

# Situation Report:

# The State of Human Rights in

# Israel and the OPT

# 2016

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## Introduction

Every year, the Association for Civil Rights in Israel (ACRI) publishes report entitled “Situation Report: The State of Human Rights in Israel and the OPT” (“OPT” is an abbreviation for “the Occupied Palestinian Territories.”) We publish the report to mark International Human Rights Day on December 10 – the date on which, in 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. The report reviews the current situation and key developments in selected human rights issues in Israel and in the OPT over the preceding year. ACRI’s goal in publishing the report is to warn about particularly severe human rights violations; to recognize positive trends, when these can be identified; to highlight human rights issues that do not usually receive public attention; and to note key processes in the field of human rights that impact on the lives of all those who live in Israel and the OPT.

Unfortunately, 2016 brought very little good news when it comes to human rights. The wave of violence that has been dubbed the “intifada of individuals,” which began in the fall of 2015, continued throughout 2016, at varying levels of intensity. Acts of violence violated the basic right to life and personal security, spread terror among the public, destabilized everyday life, and left mourning families and broken communities. During this difficult period, the authorities often showed a tendency to select extreme means in their response to the situation, including the unnecessary violation of rights and liberties and the disproportionate use of force.

Freedom of expression and democratic space in Israel faced severe attacks this year. It is extremely unfortunate that elected representatives – Members of Knesset and ministers – played a leading role in attempts to curtail freedom of expression (particularly freedom of artistic expression), restrict the free media, silence criticism, damage the separation of powers, and hamper the actions of those whose opinions or actions are contrary to the positions of the political majority. As in previous years, the attack on freedom of expression was accompanied by the delegitimization of political rivals, minorities, and human rights organizations.

Three groundbreaking state reports into aspects of discrimination offered some hope of positive change this year: A report on the economic integration of the Arab minority (which served as the foundation for the adoption of a five-year plan on this issue); the report of the Palmor Committee on discrimination against Ethiopian-Israelis; and the Biton Report on empowering Sephardi and Mizrahi culture. The publication of these reports is important in itself in terms of recognizing the protracted discrimination faced by these groups, but the real test will come in the allocation of resources to implement the recommendations presented in the various reports. As of the time of writing, the discussions relating to the state budget for 2017-2018 suggest that the government will not implement most of the recommendations.

The report also discusses other issues that were prominent over the year: The intention to increase enforcement and punishment of building violations in Arab communities, while ignoring the planning situation in these communities and the responsibility of the planning system itself for the current situation; ongoing discriminatory planning processes in the Negev; the continuing harassment of refugees and asylum seekers; and the violation of the rights of migrant workers. Above all these issues hovers the cloud of the ongoing occupation of the West Bank. Within the same area, and under the same power, two separate legal systems are imposed on two distinct populations. One population enjoys rights, while the rights of the other population are constantly violated. As described in the final chapter of this report, this discrimination is becoming increasingly institutionalized as we approach the fiftieth anniversary of the occupation, and is becoming an integral feature of the governmental systems in Israel.

Alongside human rights violations, we are pleased to report some positive developments in the fields of health, housing, and the rights of persons with mental or cognitive disabilities. These positive changes did not emerge out of thin air, but are the product of vigorous activities by organizations, groups, and individuals over many years. Each achievement of this kind gives reason for optimism and encourages us to continue to struggle to change the current situation and to promote human rights in Israel.

Change does not happen overnight. It requires thorough work with all sections of society – from the political echelon through the governmental bureaucracy and the courts, the media and social networks, public opinion leaders, and the education system. Despite the difficulties, all of us at ACRI are committed to continuing this long-term struggle in all the different arenas. Even when our activities meet with criticism and hostility, we will not abandon our commitment to democracy, human rights, and Israeli society.

## Substantive Changes in the Rules of the Democratic Game

A key feature of the past few years in Israel has been the alarming trend toward substantive changes in the basic rules of the democratic game. This trend [was even more pronounced this year](#), plummeting new depths. The political majority continued to violate basic rights, challenging and pushing to a cliff edge the most basic rules of democracy, such as respect for the different branches of government or the protection of minority rights. Regrettably, parliament itself – the emblem of democracy – is one of the main arenas in which the rules of the democratic game are being attacked. Members of Knesset have promoted numerous bills that seek to silence opinions and public criticism; to delegitimize their political rivals, minorities, and human rights organizations; and to curtail the activities of those whose positions or actions are unpopular with the political majority.

Two of the most prominent anti-democratic legislative initiatives of 2016 were approved and entered into law. The "[Suspension Law](#)" allows a majority of Members of Knesset to suspend their fellow Members from the political opposition on political grounds. This law gravely damages democracy, and will be particularly harmful to the Arab minority and its representation in the political system. The "[NGO Law](#)" sought to stigmatize organizations whose agenda differs from that of the political majority. Although the law was eventually passed in a somewhat diluted form, its mere presence in the statute book delegitimizes and hampers the activities of human rights organizations and organizations identified with the political left.

The numerous bills and initiatives raised over the year also include the proposed "[Culture Loyalty Law](#)," which seeks to empower politicians to deny budgets to cultural institutions they believe are disrespecting the state and its emblems; bills seeking to damage the [status](#) and powers of the [Supreme Court](#); or [bills](#) relating to individuals who advocate a boycott of Israel, seeking to impose a "price tag" for legitimate political expressions; the attempts to curtail free media, as discussed in detail in the next chapter; attempts to prevent [National Service](#) volunteers working in [human rights organizations](#) and to deprive these organizations of [tax benefits](#); and the [numerous initiatives](#) and [decisions](#) of the [Minister of Culture](#) [impairing](#) freedom of political expression in [art](#), most of which target Arab artists and cultural institutions.

The combined result of these initiatives is to damage the basic principles of the democratic system in Israel, including the ongoing and cumulative violation of freedom of expression and protest, human dignity, and the right to equality; violation of the right to association; and the weakening of the ability to maintain pluralism and legitimize diverse positions, thoughts, and opinions. At the same time, the majority is becoming increasingly authoritarian in its attitude to social, political, and national minorities. The rights of these minorities are increasingly being violated, particularly the right of political expression and freedom of association of the Arab minority.

Although not all of these initiatives and proposals are ultimately adopted as law, and although some are adopted in a moderated form, their cumulative damage is significant. Silencing criticism and fomenting incitement against institutions, organizations, and groups within the population has an impact on the public and encourages hatred. The targets of these attacks come to be perceived as enemies to be condemned and crushed. The dominant discourse of the Knesset and government this year and the [statements of elected representatives](#) against human rights organizations fueled the ongoing [marginalization](#) of and [attacks](#) on these [organizations](#) and [against artists](#) and [public figures](#) targeted as enemies and traitors. As the range of opinions regarded as legitimate narrows, even [officers](#) and senior figures in the [military](#) and in [government](#).

The gradual erosion of democratic space acts as a [deterrent](#), silencing debate and leading to self-censorship in Israel society – a phenomenon known as the "chilling effect." Instead of a

society that seeks to address problems and resolve disputes, it becomes increasingly difficult even to discuss problems openly. This process damages the ability to criticize the authorities, inspect their conduct, and help those who have suffered due to their actions – vital foundations of the democratic system. Attempts by senior figures in the Knesset and the government to silence and paralyze criticism of their policies is also contrary to international conventions to which Israel is a signatory, and which guarantee protection for human rights and those who seek to defend them. Such action is also diametrically opposed to Israeli law, in which freedom of expression and protest enjoy the status of fundamental constitutional rights.

## Freedom of Expression

### The Governmental Assault on the Media

The media are the watchdog of democracy. Free media that investigate and ask difficult questions are an essential condition for facilitating informed discussion concerning issues on the public agenda. Regrettably, the past year saw some alarming attempts by elected representatives to attack the freedom of the press and the media in Israel.

The year began with a positive development. A [petition](#) filed by ACRI led to the [abolition of an ordinance](#) dating back to the British Mandate period permitting [the closure of dozens of newspapers](#) on the order of an Interior Ministry official. The interior minister declared his intention to abolish the Press Ordinance, which conditions the publication of newspapers on receipt of a license. However, Israel's leaders were reluctant to relinquish their desire to control and curtail the press. The prime minister has been careful to retain personal control of the Ministry of Communications, and continues to be [actively involved](#) in [the entire map of the Israeli media](#). At a series of meetings with key media outlets over the year, the prime minister reprimanded journalists for being disconnected from the people and for [constantly criticizing](#) his own actions.

This worsening trend has also led to [attacks and allegations](#) designed to delegitimize journalists and media outlets that publish critical reports. The purpose of the media is to [monitor and criticize](#) and to present difficult questions to those elected to hold the rudder of state. Leaders have always complained about journalists who perform this function, but this year saw an unprecedented level of ferocity in [vicious](#) and [distorted reactions](#) issued by the Prime Minister's bureau. The reactions are remarkable in that they [do not respond substantively to the claims raised by journalists](#), and appear to be designed solely to delegitimize and [terrorize](#) the media, or – as the minister of culture explained in a Facebook post – [to redefine the rules of the game](#). Predictably, these unbridled attacks by public figures encouraged violent incitement in the social media. Although extreme attacks of this type may be interpreted as implicit encouragement of physical violence, the Knesset

rejected a proposed law intended to protect journalists and media teams from [physical attacks](#).

The prime minister and government ministers also intensified their efforts to intervene in media appointments and content. At the beginning of the year, the prime minister sought to [prevent the extension of the period of office of the commander of the IDF's Galei Tzahal radio station](#). Later, the attorney general was forced to intervene in order to prevent the defense minister from [attempting to interfere](#) in the content broadcast on the station. The government initiated legislation curtailing the mandate of the Knesset Channel, on the pretext of preventing the broadcast of material that “[disgraces](#)” the Knesset. The prohibition was [moderated](#) following public criticism, but this is unlikely to end the [pressure](#) that the director of the channel has stated he is subjected to from politicians seeking to interfere in the content and to [turn the channel into a mouthpiece for the official position](#).

This pattern of pressure and interference has been particularly apparent in the case of Kan, the new public broadcasting corporation that is due to replace the Israel Broadcasting Authority, following a reform initiated by Minister Gilad Erdan and approved by the government two years ago. At the time, Prime Minister Netanyahu [welcomed the initiative](#) and promised that it would strengthen public broadcasting – “[to which we attach great importance](#).” This year, however, just a few months before the new corporation was due to take to the air, coalition chairperson David Biton took steps to abolish the body, with the support of [Prime Minister Netanyahu](#), raising vague and unsubstantiated claims of [financial waste](#) and [political bias](#). MK Biton explained that “[the media is too free](#),” while Culture Minister Regev asked “[what use is the corporation if we don't control it?](#)” We should note that other ministers, including Ministers Gilad Erdan and Gila Gamliel, [sharply criticized](#) such statements and noted that they “[border on fascism rather than a democratic regime](#).”

Later in the year, the prime minister declared his intention to dismantle the new corporation, though following objections from the finance minister, Netanyahu was [forced to suspend the planned move](#) and announced that an “examination” would be undertaken. The “examination” has not yet been completed, but the coalition chairperson has already declared that its outcome will be the [closure of the corporation](#). The government is also considering the possibility of [shutting down both the new corporation and the Israel Broadcasting Authority](#), thereby eliminating public broadcasting in Israel. Even if public broadcasting survives these attacks, the campaign of demonization over recent months will continue to terrorize the system and ensure that it does not dare to be “too free.”

The elimination or enfeeblement of public broadcasting deals a fatal blow to freedom of the press and the public right to know. However high-quality and professional commercial broadcasting may be, it is always subject to influence and pressure from those who pay the piper. Recent years have seen an increase in the practice of [covert advertising](#), and even more so of so-called “[marketing content](#).” This content is presented in the media in a similar form and style to editorial content, but actually constitutes a paid advertisement on behalf

of commercial or governmental bodies. This phenomenon is one of the main reasons for a fall in Israel's ranking in the [global Freedom of the Press report](#); for the first time, Israel was ranked [partly free](#). Against this background, [public broadcasting](#) is of particular importance, since its function is to serve the public interest and the public as a whole, and to be free of commercial or [political](#) considerations.

## The Wave of Violence: From Violation of the Right to Life to Defects in Due Process

The wave of violence that erupted in the fall of 2015, and which has been dubbed “the intifada of the individuals,” continued over the past year. This is not the first such wave of violence, and unfortunately it is unlikely to be the last. The ongoing reality of occupation and oppression, and of as conflict that has extended over decades at varying levels of intensity, mean that such outbreaks of violence are sadly a routine occurrence. The level of violence varied over the year, with calmer and stormier periods, but throughout the year serious incidents of violence [occurred](#) in Israel and in the West Bank. These incidents caused [dozens of fatalities](#) and [hundreds of injuries](#). These incidents violated the basic right to life and personal security, spread panic among the public, and disrupted everyday life. They left hundreds of grieving families and broken communities.

During this difficult period, the response of the authorities have often shown a preference for extreme means that entail the disproportionate violation of basic rights and liberties and the use of excessive force. The military and the police, who are responsible for public security, face multiple challenges during such periods, and must use the substantial means and force at their disposal in a considered and measured manner. They should refrain from violating human rights whenever possible and as far as possible.

The most prominent example of the disproportionate violation of human rights by the military and the police relates to the most basic right of all: the right to life. In many cases of actual or suspected terror attacks, prima facie evidence suggests that police officers, soldiers, and even civilians have [shot and killed attackers or suspects](#) although [they did not face any mortal danger at the time](#). In some cases, attackers were killed despite the fact that it would have been possible to subdue them by less injurious means in accordance with the open-fire regulations. The prosecution of [Elor Azaria](#), who shot and killed a Palestinian attacker in Hebron, has provoked a stormy but vital public debate in Israel.

Another tactic that was applied more frequently this year than in the recent past was the demolition and sealing of the homes owned and occupied by the relatives of individuals involved in attacks. According to [HaMoked – Center for the Defence of the Individual](#), 23 homes in the West Bank and East Jerusalem were demolished, partially demolished, or

sealed between January and mid-October 2016. Over the year ending mid-October 2016, the military also surveyed some 100 additional homes, though demolition orders have not yet been issued. Punitive house demolition causes serious harm to innocent family members, violating their right to shelter and to decent living conditions. In 2005 the military and the government decided to end the use of this means, after a military committee found no evidence that it provided effective deterrence. Indeed, the committee found that such demolitions caused more harm than benefit, since the limited deterrent effect was more than outweighed by the anger and hatred caused among Palestinians by this punitive means. Despite these findings, the state resumed its use of punitive house demolitions a few years later.

Against the background of the escalating violence, the number of administrative detainees reached its highest point for a decade this year. Placing a person in administrative detention without trial is one of the most draconian measures employed in Israel. Administrative detention is based on the [improper assumption](#) that it is possible to predict an individual's future conduct. It serves to imprison individuals on the basis of classified material, in a proceeding that denies the suspects [their most basic right](#) – to know what they are accused of so that they can defend themselves against the charge. According to B'Tselem's figures, Israel was holding a total of [692 Palestinians](#) in administrative detention as of the end of April 2016, including two women and 13 minors. [According to figures published in the media](#), the number of detainees as of July 2016 was 651. Over the past year, several administrative detainees went on [hunger strike](#) out of desperation and in protest at the growing use of this means.

As can be seen in various cases, extreme measures used against Palestinians in the OPT eventually “seep across the border” into Israel proper and are also used against Israeli citizens, albeit on a smaller scale and in a milder form. According to figures presented to the Knesset Constitution, Law, and Justice Committee by the attorney general, [some 20 people were placed in administrative detention](#) between January and October 2016, [most of them Arab](#) citizens or permanent residents of East Jerusalem. During the same period, 75 exclusion and restriction orders were also issued – the highest number in any year to date – against Israeli residents of the settlements, Israeli citizens inside Israel, and residents of East Jerusalem. Administrative exclusion and restriction orders also violate basic rights and democratic principles, preventing individuals from challenging accusations leveled at them through a proper proceeding. As such, they are improper.

Rather than reducing the use of such tools, the government has tabled a [bill](#) that would expand the powers of the defense minister to place citizens in administrative detention and to issue sweeping restrictive orders. This example shows how the systematic and protracted denial of the basic rights of Palestinians in the OPT creates dangerous new norms inside Israel, seriously violating the rights of Jews and Arabs.

Another bill that was tabled before the Knesset and approved by the plenum restricts the rights of detained children. Israeli law and international conventions emphasize the need to restrict the incarceration of children to an absolute minimum, and note the vital importance of programs for rehabilitating minors. Despite this, the Knesset passed a law over the year imposing [penalties of imprisonment](#) on [minors](#) aged 12-14 years convicted of murder or manslaughter. The Members of Knesset who promoted the law explained that its purpose was to impose heavy periods of imprisonment on children from East Jerusalem involved in terror attacks. The law brings the legal arrangement applying to Israeli minors closer to the strict and problematic arrangement that has applied for years to [Palestinian minors in the OPT](#).

A further example of the increasing violation of the rights of the Palestinian population over the past year, against the background of the wave of violence, is the imposition of sweeping and protracted restrictions on movement within the West Bank and in East Jerusalem. Closures were imposed this year on [Ramallah](#), [Yatta](#), Bani Na'im, Hawareh, Burin, and many other Palestinian locales. The prime minister even used a [post on his personal Facebook page](#) to announce a policy whereby residents of the locale from which an attacker came would be punished in response to every attack: the military will impose a closure on the village or town, while the relatives of the attacker will lose their work permits in Israel. Imposing sweeping restrictions on movement as a means of deterrence and with the goal of pressurizing the population constitutes prohibited [collective punishment](#), since people who have not committed any offense pay the price for the actions of a single individual or a small number of individuals over which they have no control. The restriction of freedom of movement disrupts the fabric of life of the civilian population as a whole, and damages the right to a livelihood, education, health, and numerous other rights that depend on the ability to move from place to place.

## Racism and Discrimination: Hope of Systemic Change?

Racism and discrimination are not new phenomena in Israeli society. Over recent years, there has been an increasing number of reports of discrimination against [Arabs](#), [Ethiopian-Israelis](#), [Mizrahim](#), [Haredim](#), [women](#), the [LBGT](#) community, [people with disabilities](#), and other groups. Discrimination takes numerous forms – slogans at soccer games, selective screening by color and ethnicity by “bouncers” at nightclubs, segregation of Jews and Arabs in swimming pools, country clubs, and hospital maternity rooms, and so forth – and is often difficult to prove and to combat.

Rather than reviewing these phenomena in detail, however, we have decided this year to present some groundbreaking instances in which the authorities have accepted responsibility for combating discrimination and racism and made an effort to improve this

struggle. To give one example, [the Israel Lands Authority for the first time fined](#) a construction company for releasing a promotional video depicting Mizrahi Israelis in an offensive and scornful way, implying that they were not wanted in its project. [The police raided](#) nightclubs and places of entertainment suspected of applying discriminatory selection criteria in admission, detaining 25 suspects. [The police also took action](#) against violent and racist supporters from the “La Familia” organization, and [a court for the first time imposed an actual sentence](#) on a soccer fan who shouted racist slogans at an Arab player. Such steps convey an extremely important message that discrimination and racism are not the personal concern of those affected but are the concern of the state, and that the prohibition against discrimination is a protected social value that the state is obliged to defend.

Three groundbreaking reports were published this year regarding different aspects of discrimination in Israel. The reports included important recommendations, though the government does not seem to be planning to implement most of these. The report by the Ministry for Social Equality, the Finance Ministry, and the Prime Minister’s Office on the subject of [the economic integration of the Arab minority](#) served as the basis for Government Decision 922, which proposed a five-year plan to tackle this issue. However, many questions remain regarding the implementation of this plan (see below in the section on The Rights of the Arab Minority). The education minister adopted the [recommendations](#) presented in the [Report of the Biton Committee](#) for strengthening Mizrahi identity and for integrating themes from the history and culture of the Sephardi and Mizrahi Jews in the education system. Despite this, a bill providing for the implementation of these recommendations was [rejected](#) by the Knesset, and the proposed state budget for 2017-2018 [does not include](#) specific allocations for this issue. [The report of the State Panel on Eradicating Racism against Ethiopian-Israelis](#) (“the Palmor Committee”) was unprecedented in its recognition of racism toward Ethiopian-Israelis and in its emphasis of the state’s responsibility for the discrimination they face. The report included [important recommendations](#) for action. The fact that the [government adopted](#) most of the recommendations (with the exception of those relating to the Israel Police) is an encouraging sign; it is to be hoped that the government will allocate budgets to this end and implement the proposed steps. The response of the Israel Police to the recommendations concerning its treatment of Ethiopian-Israelis was less encouraging, particularly since it was this issue that sparked the protests by the community and led to the appointment of the committee. The [police initially demanded the removal](#) of the recommendations concerning its operations, claiming that these [had already been implemented](#). The police later refused to adopt [three key recommendations](#) regarding the use of tasers, increased disciplinary action within the force, and the video documentation of interrogations of minors. The police is currently examining these recommendations, which seek to restrict the use of injurious methods and to facilitate inspection of police actions, and has not yet announced its final position on their adoption.

In the context of the struggle against discrimination and racism, it is important to bear in mind that it is impossible to eradicate racism against one group in isolation from others. What is needed is a holistic [struggle against racism as a world view](#) and as a phenomenon

that afflicts different groups in society. A campaign that focuses on a single group that is the victim of racism is likely to prove unsuccessful, since it does not attack the underlying essence of racism: the hierarchical division of humans and the perception that “other” groups are inferior to “my own.” In fact, such an approach is even liable to exacerbate the problem, perpetuating the perception of the target group as different and inferior. As the State Comptroller remarked this year, the struggle against racism requires [a comprehensive educational program](#), rather than isolated reactions to extreme instances of racism. This struggle demands [a profound shift in attitudes](#), based on the conviction that every human is entitled to equal rights.

## The Rights of the Arab Minority

### **The Five-Year Plan: Hope of Change, Concern that the Program will be Shelved**

At the end of December 2015, the government adopted [Decision 922](#), a five-year plan for the economic integration of the Arab minority in Israel. This decision has the potential to become one of the most important developments in years in advancing the rights of Arab society in Israel. The plan is detailed and comprehensive, providing for the allocation of substantial budgets in housing, education, welfare, industry, planning, health, and other areas. After decades of discrimination against the Arab minority in budgeting in all fields of life, the government decision set an important precedent. The [report](#) on which the decision was based was also important and broke new ground. For the first time, the state openly admitted that the Arab minority faces discrimination in budgets in various fields.

However, numerous question marks surround the implementation of this decision. It is unclear whether the government is genuinely committed to its own decision, and which aspects of the plan will actually be budgeted and implemented. The proposed budgets are insufficient to end discrimination, and moreover it is unclear whether they constitute real additional allocations or the repackaging of budgets already earmarked for the Arab population. The plan does not address some of the most serious problems facing Arab society, such as the shortage of classrooms and study hours. Moreover, alongside this plan, the government is at the same time promoting various initiatives that are contrary to its objectives and are liable to prevent its implementation. An example of this is the proposal to increase the enforcement of planning and building laws in Arab locales, as discussed above. Whether implicitly or explicitly, the transfer of funds allocated under Decision 922 is being linked to enforcement in this field. This condition [violates](#) Arab citizens’ right to equality and ignores the state’s planning failings over many years that have contributed to the phenomenon of unauthorized construction.

The Arab public is no stranger to broken promises and is tired of committees and reports. If the government is serious in its intention to turn over a new leaf in its relationship with the Arab population, it must back up its words with actions and include the relevant budget

items from the five-year plan in the state budget, without conditions. The state must also take many additional actions in order to ensure genuine and full equality of the Arab minority. These include investments in the education system; addressing the housing crisis in Arab communities; and ending its discriminatory and harmful planning policy toward the Bedouin Arabs in the Negev.

### **A New Threat to the Right to Housing**

In June 2016, the government adopted [Decision 1559](#), which seeks to intensify enforcement and penalization for building offenses. The decision is based on [the report of a panel appointed to examine illegal construction](#) (the “Kaminitz Report,”) which was submitted at the beginning of the year. Following the government decision, a [legislative memorandum](#) was published calling for various actions in this field: increasing the discretion and powers of the relevant administrative bodies, particularly the national planning and enforcement bodies, regarding the demolition of homes built without permits; restriction the discretion of the courts and their involvement in the enforcement of building laws; increasing the fines and periods of imprisonment for building offenses; and extending the scope of penalization to include professionals involved in the process of unauthorized planning or construction.

While the proposed amendments will impact on the enforcement of planning laws throughout Israel, it is impossible to ignore their dramatic ramifications for Arab citizens. The wording of the government decision clearly shows that it is intended to apply primarily to unauthorized construction in Arab communities. The intention to apply draconian and damaging means of enforcement in Arab communities [ignores](#) the planning situation in these communities and the responsibility of the planning system itself for the current situation.

The phenomenon of unauthorized construction in Arab society is the direct result of [institutionalized and long-standing neglect and discrimination](#) against the Arab population in the areas of land allocation, planning, and housing. The roots of the problem lie in the protracted failure of the system to recognize the needs of the Arab population in these fields, and in the clear prioritization of Jews over Arabs in spatial use and in the allocation of public land for construction. This ongoing policy has created a severe planning crisis in the Arab communities in Israel, reflected in the absence of planning or in defective planning; restrictive areas or jurisdiction and planning zones; a high level of housing congestion; and a shortage of housing solutions, infrastructures, public buildings, and industry.

These broad-based and ongoing planning failings severely restrict the ability of Arab citizens to build legally and present them with a Catch 22 situation. The result is that many citizens who would prefer to build lawfully and have no desire to become involved in building offenses are forced to build their homes without permits. They then find themselves

exposed to administrative and criminal proceedings instigated by the authorities, for which they pay a heavy price.

A prior condition for the exercising of the authorities' enforcement and penalization powers, including the issuing and execution of administrative demolition orders, is that the planning institutions must meet their legal obligation to provide proper planning frameworks enabling lawful construction meeting the housing needs of the population. The planning authorities must examine the causes of unauthorized construction in Arab society; facilitate the retroactive approval of construction undertaken in the absence of any other alternative; and provide proper and lawful construction and housing solutions in the Arab communities.

### **The Bedouin Arabs of the Negev: The Danger of Expulsion**

The Bedouin Arabs of the Negev also live under the constant threat of the serious violation of their right to housing and to a dignified existence in their villages. Over the past year, the authorities continued to promote various initiatives that seek to expel thousands of Bedouin citizens from their homes. Work is continuing on plans to establish five new Jewish communities, as approved by the government in November 2015. These plans will [impact directly](#) on two Bedouin villages: the unrecognized village of Katamat, which has a population of 1,500, and the village of Bir Hadaj, with a population of 6,000, which already has an approved outline plan. Other damaging proposals at various stages of the planning process include a plan adopted in 2014 to establish five new communities for the Jewish population along Route 25; a plan dating back to 2011 to establish seven new rural Jewish communities in [the area around the city of Arad](#); [plans to demolish](#) the Bedouin-Arab village of [Atir / Umm al-Hiran](#) and to establish a Jewish community in its place; and the establishment of a [phosphate mine](#) on the land of three Bedouin villages – al-Ghaza, al-Za'arura, and al-Fura'a – that are home to some 10,000 Bedouin-Arab citizens and have existed in the area since before the establishment of the State of Israel.

Israel continues to ignore the existence of some 25 Bedouin villages that are home to tens of thousands of people. It refuses to recognize the villages or to formalize their planning and municipal status. The vast majority of these villages have existed since before the establishment of the State of Israel. Others were established in the 1950s after various arms of the state transferred Bedouin Arabs from their traditional lands to the so-called "pale of settlement" in the north-east of the Negev. One village that shares this history is Wadi a-Na'am, whose residents were transferred to its present site in the 1950s on the orders of the military government. Since then – over a period of more than six decades – the village has been considered a "temporary" settlement, and its residents face a serious shortage of services and infrastructures. This year, following a [petition](#) filed by residents of the village through ACRI and the Bimkom association, the government's housing cabinet approved a [proposal](#) to establish a new community for the residents. However, the plan, which seeks to transfer the residents of the village to an area adjacent to the Bedouin town of Segev

Shalom, was adopted without the involvement of the residents and is incompatible with their needs and way of life; accordingly, they [reject it](#).

The government's refusal to recognize the Bedouin villages makes the residents' lives intolerable. The villages lack vital infrastructures, including connections to the electricity and water grids, as well as services in the fields of health, education, and welfare. Moreover, [the enforcement policy](#) relating to planning and building laws means that the residents face the constant threat that their homes will be demolished. Even the Bedouin villages that have already secured recognition face [a lack of services and infrastructures](#), compounded by [restricted possibilities for development](#). This reality violates the basic rights of Bedouin citizens, including their right to dignity, property, housing, education, health, and protection of their unique cultural identity.

Contrary to the prevalent misconception among the Israeli public, [the Bedouin Arabs of the Negev are not trespassers](#). They have rights to the land they have farmed and settled. After the establishment of the State of Israel, the authorities ignored the existence of the Bedouin villages when they introduced planning laws and outline plans. If Israel wishes to end the protracted conflict with the Bedouin population and to resolve the problems facing the residents of the unrecognized villages on the basis of civil equality, it must adopt a systemic solution based on respect for the human rights of this population. As part of such a solution, Israel should recognize all the 35 unrecognized villages in the Negev in their current location, based on accepted and objective planning standards and on the traditional ownership structure of Bedouin society. The authorities must also act transparently and involve the Bedouin public in proposed solutions, and must refrain from unilateral and belligerent actions, including the forced transfer of the population.

## The Right to Health

### A Significant Addition to the Health Basket

Over the past year, a vigorous debate took place on the question as to whether life-extending drugs should be included in the complementary insurance packages sold by the HMOs or in the stand public health "basket." The debate had a positive conclusion: the government decided that these drugs will continue to be included in the public health basket, and increased the budgetary allocation for this purpose.

The prohibition on the inclusion of life-extending drugs in the complementary health packages was established in 2008. At the time, the government explained that the provision of such drugs solely to those who purchase complementary insurance would distort the underlying incentives in the National Health Insurance Law; create two baskets of health services – a limited public basket for the population as a whole and another for those with

financial means; damage the principles of equality and solidarity the form the foundation of the law; and lead to uncontrolled growth in national health expenditure.

Over recent years, the erosion of the health basket budget ([see Table 7](#)) meant that it could not be updated at a reasonable pace. As a result, vital drugs were not included in the basket (though it is important to acknowledge that most new oncology drugs recognized as vital by the medical community have been included in the public health basket). As a result, the Ministry of Health faced strong pressure to permit the sale of these drugs as part of the complementary insurance packages, particularly given their enormous cost. In March 2016 the Ministry of Health published a legislative memorandum significantly changing the system and allowing the inclusion of these drugs in complementary insurance packages.

Social organizations, including Physicians for Human Rights-Israel, ACRI, and the Adva Center, [opposed](#) the proposed legislative amendment. The organizations argued that including these drugs in complementary health insurance would lead to a dramatic increase (of between 10 and 40 percent) in the monthly premium paid by all those insured under such policies. This would be particularly harmful for senior citizens, who already pay particularly high premiums. The organizations added that, due to the very high cost of these drugs, those insured would still be required to pay a substantial sum themselves, so that some of those holding complementary insurance would not ultimately be able to purchase the drugs. The organizations emphasized that including these drugs in complementary insurance packages would exacerbate inequality and gaps in the health system. Approximately 26 percent of the Israeli population – some two million people – cannot afford these packages, and accordingly would have no way to secure treatment with existing or future life-extending drugs.

By way of an alternative, the organizations suggested that an automatic annual increase be introduced in the budget for new drugs and technologies, at a rate of two percent of the total cost of the basket. This is the only way to enable the health system to operate on a rational and long-term basis, and to prevent the heartbreaking distress faced by patients who need vital drugs that have been left out of the basket. The authorities did not accept this proposal. However, it was decided that the prohibition against the inclusion of life-extending drugs in the complementary insurance packages would remain in place, and that priority should be given to increasing the health basket so that the entire population can enjoy good medical care within the public framework. The Health and Finance Ministries agreed on an addition of NIS 500 million a year to the health basket for a three-year period (NIS 200 million more than in previous years), as well as on additional increases. We welcome this decision.

## **The Protest by the Periphery: Inequality in Budgets and Services**

Campaigns by peripheral regions of Israel to secure equality in budgets and services were prominent on the public agenda over the year. A strategic plan adopted by the government, which was supposed to include [investments](#) of some NIS 20 billion in the north of the country, has not so far been included in the 2017-2018 state budget and has effectively been cancelled. Residents of the north, led by the [Changing Direction](#) group, launched an impressive campaign demanding such investments, but the government does not seem to be planning to include their demands in the budget. In the south, a new social movement called the [Peripheries Movement](#) was formed with the goal of ending the ingoing inequality. Together with the activist [Vicky Knafo](#), the movement staged a protest march from Caesarea to Jerusalem demanding that benefits for people with disabilities and senior citizens be increased to the level of the minimum wage. After the march, the protestors established a tent in the Rose Garden opposite the Knesset, from which this are continuing their campaign.

Perhaps more than any other area, the issue of [health](#) highlights the inequalities between the center of Israel and peripheral areas. By way of example, a [report](#) published this year by the Taub Center for Social Policy Studies in Israel found that hospital waiting times in the Southern and Northern Districts of Israel are significant higher than in other areas. The authors of the report explain that the long waiting times are due to the unequal allocation of resources, including the supply of beds and the number of specialist physicians and other medical staff. The recently-published report of the Committee to Examine the Expansion of Health Services in the North (the "Grotto Committee") highlighted [significant gaps](#) between the north and center of Israel in terms of health services. The report found shortages in the north in such fields as professional staff, rehabilitation beds, psychiatric hospitalization, and mother and baby clinics. The committee estimated that investments of half a billion shekels are needed in order to close these gaps.

Medical rehabilitation is one example of these gaps. The number of beds for rehabilitative hospitalization in the south and north of Israel, per 1,000 residents, is only one-fifth of the figure for the Tel Aviv area, and half the national average. There are no rehabilitation beds at all for children in the north and south, and the availability and quality of day care rehabilitation centers providing outpatient services are also significantly lower than in the center of the country. This year, a large coalition of social organizations, including the Southern Health Forum and the Citizens' Forum for the Promotion of Health in the Galilee, worked together with local authorities and experts in order to demand equality in medical rehabilitation services. In September, a [petition](#) was filed by ACRI at the Supreme Court demanding that the Ministry of Health be required to set uniform and egalitarian standards ensuring that rehabilitative services are available at reasonable journey times, distances, and quality in all parts of the country.

## Reducing the Scope of Private Medical Services

ACRI, Physicians for Human Rights-Israel, and the Adva Center filed a [petition](#) four years ago opposing a plan to allow the Assuta company to operate private medical services at the new hospital in Ashdod. The petition was rejected on technical grounds, but this year it emerged that the protracted campaign by NGOs, activists, experts, and media figures has been successful. The Health and Finance Ministries signed an agreement with Assuta stating that [private services will not be operated at the hospital](#) and that the company will receive compensation. Two months earlier, [Hadassah](#) and [Shaare Zedek](#) Hospitals announced that they would discontinue private health services offered during morning hours.

The campaign over the years galvanized opposition to private medical services, which intensified still further following the publication and recommendations of the [German Committee](#). The campaign enriched public discourse with moral, economic, and legal [arguments](#) against the operation of private medicine services based on public medical facilities, which benefit the wealthy at the expense of treatment for those with more modest means. Reducing private medical services is an important step toward correcting the distortion and discrimination between patients on the basis of their ability to pay – a phenomenon that impairs the right to equal access to health services and the right to dignity. The privatization of medical services in Israel has exacerbated social gaps and led to a deterioration in the public health system. We hope that this first step will be followed by [other essential steps](#) ensuring a clear separation between the public and private health systems and reinforcing the public system and public confidence in the system.

## The Right to Housing

### Urban Renewal – Advances in Residents' Rights

Over the course of 2016, a special Knesset committee discussed the [Urban Renewal Authority Law](#). The legislative process was completed in August and the Knesset plenum approved the law, which regulates various aspects of urban renewal, particularly “evacuation-reconstruction” projects.

While urban renewal processes have clear advantages, they also create [real potential](#) for injury to the rights of the long-standing residents of the neighborhoods involved, including a strong risk that less prosperous residents will be displaced. Thanks to work by a number of organizations, including ACRI, the law included provisions requiring the Urban Renewal Authority to take into account social considerations when considering renewal processes.

An important achievement relates to the protection of public housing tenants in urban renewal compounds. In December 2015, ACRI and the Bimkom association [exposed](#) an internal document from the Ministry of Housing stating that public housing residents who remain in “evacuation-reconstruction” projects after repopulation would be required to pay

free market rental rates for every square meter added to their apartments, as well as maintenance fees on the same basis as other residents. If adopted, this provision would obviously have led to the displacement of these residents from the project. During the discussions on the law, the organizations demanded that this issue be considered and that the law protect public housing tenants. The original draft of the bill did not even mention this issue, but the final version included a provision stating that public housing tenants in an urban renewal compound will be entitled to rent an apartment in the building after renovation, and that their rent and maintenance fees will not be increased (the minister will be empowered to define exceptions to this rule, with the approval of the Economics Committee). The law also prevents damage to the right of public housing tenants to purchase their apartment.

The new law also includes some other important provisions. By way of example: The Urban Renewal Authority will also act to advance solutions for the long-term maintenance of joint properties in urban renewal areas; an inspector of residents' complaints will be appointed to discuss complaints concerning the conduct of building promoters; the Authority will prepare and publish informational and instructional material in an accessible manner, including translations to Arabic, Russian, and Amharic; the Authority will be able to appoint and employ social consultants to assist residents in the process of advancing urban renewal projects; the declaration of an "evacuation-reconstruction" compound will be made after a recommendation has been received from an advisory committee including a permanent representative of social organizations.

### **Apartment Prices Hit Record High**

Five years after Israel's "Tent Protest," the housing crisis is still a prominent issue in public discourse, and owning an apartment is still a distant dream for many Israelis. Over recent years the government has initiated several programs with the goal of bringing housing prices in Israel back to a reasonable level, so that every family will be able to afford to buy its own home. Among other steps, National Housing Committees were established, as well as special committees to plan priority housing areas. Programs were launched to provide housing at a target price and a fixed price for new owners. Despite these steps, however, prices have continued to rise, setting [new records](#). A Fair Rent Bill that could have helped those who cannot buy a home to rent an apartment at a reasonable price on a long-term basis is now being advanced [in an abridged and diluted form](#), and will not provide adequate protection for tenants.

The housing crisis cannot be solved solely by accelerating planning processes and increasing supply – and obviously not by increasing the supply of large and expensive apartments. The state can use [diverse means](#) to meet its obligation to ensure that all residents have access to affordable housing. These means include ensuring that social considerations are taken into account in planning processes; aiming to achieve a socially-sensitive and diverse blend of

apartments across a wide range of sizes and prices in every neighborhood; allocating a certain percentage of new apartments in each project for subsidized “affordable housing;” encouraging construction for long-term rental, and so forth.

## Rights of People with Disabilities

### Supported Assisted Decision Making as an Alternative to Guardianship

No human rights is more fundamental than the right of every human to make decisions about their own life, body, and property. In Israel, the affairs of approximately 50,000 people – senior citizens and individuals with mental or intellectual disabilities – are managed by guardians who exercise total control over their charges. An important achievement was made this year in the struggle to respect the dignity and autonomy of these people. At the end of March, the Knesset adopted an [Amendment to the Legal Capacity and Guardianship Law](#). The amendment represents a real reform and includes some dramatic changes:

- [Supported decision making](#) is recognized as a model that can provide an alternative to guardianship. This approach argues that an individual’s legal capacity should not be negated even if their cognitive functioning is impaired. Instead, the individual should be supported so that they can continue to control their own life to the maximum. Decision making assistants act on the basis of the individual’s own wishes, and their function is to assist, accompany, and represent the individual, and to make information accessible to them – rather than to impose decisions relating to their life.
- Long-term power of attorney has been recognized, including groundbreaking guidelines enabling an individual to define who will take decisions relating to them and which decisions this will apply to if they lose their capacity.
- The term “ward” has been abolished and replaced with the term “person for whom a guardian has been appointed.”
- The number of instances in which a guardian may be appointed has been restricted to situations in which this is essential to prevent harm to an individual, and when no less restrictive means can be used.
- The possibility of appointing a general guardian without specifying the areas under their authority has been abolished.
- The law now defines the individual’s will as a guiding principle in the guardian’s considerations, and restricts the guardian’s ability to impose a decision on substantive matters.
- The law defines the rights of individuals under guardianship, such as the right to receive information from the guardian, the right to independence, and the right to privacy.

(For details of the changes included in the amendment, see [here](#) and in the links provided, from the website of Bizchut, The Israel Human Rights Center for People with Disabilities).

The new amendment is milestone in the struggle to ensure the right of every individual to dignity and to full legal capacity. People with disabilities played a central role in shaping the amendment and in the discussions of the amendment in the Knesset Constitution Committee.

Despite its positive achievements, the law on this matter still leaves room for improvement. It does not impose an unequivocal obligation for courts to hear the individual's opinion on any proceeding relating to their affairs; it does not abolish the institution of the "legal incompetent," though use of this tool is now rare; it still makes an individual's will subject to their "good" as perceived by the court; it does not define a broad right to legal representation in proceedings for the appointment of a guardian; it does not define a maximum timeframe for the appointment of a guardian; it does not address situations where third parties (such as banks and physicians) question the legal capacity of an individual and require the appointment of a guardian to execute legal actions; and it is still based on a perception of "capacity" that divides humans into those who are legally capable and those who are not.

Nevertheless, the new law has made a significant contribution to the field, both in guardianship proceedings and in developing alternatives to these proceedings. What is important now is to inculcate the provisions and principles of the law and to make sure that they become reality for tens of thousands of people with disabilities and senior citizens.

### **The Mental Health Reform**

In July 2015, the [mental health reform](#) came into force, after a lengthy struggle by organizations representing people with mental disabilities and their families, together with human rights organizations. The main feature of the reform is the transfer of responsibility for mental health services from the Ministry of Health to the HMOs, thereby effectively bringing mental health into the general health basket. The reform sought to correct a historical wrong caused by the exclusion of this field (as well as other fields, such as nursing hospitalization) outside the basket of services for which the HMOs are responsible, with the result that the right to receive mental treatment was not included in the National Health Insurance Law. The result was protected and appalling neglect of the mental health field over many years, causing [grave damage to all those who required mental health services](#): a severe shortage of services, particularly in peripheral areas; unbearable waiting times; and segregation that served only to exacerbate the stigmatization of those who require these services.

[Figures were recently published](#) summarizing the first year of implementation of the reform. The figures show a positive trend in the deployment of services and in the number of people

(adults and minors) receiving treatment. According to the figures, dozens of new clinics and service centers have opened around Israel since the implementation of the reform was announced, and the number of people receiving treatment has increased by approximately 30,000. However, the figures also show that the scope of treatment (reflected in the average number of treatments over the year) is still smaller than planned, and that waiting lists for treatment are still longer than is desirable. In addition, the reform brought to the surface a large number of problems that have afflicted the mental health system for many years and have not been addressed. The most significant of these problems is the shortage of professional personnel. The shortage is particularly severe in the field of [child and youth psychologists](#), and there is also an acute shortage of [Arab](#) and [Haredi](#) psychologists. Another significant problem is that the reform permitted the HMOs to offer treatment by independent therapists who see clients in their private clinics. Patients cover a significant part of the cost of such treatment. The figures show that some HMOs are using this track on an intensive basis, contrary to the original intention that it would be a marginal practice. As in any other field, the mixture of private or semi-private medicine in the public system is liable to have a negative impact on the public system and to create inequality in the receipt of services.

### **Tying of Patients in Psychiatric Hospitalization**

In March 2016, [report published by Bizchut](#) revealed for the first time in Israel that one out of every four people in psychiatric hospitalization – some 4,000 people every year – are tied up and restrained by all four limbs during their hospitalization, sometimes for hours at length. The report revealed that this practice, which constitutes a grave violation of human rights, is used in all the psychiatric hospitals, and that in most cases it is employed without justification and contrary to the law. Most of the patients involved were tied up because they were “creating a disturbance,” and in some cases this practice was used as a form of punishment. In the majority of cases, the individuals involved were not posing a threat to the staff, to other patients, or to themselves at the time they were tied up.

The report also revealed that psychiatric departments lack alternative therapies and personnel. The staff lack the patience and awareness needed to cope with challenging situations. As a result, they perceive tying up patients as an available and legitimate tool. The report highlighted the profound damage caused to individuals who experienced this treatment, including physical injuries, mental damage, and a deep sense of humiliation.

Following the publication of the report, and after decades when the public and the system showed little interest in this issue, the media and Knesset [began to discuss the issue intensively](#). The [story of Noa](#) (not the patient’s real name), a young woman who was tied up for over 24 consecutive days at Tel Hashomer Hospital, sparked particularly vigorous public debate. Bizchut and the Legal Aid Office initiated a groundbreaking legal proceeding in Noa’s

case, after which she was transferred to another psychiatric hospital, where she was not tied up at all. The [Ministry of Health established a committee of inquiry](#) to examine the incident.

The intensive discussion of this issue also had an impact on the principled level. In June, the director-general of the Ministry of Health announced that he had set a target of [gradually eliminating the tying up of patients](#) within a few years. In order to develop practical plans to this end, and at the request of Bizchut, the Ministry of Health established a Committee to Reduce Restrictions on Patients in Psychiatric Hospitals. The committee includes representatives of human rights organizations and organizations representing people coping with mental difficulties and their families. In July the Knesset Labor, Welfare, and Health Committee discussed subject of tying up patients. During the [discussion](#), the director-general of the Ministry of Health confirmed the figures presented in Bizchut's report. The chairperson of the committee promised to hold a follow-up meeting every three months and to examine the situation in all the psychiatric hospitals in Israel.

## The Rights of Migrant Workers

### Workers from China

Approximately a decade ago, the Workers' Hotline filed a [petition](#) at the Supreme Court demanding that migrant workers only be brought to Israel from countries with which Israel has signed a [bilateral agreement](#) for this purpose. This is important so that both countries can ensure that workers are not forced to pay brokerage fees. Such fees impose enormous debts on the workers and encourage a "revolving door" practice whereby migrant workers in Israel are deported in order to bring new workers and create new income from fees. The Workers' Hotline specifically requested that workers not be brought to Israel from China, since there is no way to prevent the collection of brokerage fees from these workers (even by agreement). The fees involved reached levels above \$ 30,000 per person in the past.

Thanks to the legal proceedings, workers in the agricultural and construction sectors now come to Israel from countries with which Israel has signed bilateral agreements: Thailand in the case of agricultural workers, and Romania, Bulgaria, and Moldava in the case of construction workers. Unfortunately, no agreements have yet been signed in the nursing sector – the largest sector, and one that employs tens of thousands of migrant workers.

However, since the signing of the agreements in the agricultural and construction sectors, powerful players have applied pressure in an effort to abandon this framework, and in particular to permit Chinese workers to be brought to Israel. As a result, and despite its undertaking not to bring any more workers to Israel from China and from other countries with which Israel has not signed an agreement, the [government decided](#) in September 2015 to allow thousands of Chinese construction workers to be brought to Israel. In March 2016, after [difficulties](#) arose in the implementation of this decision, the government [decided](#) to

allow 6,000 workers to be brought to Israel by granting permits to six foreign construction companies to work in Israel with their employees. [Five Chinese companies and one Portuguese company](#) won the tender. As a result, companies under foreign ownership, management, and operations will be active in Israel. In addition to the brokerage fees, and to the fact that the employees will be shackled to the companies that brought them to Israel, experience shows that the employment of Chinese workers in Israel by Chinese employees will introduce extremely damaging employment practices. Regrettably, the Supreme Court did not heed the warnings on this issue and [approved](#) the plan to allow foreign construction companies to operate in Israel.

## Rights of Refugees and Asylum Seekers

This year did not see any improvement in the condition of asylum seekers in Israel. In August 2015, the Supreme Court granted its [ruling](#) in the third petition filed by human rights organizations against the Infiltration Law. Following the ruling, which restricted the period of custody at Holot detention center to 12 months, the Population and Migration Authority quickly acted to [fill Holot to its full capacity](#), crowding in over 3,000 people. Other asylum seekers in Israel hold temporary permits that do not entitle them to health or welfare services. While they are formally prohibited from working, the state does not impose sanctions on their employers, but they are left in a state of total uncertainty regarding their future and their rights.

In a series of [petitions](#) pending before the Supreme Court, asylum seekers, legal clinics, and human rights organizations seek to challenge the conditions at Holot. The petitions address such aspects as the prohibition on bringing food into the facility; overcrowding; the prohibition against bringing in personal equipment and the inadequate equipment provided by the Israel Prison Service (IPS); the lack of educational and leisure activities, including the lack of computers; and the disgraceful service provided by the Population and Migration Authority at the facility. The petitions emphasize that Holot detention center does not have any public and defined procedure for its operations. The result is that on any matter not defined in the regulations, the IPS acts in the only way with which it is familiar – the way it operates in prisons. The petitioners claim that the problematic conditions are not coincidental, but are intended to break the detainees' spirits so that they will agree to leave Israel to whichever country is offered to them.

Another policy applied in an attempt to get rid of asylum seekers is the attempt to deport them to a “third country” – Uganda or Rwanda, despite the absence of any guarantees that they will not then be deported to their countries of origins, and despite the violation of their rights on arrival in the “third country.” Last year, the Administrative Affairs Court in Beersheva [rejected](#) a [petition](#) submitted by asylum seekers and human rights organizations

challenging this policy; an appeal is currently pending before the Supreme Court. The [offices of the Population and Migration Authority](#) in Bnei Brak, Tel Aviv, Hadera, and Eilat continue to provide a humiliating and degrading service, in another attempt to show the asylum seekers that they are unwanted.

A glimmer of light was provided this year by the Appeals Tribunal in Jerusalem, which [accepted several petitions](#) filed by Eritrean citizens against the rejection of their asylum applications. The decisions in their cases, as in the majority of cases involving Eritrean asylum seekers, were based on an opinion of the Population and Migration Authority claiming that deserters from military service in Eritrea do not constitute refugees. The Tribunal instructed the interior minister to re-examine the applications without relying on the above-mentioned opinion. In addition, the Interior Ministry itself made a single positive decision over the year when it accepted the asylum application of [Mutasim Ali](#), who thereby became the first asylum seeker from Darfur in Sudan to be recognized as a refugee. With this exception, however, Israel has not recognized any other Sudanese refugees.

## Human Rights Violations in the Occupied Palestinian Territories (OPT)

### Left Homeless

Israel's control of the West Bank, which is now nearing its fiftieth anniversary, continues to cause the systemic and severe violation of the rights of the Palestinian population. These violations intensify during periods of escalation and violence, as was also seen this year and as described above in this report (in the section The Wave of Violence). Even during calmer times, however, no right can ever be taken for granted under occupation. Detentions and harassment, checkpoints and prohibitions, the denial of basic services, restrictions on development are all just part of the daily lives of millions of humans. The separation of the West Bank from East Jerusalem seriously violates individual and collective rights, while the fragmentation of the West Bank by means of checkpoints, the Separation Barrier, and the settlements is becoming increasingly entrenched.

One of the most prominent examples of the violation of basic human rights over the past year was the sharp rise in administrative house demolitions – the demolition of homes constructed without a permit. According to [figures published by B'Tselem](#), the number of homes demolished in the OPT in 2016 is the highest since the organization began to collect data in 2006. Between the beginning of the year and the end of October, Israel demolished 255 homes on the grounds of construction without a permit. The demolitions left 1,076 people homeless, including 557 minors. In East Jerusalem, the authorities demolished over 194 buildings between the beginning of the year and mid-November, including 123 housing

units, compared to 74 housing units demolished in 2015 and 52 in 2014. These figures were presented by the Ir Amim association [on its Facebook page](#). According to figures published by the [ACTED](#) organization, a total of 989 buildings were demolished in the West Bank and Jerusalem in this period, including homes and structures used for agricultural and other purposes.

The administrative demolition of homes, as well as the demolition of structures used for livestock, the sealing of water pits, the confiscation of [solar panels](#), and other similar actions are justified by the lack of permits for such construction. However, the Israeli planning authorities – the Civil Administration in Area “C” and the Jerusalem Municipality and Interior Ministry in Jerusalem – systematically evade their responsibility and fail to promote planning and development in areas populated by Palestinians. They then use the absence of planning to justify their refusal to grant building permits. Given natural growth, and in the absence of any planning horizon, many Palestinians build their homes without permits, and then face the constant threat of fines or [demolitions](#), even when the construction is on land under their ownership.

[Israel's longstanding policy in Area C](#), which is under full Israeli military control, is not confined to the absence of planning and the practice of house demolition. This policy also includes the declaration of areas as “state land,” on which Palestinians are forbidden to build; the denial of entry and construction in other areas through their declaration as [firing zones](#) for military maneuvers or as nature reserves; [preventing the connection of Palestinian communities to basic infrastructures](#), and so forth. Small communities in relatively isolated areas suffer particularly from these policies, as for example in the South Hebron Hills and the Jordan Valley. The case of the village of [Susya](#) illustrates the serious violations caused by Israel’s planning policy. The residents of this village face a constant threat of expulsion, and here, too, [homes were demolished over the past year](#). [This damaging policy](#) condemns communities such as Susya to perpetual uncertainty, and constitutes a violation of the military’s obligations under international humanitarian law.

## **The Right to Water**

The difficulties faced by Palestinian communities in the field of the development of infrastructures are not confined to Area C. Areas A and B, which are under the control of the Palestinian Authority and where the majority of the Palestinian population lives, account for 40 percent of the total area of the West Bank. However, these areas are interconnected with Area C in a single area with complex mutual dependencies. The water grid connecting Palestinian communities, for example, has no alternative but to pass in part through Area C.

Last summer saw a severe [water shortage](#) throughout the West Bank. Some of the reservoirs serving the Palestinian towns and cities dried up, and the authorities were forced to ration water and to limit water supplies to different parts of the cities each day. Many Palestinian

residents faced long days without water, or were forced to make do with water they managed to collect by themselves or purchase from containers. Factory owners and farmers were forced to suspend their work.

By contrast, the majority of the Israeli settlements continued to enjoy a normal water supply throughout the summer. Several settlements faced [problems in the water supply](#), but these were minor in scope and were quickly resolved with the help of the authorities. In general, there is no restriction on the use of water in the settlements, whereas the Palestinian population has to cope with limited rations of water as provided in the Oslo Accords. The water issue illustrates the constant gulf between the living standard and level of development of the Israeli and Palestinian populations – a gulf that is exacerbated by Israel’s policy of strangling Palestinian development throughout the West Bank, and in Area C in particular.

### **Creeping Annexation**

The harassment of the Palestinian residents of Area C is motivated by Israel’s desire to maintain the control of this area and its affinity to Israel, and to displace the Palestinian residents to Areas A and B. Over the past decade, Israel has sharply intensified steps that are down as “creeping” or “de facto” annexation. These steps seek to blur the Green Line and to apply Israeli law to the settlements, which are situated outside the borders of the State of Israel. This year, for example, a [campaign](#) was launched openly demanding the application of Israeli sovereignty to the settlement of Ma’ale Adumim. Government figures are currently involved in efforts to promote a law granting retroactive approval to [unauthorized construction](#) in settlements and outposts built on private Palestinian land, despite the vigorous objections of the [attorney general](#), and despite the fact that such moves are contrary to the rulings granted by the [Supreme Court](#) regarding the settlement of Amona. This proposal marks a new nadir in the trampling of Palestinian individual rights and disregard for the rule of law in the OPT.

Such steps entrench still further the reality of [two legal systems](#) in the West Bank: an Israeli civilian system for Israeli citizens, and a military system for Palestinian residents. In the same geographical area, and under the same ruler, one population enjoys rights while another faces the constant violation of its most basic rights. As the fiftieth anniversary of the occupation approaches, this discrimination is become increasingly severe and institutionalized, and is being transformed into an integral component of the Israeli governmental system.