



June 6, 2006

To the Members of the European Parliament Human Rights Subcommittee

مركز مساواة

Dear Sir, Dear Madam,

لحقوق المواطنين
العرب في إسرائيل

RE: Human Rights Hearing on the ENP

Mossawa Center

The Advocacy
Center for Arab
Citizens of Israel

מרכז מוסאווה

לזכויות האזרחים
הערבים בישראל

As you prepare for the upcoming hearing on the European Neighborhood Policy, the Mossawa Center would like to highlight several issues regarding the Palestinian Arab minority in Israel. As the Advocacy Center for Palestinian Arab Citizens in Israel, we are pleased to be able to join you in the discussion, and raise the following issues which are of major concern to the Arab minority:

The Killing of Arab Palestinian Citizens

Since October 2000, 32 Arab citizens have been shot and killed by Israeli security forces. 13 of the victims were killed during the October 2000 demonstrations and since then a further 19 victims have been killed. In many instances, it is clear that those killed were innocent of any transgression. There are no such cases of Jewish suspects killed in a chase. Following much advocacy, the government-appointed Inquiry committee (The Or Commission) was established to investigate police brutality against Palestinian Arab citizens. After three years of work, the Commission issued its conclusions which included the admission that the security forces used excessive amounts of violence during the demonstrations, and the recommendations included the need for investigations to be conducted on the killings in order to bring justice to the victims, and that police should not use live ammunition in dealing with citizens. To date, these and other recommendations have not been implemented.

These killings highlight the reality that in Israel, Arab citizens are often regarded as inherently suspect. Worse, much of the Arab community today feels they are viewed as enemies rather than citizens.

Hate Speech and Incitement to Violence

Israel is bound by domestic and directly-applicable international law to protect its citizens against racism and discriminatory action based on race, ethnicity, color or national origin. Yet, race- and ethnic-based violence against Palestinian Arab citizens continues to be tolerated, and in some instances sanctioned and even propagated by the state.

In fact, between 1999 and 2002, all nine Arab leaders elected by the Arab community to the Knesset were investigated for political statements; no Jewish MKs have been investigated. Yet, Jewish MKs have been quoted in public press describing Arabs in Israel as a “dangerous fifth column, like a cancer. We must consider removing their right to citizenship.” In 2003, then Minister of Finance, Benjamin Netanyahu, called Arab Palestinian citizens a “demographic problem.” As recently as 2004, MK Avigdor Lieberman was quoted to say, “‘Arabs of Israel’ should be expelled”, whilst in a Parliament Plenum debate on May 4th, 2006, MK Lieberman stated that he hoped that Arab MKs “would be executed”. Lieberman’s party received 12 seats in the 2006 elections and were almost included in the governmental coalition, regardless of their blatant racism towards the Arab minority.

The 2006 Knesset elections saw much hate speech directed towards the Arab minority in the

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campaigns leading up to the election. The National Jewish Front, a continuation of the former "Kahana" Movement" which was proclaimed as an illegal party in 1988; declared in the past as a terror organization and was put on the list of terror organization of Israel and in the European Union; threatened the citizens of Sakhnin city and called for the demolishing of houses there. One of the worst provocations occurred on 23.03.2006 when its members together with Hirot activists threatened Arab citizens in Jaffa and offered them money in order to emigrate and to give up their citizenship, and coerced them not to vote.

These public statements tend to incite and ignite the Jewish majority, resulting in direct physical attacks against Arab citizens by Jewish citizens. As a feeling of insecurity rises among Arab citizens, these acts of hate speech will reinforce fundamentalism and separation.

House Demolitions in Bedouin Communities

As part of the government's "Negev and Galilee Development Plan," the Arab citizens, in particular, the Bedouin citizens of Israel, face legal and political discrimination on two counts: **The Removal of Intruders Law (1981) and Amendment (2005)**. These laws reject the Bedouin citizens' requests to recognize their lands, and instead strengthen the laws enforcement mechanisms by consolidating the body that issues demolition orders and the body that implements them – a process which will unjustly target the existing 38 unrecognized and 7 newly recognized villages in the Naqab and streamline efforts to build Jewish settlements in their place. This is particularly acute in light of the Gaza Withdrawal from settlements in the Gaza Strip, as governmental representatives held discrete negotiations with some of these Jewish settlers to appropriate land in the Naqab in exchange for the withdrawal, and some of these groups have already been settled in the Naqab.

Mossawa Center's legal experts warn that these laws could adversely affect those 76,000 Bedouin citizens of Israel who continue to live with substandard services from the government, exacerbating their situation by allowing the gaps in health, education, and other basic services. As a presently vulnerable population, this law enables the government to quickly transfer the Bedouin without due notice, insulated from international pressure due to the positive withdrawal from Gaza. Most recently in May 2006, the Governmental Planning Council approved the creation of 30 individual Jewish Farms, which will displace thousands of Bedouin families. We request that the EU address this issue as one of major importance.

Furthermore, the plans to "develop" the Galilee intend to increase the Jewish population in the Galilee as a means to balance the Arab population figures, by providing financial assistance to Jewish families wishing to live in the Galilee, whilst Arab villages and towns continue to face discrimination in land and budget allocations, resulting in overcrowding of Arab communities.

Socio-Economic Discrimination against Arab Palestinian Citizens

The Israeli government continues to implement policies that directly discriminate against its Arab Palestinian citizens. From 1999 to the present, the regular governmental budget has disproportionately allocated funds to its Jewish population. Despite its 19% representation in the total population of Israel, Arab localities received less than 5% of funds in the 2005 development budget and only 3% of funds in the regular governmental budget. Arab Palestinians are also underrepresented in the government offices with only 6% representation despite the Law for Fair Representation of Arabs and Women in Governmental Offices. Only 3.5% of land in Israel remains in Arab-Palestinian Citizens' ownership.

Denying citizenship to spouses of Arab citizens

One of the most pressing, recent legislations that directly discriminates against Palestinian Arab citizens is The Nationality and Entry into Israel Law (Citizenship Law), passed in July 2003 as a temporary measure that requires annual approval, the law continues to be approved by the Knesset. The Citizenship Law retroactively prohibits citizenship and legal residency status to all West Bank and Gaza Palestinians married to Israeli citizens and residents (including Palestinians who live in East Jerusalem

who hold special residency status in Israel). Affecting at least 21,298 families, according to the Ministry of the Interior, the law not only prevents newly married couples from being able to live together, but also affects couples who have been married for years, and whose requests for residence permits are still pending. As recently as May 14, 2006, the Supreme Court rejected a petition submitted by a group of organisations, calling for the annulment of this racist law, on the basis that it violates the rights of the Arab citizens to family unification.

Recommendations to the European Parliament

As you may be aware, it has been some time since the Or Commission presented its report to the State of Israel. The commission provided much-needed acknowledgement of the government's general attitude of neglect of and discrimination against Arab citizens and highlighted official failure to provide justice to the families of the victims as the official investigations that had been conducted failed, leading to an increase in violence by security forces, as those responsible for the killing were not indicted. Furthermore despite the Or Commission's recommendation not to promote officers involved in the killings of the 13 victims, recently, the Minister of Internal Security promoted one of the policemen who was involved in a killing – disregarding the Commission's recommendations. Other recommendations by the Commission included: "To allocate state resources in an equal manner" and "to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon". Regardless of these acknowledgements, to date, none of the Commission's recommendations have been implemented.

The Mossawa Center believes that affirmative action for ethnic groups is a means to alleviate conflict between ethnic groups. As you are aware, the gaps that are currently found between the Jewish community and the Arab community on all levels, lead to continued discrimination and tension between the two groups. These gaps are the nesting home of conflict both internally within Israel and regionally. In order to prevent the conflict from escalating to violent levels, we believe that action must be taken by the State of Israel, with support from the EU, on programs to end the institutional discrimination, violence by State Security Forces and educate the state's citizens on the human rights for ALL citizens.

To this end, we call upon the European Parliament to ensure affirmative action in projects related to the ENP and the EU/Israel Action Plan, through the following.

At the Action Plan level:

1. We understand that the Action Plan is the result of a dialogue with Israeli authorities and implementing conditionality will not be feasible (because it will not be accepted). However, we would like to see the AP used as a tool to leverage for positive enforcement of human rights in Israel, noting that the EU has used direct methods with Turkey and the Palestinian Authority to impose EU policy.
2. We request to establish clear links between progress achieved within the first priority mentioned in the Action Plan "political dialogue and cooperation" where Human Rights are included and the other priorities such as Economic, Trade, Culture etc
3. We request that the current EU-Israel Human Rights Working Group be raised to the level of an official Committee dealing with Human Rights.
4. We request that the EU establishes a public review system, to assess the implementation of the EU's agreements with Israel.
5. We request that all actions and activities that will depart from the AP (such as: participation in seminars, conferences and working groups), take into consideration the representation of the Arab minority.
6. We request that the Arab minority be given access to lending opportunities provided by EU funding institutions as loans to Israel.
7. We request that the AP address the situation of the Bedouins in the Naqab (Negev) who are being forced to abandon their lands to provide for the relocation of evacuated settlers.

8. We request that the European bodies call for the annulment of The Nationality and Entry into Israel Law (Citizenship Law), as being a violation of the human rights articles in both the AP and Association Agreement.

At a wider ENP level:

1. That the EU approve budgeting not only for Micro but also for Macro projects in Israel within the European Initiative for Democracy and Human Rights: Macro projects to deal specifically with issues such as racism, systematic discrimination, police violence, killing of citizens, conflict prevention between ethnic communities etc. Micro projects to deal with other human rights issues.
2. Ensure affirmative action in all EU-Israel actions and projects such as culture, youth, education, science etc (to ensure focus on minority groups). Particular attention should be paid to the current EURO-MED Regional programmes and the future regional strategy within the ENP where Israel as a beneficiary should take into account the Arab minority.

That Israel agrees to:

1. Recognize the national Palestinian Arab minority as a national minority composed of citizens with unique national, social, economic and cultural needs.
2. Oppose and work actively to eradicate racism in all its forms, including in the public and institutional realms, which constitutes a daily threat in the lives of Arab citizens.
3. Allocate funds as part of the Israeli Ministry of Education's Budget to programs in the Arab education system.
4. Ensure the Israeli Ministry of Justice presents a clear program to deal with the issues of incitement, racism, hate speech etc, and the implementation of the program be dealt with urgently.
5. Create a Commission for Equal Employment to ensure affirmative action for minority groups.
6. Implement the Or Commission recommendations.
7. Increase State budgetary allocation to the Arab community to become an equal proportion of the state budget.
8. Provide *de jure* and *de facto* recognition of the "unrecognized" villages in the Naqab (Negev), and include them in master / development zoning plans and supply infrastructure to the newly recognized villages in the Galilee and the Naqab.
9. Encourage representative inclusion / participation of the Arab minority in the decision-making processes concerning the character of the state and its political, social and economic frameworks, especially in the employment and organizational spheres
10. Annul The Nationality and Entry into Israel Law (Citizenship Law), as it clearly discriminates against the Arab citizens in Israel, violating their human right to family unification.

Thank you for your consideration, and we look forward to a productive discussion.

Yours sincerely,

Jafar Farah
Director