

Human Rights in Israel and Occupied Palestine

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The Association for Civil Rights in Israel (ACRI) publishes annual reports on “The State of Human Rights in Israel and the Occupied Territories.” This article reviews its December 2008 one as human rights activists commemorated the 60th anniversary of the Universal Declaration of Human Rights (UDHR) on December 10.

ACRI is Israel’s leading human and civil rights organization and the only one addressing all liberty and rights issues. It was founded in 1972, is independent and nonpartisan, believes human and civil rights are universal, and leads the struggle for these issues in Israel and Occupied Palestine (OPT) through litigation, legal advocacy, education, and public outreach.

Ten years ago on UDHR’s 50th anniversary, ACRI assessed the status of human rights in Israel and discovered some troubling phenomena and trends:

- inequality,
- social gaps,
- human rights violations in the OPT,
- eroding social rights,
- increasing privatization of social services, and more.

Even so, ACRI noted that “The State of Israel has impressive achievements in the field of human rights.” A decade later, ACRI concludes that troubling 1997 trends are now worse. Human rights aren’t in a constitution. Israel has none. Only some are in the Basic Laws, and those apply only for Jews. Israeli Arab citizens have no rights whatever.

“The State of Israel has increasingly shirked its responsibility to ensure its citizens the most fundamental rights:”

- to health,
- education,
- housing, and
- to live in dignity.

Quite the opposite:

- inequality is growing,

- socioeconomic gaps are widening,
- free expression and privacy are threatened,
- racist trends are more common,
- so are ones that limit basic freedoms and endanger human and civil rights; legislation for them has been tabled in the Knesset,
- judicial equity is eroding,
- so is democracy,
- civil society organizations and activists are threatened,
- institutionalized discrimination exists,
- Arab Israelis are disadvantaged, persecuted, endangered, and live under third-world conditions, especially in “unrecognized villages” in the Negev and Galilee;
- the gap between Arabs and Jews has widened, and
- all of the above is in Israel.

In Occupied Palestine, conditions are far worse and oppressive. “For forty-one years, Israel has denied fundamental rights to four million Palestinians in the West Bank and Gaza,” effectively controlling their lives, and repressively denying them their rights under military occupation:

- to life,
- liberty,
- personal security,
- free movement and expression,
- to earn a living,
- to health,
- education,
- to basic dignity, and much more.

ACRI compiled its data from numerous and varied sources:

- non-governmental organizations,
- newspapers,
- Knesset deliberations and documents, and
- Israeli published material and court proceedings.

Its report covers equality, civil, and social rights.

The Right to Equality

Sixty years after the UDHR and establishment of the State of Israel, these rights have no “constitutional anchoring.” No institutions are empowered to apply them, and Arab Israelis and Palestinians are fundamentally denied them in all respects.

In addition, Israeli laws and policies reflect institutionalized discrimination favoring Jews alone – no others, including Christians. Those most aggrieved are the Palestinians in the OPT. For Jews, however, laws have been passed to guarantee equality even though they’re loosely enforced and are seriously eroding:

- the Equal Employment Opportunity Law (1988) prohibits employment discrimination (in theory) with regard to nationality, country of origin, age, gender, family status, sexual orientation, faith, opinion, and party affiliation;

- the Equal Rights for People with Disabilities Law (1998) affirms their right to be integrated into society, to equality of employment, and to accessibility; in practice, it’s loosely enforced and doesn’t work;

- the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law (2000) prevents discrimination by private individuals; again, enforcement is lax;

- various amendments to the State Service Law assures fair representation of women, the disabled, Arab citizens, and Ethiopian immigrants in public bodies; they don’t work; and

- many judicial rulings on equality and against discrimination; they, too, end up nonstarters.

Inequality and discrimination persist because they’re hard to prove and Israeli society never internalized these values in practice. It shows in the Israel Democracy Institute’s 2008 Democracy Index in which 83% agreed that “every person should have the same rights,” but only 56% want full equality for all citizens, including Arabs and women.

The Status of Women

In Israel’s labor market, women are judged inferior to men. They earn the lowest wages, are promoted least, very few are managers, and most “work in a rather narrow band of ‘women’s professions’ ” reflecting these conditions. Many have part-time jobs, and female unemployment is higher than for men.

They’re also sexually harassed and burdened (according to men) by getting pregnant, becoming mothers, and being viewed mainly as homemakers. Women are poorly represented in the Israeli Knesset and in academia at about 10% less than in EU countries. In contrast, they represent 51% of the judiciary, their same proportion as in the population.

Jewish and Muslim religious laws also disfavor women with respect to marriage and divorce, the distribution of assets when it happens, child custody and maintenance. Too little attention is also afforded sexually assaulted, battered women, and those victimized by trafficking.

Mizrahim (Jews of Middle Eastern and North African Origin)

Socioeconomic gaps (based on education, income, professions and job status) between Mizrahi and Ashkenazi European Jews have widened, even though no institutionalized discrimination exists between them.

Arab Israeli Citizens

Though legally entitled to full equality, they're effectively victimized by institutional discrimination "deriving from the concept of the State and its actual policies:"

- Judaizing the Negev and Galilee, for example;
- legislation favoring Jews over Arabs, such as the right to citizenship;
- anachronistic institutions since the founding of the State that strictly serve Jewish majority interests in all respects;
- laws, court rulings, government policies, and official documents discriminate against Arab citizens.

In November 2000 at the beginning of the Second Intifada, the Or Commission was established to investigate Israeli security force killings of Arab Israelis and Palestinians. In September 2003, it published its findings and concluded that:

"The State was not doing enough and was not making a sufficient effort to provide equality to Arab citizens and to remove the phenomena of discrimination and deprivation....It must be a fundamental aim of the State's actions to achieve true equality for its Arab citizens....To this end, the State must promote, develop, and introduce plans to close the gaps, putting emphasis on the budgetary areas, in all aspects of education, housing, industrial development, employment, and services. Special attention should be paid to the living conditions and plight of the Arab Bedouin."

Five years later, "nothing has been done to improve the status (and welfare)" of Israel's Arab population. For example:

- discriminatory legislation continues, including bills and laws that delegitimize Arab Israelis, deny them equal rights, and treat them as enemies;
- the Citizenship and Entry into Law denies Palestinian citizenship to spouses of Israeli citizens, their right to reside in Israel, permission to stay in the country, and those already there must leave; in July 2008, the law was extended for another year;
- in June 2008, a Basic Law amendment now denies candidacy for the Knesset to anyone who visited a "hostile" country (meaning Occupied Palestine) without a permit; though worded in "neutral" language, it's directly solely at Arab legislative members to reduce their already limited numbers;
- Israel continues to institutionalize discrimination through increasing numbers of new laws;
- they affect land distribution and planning egregiously; since the founding of the State, the Arab population has grown sevenfold, yet Israel expropriated half of formerly Arab-owned

lands and hasn't established a single new Arab town; in contrast, 600 new Jewish ones have been built; Israeli Arabs comprise 20% of the population, yet live on and have jurisdiction over only 2.5% of the land; also, Arab citizens can't acquire or lease land in over 80% of State territory;

— Bedouin Arabs are severely discriminated against in so-called "unrecognized villages," mainly in the Galilee and Negev desert; in 1965, Israel delegitimized their villages, zoned them to benefit Jews and expel Arabs, forbade unlicensed construction, banned it on agricultural land, and stipulated where Jews and Arabs could live; the law made Bedouins internal refugees and trespassers on their own land; they still are as ethnic cleansing continues;

— so-called mixed towns are where 90,000 Arab citizens live in separate neighborhoods from Jews; differences between them are pronounced; Arab ones suffer from neglect, are in disrepair, lack public services, and are deprived of or are severely lacking in essential ones like education, health care and housing; others as well like public transport, proper roads, banks, post office branches, local government offices, community or commercial centers, help for the elderly, indigent or unemployed, garbage collection, lighting, and more.

Persons with Disabilities

Discrimination exists despite the 1998 Equal Rights for People with Disabilities Law applying to all kinds of disabilities – physical, sensory, cognitive, mental, and psychological as well as to temporary or permanent ones. Human dignity is the law's core principle – not just against discrimination but for equality in employment, accessibility to transport services, and for all public services and places to be accessible to the disabled.

Nonetheless, the proportion of employed disabled people is extremely low. In addition, their economic situation is the worst of all western countries and deteriorating. It's especially true for the least educated.

Disabled children face systemic obstacles to being integrated into the general education system. Inadequate budgeting is provided for them.

More than half the population needing mental health care, and over two-thirds who are minors, don't get it. The situation shows that laws alone aren't enough since in practice they're not applied or enforced.

Immigrants from the Commonwealth of Independent States (CIS) – Former Soviet Republics

Many, even professionals, have fewer opportunities, get lower wages, and have inferior status. As they fully integrate over time, they're gradually less exploited, and those best educated get professional opportunities with chances for better ones. Still, employers generally prefer native Israelis and discriminate against immigrants. Their representation in public service institutions (aside from medical) is substantially lower than their proportion in the population.

Ethiopian Immigrants

Over 20 years since their mass immigration, they've never fully integrated and face considerable discrimination. According to the Israeli Association for Ethiopian Jews, factors impeding them include:

- their family framework disintegration;
- their unfamiliarity with formal western society structures and a lack of cultural sensitivity toward them;
- their being forced to live in disadvantaged neighborhoods and be socially isolated;
- the grudging acceptance of these out-of-the-mainstream Jews by some; many others who question their Jewishness and show overt racism; and
- too little effort by the government on their behalf in spite of “no lack of good intentions.”

As a result, they're disadvantaged by less education. Most are forced into lower paying jobs. Around 72% of Ethiopian children grow up in families living below the poverty line, and over 70% (in their early development years) grow up in caravan parks, absorption centers, and poor neighborhoods. It shows in high school graduation rates at about 39% compared to 63.8 % for the Jewish population as a whole. Also in higher family violence rates, more youth crime, and a greater use of alcohol and drugs. In May 2008 (covering the January – October 2007 period), The State Comptroller's Report showed that Ethiopian immigrant needs aren't properly understood and “not enough has been done” to bridge the cultural gap and help them acclimate to Israeli society.

Gays, Lesbians, Bisexuals and Transgenders

Compared to most countries, Israel is relatively progressive on this issue. Since the 1988 ban on homosexuality ended, major achievements have been made in respecting the rights of these individuals, both legally and in daily life. Since the 2005 Supreme Court decision on letting a lesbian adopt the biological children of her partner, legal developments have advanced the parenthood rights of same-sex couples. The Court's position is that sexual preference and parenthood are matters of culture and personal choice, not something for the law to decide.

The Occupied Territories: Violation of the Right to Equality of Palestinian Residents

Two people live in the West Bank. One is occupied, the other free. Each is subject to a separate legal system and infrastructure. Jews are treated preferentially on occupied land and are separated from the Palestinian population in isolated cantons. They're under an illegal, repressive military occupation, have no rights, and live in fear.

If Jews commit a crime, they're fully protected under Israeli law and are entitled to a civil trial. Palestinians have no rights and face harsh military justice in military courts. Israelis have special roads, protections, privileges and advantages. Palestinians face gross discrimination in every facet of their lives with no legal protections under Israeli law. This is a “blatant violation of the principle of equality, and is in many ways reminiscent of the Apartheid regime in South Africa.” In many respects, it's far worse. It also violates the spirit and letter of international law that defines Palestinians as a protected civilian population in an occupied territory.

In its 36 year history, ACRI has promoted equality in numerous ways and has impressive achievements for its efforts – for Palestinians, women, Arab Israelis, same-sex couples, and various initiatives for the disadvantaged. Nonetheless, it works against long odds. Its progress is painfully slow, and it's never enough.

The Right to Life and Personal Security

The UDHR's Article 3 states that "Everyone has the right to life, liberty and security of person." For its Arab citizens and Palestinians, Israel defiles it.

The Killing of Arab Citizens by Security Forces

After the Second Intifada's late September 2000 onset, Israeli security forces killed 13 Arabs in October – 12 Israeli citizens and one Palestinian. Despite the Or Commission's harsh criticism, no one was held to account and all files were eventually closed. This and similar incidents deepen the hostility between Jews and Arabs. Jewish lives have worth. Arab ones don't, and rarely are charges brought when they're taken.

The Occupied Territories: Violation of the Right to Life and Personal Security

Israeli incursions into the Territories are routine, frequent, hostile and destructive. Many Palestinian lives are lost. Many others are wounded, and the entire population suffers under a brutal occupation showing neither respect or mercy for the people it controls. From January through October 2008 alone, B'Tselem and the UN Office for Coordination of Humanitarian Affairs (OCHA) reported 430 West Bank and Gaza deaths, over 1150 wounded, and extensive property damage and destruction – all of it, of course, in violation of international law.

In June 2008, a bill cleared its first Knesset hurdle that aims to prevent Palestinians from claiming compensation for damage to their person or property when caused by Israeli security forces. Settler violence and harassment also goes unaddressed even after the Israeli High Court of Justice ruled (in June 2006) that the IDF must safeguard the security and property of Palestinian farmers. They don't. Violence, destruction, and land takeovers continue, and in the past year have increased dramatically. In addition, most incidents aren't investigated. Those that are rarely yield indictments, and Palestinians remain vulnerable and are on their own to fend for themselves. ACRI and other human rights organizations have undertaken numerous initiatives on their behalf. It's no simple task when Israeli justice is stacked against them.

The Prohibition of Torture

UDHR's Article 5 states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Yet Israel inflicts it extensively against Palestinian Arabs as official policy.

The Occupied Territories: Abuse of Prisoners and Violation of the Prohibition on Torture

International law is clear and unequivocal on prisoner abuse, torture, and cruel and degrading treatment. It's strictly prohibited at all times, in all places, under all conditions, for any reasons with no allowed exceptions. Israel defiles the law and routinely engages in these practices. Using the defense of a "ticking bomb" as justification is unacceptable and illegal.

Secret Evidence – Its Increased and Problematic Use

As in American courts against so-called "terrorist" defendants, Israel treats secret or classified evidence (unavailable to the defense) as factual. Courts in both countries go along

while paying lip service in expressing cautiousness to the practice and to the right of due process.

More troublesome in Israel is the increased “anchoring in legislation” of the right to hold court sessions in the presence of one side only and use secret evidence (as in America) at such times with defense counsel having no ability to refute it.

Legislation Harming the Right to Liberty and Due Process

In recent years, new Israeli laws permit suspending an individual’s personal liberty for “preventive” purposes without a criminal proceeding. The Incarceration of Unlawful Combatants Law (2002) was amended in August 2008 to allow indefinite administrative detentions if secret evidence shows a “reasonable basis to assume” a person took part in a hostile act against Israel “directly or indirectly” or belongs to a “militia” engaging in such activity.

Legal counsel may be denied for up to 21 days, and “inadmissible” evidence or hearsay is allowed. Israel’s Supreme Court affirmed the law but not for Israeli citizens or residents, only “outside elements” meaning Palestinians.

The 2006 Criminal Procedures Law (for Detainees Suspected of Security Offenses) denies these individuals minimal protections. It lets authorities delay judicial hearings for up to 96 hours; in certain circumstances to hold them longer “in the absence of the suspect;” extend detention periods without counsel; and thus let interrogators engage in unlawful practices, including abuse and torture. In March 2008, ACRI and other human rights organizations petitioned Israel’s High Court to rule against the law. No decision so far has been rendered.

Incarceration Conditions of Prisoners and Detainees

Israel’s Office of Public Defender and the Israeli Bar Association reveal disturbing violations of fundamental prisoner rights, including excessive force and brutal conduct of guards – against Jews.

Common prisoner complaints included violence, threats, humiliating and contemptuous guard behavior, invasive and degrading searches, disproportionate discipline, illegal restraints, and minors weren’t exempted.

As bad is the deplorable conditions in many Israeli prisons:

- extreme overcrowding;
- poor hygienic and sanitary conditions;
- inadequate ventilation;
- suffocating heat;
- no separation between toilets and showers; and
- a shortage of basic equipment such as heaters, clothing and blankets.

The Occupied Territories: Violation of the Right to Due Process

Israeli and OPT laws permit arrest by administrative order (based on secret or classified evidence) for up to six months, but this may be repeatedly renewed and made indefinite – with no judicial review or due process in court. This practice is routinely and extensively used for Palestinians, but rarely against Jews. It's highly problematic, morally and legally, but Israel's High Court allows it. It's often used when inadequate evidence exists, so administrative detention becomes punishment without trial, and detainees have no legal redress.

The Military Court System

For four decades, Israel's legal system has been dual and discriminatory. Israelis must be brought before a judge within 24 hours and be tried in a civil court. Palestinians can be detained for eight days, only then be brought before a judge, and then tried by military court under much harsher rules:

- defense counsels are severely constrained and limited in representing their clients effectively; their visitations are restricted to impede preparing a proper defense; they receive investigative material only after indictment, written in Hebrew, not Arabic; they're denied anything considered secret and classified;
- proceedings are entirely in Hebrew with inadequate translation;
- public scrutiny of court proceedings is greatly restricted and verdicts aren't published for examination, review or proper appeal;
- legal proceedings are long and drawn out;
- evidentiary hearings rarely happen;
- the best to hope for is a plea bargain;
- the notion of innocent until proved guilty is lacking; and
- minors are treated no differently than adults and tried in regular military courts under the same harsh rules.

Conditions of Incarceration

In a word, they're disgraceful, inhumane, and much worse than for Jews:

- severe overcrowding;
- access to toilets is denied;
- cells have no ventilation;
- summer heat is suffocating;
- winter cold is oppressive;
- meals and drinking water are inadequate;
- medical care is lacking;

- meetings with counsel are too few and under unreasonable conditions; and
- prisoners are routinely abused and tortured.

The Right to Privacy

Israel's Basic Law states that "all persons have the right to privacy and to intimacy, (and that) there shall be no violation of the confidentiality of the spoken utterances, writings or records of a person." Other Israeli laws allow exceptions, and new technologies make it easy to compromise computerized data banks, spy, and otherwise invade a person's privacy legally or illegally.

In June 2008, the Communication Data Law (called the "Big Brother Law") took effect. It gives police and investigative authorities unrestricted access to cell phone company and internet provider records on anyone for any reason. ACRI petitioned for restricting this law, and it's currently pending before the High Court.

In October 2008, another dangerous bill passed its "first reading" in the Knesset - to establish a "biometric data bank" to include fingerprints and facial features of Israeli citizens and residents. If such information gets in the wrong hands, or if authorities use it improperly, damage caused may be irreversible.

Other concerns are raised over a proposed "National Medical Record" database with such information on all Israelis. If established, it will be another invasion of privacy and may cause considerable harm in the wrong hands.

Employee and job seeker privacy is routinely compromised. Examples include:

- demanding they sign a sweeping waiver of medical privilege if employed;
- waive their right to examine test results of placement agencies;
- be subjected to eavesdropping on phone calls and e-mails;
- compulsory polygraph tests of employees and job seekers even though their results are wholly invalid;
- work place surveillance cameras; and
- existing laws provide little chance to contest any of the above.

Free Movement

Israeli Jews can move freely throughout the country and on special OPT roads. Israeli Arabs are greatly restricted, and so are Palestinians in the Territories.

The Occupied Territories: Violation of Freedom of Movement

Palestinians are greatly impeded in their own country on their own land, and "in their own homes" in spite of being "protected persons" under international law for whom the occupying power must safeguard their rights. In fact, they're routinely and willfully denied as follows:

- by physical obstacles: checkpoints, blockades (concrete blocks, trenches, fences, earth mounds), and the Separation Wall; Palestinians are enclosed in segregated cantons; separated from their land and isolated from other communities;
- movement is severely restricted; special roads are for Jews only; they're forbidden from entering settlements, their surrounding land, or closed military zones; most may not leave the OPT or travel abroad even to study and for Gazans to get critically needed medical care;
- Israel's High Court condones discrimination in violation of international law;
- in the so-called “seam zone” between the Green Line and Separation Wall, a “permits regime” exists that makes some Palestinians illegal residents in their own homes; they need an army permit to be there and to work their own land; when granted they're for short periods and must continually be renewed;
- Israeli Jews in settlements are unrestricted and can do as they please, including abuse Palestinians;
- Palestinians have no possibility of a normal life; according to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Palestinians are trapped under an “entrenched multi-layered system of obstacles and restrictions (that has transformed) the West Bank and Jerusalem towards a more permanent fragmentation;” and
- in spite of “disengaging” from Gaza in summer 2005, Israel maintains full control of the Territory's land, air space and coastal waters, and continues it under siege following 22 days of war; border crossings are sealed; virtually nothing gets in or out except for wholly inadequate occasional relief; and Palestinians have been grievously harmed as a result.

The Right to Political Asylum

Israel fails to meet its obligations under the 1951 International Convention Relating to the Status of Refugees to which it's a signatory. It has no clear policy or procedures with regard to refugees or asylum seekers. As a result, Israel's rate of recognizing refugees is among the lowest in the West even though the country depends on Jewish immigrants to grow its population and make up for growing numbers who leave.

Refugees and asylum seekers let in are poorly treated as a way to deter others from coming. They're ignored, neglected, isolated, and given temporary and inadequate arrangements. Measures include “senseless incarceration” and other harshness.

According to a State Comptroller May 2008 report, Israeli policies violate the rights of refugees to work and receive health and welfare benefits. Also in May, a government-sponsored Prevention of Infiltration Law passed its first Knesset reading. It proposes that anyone entering Israel without permission faces up to five years imprisonment and for some countries like Sudan seven years. It treats these people as “security threats” unless they're Jews, of course.

They're continually sought, may immigrate freely under the Law of Return, and are automatically granted citizenship. Non-Jews aren't wanted or tolerated in violation of international law requiring that asylum seekers be treated humanely. Israel defiles the law and pays it no heed.

The Right to Family Life

On all matters regarding personal status, religious law prevails in Israel unlike in the West where church and state are separate and distinct, and secular law prevails.

Not in Israel where there's no civil marriage or divorce. Only Orthodox courts and rabbis have jurisdiction in violation of the Universal Declaration of Human Rights. This constitutes an unjustifiable infringement of free religious expression, conscience, the right to family life, and equal rights.

Israel does recognize civil marriages certified abroad, and as a result, couples who can afford it and so wish leave the country to marry. Many less able simply live together as common-law couples to avoid needing a rabbi's permission to marry and having to follow Jewish law to do it.

Israeli Citizens Married to Foreigners

The Interior Ministry has a "deliberate policy of preventing non-Jews from becoming naturalized citizens, even when this severely harms couples and families." Those wishing to realize their right to family life must go through long years of bureaucratic arbitrariness, including delays, restrictions, demands, appeals, and more that often are more trouble than they're worth – this from a "civilized" state that practices institutionalized incivility.

Israeli Citizens with Palestinian Partners or Partners from Muslim Countries

This presents a near-impossible situation for Israeli Arabs who are prevented from living with Palestinian spouses inside Israel. And for the past six years, Palestinian spouses of Jewish citizens haven't had their in-country status legalized.

The policy comes from the Interior Ministry, other government decisions, and since 2003 is anchored in the Citizenship Law that mainly harms Israeli Arabs. The law is severely punitive. It's currently temporary and illegal because it denies Israeli citizens the right to family life and equality. In May 2008, Justice Minister Daniel Friedman tabled an amendment to the Basic Law to deny judicial review of laws pertaining to entry, residency and citizenship. If enacted, it will make the Citizenship Law permanent.

Migrant Workers

Israel disdains "all human and natural aspects" of its migrant workers to prevent their "taking root" in the country. They want them temporarily, only to work, and when no longer needed to leave. The State also prohibits migrant worker entry with their "first-order" family members – parents, children and spouses. If two members of the same family are discovered, automatic visa revocation and expulsion follows.

The Occupied Territories: Violation of the Right to Family Life

Movement restrictions place inordinate impediments to a normal family life. For example, Palestinian women who wish to go from Gaza to the West Bank to marry must deposit a large (often unaffordable) sum of money and promise to return to Gaza after the ceremony. Further, Gaza residents in the West Bank must carry a "Permit for Judea and Samaria," and to get one, must request it from the army, meet stringent criteria, and if granted, it's only valid for three months.

These and other impediments make family life onerous or impossible for families with some members in Gaza and others in the West Bank, and with Gaza under siege, Israel now prevents any movement between the Territories with very few exceptions. Separated families thus have one choice. To live together, they must move to Gaza and renounce any hope of returning to the West Bank – again in gross violation of international law.

In addition, for the past seven years, Israel has prevented OPT residents from legalizing their spouses and children's status in the Territories unless they already live there. In other words, Palestinians with foreign citizenships are denied. Since the early 2000s, Israel froze all applications. Palestinians with expired visas won't get them renewed. They have no legal status, will be deported, and not allowed to return.

Freedom of Expression

From its founding, Israel recognized free expression as a basic right, but, in fact, it's seriously restricted and threatened. Moreover, in the past year, Israeli Arabs have seen their rights impeded with regard to political actions and protest.

Israel's General Security Service (GSS) calls its Arab citizens existential dangers to the State, and believes it must "thwart the subversive activities of those who would undermine the character of the State of Israel as a Jewish and democratic country, even if their activities are carried out using tools provided by democracy." As a result, and with support from the Attorney General, GSS has been interrogating journalists, human rights and political activists, and others whose public actions are deemed unacceptable.

It's even worse for Israeli Arabs. They're terrorized and threatened with having criminal charges brought against them unless they cease their objectionable free expression rights. The Jewish-owned commercial media greatly restrict them, and in the past two years even Internet communication is endangered.

In March 2008, a Knesset committee considered a bill requiring Internet site operators to be held responsible for Internet surfer responses (the so-called "Talkback Law"). The bill was frozen in July after the Israeli Internet Association proposed a self-regulatory compromise that also impedes free expression.

A February 2008 Internet censoring law, the first ever, passed its first reading. It seeks to filter online content on the pretext of removing harmful juvenile material and do so under government control. It would create a censorship apparatus under the Communications Ministry, no different than in a police state, as a first step toward eliminating any information the State wants to suppress for any reason.

Public demonstration rights are also at risk when authorities call them illegal, controversial, and unlicensed, including peaceful protest rallies and vigils. In early 2008, the Knesset Constitution Committee considered bills to restrict Jerusalem marches and processions that offend public or religious values or feelings.

The Occupied Territories: Violations of the Right to Demonstrate

OPT demonstration restrictions are much more stringent than in Israel, and, when they happen, Israeli security forces treat participants violently and with intolerance. In the past few years especially, numerous deaths and injuries have become commonplace. Measures used include tear gas, crowd dispersal skunk bombs, physical assault, rubber bullets that

can injure and kill, and often live rounds that do it more effectively.

Freedom of Information

In 1998, the Knesset passed the Freedom of Information Law at the behest of a coalition of associations, including ACRI. The law insures citizens' rights to get information from authorities on matters of public and personal interest. Ten years later, enforcement is lax and State authorities make it hard for anyone to access information as the law requires.

They delay requests, impose obstacles, and many government bodies never disclose basic information that should be made available routinely. A May 2008 State Comptroller Report indicated that half of the authorities examined denied public scrutiny of their internal procedures. Most also don't publish effectively on their Internet sites.

The situation is especially bleak in State archives, most of all for the IDF. Security forces are secretive and restrictive. Transparency is a non-starter. Archives are abysmal. "The restrictions on access to materials in the archives lead to a perversion of historical research, the collective memory, the cultural heritage of the State of Israel, and hinder the democratic public discourse on security and political issues."

Freedom of Association

Israel mostly, but not entirely, protects this right:

- the executive branch may declare a group a prohibited association or terrorist organization without judicial review;
- the Registrar of Parties may refuse to register a party it claims opposes Israel as a Jewish state; ACRI calls this a grave violation of free association, expression and democracy;
- each year, non-profit organizations must submit to the Registrar of Non-Profit Organizations (NPOs) in the Justice Ministry audited financial reports, signed general meeting minutes, details about principal donors, and more;
- in June 2007, a Knesset amendment to the Amutot Law increased the State's supervisory powers over NPOs; they now must report verbally as well on their activities, organization structure, and officers in charge;
- in recent decades, privatization has increased and labor associations have been harmed, including their right to organize and strike; from the 1980s to the present, worker organization representation dropped from 85% to 32% in 2003; as in America, business has the upper hand in Israel;
- practicing law in Israel requires membership in the Israel Bar Association; this requirement doesn't apply for doctors or accountants;

The Right to a Dignified Existence and Adequate Standard of Living

Poverty and Social Gaps

For Jews alone, Israel was once one of the most egalitarian western countries in terms of income distribution. No longer. Today it's second only to America in inequality. In 2007,

household poverty stood at 20.5% and the incidence for children is 35.9%. Among families with four or more children, it's 60%.

Social spending is declining as policy focuses increasingly on economic growth and benefitting business. Essential needs are thus less addressed for health care, education, housing, pensions, and much more.

Among the poor are many thousands employed by service contractors. They're terribly exploited, yet authorities turn a blind eye. As in America, Israel now blames poor people for their own plight, and conditions continue to deteriorate.

East Jerusalem: Neglect and Discrimination

As an occupier and according to State and international law, Israel is obligated to treat the Palestinian population equitably. Since 1967, however, it's seized Palestinian land, expanded a Jewish population, and inadequately provided for the Arab minority. As a result, East Jerusalem residents live in dire straits, and their condition continues to worsen.

Family poverty is 67% and for children it's 77.2%. Virtually all needs are inadequately or totally unaddressed in areas such as:

- poor sanitation facilities;
- trash piles in streets;
- roads in disrepair and so are the few sidewalks;
- the postal service barely functions;
- welfare services are in a state of collapse;
- education and health services are inadequate to deplorable;
- construction permits are denied;
- home demolitions are frequent;
- overcrowding is a major problem;
- so is a lack of fresh drinking water; over half the population lacks a regular supply; and
- the threat of infectious disease contagion is serious;

Life in East Jerusalem is deplorable because of willful state policy.

Living Conditions in the Unrecognized Bedouin Villages: 60 Years of Disgrace

Many thousands of Bedouin Arabs live in them - in the Negev and Galilee. For Israel, their settlements are illegal and their residents nonpersons. Land is seized, homes demolished, construction denied, and so are basic services like clean drinking water, electricity, roads, transport, sanitation, education, healthcare, postal and telephone service, and more. Harassment is severe and living conditions deplorable. Israel wants their land for Jewish-only development and is driving the Arabs away.

The Occupied Territories: Violation of the Right to a Dignified Existence

Gaza under siege is most gravely impacted in terms of poverty, unemployment, basic services, and even enough food for sustenance. After the war, the Territory is in a state of collapse and continues to deteriorate further. The situation is grave and worsening.

Conditions are also poor in the West Bank but to a lesser degree than in Gaza. Poverty and unemployment are problematic, and because of high food prices alone, the World Bank reported that 75% of Palestinians eat less and buy lower quality food than in the past.

Worker Rights

While Israel's labor laws are progressive, changing conditions over time empowered employers at the expense of workers. It's led to:

- increased inequality between categories of employees;
- the spread of harmful and exploitive employment practices;
- significant erosion of worker rights; and
- a greater potential for exploiting unempowered workers – especially for contractor-controlled service ones who've seen their rights erode.

Overall, however, employers take advantage because of minimal government oversight and enforcement. They routinely:

- violate labor laws;
- pay below minimum wage;
- delay paying wages;
- provide no overtime or for Sabbath work as the law requires;
- fine employees to reduce pay;
- dock workers for convalescence, leave, and holidays;
- deny seniority;
- fail to inform employees of their rights;
- fire without severance pay; and more.

Migrant Workers

Overall, Israel treats migrant workers deplorably. In March 2006, however, the High Court of Justice ruled that arrangements in agriculture, nursing and industry under which migrant workers are "bound" to employers violate their basic rights and must be revoked. Two and a half years later, they still exist because enforcement is lax or non-existent.

Broker fees are another problem for those who want work in Israel. Contractors charge

exorbitant amounts, regulations are lax, and in the past two years charges are 10% higher. They force workers to assume high-interest loans, jeopardize their welfare, and still end up with low-paying jobs.

The Right to Health

In 1994, Israel enacted a National Health Insurance Law. It promised health services to Israelis according to principles of justice, equality, and mutual assistance. Yet things haven't turned out as planned. Rights have eroded, budgets have been cut, privatization increased, and successive Israeli governments and the Ministry of Finance have weakened the law and left low-income Israelis uncovered.

They have only the public health system to rely on, yet its quality and breadth of services have eroded. As in America, Israel provides dual systems – one for the rich and another for the poor and most vulnerable.

Shortcomings of the National Health Insurance Law and the Erosion of the Health Basket

From inception, the law was flawed. It excludes dental, mental health, and nursing care. In addition, special needs for the elderly, such as hearing aids, walkers, and more, and also certain health requirements of women.

Existing services have also eroded by 44% from 1994 to 2007, and the trend continues. Health services need annual updating to reflect population changes, technology, new drugs, procedures, and more. In June 2008, a proposed bill to do it at a fixed 2% rate annually passed its first Knesset reading. It's an important step, but given the government's resistance, it's doubtful a bill will pass, and if it does, it may be too weak to matter.

Increase in Private Expenditures on Health Services

As government funding erodes, households have to fund more of their own burden – for insurance, co-payments, and various services for those who want them.

In 1994, the government's share of health expenditure spending was 50%, and households bore 24%. In 2006, government spending eroded to 38%, and families had to pay 33%. Those with less resources are most impacted, and according to an Israeli Medical Association April 2008 survey, almost one-third (31%) of Israelis go without at least one type of service. Deteriorating health has resulted for 37% of the population, and Arab citizens are harmed the most. In addition, 43% of respondents overall fear they'll be unable to pay for services they need.

It's likely given that privatization is increasing, so are costs, and services once provided by the Ministry of Health are now in private hands. Inequality is growing, and treatment more than ever depends on affordability.

Israel's Arrangement Law exacerbates things. It lets the government make far-reaching economic changes without proper legislation or serious discussion of their implications. Since 1994, this law allowed over 300 changes to national health insurance, most of which weakened it for the insured. Currently, a 2009 Arrangements Law is before the Knesset. It includes a proposal to collect a uniform minimum health tax from all insured, including housewives. If passed, it'll violate the principles of universality and equality that underlie the National Health Insurance law and thus further curtail health services accessibility to all

Israelis.

Differences in Health Indices and Discrimination in Access to Health Services

Accessibility of health services and population health indices highlight widening inequality and gaps between various groups and geographic areas within Israel.

It shows up in life expectancy, infant mortality rates, and morbidity rates for a wide variety of illnesses – by socioeconomic status, educational level, and national or ethnic origin. Needless to say, Israeli Arabs and poor Jews are worst off. Also, residents in more central Israel are better served than those on the periphery.

A Knesset Research and Information Center March 2008 document showed only 9% of hospital beds are in the southern region where 14% of the population lives. Southern and northern areas also rank last in number of professional physicians. The same is true for special medical equipment. The situation is serious given that a concentration of vulnerable people live in these areas, entirely dependent on public health.

Israel's Arab minority is especially harmed. Besides being disadvantaged in virtually all other ways, they're least able to access health services, and it shows in their poor state of health relative to Jews.

The Occupied Territories: Violation of the Right to Health

Overall, it's woefully less accessible than in Israel. Movement restrictions impede it in the West Bank – from checkpoints, roadblocks, poor roads, and harassment. Medical equipment and medicines shortages are also troubling. For example, an August 2008 OCHA report showed 73 of 416 essential medicines weren't available and stocks of 45 others were running low.

Conditions in Gaza under siege and after war are far worse and at times critical. Nearly all hospital needs are lacking, so health care depends on accessing it elsewhere. Doing it requires a permit. Bureaucratic procedures are mind-numbing, and too few Gazans work through it. Even the very ill are on their own and unable to be treated.

According to a Physicians for Human Rights (PHR) July 2008 report, 200 patients died while waiting to be treated outside Gaza, 45 of whom were children and 75 women. Conditions have now worsened, but even earlier PHR warned of a new GSS policy requiring patients to be interrogated at Erez crossing, asked to provide information or become collaborators for an exit permit, and be able to leave and receive treatment.

The Right to Housing

Israel has no clear housing policy anchored in law. It's thus easy for the State to evade its responsibility, more than ever in recent years. As a result, adequate housing is denied to increasing numbers in the country, and many have none at all.

Israel encourages private ownership as a solution even for the poor. It stopped providing grants and significantly lowered mortgage subsidies. Renting is thus the only option, but given the shortage of apartments, prices have risen sharply, and those with the fewest resources can't afford them.

Tenant protection is also lacking, and landlords take full advantage. Israel is one of the few developed countries in which the State won't intervene on the terms of rental contracts, rent levels, or how often and high rents can be raised.

Public housing was once a model for low-income families and new immigrants. Now it's disappearing. New construction stopped, and the available number of apartments is at its lowest ever level – about 1600 units for over 50,000 eligible people.

Neighborhoods formerly comprised households from all or most socioeconomic classes. Now they're just for the rich as entire areas are being gentrified for profit. Not only won't the State intervene, it's pushing out residents, separating them from their communities, and actively issuing demolition and eviction notices. Homelessness is thus growing, and those at society's bottom require charity when available or be left out entirely.

Discrimination against the Arab Minority and Demolition of Homes

Discrimination against Israeli Arabs is severe and unrelenting. Town plans for them don't exist nor are their basic housing needs met. Things are so dire in some areas, like the Negev, that thousands of families have no homes or fear the ones they have will be demolished. This is policy by design – to ethnically cleanse the country of its unwanted population. Israeli Arabs know it and fend for themselves as best they can.

In the Occupied Territories: Violation of the Right to Housing

Israel controls large parts of the West Bank. In the so-called Area C, it has authority for planning, and keeps the out-dated Mandatory regional plan and Jordanian planning laws in place. As a result, large areas are zoned for agriculture only with little or no construction permitted. Building requires a permit. According to OCHA data, 94% of Area C applications between January 2000 and September 2007 were rejected.

Palestinians must build anyway and risk being vulnerable to demolition. According to Bimkom: Planners for Planning Rights, the Civil Administration issued such orders for 4820 structures in Area C; 1600 were destroyed; as of May 2008, 3000 others were pending, and when they come they're swift, unannounced, often at odd hours, and without notice. Throughout the West Bank, at least 10 small communities are in jeopardy of near total removal and their people left homeless – on their own land in their own country with nothing they can access for protection.

A Final Comment

On December 15, Haaretz reported that Israel expelled Richard Falk, the UN Human Rights Council's (UNHRC) special investigator on Israeli actions in the OPT. He was detained at Jerusalem's airport on December 14 and deported back to the US. Foreign Minister (and acting Prime Minister at the time) Tzipi Livni, said that Falk was "unwelcome in Israel" and his visit was uncoordinated and unauthorized. Earlier, he infuriated Israelis when he accurately compared Israeli treatment of the Palestinians to what Nazis once did to Jews.

UN General Assembly president Miguel d'Escoto Brockmann also criticized Israel in the past and said Israel made a "dangerous decision....to rebuff UN mandates and UN-appointed mandate holders." He explained that Falk's position is to investigate "human rights violations (affecting) the protected civilian population of Gaza, the West Bank and East Jerusalem." The humanitarian crisis in Gaza is especially urgent. Israel suppresses its

gravity.

ACRI, however, does not and ended its report with The Universal Declaration of Human Rights (UDHR) in an Appendix. It was adopted and proclaimed on December 10, 1948 and just recently commemorated its 60th anniversary. Israel, like America, disdains it, and therein lies the problem.

It ignores what the Preamble states: that “Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect and observance of human rights and fundamental freedoms (and that) a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.”

UDHR laid them all out in its 30 Articles, including:

- “the right to life, liberty and security of person (with no distinction of any kind for) race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- the prohibition of slavery or servitude in all forms; by implication, employer exploitation;
- of torture as well as “cruel, inhuman or degrading treatment or punishment;”
- recognizing everyone equally before the law without discrimination and with equal protection;
- the right to free movement, privacy, and to leave any country and return;
- to seek and enjoy asylum;
- to own property and not arbitrarily be deprived of it;
- to free thought, conscience, religion, opinion and expression without interference;
- to peaceful assembly and association;
- to have genuine elections by universal and equal suffrage;
- to work, have free choice of employment, protection against unemployment, equal pay for equal work, and to form and join trade unions;
- to a standard of living adequate for health;
- to education; much more, and for nothing in the Declaration to let a State, group or person do anything aimed at destroying “the rights and freedoms set forth herein.”

For nearly 61 years and over 41 in the OPT, Israel has willfully and systematically defiled all of the above, so far with impunity. When will the world community take notice? When will it enforce this Declaration for the Palestinian people and Israeli Arabs? When will such gross injustice end?

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