGOs, including ACRI: AP 1113/03 *Mok v. the Minister of Interior*; AP 1885/05 *Wong Van Phong v. the Minister of Interior*; HCJ 8204/05 *Rubio v. the Government of Israel*; AAP 1086/09 *Cruz v. the Minister of Interior*. The petitions can be found on ACRI's website: <http://www.acri.org.il/he/?p=1980> (in Hebrew).

²⁹² “**Government Policy Regarding non-Israeli Employees and Expanding Employment Opportunities for Israelis**,” *Government Decision No. 3996*, 24 August 2008, <http://www.pmo.gov.il/Secretary/GovDecisions/2008/Pages/des3996.aspx>.

²⁹³ One of the leaders of this campaign was the organization Israeli Children, which was founded that summer in order to promote the rights of children of migrant workers who were born, raised and educated in Israel. In July 2013, Israeli Children was incorporated into ACRI: <http://www.acri.org.il/en/2013/07/28/israeli-children/>.

²⁹⁴ For more information on the arrests of these children ahead of their deportation, see sub-section above entitled, ‘Arrest and Detention of Children’, within this chapter.

²⁹⁵ This section was written by Attorney Carmit Shay from the Association of Law in the Service of the Elderly. For more information on the organization, see www.elderlaw.org.il/english.asp?elderlaw=2174.

²⁹⁶ In practice, following the legislation of the 2004 Retirement Age Law and in accordance with the eligibility age for receiving old-age benefits, a “male senior citizen” in Israel is a person over age 67, while a “female senior citizen” can be a woman over age 62. In practice, most of the statistics in Israel and around the world define persons age 65 and up as senior citizens.

²⁹⁷ See for example: Israel Doron and Carmit Shay, **Ageism Neglect and Abandonment**, from Hana Katz and Erez Tzfadia (ed.) **Abandoning State - Surveillancing State**, Resling 2010, p. 261 [Hebrew]; Israel Doron (ed.), **Ageism in Israeli Society**, Van Leer Institute, 2013; Israel Doron, **Old Age in Courts of Justice – Older Persons and Ageism in Israel's Supreme Court of Justice**, Resling, 2013 [Hebrew].

²⁹⁸ As of 2011, the poverty rate for seniors was 19.4%. Miri Endeweld, Netanela Barkali, Daniel Gottlieb, Alex Fruman, **Poverty and Social Gaps in 2011, Annual Report** (“The Poverty Report”), National Insurance Institute, November 2012, p. 23, http://www.btl.gov.il/EnglishHomepage/Publications/Poverty_Report/Pages/oni-e2011.aspx.

²⁹⁹ Data provided by MK Itzik Shmuli, **Protocol number 15, Knesset Labor, Welfare and Health Committee**, 20 May 2013 [Hebrew].

³⁰⁰ **The Pensioners**, Israel Social TV, 19 December 2012, <http://tv.social.org.il/en/the-pensioners-eng-sub>.

³⁰¹ Tali Heruti-Sover, **National Insurance Institute: One quarter of seniors in Israel needed income supports in 2012**, TheMarker, 6 October 2013 [Hebrew], <http://www.themarker.com/career/1.2133077>.

³⁰² For data and testimony, see: http://info.org.il/teeth4all/wp-content/uploads/2012/01/TeethReport_2011.pdf [Hebrew].

³⁰³ **Without Teeth**, Israel Social TV, 13 May 2013, <http://tv.social.org.il/en/without-teeth-eng>.

³⁰⁴ National Health Insurance Law (proposed amendment – Dental care for persons over 65 years of age) 2013 (P/19/794) [Hebrew], <http://www.knesset.gov.il/privatelaw/data/19/794.rtf>.

³⁰⁵ For further background on the state of long-term care and its reform, see documents at ACRI’s website: <http://www.acri.org.il/en/2012/07/02/nursing-care-conference/>

³⁰⁶ Israel signed the international document written by the UN following the Second World Assembly on Ageing in Madrid in 2002. Following the Assembly, the participating countries adopted the principles on the rights of the elderly, including the “Aging in Place” principle, which is the right to age at home. See:

http://www.un.org/en/events/pastevents/pdfs/Madrid_plan.pdf, United Nations, 2002; **The Madrid International Plan of Action on Ageing: Guiding Framework And Toolkit For Practitioners & Policy Makers**, United Nations, March 2008, https://www.un.org/ageing/documents/building_natl_capacity/guiding.pdf.

³⁰⁷ HCJ 1192/12 **Anonymous vs. Nehama Merom, Social Worker for the Haifa Municipality** (Ruling dated 4 February 2013) [Hebrew].

³⁰⁸ It is important to emphasize that this section deals with the mandatory retirement of workers who are interested in continuing their work, but does not refer to raising of the retirement age. ACRI does not support the concept of raising the retirement age, due primarily to the discriminatory effects it has upon women in the labor force.

³⁰⁹ Lilach Luria, **Fulfillment of Mandatory Retirement: a small step towards the 21st century**, Insights on Legal Rulings Memo 5, April 2013, Emile Zola Chair for Human Rights [Hebrew],

http://www.colman.ac.il/research/research_institute/katedra_HumanRights/Psika/Documents/5_april_2013_3_luria.pdf.

³¹⁰ Labor Appeal 209-10 [Libby Weinberger vs. Bar Ilan University](#) (ruling dated 6 December 2012).

³¹¹ Article 2 of [the Employment \(Equal Opportunities\) Law, 1988](#), determines that, inter alia, an employer is forbidden from discriminating between employees on the basis of age.

³¹² HCJ 9134/12 Moshe Gabish et al. v. the Knesset. About the petition: Yuval Yoaz, **Petition to the High Court of Justice: Repeal the article that requires workers to retire at age 67**, Globes, 19 December 2012 [Hebrew], <http://www.globes.co.il/news/article.aspx?did=1000807605>.

³¹³ Israel Doron, **Aging Law and Justice** (Second Edition), Eshel, 2010, p. 17-34 [Hebrew].

³¹⁴ On the guardianship appointment procedure and the flaws and deficiencies in training and oversight of guardians, see: HCJ 2857/13 [Association of Law in the Service of the Elderly v. the General Guardianship Division of the Ministry of Justice](#).

³¹⁵ State Comptroller of Israel, Annual Report (41a, 1990, regarding the 1989 financial year) p. 363; Annual Report (54b, 2003, regarding the 2002 financial year) p.657; [Annual Report 62 2011 and Accounts for the 2010 Fiscal Year](#), May 2012, p. 815-851.

³¹⁶ "The manner in which the Ministry of Welfare and Social Services recommends that the courts appoint guardians for wards and the General Guardian of the Ministry of Justice's only partial supervision of guardians is insufficient and is fertile ground for those seeking to exploit wards and their property. This amounts to abandonment by the State." State Comptroller, Annual Report 62, p. 818 (See note 315).

³¹⁷ [HCJ 2857/13 Association of Law in the Service of the Elderly v. the General Guardianship Division at the Ministry of Justice](#), See note 314.

³¹⁸ For more on the clinic and its activities: http://www.clb.ac.il/english/law_clinics.html

³¹⁹ For more information on the coalition's activities and a summary of the deliberations, see: <http://social.un.org/ageing-working-group/>

See also a document written by the coalition of organizations at the website of Association of Law in the Service of the Elderly: http://www.elderlaw.org.il/files/file_4570.pdf

³²⁰ This section was written by Ronit Sela, Director of the East Jerusalem Project at ACRI.

³²¹ CA 2250/06 [The Custodian of Absentee Property V. Daqaq Nuha](#); CA 5931/06 [Daoud Khattab Hussain V. Shaul Cohen](#); CA 6580/07 [The Custodian of Absentee Property V. The estate of the late Taleb Ali Abdullah Abu Zahria](#); CA 2038/09 [Dr. Walid Abdul Hadi 'Ayyad](#)

[V. The Custodian of Absentee Property](#). The first two cases relate to properties located in Beit Hanina, the third in Beit Safafa, and the fourth being the Cliff Hotel near Abu Dis. The appeals are being heard in a consolidated hearing. For the most recent hearing see also: Nir Hasson, **Israeli court may suspend law used to take over Palestinian land in Jerusalem**, Haaretz, 11 September 2013, <http://www.haaretz.com/news/diplomacy-defense/.premium-1.546307>.

³²² Nir Hasson, **Israel's AG: Absentee properties in East Jerusalem can be confiscated**, Haaretz, 5 June 2013, <http://www.haaretz.com/news/national/.premium-1.527836>.

³²³ For further reading on the subject of international humanitarian law, see the professional opinion published by Adalah, which requested to appear as amicus curiae for the purpose of legal argument in the aforementioned consolidated appeals hearing in the Supreme Court, July 2013, http://adalah.org/Public/files/English/Legal_Advocacy/Adalah-Amicus-Absentee-Property-Jerusalem-English-Aug-2013.pdf

³²⁴ One of the aforementioned cases currently under appeal.

³²⁵ Meron Rapoport, **Shady Dealings in Silwan**, Ir Amim, May 2009, <http://www.ir-amim.org.il/sites/default/files/Silwanreporteng.pdf>.

³²⁶ For a historical overview see: **Absentees Against Their Will: Property Expropriation in East Jerusalem Under the Absentee Property Law**, Ir Amim, July 2010, <http://www.ir-amim.org.il/sites/default/files/Absenteesagainsttheirwill.pdf>.

³²⁷ Rapoport, **Shady Dealings in Silwan**. See note 325.

³²⁸ Quotation taken from the professional opinion presented by Adalah in the aforementioned consolidated appeals hearing, See note 323.

³²⁹ **Notice from the state to the Supreme Court regarding absentee property**, from the Justice Ministry's website, 29 August 2013 [Hebrew], <http://index.justice.gov.il/Pubilcations/News/Pages/NichseyNifkadim.aspx>.

³³⁰ Revital Hovel and Nir Hasson, Palestinians with security records won't get back seized East Jerusalem property, Haaretz, 14 August 2013, <http://www.haaretz.com/news/national/.premium-1.541336>.

³³¹ Administrative petition, 1508/13, Alaa Salman v. Jerusalem Municipality; Administrative Appeal 1489/13, Community Administration for the Neighborhood of Beit Safafa-Sharafat v. Jerusalem Municipality.

³³² For background, updates and links on the subject of Route 4 see: <http://bimkom.org/2013/03/%D7%91%D7%99%D7%AA-%D7%A6%D7%A4%D7%90%D7%A4%D7%90/> [Hebrew], Bimkom – Planners for Planning Rights. See also Nir Hasson, New Jerusalem highway to cut Arab neighborhood in half, Haaretz, 20 December 2012, <http://www.haaretz.com/news/national/new-jerusalem-highway-to-cut-arab-neighborhood-in-half.premium-1.486018>.

³³³ **Tearing a Neighborhood in Two: The Begin Highway in Beit Safafa**, Ir Amim, 20 December 2012.

³³⁴ Request for amicus curiae status in the aforementioned cases (Hebrew), Bimkom – Planners for Planning Rights, August 2013. <http://tinyurl.com/q6s3b>

³³⁵ The exact number of residents in these areas is unknown. According to estimates published in March 2011 by the UN Office for the Coordination of Humanitarian Affairs (OCHA), the number of residents in these areas is as many as 55,000 (**East Jerusalem: Key Humanitarian Concerns**. United Nations – Office for the Coordination of Humanitarian Affairs, pp. 68-69) http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf. According to the Jerusalem Institute for Israel Studies' 2013 Statistical Yearbook, 35,000 Palestinians who hold Israeli identity documents live in Jerusalem neighborhoods beyond the separation barrier (Jerusalem Institute for Israel Studies, **The Statistical Yearbook for Jerusalem 2013 edition**, Population of Jerusalem, by Age, Quarter, Sub-Quarter and Statistical Area, http://jiis.org.il/upload/yearbook2013/shnaton_C1413.pdf). Other estimates, which include both Palestinian holders of Israeli IDs and Palestinian holders of PA IDs, approach 100,000 residents.

³³⁶ Residents of East Jerusalem hold Israeli IDs. The majority of them are considered permanent residents of Israel, while a minority are citizens.

³³⁷ Nir Hasson, Jerusalem orders demolition of apartment buildings in Arab neighborhoods, Haaretz, 4 November 2013, <http://www.haaretz.com/news/diplomacy-defense/.premium-1.556071>.

³³⁸ Chaim Levinson and Nir Hasson, Jerusalem municipality asks IDF to take responsibility for residents who live east of the separation fence, Haaretz, 24 July 2012, <http://www.haaretz.com/news/diplomacy-defense/jerusalem-municipality-asks-idf-to-take-responsibility-for-residents-who-live-east-of-the-separation-fence-1.453149>.

See also ACRI's appeal to Jerusalem Mayor Barkat, 26 July 2012, <http://www.acri.org.il/he/?p=22979> [Hebrew].

³³⁹ HCJ 6193/05, Residents' Council of Ras Khamis v. The Competent Authority under the Emergency Land Requisition (Regulation) Law, (decision rendered on 25 November 2008) [Hebrew].

³⁴⁰ According to the Education Ministry's director general, transport is to be provided for students when the distance between their homes and the school is greater than two kilometers (until fourth grade) or three kilometres (from fifth grade and above).

³⁴¹ See for example the story of the students of Ras Khamis by: Uri Eitan, et al., **Annual Status Report: the Failing East Jerusalem Education System**, Association for Civil Rights in Israel and Ir Amim, August 2013, pp. 7-8, <http://www.acri.org.il/en/wp-content/uploads/2013/09/EI-edu-report-2013.pdf>.

³⁴² Complaint from the Association for Civil Rights in Israel from February 2013: <http://www.acri.org.il/he/?p=25727> [Hebrew].

³⁴³ About the Citizenship Law on the ACRI website: <http://www.acri.org.il/en/category/east-jerusalem/citizenship-and-residency-east-jerusalem/>

³⁴⁴ Eyal Hareuveni, *Arrested Development: The Long Term Impact of the Separation Barrier*, B'tselem, October 2012; [Barrier Update](http://www.btselem.org/publications/summaries/201210_arrested_development), UN Office for the Coordination of Humanitarian Affairs (OCHA), July 2011, http://www.btselem.org/publications/summaries/201210_arrested_development.

³⁴⁵ The Gun-Free Kitchen Tables coalition was founded in 2010, as a project of the Isha L'Isha – Haifa Feminist Center. The coalition brings together 12 civil society organizations, mostly human rights and women's rights organizations: Isha L'Isha – Haifa Feminist Center; Itach-Maaki – Women Lawyers for Social Justice; Tmura – Legal Center for Prevention of Discrimination; Noga Legal Center for Victims of Crime; Association for Civil Rights in Israel; Coalition of Women for Peace; Physicians for Human Rights – Israel; Hollaback Israel; New Profile; Psychoactive – Mental Health Professionals for Human Rights; and the Israel Women's Network.

³⁴⁶ For further details, see the appendix to the GFKT coalition's letter to MK Miri Regev, Chairperson of the Knesset Committee on Internal Affairs, from April 2013: <http://tinyurl.com/nof5wan>. This figure does not include persons who committed suicide using their weapon (most of them men who killed themselves after the murder they had committed) and victims killed as a result of shooting in other situations, such as attempted robberies, gun accidents and more; therefore, the actual number of victims is in fact much higher.

³⁴⁷ Omri Nahmias, **"Aharonovitch: Armed Security Guards Will Be Required to Undergo Psychological Evaluation,"** Walla, 31 July 2013 (in Hebrew), <http://news.walla.co.il/?w=/90/2665797>.

³⁴⁸ Omri Efraim, **"Guards Continue to Murder, Reform Is Postponed,"** *Ynet*, 24 July 2013 [Hebrew], <http://www.ynet.co.il/articles/0,7340,L-4408649,00.html>; Yaniv Ronen, **"Policy for Issuing Firearms to Security Guards,"** *Knesset Information and Research Center*, May 2013 [Hebrew], <http://www.knesset.gov.il/mmm/data/pdf/m03183.pdf>.

³⁴⁹ Liat Schlesinger, **"Inquiry: Why Do Security Guards Leave Work with Their Guns?,"** *NRG-Maariv*, 2 March 2013 [Hebrew], <http://www.nrg.co.il/online/1/ART2/446/853.html>.

³⁵⁰ For example, during a meeting of the Knesset Committee on the Status of Women, held in December 2011, the committee chair, MK Tzipi Hotovely, said: "There is a law that can already be enforced, and the one responsible for enforcing it is the Minister of Public Security. We will publish this letter and then we will grant, in my opinion, a period of two months for the implementation of the regulations in practice, in order to check that all security companies are implementing this and that there is a gun-deposit room for actual implementation." Protocol No. 116 from the meeting of the Committee on the Status of Women, 5 December 2011 (in Hebrew), <http://knesset.gov.il/protocols/data/rtf/maamad/2011-12-05.rtf>. See also: Rela Mazali and Smadar Ben Natan, **"Still: The Gun Is on the Kitchen Table,"** *Haakets*, 12 December 2012 [Hebrew].

³⁵¹ Memorandum of Law for Security Services – 2012 (in Hebrew), http://www.tazkirim.gov.il/Memorandum_Archive/Attachments_2012/41249_x_AttachFile.doc.

³⁵² This was done in Article 22(2)(d) of the memorandum, which amends the Firearms Law and adds subsection (d) to it, expanding the definition of "employment area."

³⁵³ **"Aharonovitch: Armed Security Guards"** (See note 347); "Minister of Public Security, MK Yitzhak Aharonovitch, at Committee on Internal Affairs: 'Every Person Seeking to Issue a Gun Permit Will Be Required to Undergo a Psychological Exam, and in Severe Cases a Psychiatric Exam,'" *Knesset website*, 31 July 2013 (in Hebrew; hereafter: announcement of the Committee on Internal Affairs, 31 July 2013), http://main.knesset.gov.il/Activity/Committees/InternalAffairs/News/Pages/pr_310713a.aspx.

³⁵⁴ See, for example: Protocol No. 66 from the meeting of the Committee on Internal Affairs and Environmental Protection, 8 July 2013 (in Hebrew), <http://www.knesset.gov.il/protocols/data/rtf/pnim/2013-07-08-02.rtf>; Protocol No. 26 from the meeting of the Committee on Internal Affairs and Environmental Protection, 20 May 2013 (in Hebrew), <http://www.knesset.gov.il/protocols/data/rtf/pnim/2013-05-20-01.rtf>.

³⁵⁵ As far as we are aware, the new regulations do not apply, at this stage, to educational institutions, which employ dozens of thousands of security guards. It should be noted that already in the beginning of April, the Minister of Public Security ordered that guns used for security of business-places be deposited, but implementation has been delayed due to the prolonging staff work and because of requests made by security companies. See "Guards Continue to Murder" (See note 348).

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- ³⁵⁶ Omri Efraim, **"Unfulfilled Security: Guns Still Taken Home,"** *Ynet*, 9 September 2013 (in Hebrew), <http://www.ynet.co.il/articles/0.7340.L-4425964.00.html>.
- ³⁵⁷ Announcement of the Committee on Internal Affairs, 31 July 2013 (See note 353).
- ³⁵⁸ Quotes of police officers from the police forum "exposed in the squad car," as published in: Yaniv Kubovich, **"Despite Complaints, Permanent Procedure for Use of Taser Guns Is Yet to Be Formulated,"** *Haaretz*, 19 August 2013 [Hebrew], <http://www.haaretz.co.il/news/law/.premium-1.2100574>.
- ³⁵⁹ Yehoshua Breiner, **"Documented: Police Arrest Right-Wing Activist and Use Taser Gun,"** *Walla*, 16 August 2013 [Hebrew], <http://news.walla.co.il/?w=/550/2670508>. It should be noted that in some parts of the video only voices are heard and the occurrence cannot be seen. The article brought the response of the police, which claimed that the video has been tendentiously edited. At the end of November, the Police's investigative department decided to close the investigation into the incident.
- ³⁶⁰ Mor Shimoni, **"One Day after Use of Taser Is Suspended: Again Inappropriate Use of Stun Gun,"** *Walla*, 19 August 2013 [Hebrew], <http://news.walla.co.il/mahadura/?w=/2671274>.
- ³⁶¹ Mor Shimoni, **"Reasonable Force? Trigger-Happy Police Use of Taser Guns,"** *Walla*, 18 August 2013 [Hebrew], <http://news.walla.co.il/mahadura/?w=/2670945>. For other examples, see "Despite Complaints," (See note 358).
- ³⁶² Shimoni, "Reasonable Force?" (See note 361).
- ³⁶³ To read ACRI's letter (February 2012) and the police response (May 2012): <http://www.acri.org.il/he/?p=22244> [Hebrew].
- ³⁶⁴ See, for example: ACRI's letter (Ibid.), paragraphs 7-9; statement by Prof. Avinoam Reches, Head of the Ethics Bureau of the Israel Medical Association, in Protocol No. 44 from the meeting of the Knesset's State Control Committee, 2 October 2013 [Hebrew; hereafter: State Control Committee meeting, 2 October 2013], <http://www.knesset.gov.il/protocols/data/rtf/bikoret/2013-10-02.rtf>; Avinoam Reches, **"Don't Give Them Tasers,"** *Haaretz*, 2 October 2013 [Hebrew], <http://www.haaretz.co.il/opinions/.premium-1.2130021>. On the other hand, see the police response to ACRI's letter (footnote 363), p. 5-6.
- ³⁶⁵ Police response to ACRI's letter (See note 363).
- ³⁶⁶ Yaniv Kubovich, **"Israel's Police Chief Suspends Use of Taser Guns,"** *Haaretz*, 18 August 2013, <http://www.haaretz.com/news/national/1.542114>.
- ³⁶⁷ Omri Ephraim, **"Police Use of Tasers to Resume,"** *Ynet*, 3 September 2013, <http://www.ynetnews.com/articles/0.7340.L-4425917.00.html>.
- ³⁶⁸ State Control Committee meeting, 2 October 2013 (See note 364).
- ³⁶⁹ Tal Dahan, **Situation Report 2012**, Association of Civil Rights in Israel, December 2012, pages 10-15, <http://www.acri.org.il/en/wp-content/uploads/2012/12/ACRI-Situation-Report-2012-ENG.pdf>. See also: Testimony of activist relating the violence that she encountered on the part of police officers during non-violent protests, **Testimony of Sara Beninga, Activist**, Israel Social TV, 9 May 2013 [Hebrew], <http://tv.social.org.il/social/2013/05/09/sara-beninga>.
- ³⁷⁰ ACRI's appealed to the Police's Southern District Commander June 2, 2013, and received a response from their Legal Advisor's Office on July 8, 2013. In the response, the police claimed that the detentions of activists was justified because they used a siren and megaphone, which may deflect the attention of those on the road, which raises the risk of disturbing the peace. According to ACRI, in this instance there was no concern for disturbing the peace. In addition, the police agreed that the police officer who interrogated the detained activists was not familiar with the distinctions in the law regarding requiring demonstration permits and the police announced that they would work to sharpen these distinctions among police officers.
- ³⁷¹ ACRI contacted the Tel Aviv District Police Commander on 14 July 2013. In a response by the Tel Aviv District Police legal counsel and public complaints on 13 October 2013, it was written that the incidents were being examined and studied.
- ³⁷² ACRI's appeal and the police's response can be found here [In Hebrew]: <http://www.acri.org.il/he/?p=27749>. In response to ACRI's appeal, the police claimed that, "Not only was there no flaw in the conduct of the police officers, but it was actually the demonstrators who broke the law by participating in a march without a permit, which the demonstrators refused to request."

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- ³⁷³ HCJ 5277/13 Association for Civil Rights in Israel v. Israel Security Agency. Information on the petition: <http://www.acri.org.il/he/?p=28085> [in Hebrew]. See also: **Intimidation Conversations**, Israel Social TV, 31 July 2013 [Hebrew], <http://tv.social.org.il/social/2013/07/31/intimidating-investigations>.
- ³⁷⁴ Knesset press release (18 February 2013), <http://main.knesset.gov.il/News/PressReleases/Pages/press180213-3.aspx> [Hebrew].
- ³⁷⁵ Zamir Dahbash and Shiri Perciger-Cohen, **What are the police doing on my Facebook page?**, Ha'aretz, 18 February 2013, <http://www.haaretz.com/opinion/what-are-the-police-doing-on-my-facebook-page.premium-1.504300>.
- ³⁷⁶ **Central newscast 14 August 2013**, nana10, starting at 25 minutes [Hebrew], <http://news.nana10.co.il/Article/?ArticleID=998509>.
- ³⁷⁷ Omri Meniv, **The ultra-Orthodox man who was attacked by the Border Police officer speaks: "I don't understand why it happened,"** nana10, 15 August 2013 [Hebrew], <http://news.nana10.co.il/Article/?ArticleID=998809&sid=126>.
- ³⁷⁸ ACRI's appeal and the police's response: <http://www.acri.org.il/he/?p=27992> [Hebrew]. See also: **Suppression of Prayer Protests**, Israel Social TV, 31 July 2013 [Hebrew], <http://tv.social.org.il/social/2013/07/31/suppression-prayer-protest>.
- ³⁷⁹ Yasser Okbi, **From Ireland to Brazil: Protests around the world against the Bedouin resettlement bill**, The Post, 1 August 2013 [Hebrew], <http://www.thepost.co.il/news/new.aspx?pn6Vq=E&0r9VQ=EDFHH>.
- ³⁸⁰ Knesset press release (2 July 2013) [Hebrew], http://main.knesset.gov.il/Activity/Committees/InternalAffairs/News/Pages/pr_20713b.aspx; **Protocol no. 62 from Internal Affairs and Environment Committee Meeting**, 2 July 2013 [Hebrew], <http://www.knesset.gov.il/protocols/data/rtf/pnim/2013-07-02-01.rtf>.
- ³⁸¹ As determined by the Supreme Court in its ruling on the Flag March which has taken place on Jerusalem Day for many years: "The event in question is fundamentally of a public-political nature, even if it includes elements of singing and dancing. It is our opinion, that as long as the event is of this type, it is protected under freedom of expression." [HCJ 4846/08 People Like a Lion Association v. The Jerusalem District Commander](#) (ruling dated 1 June 2008) [Hebrew].
- ³⁸² For details on the various laws and their requirements see the table on the ACRI website: <http://www.acri.org.il/he/wp-content/uploads/2013/08/rishuy-table.pdf> [Hebrew]
- ³⁸³ For instance, the Tel Aviv-Yafo, Jerusalem and Rishon LeZion municipalities have different definitions for the kind of events that require business licenses. See ACRI's petition to the Director-General of the Interior Ministry, 17 May, 2013, <http://tinyurl.com/pd39s6g>, section 19 [Hebrew].
- ³⁸⁴ For instance, in 2011 the Tel Aviv municipality exempted the Levinsky Park Library from having to acquire a business license for its event in support of refugees and migrant workers in Israel, however in 2012 the municipality demanded the event organizers acquire a business license. Following discussions, the municipality agreed to exempt the event organizers from acquiring a business license, despite the police having classified the event as one requiring a license.
- ³⁸⁵ **Procedures of the Jerusalem municipality for protest activity in the public space in Jerusalem**, Jerusalem municipality website, 24 June 2012; **Procedure for approving the use of public space for conducting events**, Tel Aviv municipality, 2 July 2012, <http://tinyurl.com/ob84h7> [Hebrew].
- ³⁸⁶ For details of the legal situation see ACRI's petition to the director-general of the Interior Ministry, See note 383.
- ³⁸⁷ Administrative Petition 8408/12 Hajaj VS Tel Aviv-Jaffa Municipality, see case information on the ACRI website: www.acri.org.il/he/?p=22440. The appeal submitted by ACRI against the policy of the Jerusalem municipality was rescinded in light of the current appeal before the Supreme Court, the result of which will have implications for the policies of the Jerusalem municipality.
- ³⁸⁸ [ACRI's petition to the director-general of the Interior Ministry](#), 17 May 2013, See note 381; See The Interior Ministry's response at <http://tinyurl.com/ovgfzgs> (12 November 2013).
- ³⁸⁹ The recognition of a lawsuit as "silencing" does not derive from the attitudes of the plaintiff; neither does it intend to hint at them. The important thing here is the results of the lawsuit – its effect on freedom of expression

and democratic discourse. A SLAPP will be considered as such if the essence of its filing and examination are likely to cause a chilling effect on the defendant's or others' ability to participate in public discourse.

³⁹⁰ Avner Pinchuk, adv., **The Silencer: Libel Litigation as a Threat to Free Speech**, ACRI, January 2013, <http://www.acri.org.il/en/wp-content/uploads/2013/02/The-Silencer-SLAPP-lawsuits-FINAL.pdf>.

³⁹¹ For detailed legal analysis of the effectiveness of libel lawsuits, or their threat, in Israeli law, See note 388.

³⁹² Magistrate Court's ruling: Tel Aviv (Jerusalem) 5144/07 [ELA Recycling Corporation v. Daniel Morgenstern](#) (ruling dated 19 July 2012) [Hebrew].

³⁹³ Appeal ruling: [Civil Appeal 12-09-35178 Morgenstern v. ELA Recycling Corporation](#) (ruling dated 11 February 2013) [Hebrew].

³⁹⁴ For extensive coverage of Morgenstern's trial and ACRI's report "[The Silencer](#)," see: Amir Ziv, [Silenced](#), Calcalist, 21 March 2013 [Hebrew].

³⁹⁵ Tel Aviv (Jerusalem) 42868-05-10 [Im Tirzu v. Roy Yellin](#) (ruling dated 2 September 2013) [Hebrew]. About the ruling: Oren Persico, [No to Sterility](#), the Seventh Eye, 7 September 2013 [Hebrew].

³⁹⁶ See for example: Labor dispute (Tel Aviv) 18029-02-11 [Or-City Realty v. Dan Tabakman](#) (ruling dated 22 April 2013) [Hebrew]; (Jerusalem) 12500-08 [Avi Naim v. Nardi Miller](#) (ruling dated 18 April 2013) [Hebrew].

³⁹⁷ This section was written by Attorney Avner Pinchuk, head of the privacy and information section at ACRI.

³⁹⁸ Article 2 of the [Basic Law: Human Dignity and Liberty](#)

³⁹⁹ Michael Birnhack, **Private Space: Privacy, Law & Technology** (Bar Ilan & Nevo, 2010) [Hebrew].

⁴⁰⁰ For example, a survey published by Haifa University indicates the wide extent of employee surveillance in Israel –greater than that evident even in the United States. Vered Patrar-Alon, Itzhak Harpaz, Shay Tzafrir, Ilan Meshoulam, Center for Study of Organizations and Human Resource Management, Periodic Survey No. 2, Monitoring in Organizations, Haifa University [Hebrew], http://organizations.haifa.ac.il/html/html_eng/Monitoring-article.pdf. See also: Ruth Sinai, **Big Brother is alive and well in Israel**, Haaretz, 24 March 2008, <http://www.haaretz.com/print-edition/news/big-brother-is-alive-and-well-in-israel-1.242203>.

⁴⁰¹ For cases of surveillance cameras, see for example: Labor dispute (Nazareth) 30929-12-10 Salman, CPA v. Alaimi, CPA (ruling dated 20 June 2012); Fast hearing in the presence of a registrar (Haifa) 39840-04-10 (Ruling dated 25 January 2011)

⁴⁰² Collective labor dispute appeal (national) 25476-09-12 The New Labor Federation v. Pelephone Communications Ltd (ruling dated 2 January 2013, paragraph 58 of President Arad's ruling).

⁴⁰³ Labor appeal (national) 90/08 Isakov – supervisor of Employment of Women Law (ruling dated 8 February 2011).

⁴⁰⁴ Civil appeal 8189/11 Dayan v. Mifal HaPayis (ruling dated 21 February 2013).

⁴⁰⁵ **The Committee for Examining the Crime Register and Rehabilitation of Offenders Law, 5741 1981**, headed by Professor Ruth Kannai, 2010, page 9.

⁴⁰⁶ "A person who acquired or sought to acquire from the register, directly or indirectly, information to which s/he is not entitled to receive, for the sake of employment or for the sake of reaching a decision regarding the individual to whom the information refers, is liable to two years imprisonment; on this matter, the aforementioned will not be considered entitled to the information merely because the individual consented to provide his/her information." Section 22 (b) [Crime Register and Rehabilitation of Offenders Law](#), 5741 1981 [Hebrew].

⁴⁰⁷ Civil appeal 8189/11 Dayan v. Mifal HaPayis. Though the case mainly concerns the criteria for winning a tender, the ruling may also have broad implications on those seeking to be hired as employees, See note 401.

⁴⁰⁸ "There is no doubt that it is not permitted to request information concerning expired or stricken convictions (as stated in Section 20 (d) of the Crime Register Law), but that alone does not suffice. A request for information must not only be relevant, it must be based on a proper purpose and meet the requirement of proportionality [...], and therefore, I do not hold that it is permitted to demand information concerning all offenses, rather the demand must be limited (ahead of time) to relevant convictions and pending investigations alone or to the specific tender or position. Civil appeal 8189/11 [Dayan v. Mifal HaPayis](#), from paragraph 37 of Justice Barak Erez's ruling.

⁴⁰⁹ For a legal analysis of the ruling, see: Atty. Avner Pinchuk, **The Growing Silence of the Legislature: When is it Permitted to Request from a Job Applicant to Provide Information about His/Her Criminal Past**, from the Little Brother blog, 8.3.2010 [Hebrew], <http://www.haaretz.com/print-edition/news/big-brother-is-alive-and-well-in-israel-1.242203>.

⁴¹⁰ Civil further hearing 1840/13 Dayan v. Mifal HaPayis. ACRI's request to appear as Amicus Curiae to request an additional hearing on the ruling: <http://www.acri.org.il/he/?p=26670> [Hebrew]

⁴¹¹ See for example: Dan Even, **When your boss knows more about you than your family doctor**, Haaretz, 7 October 2012 [Hebrew], <http://www.haaretz.co.il/news/health/1.1837364>; Gal Gorodisky, **My employer is invading my medical history. Is he allowed?**, Ynet, 30 April 2013 [Hebrew], <http://www.ynet.co.il/articles/0,7340,L-4374201,00.html>.

⁴¹² Equal Opportunity in Employment Bill (Amendment – Limiting the Requirement of Job Seekers to Waiver Medical Confidentiality), 5773 2013, Forwarders: MKs Dov Hanin and Yariv Levin. The bill was drafted by the Clinic for Social Change at the Ramat Gan College of Law and Business.

⁴¹³ The Israeli Law, Information and Technology Authority (ILITA) established that "the proper method for the use of biometric information in the workplace is in a way which is not centralized in a database, but rather only stored on smart cards [...] this position is consistent with various privacy protection organizations in the world – in the OECD, in the EU and also in various states in the U.S." Using Biometric Time Clocks in the Workplace – Israeli Law, Technology and Information Authority's position, Justice Ministry website, 18 December 2012 [Hebrew], <http://www.justice.gov.il/MOIHeb/ILITA/HaganatHapratyut/MeidaMerashamDB/BiometricsInTheWorkplace.htm>; and also: Biometric-based Technologies, OECD Digital Economy Papers, No. 101, OECD Publishing, 2004, <http://www.oecd-ilibrary.org/docserver/download/5kz9gx884dr5.pdf?expires=1385071306&id=id&accname=guest&checksum=CB8F5B2725FE1AE442BE65CDDD571079>.

⁴¹⁴ Labor appeal 44667-05-13 Shachar v. Sderot Municipality, [minutes of the hearing dated 15 October 2013](#), page 6 [Hebrew]. The employees were represented by Attorney Jonathan Klingner. For further reading on the proceedings, and also for ACRI's amicus curiae brief: <http://www.acri.org.il/he/wp-content/uploads/2013/07/hit44667amicus.pdf> [Hebrew].

⁴¹⁵ The Association for Civil Rights in Israel is soon to publish an elaborate report regarding the dual legal system that is implemented in the West Bank. The report will describe the various legislative mechanisms through which, over the years of occupation, two legal systems have been established – one for Palestinians and one for Israelis – which control all aspects of life.

⁴¹⁶ For more on the issues discussed in this chapter, see: Noga Kadman, Acting the Landlord: Israel's Policy in Area C, the West Bank, B'Tselem, June 2013, http://www.btselem.org/download/201306_area_c_report_eng.pdf; "The Complete Way to Crowd Palestinians into Enclaves in the West Bank Territories" (in Hebrew), *Rabbis for Human Rights*, August 2013, <http://rhr.org.il/heb/2013/08/13440/>.

⁴¹⁷ See [Acting the Landlord](#) (See note 416).

⁴¹⁸ For more on the percentage of Area C that is prohibited for Palestinian building and development, see: "Taking Control of Land and Designating Areas Off-Limits to Palestinian Use," *B'Tselem*, 30 October 2013, http://www.btselem.org/area_c/taking_over_land.

⁴¹⁹ For more on the planning policy in Area C, see: Nir Shalev and Alon Cohen-Lifshitz, The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C, Bimkom – Planners for Planning Rights, June 2008, <http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf>.

⁴²⁰ From freedom of information requests filed to the Civil Administration by the organizations B'Tselem and Bimkom – Planners for Planning Rights, it appears that in the years 2000-2012, Palestinians filed 3,750 applications for building permits, of which 211 were approved – only 5.6%. In the years 2009-2012, only 37 applications were approved from the total of 1,640 filed – a mere 2.3%. These figures are taken from *Acting the Landlord*, p. 19 (See note 416).

⁴²¹ See examples for demolitions carried out over the past year in Appendix 2 to this report. These are only examples of demolitions that were executed and not of demolition orders issued. For complete data regarding demolitions and the issuing of demolition orders, see the weekly reports published by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA): <http://www.ochaopt.org/reports.aspx?id=104>.

⁴²² See examples for types of structures demolished over the past year in Appendix 2 to this report.

⁴²³ HCJ 9715/07 *Abdel Halim Ali Salim Batat v. The Subcommittee for Building Inspection*. For more on the petition, see ACRI's website: <http://www.acri.org.il/en/2012/07/22/khirbat-zanuta/>. See also: Amira Hass, "West Bank Village Inhabited for 3,000 Years Faces Eviction," *Haaretz*, 13 October 2013, <http://www.haaretz.com/news/diplomacy-defense/premium-1.552054>.

⁴²⁴ See: "[Khirbet Susiya](#)," *B'Tselem*, 10 June 2013; Acting the Landlord (See note 416), p. 37-40; Chaim Levinson, "Israel Weighs Demolition of Flagship EU Sustainability Project in West Bank Village of Susya," *Haaretz*, 27 June 2013, <http://www.haaretz.com/news/diplomacy-defense/premium-1.532369>.

⁴²⁵ This information was provided to the Association for Civil Rights in Israel in an email from the organization Rabbis for Human Rights, dated 3 November 2013.

⁴²⁶ This information was provided to the Association for Civil Rights in Israel in an email from the organization Bimkom, dated 3 November 2013.

⁴²⁷ The planning process comprises three stages: submitting the plan for public review and for filing objections; approving the plan for validation; and publishing the plan for validation.

⁴²⁸ Chaim Levinson, "**World Zionist Organization Funneled NIS 400,000 into Infrastructure Work at Illegal West Bank Outpost**," *Haaretz*, 19 August 2013, <http://www.haaretz.com/news/national/premium-1.542226>. The article brings the response of the Settlement Division, in which: "These are claims that had already been made in the past, regarding the legality of building in Judea and Samaria, inter alia in the Talia Sasson report, and which received a detailed response, including a list of communities within the State of Israel that lack a valid outline plan [...] All Settlement Division work that requires permits is carried out in accordance with permits in principle issued by the planning committees, as per their authority [...] All work is done transparently and in broad daylight — a fact that cannot be denied. The claim that the Settlement Division has ostensibly resumed financing illegal construction is an outrageous claim. The Settlement Division, as stated above, has not financed and does not finance any illegal construction."

⁴²⁹ See, for example, the story of the village of al-Aqaba and the attempts to connect it to water infrastructure: "[Al-Aqaba: A Dehydrated Village](#)," *ACRI*, 4 September 2012.

⁴³⁰ HCJ 517/00 *Hamadeh v. The Minister of Defense* and HCJ 1199/00 *Abu 'Aram v. The Minister of Defense*. For more on the villages and the petitions, see: <http://www.acri.org.il/en/2012/11/07/firing-zone-918-infosheet/>. This info-sheet was written in collaboration with Rabbis for Human Rights and Breaking the Silence. See also: "Firing Range 918," *Israel Social TV*, 4 September 2013, <http://tv.social.org.il/en/firing-range-918>; "Life in a 'Firing Zone': The Massafer Yatta Communities," *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*, May 2013, http://www.ochaopt.org/documents/ocha_opt_massafer_yatta_case_study_2013_05_23_english.pdf; "Chapter Two: The South Hebron Hills – The Threat of Demolition and Expulsion," in: *Acting the Landlord* (See note 416); Chaim Levinson, "**In the Line of Fire: Life in the Southern Hebron Hills**," *Haaretz*, 5 October 2013, <http://www.haaretz.com/weekend/magazine/premium-1.550321>.

⁴³¹ "**The Humanitarian Impact of Israeli-Declared 'Firing Zones' in the West Bank**," *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*, August 2012, http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf.

⁴³² See, for example, the story of the Bedouin community in Khirbet ar Ras al Ahmar, in the Jordan Valley: "[Humanitarian Bulletin: Monthly Report](#)," *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*, July 2013, p. 9.

⁴³³ "**The Humanitarian Impact of Israeli-Declared 'Firing Zones'**" (See note 431); "**The Monthly Humanitarian Monitor**" *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*, July 2012, http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_08_23_english.pdf; "**West Bank Firing Zones**" (map), *UN OCHA*, August 2012, http://www.ochaopt.org/documents/ocha_opt_firing_zone_map_august_2012_english.pdf; "**Area C of the West Bank: Key Humanitarian Concerns**," *UN OCHA*, January 2013, http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_january_2013_english.pdf.

⁴³⁴ "**Taking over Palestinian Land by Declaring It 'State land'**," *B'Tselem*, 13 March 2013, http://www.btselem.org/area_c/state_land; Nir Shalev, "**Under the Guise of Legality: Israel's Declarations of State Land in the West Bank**," *B'Tselem*, February 2012, http://www.btselem.org/download/201203_under_the_guise_of_legality_eng.pdf.

⁴³⁵ Administrative Petition 40223-03-10, *Bimkom – Planners for Planning Rights et al. v. The Civil Administration in the West Bank*. To read more about the data exposed pursuant the petition, see: <http://www.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/>.

⁴³⁶ Administrative Petition 40223-03-10, Respondents' amended writ of response, dated 8 December 2011 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2010/04/hit40223tshuva.pdf>.

⁴³⁷ See, for example: "Behind the Black Containers," *Israel Social TV*, 4 September 2013, <http://tv.social.org.il/en/behind-the-black-containers>; "Drying the Mountain," *Israel Social TV*, 16 July 2013, <http://tv.social.org.il/en/drying-the-mountain>; Acting the Landlord (See note 416), p. 20-23; "A-Dik Is Drying Out," *Israel Social TV*, 2 July 2012, <http://tv.social.org.il/en/a-dik-is-drying-out>.

⁴³⁸ "[Area C of the West Bank](#)" (See note 433).

⁴³⁹ Regarding the takeover of water springs in the West Bank by settlers, see: How Dispossession Happens: The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers, United Nations Office for the Coordination of Humanitarian Affairs (OCHA), March 2012, http://www.ochaopt.org/documents/ocha_opt_springs_report_march_2012_english.pdf.

⁴⁴⁰ It should be clarified that this does not entail pumping wells or the use of groundwater. A cistern is a round water receptacle, up to five meters (approximately 16.5 feet) in depth, which is used for the collection of rainwater that is flowing on the ground. Due to its structure, it requires regular maintenance, including periodic cleaning and lining. According to the position of the Civil Administration – as presented to ACRI and Rabbis for Human Rights in a meeting held on 27 December 2012 – the renovation or cleaning of an ancient cistern, in a manner that does not alter its shape or size, does not require a building permit. Despite that, the organizations have received information regarding cisterns that were renovated in this manner, yet demolition orders were issued for them.

⁴⁴¹ These figures are brought in Acting the Landlord (See note 416), based on an email from UN OCHA dated 25 April 2013.

⁴⁴² See examples in Appendix 2 to this report.

⁴⁴³ *Protocols additional to the Geneva Conventions of 12 August 1949, International Committee of the Red Cross, Geneva, 1977, Article 54*; Prof. Eyal Benvenisti, "**Expert Opinion on the Prohibition of Forcible Transfer in Susya Village.**" http://rhr.org.il/eng/wp-content/uploads/unofficial_translation_of_expert_opinion_Eyal_Benvenisti_Susya_forced_transfer_30_June_2012-11.pdf. This expert opinion was submitted per the request of Rabbis for Human Rights, in the framework of HCJ 5667/11 *Dirat Rafiya Village Council v. Head of the Civil Administration*.

⁴⁴⁴ *Regulations concerning the Laws and Customs of War on Land*, The Hague, 18 October 1907, [Article 43](#).

⁴⁴⁵ "State's Response re Firing Zone 918 Ignores the Laws of Occupation," B'Tselem, 27 August 2012, http://www.btselem.org/south_hebron_hills/20120827_firing_zone_918_state_response.

⁴⁴⁶ For more on violations of international law, see: Acting the Landlord (See note 416), chapter VI: "Violations of International Law."

⁴⁴⁷ This came after repeated ACRI petitions. See: <http://www.acri.org.il/en/2012/10/15/jordan-valley-movement-restrictions-lifted/>.

⁴⁴⁸ "[Protection of Civilians Weekly Report 9-15 July 2013](#)" and "[Protection of Civilians Weekly Report 16-22 July 2013](#)," *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*. OCHA notes that despite improvements, "as in previous years, age criteria and permit requirements continued to be applied and Palestinians from the Gaza Strip continued to be denied access" ("[Weekly Report 9-15 July 2013](#)").

⁴⁴⁹ For background and updates regarding movement separation in Hebron, see: "**Hebron City Center**," B'Tselem, <http://www.btselem.org/topic/hebron>.

⁴⁵⁰ "**The Humanitarian Impact of the Separation Barrier**," *United Nations Office for the Coordination of Humanitarian Affairs (OCHA)*, July 2013, http://www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2013_english.pdf.

⁴⁵¹ An order issued by the military commander prohibits the entry of Israelis to Area A of the West Bank. This area constitutes approximately 18% of the West Bank territory, and only includes Palestinian cities.

⁴⁵² See the following petitions filed by ACRI: HCJ 2150/07 [Ali Hussein Mahmoud Abu Safiyeh v. The Minister of Defense](#) (the “Route 443 Petition”) (judgment granted on 29 December 2009) – for background and chronology see: <http://www.acri.org.il/en/2010/05/25/route-443-fact-sheet-and-timeline/>; HCJ 3969/06 [Al-Kharub v. Commander of the IDF Forces in Judea and Samaria](#) (in Hebrew) (judgment granted on 22 October 2009) – for background and chronology see: <http://www.acri.org.il/he/?p=1328> [Hebrew]. On the matter of Route 443, it should be noted that the HCJ has indeed accepted the petition and ruled that the closing of the road is disproportionate, but it did afford the military commander extensive discretion regarding the implementation of the ruling, in a manner that deflated it. In practice, Palestinians were only allowed to enter that road through two points, and to exit it through two other points, while the road's major historic use, for entering Ramallah, remained forbidden. Moreover, the checkpoints in the entry points are not continuously active and security checks there are lengthy and stringent, which prevents the *de facto* use of the road by Palestinians. At the same time, an alternative road system was enhanced, for Palestinians only, leading from villages in the area to Ramallah through a route that takes a long time, on a rickety and dangerous internal road.

⁴⁵³ [“Protection of Civilians Weekly Report 16-22 July 2013”](#) (See note 448).

⁴⁵⁴ According to B'Tselem, as of September 2013 there were 67 kilometers (approximately 42 miles) of such roads. **“Checkpoints, Physical Obstructions and Forbidden Roads,”** B'Tselem, 24 November 2013, http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads.

⁴⁵⁵ B'Tselem, **Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank**, August 2007, p. 87-89, http://www.btselem.org/download/200708_ground_to_a_halt_eng.pdf.

⁴⁵⁶ “Checkpoints, Physical Obstructions” (See note 454).

⁴⁵⁷ **“West Bank Movement and Access Update,”** United Nations Office for the Coordination of Humanitarian Affairs (OCHA), September 2012, http://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_september_2012_english.pdf.

⁴⁵⁸ Ofir Feuerstein, **Access Denied: Israeli Measures to Deny Palestinians Access to Land around Settlements**, B'Tselem, September 2008, http://www.btselem.org/download/200809_access_denied_eng.pdf. See also the definition of “Special Security Area” on the website of the Military Advocate General: <http://www.law.idf.il/338-en/Patzar.aspx>.

⁴⁵⁹ [Access Denied](#) (See note 458).

⁴⁶⁰ In this context, it should be noted that in 2006, the High Court of Justice emphasized the right of Palestinian farmers to free and safe access to their lands, with minimal restrictions by security forces. It was also established that the Israeli military is obligated to protect the farmers and their property from harassments and assaults. HCJ 9593/04 [Murar v. Commander of IDF Forces in Judea and Samaria](#) (judgment granted on 26 June 2006) [Hebrew].

⁴⁶¹ Adv. Aelad Cahana and Yonatan Kanonich, **The Permit Regime: Human Rights Violations in West Bank Areas Known as the “Seam Zone,”** HaMoked – Center for the Defence of the Individual, March 2013, http://www.hamoked.org/files/2013/1157660_eng.pdf.

⁴⁶² [“The Humanitarian Impact of the Separation Barrier”](#) (See note 450).

⁴⁶³ [“The Humanitarian Impact of the Separation Barrier”](#) (Ibid.)

⁴⁶⁴ Under Section B of the *Addendum to the Orders Concerning a Permit for a Permanent Resident of the Seam Zone (Judea and Samaria)*, 2004.

⁴⁶⁵ **“Special Focus: The Barrier Gate and Permit Regime Four Years on: Humanitarian Impact in the Northern West Bank,”** United Nations Office for the Coordination of Humanitarian Affairs (OCHA), November 2007, p. 2., http://www.ochaopt.org/documents/OCHA_SpecialFocus_BarrierGates_2007_11.pdf

⁴⁶⁶ HCJ 9961/03 [HaMoked – Center for the Defence of the Individual v. The Government of Israel](#) (judgment granted on 5 April 2011).