

Discriminatory Laws in the State of Israel

The founding of Israel required a constitution guaranteeing basic rights for all its citizens. Israel still has no constitution. What follow are some of the laws that either overtly discriminate or are applied in a discriminatory way. These laws rule over every aspect of life in Israeli and limit Palestinian rights to political participation, land, housing, education; diversity of culture, language and religion, and due process. Taxation and allocation of resources are also administered in a discriminatory way. For full list of laws go to: <http://www.old-adalah.org/eng/Christian%20Aid%20Report%20December%202010%20FINAL.pdf> or the Israeli Law Resource Center <http://www.israelawresourcecenter.org/>

Occupation of Palestinian areas of Israel¹⁷ From 1948 to 1966, the Palestinians within Israel lived under explicit military rule, even though they were given citizenship in 1948. Palestinians were considered a military threat to the Israeli state, and they were ruled under a completely different set of laws than the Jewish population. Arab areas were declared closed military zones. Arabs were not allowed to leave their village or town, even for the purpose of cultivating their lands or collecting their olives or fruit, unless they obtained a military permit to do so. There were arrests and detention without charges and forced deportations.

Laws pertaining to Citizenship and Identity (Palestinian identity is not recognized in Israeli law or society: Palestinians are referred to as Arab Israelis.)

The most important immigration laws—including the **Law of Return** {1950}¹ and the **Citizenship Law** {1952}²⁰- privilege Jews and Jewish immigration over non-Jews. Jews are granted the right to immigrate and become Israeli citizens even if they have no connection to Israel, while 750,000 Palestinians and their descendants expelled in 1948 have no such right. It is nearly impossible for Palestinians outside Israel to become Israeli citizens.

Population Registry Law {1965}¹ -Requires all residents of Israel to register their nationality [i.e., Jewish, Arab, Druze] with the Population Registry and obtain an identity card carrying this information. The Office of the United Nations High Commissioner for Human Rights Says: “a dual system of law discriminates between Jewish Israelis and indigenous Palestinians based on a constructed status of 'Jewish nationality'. This prejudicial application of law is apparent in all processes of the legal system, from the rights to information and fair trial to detention and prison treatment.”

Identity Certificate [Possession and Presentation] Law {1982}¹ -Residents must carry identity cards at all times and present them to "senior police officers," to the heads of local authorities, or to police officers or soldiers on duty when requested to do so. Jewish citizens are seldom asked to present their cards, while Palestinians often are.

Family Unification {2003}^{5,22} - Under the 2003 policy for "family unification" non-citizen spouses and children of Arab Israeli citizens are prohibited from entering Israel [and living with their spouse/parent]. This means if you are a Palestinian from outside Israel, married to an Israeli, you are barred from living with your spouse in Israel. This does not apply to any other nationality beside Arabs. This "interim" provision has been regularly extended, most recently in January, 2011.

Serving in the armed forces¹⁷ -Israeli Jews (except some orthodox Jews) have to serve in the Israeli army when they turn 18. Most Palestinians are forbidden to serve in the army. Many of the benefits of society are given to people who have served. Preferential treatment of housing, education and other services are given to army veterans.

The Citizenship Law {2008}²⁰ -Several attempts have been made in recent years to make it possible to strip Israeli citizenship for various reasons related to alleged "disloyalty" to the state or "breach of trust." All of these attempts have indirectly targeted the citizenship rights of Palestinian citizens. This law allows the citizenship of an Israeli citizen to be revoked on the grounds of "breach of trust or disloyalty to the state." "Breach of trust" is broadly defined.

Laws pertaining to acquisition and ownership of land

Absentee Property Law {No. 20, March 1950}^{1,6,20} -A law to confiscate property from Palestinians inside the state of Israel. It confiscated land from 750,000 refugees ethnically cleansed from Palestine in 1947-49 and "internally displaced" Palestinians who remained in Israel. Before 1948, Palestinians owned 90% of the land in Palestine; in 1952 they owned 3%; today, they are a mostly a landless people. The law classifies the personal property of Palestinians forced to flee (or internally displaced) as "absentee property" and places it under the authority of the Custodian of Absentee Property.

Development Authority [Transfer of Property Law] {July 1950}^{1,8,10,19} -Transfers confiscated Palestinian villages and private property to the Jewish National Fund -**Jewish Agency [Status] Law** {1952}^{8,18} and **Jewish National Fund Law** {1953}⁹ -Establishes the World Zionist Organization, the Jewish Agency and the Jewish National Fund as organizations with governmental status in fulfilling Zionist objectives - the immigration and settlement of Jews in Palestine. Under a complicated interplay of Israel's Basic Law, bestowing quasi governmental status and the transfer of "public land" to these agencies whose charters restrict the sale, transfer or lease of land to non-Jews, Israel has managed to prohibit non-Jewish [i.e., Palestinian] citizens from acquiring land or leasing land, including land taken from them under various statutes [see above].³ 93% of the land in Israel has this prohibition.

Land Acquisition [Validity of Acts and Compensation] {Law No. 25, 1953}¹¹ -Confiscated the land of more than 400 Palestinian villages; "validates" retroactively their use for military purposes and for Jewish settlements.

National Planning and Building Law {1965}¹²-Creates a system of discriminatory zoning and freezes existing Arab villages while allowing expansion of Jewish settlements. It also re-classifies many Arab villages as "non-residential," thereby creating "unrecognized villages" – villages that do not receive basic municipal services such as water and electricity; all buildings are threatened with demolition orders.

Land Acquisition in the Negev [Peace Treaty with Egypt Law] {1980}¹³ -Seizes thousands of dunums from Bedouins in order to expand Jewish settlements. Palestinian property is confiscated to this day: these complicated property laws and local ordinances are used to continually take Palestinian Israeli land, in recent years, most notable in Jaffa.

Bill on Admission Committees^{16,22} {2011}-This bill allows admission committees in 300 Jewish-majority communities to reject applicants for residency who do not meet vague "social suitability" criteria. The measure anchors in law a practice that has been the basis for unjustly rejecting applications by Palestinian Arabs. While Israeli planning authorities have established hundreds of Jewish towns and villages, Israel has not allowed Arab citizens to establish any new towns since 1948. Today Palestinian citizens of Israel are in practice blocked from purchasing or leasing land on around 80% of the land in Israel on the basis of their national belonging.¹⁰¹ As a result, the vast majority of state land consists of segregated, Jewish-only areas.

Laws pertaining to political participation¹⁴

Section 7A(1) of the Basic Law: The Knesset {1958, passed in 1985}¹⁵-Bars a list of candidates from participation in elections to the Knesset "if its aims or actions, expressly or by implication" deny "the existence of the State of Israel as the state of the Jewish people."

The Law of Political Parties {1982} -Bars the Registrar of Political Parties from registering a political party if it denies "the existence of the State of Israel as a Jewish and democratic State." In 2002 both **Section 7A(1) of the Basic Law:** and **Knesset and the Law of Political Parties** were amended further to bar those whose goals or actions, directly or indirectly, "support armed struggle of an enemy state or of a terror organization, against the State of Israel." These amendments were added expressly to curtail the political participation of Palestinian Arabs within Israel – such as Azmi Bishara – who have expressed solidarity with Palestinians resisting military occupation in the West Bank and Gaza.

Many **Appointments to Government**²⁵ positions and regional councils have positions statutorily set aside of spots for Zionist organizations, thereby discriminating against Palestinians in their rulings of group composition.

No Equal Legal Protection^{1,20} - The Israeli courts – guided by the Supreme Court – have consistently decided that discrimination between Arabs and Jews is legitimate based on the founding principles of Israel as a state for the Jewish people; "nationality" is a legitimate basis for discrimination. In the **State of Israel vs. Ashgoyev** (1988), an Israeli settler was convicted by the Tel Aviv District Court of shooting a Palestinian child. His sentence was a suspended jail term of six months and community service. When challenged, the judge, Uri Shtruzman, said: "It is wrong to demand in the name of equality, equal bearing and equal sentences to two offenders who have different nationalities who break the laws of the State. The sentence that deters the one and his audience does not deter the other and his community."

The Nakba Bill{2011}^{16,22} - Persons marking Nakba Day as a day of mourning for the establishment of the State of Israel will be sentenced to prison. In the wake of public protests, its wording was changed to state that persons marking Nakba Day shall be denied public funds.

The Emergency Powers (Detention) Law^{23,24} {1979} and the **The Prevention of Terrorism Ordinance** {1948} - have been used to detain Palestinian Arab citizens of Israel without benefit of trial and without permitting contact with lawyers. **The Criminal Procedure (Powers of Enforcement, Detentions) Law** {1996} has been used to target Palestinian protests and make mass arrests to stifle political dissent.

In addition to these long-standing discriminatory laws there are many bills in various stages in the Knesset. Some version of each is current as of the writing of this fact sheet.

Anti-Incitement Bill: An amendment of the existing act, according to which persons publishing a call that denies the existence of the State of Israel as a Jewish and democratic state shall be arrested. **Nationalization, Pledge of Allegiance:** According to this bill all Israeli citizens will have to pledge allegiance to the State of Israel as a Jewish and democratic state. **Bill on Infiltration:** The bill stipulates, among other things, that infiltrators based on their country of origin, and persons who assist them may be sentenced to 5 to 7 years in prison. This bill follows the trend of delegitimizing human rights and aid organizations and individuals who help refugees and labor immigrants. **Bill Against Boycott:** Persons who initiate, promote, or publish material that might serve as grounds for a boycott against Israel are committing a crime and a civil wrong, and may be ordered to compensate parties economically affected, including fixed reparations of 30,000 shekels, without the plaintiffs having to prove damages. This is a bill that discriminates against certain political groups in Israel, and is introduced by the political majority in an attempt to neutralize the political opposition it is facing. Primarily, the bill intends to reject legitimate boycotts of products of settlements, and thus severely impairs a legitimate, legal, and nonviolent protest tool that is internationally accepted (including by Israel), while impairing the Israeli citizens' freedom of expression, protest, and congregation. **Bill on Revoking the Citizenship of Persons Convicted of Terrorism or Espionage:** This bill infringes on the basic rights of Israel's citizens because when a citizenship (which in itself is a basic right) is denied, a series of basic rights that follow from it are denied too. Furthermore, the Israeli Penal Code already specifies ways of dealing with persons convicted of terrorism or espionage. **Bill banning wearing veils in public:** makes it illegal to cover one's face in any public location, under penalty of imprisonment.

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