

STATE OF ISRAEL

Ministry of Justice

Ministry of Foreign Affairs

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS IN ISRAEL

**Israel's Replies to List of Issues to be taken up in Connection with the
Consideration of Israel's Third Periodic Report concerning articles 1
to 15 of the International Convent on Economic, Social, and Cultural
Rights (E/C.12/ISR/3)**

September 2011

Table of Contents

Question 1	3
Question 2	3
Question 3	5
Question 4	9
Question 6	23
Question 7	31
Question 8	37
Question 9	52
Question 10	63
Question 11	89
Question 12	98
Question 13	98
Question 14	101
Question 15	103
Question 16	105
Question 17	108
Question 18	108
Question 19	109
Question 20	110
Question 21	110
Question 22	114
Question 23	116
Question 25	119
Question 26	122
Question 28	126
Question 29	126
Question 30	126
Question 31	127
Question 32	130
Question 33	132
Question 34	134
Question 35	138
Question 36	139
Question 37	139
Question 38	145
Question 39	150

General Information

Question 1

Please provide recent data, disaggregated on the basis of the prohibited grounds of discrimination, on a yearly comparative basis, on the implementation of the rights enshrined in the Covenant.

Reply:

The Government of the State of Israel submitted its Third Periodic Report to the United Nations Committee on Economic, Social and Cultural Rights in January 2009. The report contains a detailed and comprehensive review of legislative, administrative and judicial developments relevant to the implementation of the rights enshrined in the Covenant, providing the committee with extensive data and comparative analysis concerning the issues presented.

Furthermore, the following response to the Committee's questionnaire includes information on recent developments on the implementation of the rights in Israel up to the year 2010 and since the submission of the previous Periodic Report, along with a summary of the issues raised by the committee.

According to the above, all the data requested by the Committee, is detailed both in the last periodic reports and in the updates provided in the replies to this questionnaire. The data presented in these two documents provides a detailed and comprehensive reply and further information will be provided in the upcoming presentation of the Report to the committee.

Question 2

Please indicate how the State party ensures the implementation of the international Covenant on Economic, Social and Cultural Rights in the Occupied Palestinian Territories.

Reply:

The *International Covenant on Economic, Social and Cultural Rights* (hereinafter:

"CESCR" or "the Convention") is implemented by the Government throughout the State of Israel. According to the Israeli legal system, international conventions do not apply directly, but through national legislation. Such is the case with the CESCR which is implemented through a wide range of legal instruments, such as basic laws, laws, orders and regulations, municipal bylaws, and court rulings.

The applicability of the Convention to the West Bank or to the Gaza Strip has been the subject of considerable debate in recent years. In its Third Periodic Report, Israel did not refer to the implementation of the Convention in these areas for several reasons, ranging from legal considerations to the practical reality.

Critical to assessing and interpreting Israel's obligations pursuant to the Convention, is the changing reality and the dramatic developments on the ground since Israel's last appearance before the Committee in 2003. These include Israel's disengagement initiative in August 2005, involving the full withdrawal of all Israeli forces, the dismantling of its military administration and the evacuation of over 8,500 civilians from the Gaza Strip, and the rise of a Hamas-led terrorist administration, committed to violence and to the destruction of Israel. In these circumstances Israel can clearly not be said to have *effective control* in the Gaza Strip, in the sense envisaged by the Hague Regulations.

It is against this background that Israel is called-on to consider the relationship between different legal spheres, primarily the Law of Armed Conflict and Warfare and Human Rights Law. This relationship remains a subject of serious academic and practical debate. For its part, Israel recognizes that there is a profound connection between Human Rights Law and the Law of Armed Conflict, and that there may well be a convergence between these two bodies-of-law in some respects. However, in the current state of international law and state-practice worldwide, it is Israel's view that these two systems-of-law, which are codified in separate instruments, nevertheless remain distinct and apply in different circumstances.

Furthermore, Israel has never made a specific declaration in which it reserved the right to extend the applicability of the Convention with respect to the West Bank or the Gaza Strip. Clearly, in line with basic principles of interpretation of treaty law, and in the absence of such a voluntarily-made declaration, the Convention, which is a territorially

bound Convention, does not apply, nor was it intended to apply, to areas outside its national territory.

Issues relating to the general provisions of the Covenant (Art. 1-5)

Article 1 – Self-determination

Question 3

Please explain why, despite a 1951 Supreme Court decision and the 1977 Libai Committee findings, there has been no progress in finding a satisfactory solution towards granting the petition of Palestinians with full Israeli citizenship seeking permission to return to their original towns of Iqrit and Bir'im. In addition, please comment on information that the newly-enacted legislation—the Israel Land Administration Law (2009)—enables the State to sell land that belongs to Palestinian refugees and Palestinian citizens of Israel who have been internally displaced.

Reply:

The Village of Iqrit

Over the years, many steps were taken to better the conditions of the displaced residents rights, in addition to measures engaged towards their compensation.

On November 7, 1993, the Government (headed by the late Prime Minister Yitzhak Rabin) decided to initiate a Ministers Committee to examine the issue of the displaced residents of Iqrit and Bir'am. The committee was appointed by the former Minister of Justice, David Libai (hereinafter: "the Libai Committee"). On December 24, 1995, the Libai Committee recommended the Government to allow the return of the displaced residents, to a 1,200 dunam area in the region of Iqrit and Bir'am. That recommendation took into account, *inter alia*, the changes in the security forces opinion, according to which, there are no security reasons to prevent the residents' return as well as political changes such as the Oslo Agreements etc.

Despite the Libai Committee and its subcommittees' extensive discussions concerning the implementation of the recommendations, the Government was unable to reach an agreed position in this complex issue. In 1996, the Government was replaced and in

1997, four displaced residents appealed to the High Court of Justice against the Government, the Minister of Defense, the Minister of Finance and the Israel Development Authority (*H.C.J. 840/97 Auni Sabit et. al v. The Israeli Government 2003(2), 2585* (hereinafter: Iqrit case)).

The petitioners argued that the security situation preventing their return has changed, their right to return to their village is no longer in doubt and the Libai Committee recommendations already discussed the conditions of their return, including the extent of the land allocated to them, building permits, inheritance rights etc. The petitioners argued that the course that was initiated by the former Government was interrupted because of the change of Governments, and requested to revoke the injunctions which prevent them from returning to the village. Additionally, the petitioners requested that the Government will allocate lands in the Iqrit village for housing and development, and will implement the decision to return the displaced residents of Iqrit to their village.

The State argued that even if the injunctions will be annulled, the petitioners still do not hold land ownership rights because those were previously allocated to the Development Authority, and requested additional time to consolidate a new position. Finally, in an affidavit signed by the then Prime Minister, Ariel Sharon, the State argued, *inter alia*, that it is impossible to allow for the displaced residents' return, because of anticipated implications on essential State interests. However, the Government stated its willingness to examine different options for compensation and rehabilitation for residents that were yet to be compensated, including through allocating lands in their present residence' location.

In addition, the State submitted to the Court a detailed plan for compensation of the residents, according to which, *inter alia*, the compensation will be higher than usual and granted in accordance with the lands present value. In addition, out of ordinary consideration, five-time higher than the regular compensations were also offered in exchange for orchards and three-time larger compensations for agricultural fields.

After considering the State's position, the High Court of Justice held, *inter alia*, that land expropriation violates the right to property, which is a statutory right according to Section 3 of the *Basic Law: Human Dignity and Liberty* (1992) even if it is done for public interest. The Court added however, that if the expropriation is done for the sake

of public interests, as a general rule, it is done in accordance with the State's values and for appropriate purpose, and the proportionality is fulfilled by payment of fair compensation according to the expropriated lands' and property values. The Court also noted that, the compensation payments also fulfill the equality principle.

The High Court of Justice finally stated that there is no legal reason to compel the Government to allocate land for the housing of the petitioners in the Iqrit region; however, the petitioners hold the right to be compensated by receiving lands in another location or by monetary compensation – which are proportionate and thus upholds the principle of equality. The Court also stated that the Government still owes the displaced residents a "debt of honor" after granting ongoing assurances over the years to consider alternative solutions when the political conditions will be changed.

Although the Israeli Government is willing to provide monetary and housing compensations to the residents, they reject this solution and stand by their right to settle in the area of Iqrit.

In recent years several bills offering to allocate lands for establishing communal communities near the lands of the historic villages, were submitted to the Knesset.

The Village of Bir'am

Approximately 15 compensation agreements were signed with 21 plaintiffs (most of them in the 1950's), in which monetary and land compensation was given in favorable conditions, including houses and land for building in Gush Halav.

The Reform in the Israel Land Administration

In 2009, the *Israel Land Administration Law 5720-1960* (the "*Israel Land Administration Law*") was amended (Amendment No. 7 of August 3, 2009) in order to allow for the conveyance of lands managed by the Israel Land Administration (ILA), to its lessees, who will be able to take any action with respect to the property as its legal owners. Note that the reform is relevant only to municipal lands. Moreover, the Amendment allows the Government to issue an order reducing the number of the Jewish National Fund (JNF) representatives in the ILA council.

The above Amendment was enacted in order to promote a broad organizational reform

in the ILA. The reform is aimed at improving the service to the public, concerning all land administration aspects, in both quality and accessibility of the service. The main goals of the reform were to expand the land reserves available for residency, reduce land rates, enhance economic growth, diminish and simplify bureaucracy processes and improve the implementation of governmental policies. The reform is based on dual principles:

- A structural reform in the ILA and its establishment as a Governmental Authority.
- Grant of ownership to lessees who reside on municipal lands (for housing and commerce uses) to allow them private ownership on lands they lease from the State.

The new Israel Land Authority will focus on land management and land allocation, land marketing, land resources, and land administration data base creation and management. The establishment of the new Authority is also expected to improve the accessibility and quality of the service to the public.

As mentioned, the second aspect of the reform deals with enabling civilians who lease municipal land from the State to acquire private ownership, in the most part without payment. This principle is of great importance since a portion of the ownerships of real estate in Israel is acquired only by leasing rights from the ILA for a period of 49 or 98 years. The current leasing procedure is very complicated, inefficient and expensive. Therefore, the granting of ownership to lessees is expected to reduce bureaucracy and diminish the current need for different State actors' approvals and payments. The change is also likely to equalize the lessees' rights on land to those of civilians with private ownership on their property and further encourage land developments initiatives and improved municipal planning.

Notably, the reform is non-compulsory and every lessee will have the right to stay in his/her current legal status. The reform is relevant to a relatively small part of the State's lands owned, in the most part, by long-term lessees.

The Amendment is aimed at different national goals, unrelated to the Israeli-Palestinian conflict.

Section 19(A) to the Israeli *Absentee's Property Law* 5710-1950 enables the Custodian of Absentees' Property to transfer Absentee's assets to the Israel Development Authority. According to Section 28(G) of the Law, when such transfer occurs, it grants the Authority full ownership of the land and annuls the proprietary linkage between the absentee and the property. Nevertheless, the transfer of the land grants the absentee with the right for compensation from the State in the amount of the formal value of the property.

Question 4

Please provide information on action taken to implement the recommendations of the Advisory Committee on the Policy regarding Bedouin towns (the Goldberg Committee), including the settlement of individual and collective Bedouin land claims. In this connection, please indicate how the State party has considered the application of relevant international norms and jurisprudence in the settlement of such claims.

Reply:

Implementation of the Advisory Committee Recommendations on the Policy Regarding Bedouin Towns (The Goldberg Committee)

As mentioned in Israel's Third Periodic Report, the Advisory Committee on the Policy Regarding Bedouin towns was established on October 24, 2007, based on Government Resolution No. 2491. The Advisory Committee was comprised of seven members and one chairperson, former Supreme Court Justice Mr. E. (Eliezer) Goldberg, as well as two Bedouin representatives.

The Advisory Committee concluded its public discussions in May 2008, and on December 11, 2008, submitted its final recommendations to the Government. The Committee's final report focused on three main areas: land, housing and enforcement. These areas were focused upon after the Committee recognized that only an integrated policy that included these issues could help in organizing the housing of the Bedouin in the Negev. The Committee recommended the formation of an arrangement which balances the needs of the Bedouin Population on one hand and the State's on the other, can be implemented quickly and established by legislation in a way that assures a defined, consistent and egalitarian policy. The Committee asserted that such a policy

would be a fair and implementable solution for the land disputes, which would serve to renew the Bedouin's confidence in the State and its intentions.

On January 18, 2009, the Government confirmed Resolution No. 4411 after a full examination of the Committee's Report. In this resolution, the Government accepted the Committee's recommendations as a basis for arranging the Bedouin's housing in the Negev, and appointed a professional Cadre for the implementation of the report, which comprises representatives of Government Ministries, the Israel Land Administration and the Attorney General Office.

On May 2011, the implementation Cadre completed the preparation of a detailed Governmental Plan for regulation of the Bedouin housing in the Negev and submitted the plan to the Government. The plan was also available for the public review on the Prime Minister Office website.¹ The plan offered the Government a feasible outline to the fulfilment of Resolution No. 4411. The Cadre aimed at enabling the Government to operate an effective national plan, taking into account the resources required and the need of coordination and cooperation between the different authorities and bodies involved. The plan is based on the recommendations of the Goldberg Committee and on intensive staff work that was conducted in the past year and included consultations with representatives of various segments of the Bedouin community, as well as comments made by civil society organizations on the Committee's Report.

Finally, on September 11, 2011, the Government approved the Cadre's plan to Provide for the Status of Communities in, and the Economic Development of, the Bedouin Population in the Negev, based on the recommendations of the Goldberg's committee. The Government also approved a plan for the economic development of the Bedouin population in the Negev.

The plan is part of the Government's overall activities in developing the Negev; its goal is to bring about a better integration of Bedouin in Israeli society. The plan is also designed to significantly reduce the economic and social gaps between the Bedouin population in the Negev and Israeli society as a whole.

The operation of the national plan is based on six cornerstones:

¹ <http://www.pmo.gov.il/PMO/PM+Office/Departments/policyplanning/goldberg.htm>

Regulation of the consideration for Bedouin's land claims through legislation –

A small portion of the Bedouin population has individual land claims. Due to those land claims, the State encounters difficulties when taking actions for the development of the land for the use of the Bedouin majority, which do not have any land claims. For this reason, according to the plan, and as recommended by the Cadre, ownership claims over land will be dealt with in a unified and transparent method to be provided for by law and according to which compensation will be provided for in significant amounts of land and funds. Thus, for example, every land ownership claim by a claimant who holds land, the status of which will be fully provided for, will receive 50% of the claim, as opposed to the 20% being currently offered. For this purpose, the Cadre's plan offered a proposed legislative amendment which regulates consideration for the settlement of the claims. According to the proposed amendment, the right to receive consideration will be given to plaintiffs who filed law suits following the land settlement procedure in the Northern Negev on 1971. In addition, the proposed consideration criteria will be set in law and will not be open for individual negotiations, in order to achieve an objective, transparent and equal mechanism. The Cadre also recommended bringing the proposed legislative amendment to the Knesset's approval as soon as possible. The proposed settlement is optional and thus land claimants who do not wish to settle their claims, is entitled to continue the proceedings held in court.

Planning and Regulation of the Bedouin's housing in the Negev -

According to the plan, the State will initiate a comprehensive land planning scheme that will be operated in a short and limited period of time. The planning scheme will refer to the whole Bedouin population in the Negev, including the majority group who does not have any land claims. The housing regulation process will take place on the existing Bedouin localities, including Abu-Basma Regional Council, and will include the establishment of new localities if required, in the framework of the Be'er Sheva District master plan. The plan is based on planning principles such as population density, continuity, size and economic ability. Furthermore, the planning and construction process will be carried out by the authorities in consultation and cooperation with Bedouin representatives, as regularly done in every planning process according to the law and in the framework of the working groups operating with this regard. The Bedouin representatives are expected to provide input as to their vision of the towns' character and the proper

solutions required. The nature of the communities – agricultural, rural, suburban or urban – will be adapted to the nature of the population. It is estimated that places of residence for 2/3 of rural Bedouin will be provided nearby.

1. **Limited Time Tables** - One of the main principles is the execution of the plan on a short period of time, offering the Government a strict schedule for every operational stage. According to the plan, the main issues will be settled and implemented within five years.
2. **Enforcement** – According to the plan, the State will take actions to enforce the planning and construction laws. The Cadre emphasized that without proper enforcement of the land laws, it will be impossible to implement the recommendations of the Goldberg Committee and the Cadre's Plan. The Cadre also suggested a reform in the law enforcement system regarding land laws and planning and construction laws, in order to enable the relevant authorities to perform their duties by law.
3. **Operational Aspects** - The Government also approved the establishment of a Prime Minister's Office Implementation Team, following the Cadre recommendation to appoint a small operational headquarters to lead the national process and ensure its success. Furthermore, and as the Cadre recommended, the Authority for the Regulation of the Bedouin Housing Situation in the Negev will be the main operational body *vis-a-vis* implementation of the plan in the community and land spheres.
4. **An Economic Plan to the Advancement and Development of the Bedouin Population in the Negev** – The Cadre suggested that the current national plan will be accompanied by a parallel plan for the advancement and development of the planning and the construction of local and regional infrastructures for the Bedouin population. Accordingly, in the sphere of economic development, the State will allocate NIS 1.2 Billion to the plan (approximately U.S. \$322.1 Million). This will focus on advancing engines of growth with special emphasis on women and young people in the fields of employment and its supporting infrastructures. Advancing these populations will contribute to the increased economic growth of the entire Negev Bedouin population. The plan will focus on the development of

industrial zones, the establishment of employment centers in the communities, vocational training, etc. Resources will also be directed to fields that support employment, education centers, infrastructure (including public structures and transportation), social affairs and residents' personal security. All of these are expected to significantly advance the employment situation in the Bedouin population, and residents' and the communities' economic situations, and improve their quality-of-life.

The seriousness of the State's intentions also finds expression in what was decided upon regarding its preparations to implement and enforce the plan. The proposed solution will be put into binding legislation. Accordingly, as mentioned above, the State will reorganize and strengthen the enforcement mechanism.

The Government appointed Minister Benny Begin to coordinate public and Bedouin population comments on the issue, in the framework of formulating draft legislation. In the coming period, the relevant officials will meet with members of the Bedouin population. Minister Begin will submit the main points of the comments to the Ministerial Committee on Legislation prior to the tabling of draft legislation in the Knesset.

The implementation of the Goldberg Committee's recommendations and the national plan mentioned above, is only one aspect of the Government's comprehensive work plan for the promotion of the Bedouin community rights, elaborated in Israel's Periodic Report. As mentioned in the Report, in two different Government Resolutions made in 2003 (April and September), the Government created a comprehensive plan for the Bedouins, including investments of **NIS 1.1 Billion** (approximately U.S. \$297 Million) in the improvement of infrastructure, and founding of public institutions over the following six years.

The Government has also been encouraging movement of Bedouins to permanent localities (towns, townships or villages) by providing exceptional financial benefits to residents of the Bedouin Diaspora who seek to move, regardless of their economic condition or any entitlement criteria. These benefits include, *inter alia*, free land or significantly low cost land for housing, an exemption from development costs and compensation for families that decide to leave their illegal structures in the dispersion

for a house in the permanent towns. The families are further eligible for special financial grants ("Relocation Grants" of NIS 7,500 per family (U.S. \$2,000) and NIS 1,500 for each child (U.S. \$417)). Note that these benefits are only relevant to the Bedouin population and are not available to any other community in Israel.

Settlement of Individual and Collective Bedouin Land Claims

The Bedouin land claims were submitted by individuals. In the claims the demand is for full, private, commercial and transferable ownership. According to the legal procedure, each claimant is entitled to present his/her case in the District Court. The courts hears each claimant, examine the evidence, including experts' opinion, and rule accordingly in each and every individual case.

The approved plan for the implementation of the Goldberg's Committee report offers comprehensive solutions in order to resolve these private claims over land ownership, without the need to present and prove each case in court.

Furthermore, some of the private land claims were settled during the proceedings in court, and included granting of land ownership and significant amount of compensations to the individual plaintiffs. For example, in one case the plaintiffs and State reached an agreement, according to which the plaintiffs agreed to receive part of the land and NIS 4,310,927 Million (U.S. \$1.15 Million) compensation, in order to settle the suit. The majority part of the land that was settled will be allocated to various Bedouin citizens for housing and agriculture use.

Application of Relevant International Norms in the Settlement of Bedouins Land Claims

The State of Israel holds the position that it acts in full adherence to international norms in respect to individual land claims. In addition there are no relevant specific binding international norms in respect to the settlement of collective land claims. As mentioned above the Bedouin land claims are individual and not collective.

Additional information and Recent Developments

Government Resolutions

On May 2011 the Government approved an approximately NIS 350 Million (U.S. \$97.4 Million) multi-year plan to develop and strengthen the Bedouin communities in northern Israel.

The goal of the 2011-2015 plan is to develop and strengthen the communities and the Bedouin population in northern Israel. The plan was formulated at the initiative of the Prime Minister's Office, in cooperation with the Ministry of Finance, Bedouin Local Authorities in the north and other Government Ministries.

In the field of education, NIS 70 Million (U.S. \$19.4 Million) will be invested in operating designated education plans, including education for toddlers and youth-at-risk, making higher education more accessible and the development of leadership.

In addition, approximately NIS 40 Million (U.S. \$11.1 Million) will be invested in the building of 60 classrooms and kindergartens. Additionally, NIS 12.5 Million (U.S. \$3.4 Million) will be invested to extend by an additional five years the neighborhoods rehabilitation project, which deals with educational aspects in the Bedouin neighborhoods.

In the field of infrastructures, NIS 100 Million (U.S. \$27.8 Million) will be invested in building and upgrading sewage infrastructures in the communities, which currently constitute the main impediment to the development in this population and are a constant source of environmental and water pollution.

Additional NIS 90 Million (U.S. \$25 Million) will be invested in paving and upgrading transportation infrastructures in the local authorities.

In the field of employment, NIS 13 Million (U.S. \$3.6 Million) will be invested in the establishment and operation of vocational training and guidance centers. Additional NIS 4 Million (U.S. \$1.1 Million) and NIS 5 Million (U.S. \$1.3 Million) will be invested in a plan to encourage small and medium businesses and in vocational retraining, respectively. Emphasis will be placed on increasing participation in the labor market in the Bedouin population in general and among women in particular.

Furthermore, NIS 13 Million (U.S. \$3.6 Million) will be invested in planning and development, including NIS 8 Million (U.S. \$2.2 Million) in housing assistance for discharged soldiers.

In the municipal sphere, NIS 17.5 Million (U.S. \$4.8 Million) and NIS 20 Million (U.S. \$5.5 Million) will be invested in the development of older neighborhoods and in the establishment and rehabilitation of religious institutions and public structures, respectively.

The communities included in the plan are: Zarzir, Ka'abia-Tabash-Hajajra, Bir Al-Makhsur, Bosmat-Tivon, Bueina Nujeidat, Shabli-Um Al-Ainam, Tiba-Zangariya and the Bedouin communities in the Al Batuf, Zevulon, Ma'aleh Yosef and Jezreel Valley regional councils.

The Authority for the Regulation of the Bedouin Housing Situation in the Negev

In 2007, the Government resolved to establish the Authority for the Regulation of the Bedouin Housing Situation in the Negev (Government Resolution No. 1999 of July 15, 2007). The Authority, which operates within the Ministry of Construction and Housing, is in charge, *inter alia*, of: regulating land ownership claims, regulating permanent places of residence, including infrastructures and public services both for existing towns and for new towns, providing assistance in finding places of employment and coordination of education, welfare and community services. In addition, according to the Government Resolution, the Authority's duties are to gather information regarding the situation of the Bedouin population including land ownership claims, to initiate and to execute land arrangements and evacuation of real-estate, initiate statutory planning in co-operation with the Ministry of Interior regarding suitable housing solutions, advancement of planning and development of local and regional infrastructures for permanent solutions, assisting and accompanying the population in all stages of habitation, prioritizing enforcement stages and coordinating and synchronizing between the relevant authorities while conducting follow-up examinations and supervising the execution of decisions.

During the last 10 years, the planning and construction of new Bedouin towns/localities is carried out by the authorities in full consultation with Bedouin representatives who

provide input as to their vision of every town's character. The new towns will include the best infrastructure and services the State offers to its citizens. In recent years, the Authority and the Ministry of the Development of the Negev and the Galilee continue to oversee the constructing and development of projects of Bedouin housing, as specified henceforth:

"Tarabin" town is situated in the Bney-Shimon District Council, and is designated for the members of the Tarabin El-Sana tribe. Of the newly planned towns, Tarabin was the first town to be populated. The first stage of the town's development has been finalized, most of the lots have been distributed, and hundreds of residents have already populated the town. Each of the families received developed land for construction and an agricultural property. The new town was planned jointly with its inhabitants, as a modern town offering educational services, underground infrastructure, and health services. The town spreads over a territory of 1,132 dunams, and is intended to inhabit approximately 3,500 people by 2020.

The following new seven towns are in process of planning and development:

1. Abu Krinat - located on 7,320 dunams, consisting in its first stage of 1,300 lots and an industrial center. Abu Krinat is intended to accommodate approximately 15,000 people by 2020;
2. Bir Hadaj- an agricultural town located on an area of 6,550 dunams, and intended to accommodate approximately 12,500 people by 2020;
3. Kaser A-Sir - located on an area of 5,000 dunams, and designed to accommodate around 8,000 people by 2020.

Communities to be established are:

4. Makchul-Marit – for which a detailed plan for two neighborhoods was approved in September 2005, and a detailed plan for a third neighborhood is underway, spread over 6,300 dunams, and designed to accommodate approximately 12,000 people by 2020;
5. Um Betin –master plan was approved in March 2005. the town is located on 6,700 dunams, and designed to accommodate approximately 8,000 people by 2020;

6. Moleda - for which a master plan was approved in March 2005, and which is located on 11,000 dunams;
7. Darijat.

The names of these communities were chosen by the Bedouin population. One additional plan that is currently in advanced stages of planning is the El-Seid town. An additional three towns, Vadi El-Naham, Ramt Tziporim, Abu-Talul, El-Foraa and Ziadana are currently in the process of planning and receiving statutory approval.

Moreover, the Authority is promoting outline plans for the seven existing Bedouin towns in the Negev: Laqiya, Hura, Kseife, Arara, Tel-Sheva, Segev Shalom, Tarabin and Rahat. In recent years, the outline plans for these towns have been updated and broadened, as follows:

Tel-Sheva- a new outline plan includes the doubling the town's area. This plan will be valid at the end of 2011 with additional four new neighborhoods establishment, in order to provide with adequate solution to the population natural increase and the absorption of the dispersion residents.

Rahat- new outline plan had been recently approved. The plan enables the establishment of 10,000 additional housing units in Rahat. Moreover, there are dozens of new neighborhoods planning projects, a new public center and sheep collars in the area.

Segev Shalom- according to the expected population increase, the Authority began planning several new neighborhoods, a public-industrial center and the broadening of the industrial zone.

Concerning Laqiya, Hura and Kseife towns, several broadening outline plans have been recently approved.

Question 5

Please provide information on legislation adopted by the State party since its previous report, that has affected the disposition of land resources, as well as the subsequent role played by the Jewish National Fund and the Jewish Agency in the control of such resources so as to ensure that everyone under the jurisdiction of the State party is able to fully enjoy economic, social and cultural rights.

Reply:**The World Zionist Organization/Jewish Agency and the Jewish National Fund**

The State of Israel was established as a Jewish and democratic State for the Jewish people. The Jewish Agency and the Jewish National Fund preceded the State of Israel and served as important catalysts to its creation. The World Zionist Organization (WZO) is a private organization that was established at the beginning of the century, almost fifty years before the establishment of the State of Israel. The WZO led the Zionist movement – the ideological and political movement of the Jewish people - to reestablish itself in its historical homeland, the land of Israel. The WZO, with the assistance of other Jewish organizations, bore the main responsibility for the establishment of the State of Israel. At present, it serves mostly as a symbolic institution.

The Jewish Agency for Israel (JAFI) is a private voluntary corporation, composed of the World Zionist Organization (WZO) and other bodies, which funds and manages a variety of activities within Israel (i.e., assistance in the absorption of Jewish immigrants to Israel, investment in Israeli agriculture and industry and promotion of urban and rural development), with the consent of the Israeli Government. JAFI also operates outside Israel among Jewish communities in the world, with the aim of promoting Jewish immigration to Israel.

The Jewish National Fund (JNF) is a private corporation that was established in 1901. The JNF collects donations from Jews all over the world, and uses the money for land purchase within Israel. Lands purchased by the JNF are used for several purposes: cultivation and land development; forestation; residence; etc.

As mentioned in detail in Israel's Second and Third Periodic Reports, in a landmark decision In H.C. 6698/95 *Ka'adan v. The Israel Lands Administration (ILA)*, the Supreme Court reaffirmed the Jewish agency's role in promoting the development and fulfillment of Israel's values and goals. In particular, Chief Justice Barak asserted that the Jewish Agency for Israel has played a major role in Israel's establishment, and that its many efforts to develop the State should not be left unnoticed. The unique status that the Jewish Agency holds in Israeli life is reflected in Israeli legislation, where Section 3 of the *World Zionist Organization and the Jewish Agency for The State of Israel Law*

5712-1952, provides that the two bodies shall continue to strive to promote Jewish immigration to Israel and to orchestrate absorption and settlement projects.

The Court also held in the *Ka'adan* case that the State may not allocate land directly to its citizens on the basis of religion or nationality. Following the court ruling, the ILA adopted a decision determining new admission criteria to be applied uniformly to all applicants seeking to move into small, communal settlements established on State-owned lands.

On June 24, 2006, the WZO decided that the Jewish Agency is obligated to include the Arab-Israelis in its development plans for the State, including Muslims, Christians, Druze and Circassians. The annual budget allocated to these plans is currently NIS 60 Million (U.S. \$ 16.2 Million) and it is expected to grow.

Land Allocation - Recent Developments

In 2009, in response to the *Ka'adan* ruling and a number of other petitions submitted in 2004 to the Supreme Court with respect to the issue of transferring rights in real estate property, which is owned by the Jewish National Fund (JNF), to the Arab population, and given the opinion released by the Attorney General according to which the ILA is bound by the principle of equality even when managing the lands of the JNF, the ILA and the JNF signed **an agreement of principles to allow equal access to the JNF lands**. According to the agreement, the ILA would be able to transfer ownership on JNF lands in the center of Israel to any person, without discrimination on the basis of race, gender, religion or any other ground. In return, JNF would receive lands in the Negev and the Galilee. The agreement was signed on June 7, 2009, and was approved by the general assembly of the JNF on June 23, 2009. The new land rotation agreement enables Israel Land Administration to perform conveyance of lands for every lease, with no regard to the lessee's nationality, in a manner which respects both the principle of equality and achieves the aims of the JNF.

Notably, an administrative petition was submitted against the approval procedure of the agreement between ILA and JNF.

The reform in the Israel Land Administration was further promoted by the above detailed Amendment No. 7 of August 3, 2009 to the *Israel Land Administration Law 5720-1960*

(the "*Israel Land Administration Law*"). The Amendment allows the conveyance of lands managed by the ILA, to its lessees, who will be able to take any action with respect to the property as its legal owners. Note that the reform is relevant only to municipal lands. Moreover, the Amendment allows the Government to issue an order reducing the number of JNF representatives in the ILA council.

Admission Committees

The Israel Land Administration continues to operate in accordance with the Supreme Court's ruling of 1995 in the *Ka'adan* Case mentioned above, according to which the principle of equality also applies to the allocation of real-estate property by the State. Thus, in March 2010, the Israel Land Council approved Directive No. 1195, which updates Directive No. 1064 of July 27, 2005, and refers to the criteria for the acceptance of candidates for the purchase of rights to lease real-estate in agricultural and communal localities. The Directive contains a closed list of legitimate criteria on which to assess the eligibility of the candidates. The Directive further limits the grounds for refusing to accept new candidates in agricultural and communal localities with up to 500 families. According to this Directive, among other criterions, in localities with more than 120 families, a refusal may be based on avoiding harm to the daily life of the community. Refusal to accept a new candidate in smaller localities according to this criterion may be done only if the new candidate is not suitable to the social life of the community (after professional examinations). In addition, according to Directive No. 1195, an additional criterion was added for rejection of candidates – a candidate may be rejected if his/her acceptance will result in the creation of a sub-community within the locality in a way that will substantially harm the character of the community. Directive No. 1195 also includes an appeal mechanism according to which a candidate is entitled to appeal before an Appeal Committee. The Appeal Committee will submit its recommendation regarding the appeal to the head of ILA to decide whether to accept the recommendation or not.

In March 2011, the *Cooperative Society Ordinance (Amendment No. 8)* was amended in order to regulate in law the function of the Admission Committees for the acceptance of new candidates in agricultural and communal localities in the Negev area and the Galilee. Due to the small size of these communities and the special nature of the partnership between their inhabitants, the Law sets certain criterions to be met by people who wish to join these communities. According to the Law, the Admission Committee

may refuse to accept a new candidate to an agricultural or communal locality, based on several criteria. Such criteria include: minimum age limit (if the candidate is a minor), economic ability (the candidate lacks economic ability to build a house on the time period set in the allocation of land agreement), suitability to the social life of the community (based on professional examinations), intention to settle and live his/her life in the community, etc. In order to prevent discrimination, the Law further determines that the Admission Committee may not reject a candidate based on illegitimate grounds such as; race, religion, gender, nationality, disability, personal status, age, parenthood, sexual orientation, political view, country of origin and political view. In addition, the Law creates an Appeal Mechanism that enables the rejected candidates or the local community to appeal against the Admission Committee's decision to an Appeals Committee. The Appeals Committee's decision is also open for the review of the Administrative Courts.

The Admission's Committees are comprised of five members: one representative of the bodies relevant to the community (the Jewish Agency or the Zionist Organization), three representatives from the community's inhabitants and the relevant settlement movement of the community and one representative of the relevant Regional Council.

Note that the abovementioned amendment is anchoring and regulating the work of the Admission's Committees which existed through former decisions of the ILA.

Several petitions were filed with the High Court of Justice concerning Directive No. 1064, requesting the elimination of the involvement of committees, following the denial of the petitioners' requests to be accepted to a communal locality on the ground of incompatibility with the communal way of life. In the State's response to the petitions it was argued that the criterion included in Directive No. 1064, which allows committees to consider the applicant's suitability to the social life of the community, is an appropriate criterion that promotes the unique fabric of communal life while preventing discrimination based on illegitimate grounds when acquiring proprietary rights in State land. During the proceedings, the State performed several actions to address the issue, including approving Directive No. 1195 (which updates Directive No. 1064), and amending the *Cooperative Society Ordinance (Amendment No. 8)* mentioned above. Furthermore, the families who filed the petitions were finally accepted to the localities following the decisions of an Appeal Committee. In light of the solutions found for the

families, the new Directive and the newly enacted amendment, the petitions were both rejected. (*H.C.J. 3552/08 David Kempler et.al. v. Israel Land Administration et. Al* (19.6.11).; *H.C.J. 8036/07 Fatna Abric-Zbidat et. al. v. Israel Land Administration et. al.* (13.9.11)).

Furthermore, on March 2011, two petitions were filed with the High Court of Justice concerning the legality of the new amendment to the *Cooperative Society Ordinance (Amendment No. 8)*. On June 2011, the Court issued an interim decree requesting the State to submit its arguments regarding the newly enacted amendment. The petitions are still pending before the Court. (*H.C.J. 2311/11 Ori Sabach et. al. v. The Knesset et. al.*; *H.C.J. 2504/11 Adalah- the Legal Center for Arab Minority Rights in Israel at. al v. The Knesset et. al.*).

In April 2011, the *Israel Lands Law 5720-1960 (Amendment No. 3)* was amended in order to ensure supervision over the sale of State lands which were conveyed to ILA lessees in the lands reform framework. According to the Amendment, sale of State lands to a "foreigner" require the approval of the head of ILA. The definition of foreigner include, *inter alia*: any person not a citizen or national of Israel, any person who entered Israel according to the *Law of Return 5710-1950*, etc. Note that the Amendment anchors an existing decision of the ILA.

All of the recent developments mentioned above are a testament of the extensive legislation and administrative care given to best ensure the full enjoyment of economic, social and cultural rights.

Question 6

Please explain why the Knesset has deferred local elections for the appointed Abu-Basma Council. In the light of this deferral, how does the State party ensure that Arab communities participate genuinely and effectively in their own local governance including land-use, planning and public services?

Reply:

The Elections for the Abu-Basma Regional Council

The Abu-Basma Regional Council was established on 28 December 2003. The Regional

Council is responsible for ten rural localities with roughly 25,000 Bedouin residents and provides municipal services for additional 40,000 residents of unauthorized villages in the Negev.

The Minister of Interior designated a temporary council for the new council to govern the administrative and municipal needs of the residents. According to the *Regional Councils Law (Time of General Elections) 5754-1994* (hereinafter: "the *Regional Councils Law*"), the first elections for the Regional Councils should take place, at the latest, six years after the establishment of the Council.

The sixth amendment to the aforementioned law from November 2009, further determines that the Minister of Interior, after consultation with the Knesset Internal Affairs and Environment Committee, may postpone the date for the first elections to another day, if due to special circumstances, the elections cannot take place on the date set. The Minister of Interior shall set a new date for the first elections, as soon as the cause for the postponement has elapsed.

In accordance with the amendment of the Law, the Minister of Interior postponed the first elections for the Abu-Basma Regional Council.

The deferral of the local elections for the Abu-Basma Regional Council led to the filing of a petition before the Supreme Court of Justice on 2010 (H.C.J. 3183/10 *Alrfiaa et. al. v. The Minister of Interior*). During the proceedings, on July 2010, the Minister of Interior, with the consent of the Knesset Internal Affairs and Environment Committee, decided on a formal date for the elections to the Abu-Basma Regional Council on **December 4, 2012**, the Elections Day in more than half of the regional councils in Israel.

The High Court of Justice, in its resolution from February 2nd 2011, affirmed the Minister of Interior's decision and confirmed the serious difficulties which led to the elections' deferral.

The Court referred to the State's reasons for the deferral and indicated some of them: First, the vast majority of the Council's residents did not make the necessary change in their home addresses in order to be considered as residents of the Council. Without

registering as the Council's residents, they cannot participate in the elections process and exercise their right to vote. At that time, only 20% of the Abu-Basma Regional Council residents were registered as voters (about 5,000 residents out of the 25,000 Council's residents). Thus, the State claimed that no genuine democratic elections procedure can take place in the current situation, in which most of the residents cannot vote and the collective's will would not be reflected.

Second, a major consideration for the postponement of the elections was the importance of assuring that the newly established local council can function in accordance with the proper administration rules and has the governance abilities to manage the Regional Council and provide the residents with all the necessary services. The Abu-Basma Council is a newly established Council that have had to operate under difficult circumstances dealing with a variety of problems and challenges, including land disputes preventing the issuance of building permits and causing a delay in the development of the Council's localities, the construction of basic infrastructures (roads, water and electricity), the establishment of manageable organizational structure for the verity of services required (finance, education, welfare, etc.), the management of income sources (such as taxes, fees etc.), the planning of the local outline plans to enable the proper building of the new localities, establishing public structures, the training of the local leadership and the challenge of dealing with mostly poor socio-economic population.

Therefore, the State held that the relative injustice caused by the elections deferral towards the residents' rights to vote and be elected, is balanced in light of the gain from a more democratic procedure and an efficient local authority.

Nevertheless, the Court stressed the importance of holding the elections for the Abu-Basma Regional Council on time and without any further delay, in order to keep the appropriate balance between the residents' right to vote and to be elected and the clear public interest in maintaining proper management of the municipality.

Achieving genuine social change concerning social, cultural and economic gaps requires long and serious process. This process final goal is to grant the Abu-Basma Council residents with a chance for democratic independent way of living.

Operative Measures Taken by the Appointed Abu-Basma Regional Council

Government Resolution No. Arab/40 3956 of July 18, 2005, assigned Abu-Basma Regional Council with attending to the Bedouin population's needs in areas such as education, infrastructure, employment, transportation, agriculture etc. and allocated a total budget of NIS 387.7 Million (U.S. \$99.4 Million) for the development of infrastructures and the building of public structures in Abu-Basma and Al Sid localities between 2005 and 2008. Government Resolution No. 4088 of September 14, 2008 extended the duration of Resolution No. 3956 until the end of 2009, in order to utilize the entire budget allocated.

Since its establishment in December 2003, the Abu-Basma municipality has invested extensive effort towards improving the public facilities for the Bedouin population in the region. The Council has been also carrying out intensive work towards enabling the region's municipal system to serve independently and ensuring the proper management of the future elected council.

As mentioned in Israel's Periodic Report, the Abu Basma regional municipality invested significant resources in ameliorating infrastructure in its jurisdiction, including roads, sanitation and water infrastructure. The Regional Council also promoted the construction of educational facilities, community centers, leisure facilities and other service provision facilities. The Council also initiates projects in areas of education, welfare and employment.

The budget allocated towards education in the Government Resolution No. Arab/40 3956 mentioned above, included 285 new school and kindergarten classrooms which will be operated by the Abu-Basma Council, in addition to targeted and specialized educational programs with a budget of three Million NIS (U.S. \$769,231). Between April 2004 and July 2008, the establishment of two kindergarten classes in three different localities (a total of six classes) was completed; four additional classes are currently under construction. 66 new primary school classes were established in different localities, 42 additional classes are currently under construction, ten of which are nearing completion, and sixteen additional classes are still in planning stages. In the Council's school system there are 25 elementary schools with an average of 700 pupils per school and three high schools with 100 pupils each.

Recent data indicates that immediately after the establishment of regional schools in the Council's towns and villages, the dropout rate due to the transfer from elementary schools to high schools had been eliminated completely. The dropout rate due to the transfer from elementary schools to high schools previously stood at 50%, with a majority of the dropouts being female. In addition, the number of 12th grade Bedouin pupils entitled to matriculation certificates significantly increased. Thus in 2009 the number of 12th grade Bedouin pupils in this Regional Council entitled to matriculation certificates increased by 11% in comparison to 2007.

The Regional Council have also worked during this period towards the approval of local outline plans and today almost all the council localities have local outline plans. The Council continues to promote the regulation of the Bedouins localities and works with the relevant authorities to provide the residents with building permits. These actions are being held in order to encourage the residents to submit proper requests for building permits and overcome the wide ranging illegal building phenomena.

In addition, following the Minister of Interior's decision on the date for elections, many activities are being initiated in the Council to increase the residents' involvement in the elections. In April 2011, the Regional Council held a public conference concerning the preparations for the upcoming elections. Representatives from all the different localities arrived to the conference and received professional materials and guiding.

The Regional Council also conducts different activities in order to explain to the residents the importance of the change of their addresses to the Council's region, in order for them to be able to participate in the elections. The Ministry of Interior is currently conducting an address changing campaign in the Council's localities, distributing information brochures to the residents and explaining to them that in order to exercise their right to vote and to be elected, they must update their addresses as resident's of the Abu-Basma Council. Moreover, the Ministry of Interior allowed a special procedure according to which the residents will be able to change their addresses in the Council's offices and not in the Ministry's Population Administration Branch, in order to simplify the registration procedure and to spare the council's residents from arriving all the way to the city of Be'er-Sheva.

Moreover, the Council is currently training the local leadership in matters relating

to the exercise of the municipal authority under law and the proper implementation of the municipal law.

Operative Measures Taken by the Government Regarding Abu-Basma Regional Council

Government Resolution No. 724 of August 9, 2009 approved a five-year-plan to improve accessibility to public services and educational centers in the Regional Council of Abu-Basma, and the public service centers scattered throughout the Bedouin villages in the south. The total budget for these plans amounts to NIS 68.5 Million (U.S. \$17.5 Million) over the course of the years 2009-2013, with NIS 13.7 Million (U.S. \$3.5 Million) to be distributed annually.

For farther information, Please see Israel's reply to Question 4 above.

Participation of Minority Populations in Local Governance

Local municipalities in Israel provide services to all of Israel's citizens and residents, without any form of discrimination based on religion, race, gender or ethnic background. The employees in all local municipalities in Israel represent the full spectrum of the State's population, as well as its various religious and ethnic groups, without any discrimination.

In the 88 local councils or municipalities which serve towns and villages where the population is primarily composed of Arabs, Druze, Bedouins or Circassians, **the employees of the local government bodies are almost exclusively composed of members of these minorities.** In larger municipalities with mixed populations, such as Jerusalem, Haifa and Lod, members of minorities are employed proportionately to their overall representation in the population, although less so at the most senior positions.

Thus, the State party ensures that the minorities' communities participate genuinely and effectively in their own local governance.

Furthermore, over the past several years, the Government has made important steps towards improving the representation of the minority population within the Civil Service and government corporations. The Government instituted affirmative action programs and mandated specific target goals that would significantly increase the number of

minority employees within public service bodies.

Planning in Arab Localities

As of September 2011, 47 of the country's 128 Arab communities had fully approved outline plans, 29 had outline plans in the final stages of the localities' approval process, seven localities were in the process of planning their outline plans. The remaining localities either had updated outline plans or master plan upon which detailed plans were in the process of promotion.

So far, NIS 60 Million (U.S. \$16.2 Million) were allocated for the promotion of the planning project. It is notable, that in spite of wide-ranging cutbacks in the Ministries' budgets in the past few years, the budget allocated for this project increased.

The project is supported by several Government Resolutions, and is based on the national planning policy as formed and adopted in the NOP 35- the National Outline Plan for Construction, Development and Conservation. The national planning policy indicated new development trends for localities as well as diverse density rules based on the size of the locality, its social and economic status and its demography.

Each plan is promoted by a professional planning panel, hired by the Department of Planning and accompanied by a broad steering committee, headed by representatives from the Department. Each committee includes representatives from the local authority, the relevant Ministries and the neighbouring local authorities, the Jewish National Fund (KKL), the Society for the Protection of Nature in Israel, and Israel Nature and National Parks Protection Authority.

A special emphasis is placed on the participation of the local community in the planning process. In addition to the full participation of the local leadership, the efforts to include the local community in the planning process is carried out through diverse methods according to the character of the locality and its social structure. These include turning to focus groups (comprised of women, youth, elders, etc.) distribution of questionnaires, special workshops and open assemblies conducted in order to present the planning scheme and receive the public's comments and better understand their interests, etc. In particularly small localities, special door to door surveys are conducted. Note, that the whole planning process is done with in close cooperation with the localities officials, that

participate in every relevant discussion before the approval of the plan and during its execution.

Development of Industrial Zones

The Administration for Industrial Zones within the Ministry of ITL is working on the development of 32 industrial zones for Minority populations throughout Israel. The total budget allocated for this purpose in the years 2006-2009 was NIS 122.5 Million (U.S. \$33.1 Million) (not including a special budget of five Million NIS (U.S. \$1.3 Million) allocated for the establishment of joint industrial administrations). In 2009 alone that budget stood at NIS 32 Million (U.S. \$8.6 Million)

Planning in Bedouin Localities

There are seven existing Bedouin towns in the Negev: Lakiya, Hura, Kseifa, Arara, Tel-Sheva, Segev Shalom and Tarabin, in addition to the city of Rahat. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

Although these eight existing towns can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that a further eleven new towns for Bedouins should be established. The Government did so in order to accommodate the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format. The new towns will include the best infrastructure and services the State offers to its citizens.

The planning and construction of the new towns are carried out by the authorities in consultation with Bedouin representatives who provide input as to their vision of every town's character.

In order to maintain the special character of Bedouin communal life and prevent the exploitation of the abovementioned benefits, the State has refused offers by non-Bedouins to buy land in the areas designated for exclusive Bedouin localities.

Furthermore, representatives of the Bedouin population take part in all planning processes; in the sub-committee of the Local Committee for Planning and Building, there are representatives of each of the existing Bedouin towns, and in the District

Committee for Planning and Building, the Mayor of Rahat and the Head of Council of Segev-Shalom are members.

Participation of the Bedouin Representatives on The Advisory Committee on the Policy regarding Bedouin Towns

As detailed in Question 4, the Advisory Committee was comprised of seven members and one chairperson, former Supreme Court Justice Mr. E. (Eliezer) Goldberg, as well as two Bedouin representatives. The Committee has held tens of sessions and has heard many depositions from various sources, including representatives of the Bedouin population and the local authorities.

All of the above mentioned demonstrate the State's party commitment to ensure that Arab communities participate genuinely in every governmental aspect related to their lives in Israel.

Article 2 paragraph 2– Non-discrimination

Question 7

Please provide information on the impact of the multi-year plans (2006-2009) for the Druze and Circassian populations (resolution No. 412) and the Bedouin population (resolution No. 413), particularly concerning education, housing, employment and social assistance.

Reply:

In August 2006, the Government resolved to implement two multi-year plans (2006 - 2009) for the socio-economic development of Arab localities in the North, particularly concerning education, housing and employment. These plans were approved in the form of Resolution No. 412 on the development of the Druze and Circassian populations, in the amount of NIS 447 Million (U.S. \$120.8 Million), and Resolution No. 413 for the development of the Bedouin population, in the amount of NIS 318 Million (U.S. \$85.9 Million).

The process of consolidation of the multi-year plans by the Government lasted several months, as the plans preparations involved the heads of the Druze, Circassian and

Bedouin municipalities respectively, as well as representatives of the relevant Government Ministries. Additional input was sought from a wide range of sources.

The new development plans focus on three main issues: investment in human resources, with a special emphasis placed on the empowerment of women, economic development, and employment – including the development of tourism as a source of income.

The budget required for the implementation of the plans was allocated by the relevant Government Ministries, in addition to a special budget from the Prime Minister's Office designated for the minority population. As of 2010, the implementation rate of both Resolutions was 88%.

Note that these plans build on previous multi-year plans that were implemented and completed since the submission of Israel's previous Periodic Report.

Furthermore, Government Resolutions No. 412 and No. 413 are supplemental to the development budgets that the Ministry of Interior allocates to local municipalities, the subsidies given to retired soldiers in purchasing land plots and housing construction, and segments of the budget set aside for the rehabilitation of Northern Israel, adopted following the Second Lebanon War.

Concerning the Bedouin population in the Negev in the South, reference should be made to the aforementioned National Strategic Plan for the Development of the Negev. The Plan was devised, in part, to assist the Bedouins living in the Negev. For example, one of the plan's goals is the creation of approximately 20,000 jobs for the Negev population within ten years. In pursuit of this objective, the plan seeks to encourage the founding of businesses and the creation of employment within the Bedouin population through the provision of financial assistance to entrepreneurs, vocational training and developing commercial areas and joint industry zones.

Implementation of Government Resolutions No. 412 and 413

Resolution No. 412

In accordance with Government Resolution No. 412, between the years 2006-2009 the Ministry of ITL will allocate NIS 40 Million (U.S. \$11.4 Million) towards the development of the Druze and Circassian populations, this sum was mainly intended to

be used for the development of industrial zones, professional training, new employment positions, establishment of businesses and for encouragement and practical business support.

Respectively with the said resolution, the Government initiated several steps specified below:

1. Development and Infrastructure Planning in Industrial Zones - Between the years 2006-2009, 2.5 Million NIS (U.S. \$677,690) were allocated each year towards the development of industrial zones in Kisra-Sumei, Yirka, Maghar and Rama-Sajur villages.
2. Professional Training- Until 2009, the Ministry of ITL allocated NIS 44.5 Million (U.S. \$12.06 Million) for different professional trainings frameworks in which 4,962 students participated.
3. Establishing New Employment Places- Between the years 2006-2007, 30 companies from among the Arab population (among them the Druze and Circassian populations) received a total sum of NIS 63.4 Million (U.S. \$17.1 Million), which created 1,067 new positions.
4. Encouraging Businesses- The Ministry of ITL has established a designated Center for Nurturing Entrepreneurship among the Arab and Bedouin populations located in Rahat, that is better equipped to serve these populations' needs. Furthermore, in order to support entrepreneurs among the Bedouin population in the Negev, the Ministry of ITL has established a unique loan fund for small enterprises. In Addition, the Ministry allocates each year one Million NIS (U.S. \$271,076) for the purpose of encouraging small businesses.

Resolution No. 413

In accordance with Government Resolution No. 413, between the years 2006-2009 the Ministry of ITL will allocate NIS 21 Million (U.S. \$6 Million) towards the strengthening and development of the Bedouin population in northern Israel in the fields of industry, professional training, creation of new employment positions and encouragement of existing businesses.

Following that, the Government Ministries took several steps as follows:

1. Planning and Development of Industrial Zones - Between the years 2007 and 2009, two Million NIS (U.S. \$542,152) were allocated each year for the development of industrial zones in Bu'eine Nujeidat and Ka'abiyye villages.
2. Professional Training- Until 2010, the Ministry of ITL allocated 9,094,500 NIS (U.S \$2.6 Million) for different professional trainings frameworks in which about 2,929 students participated.
3. Encouraging Businesses- In August 15, 2011, the Small and Medium Enterprises Authority (ISMEA) in the Ministry of ITL and the Prime Minister's Office Department for Coordination, Follow-Up and Control announced on the establishment of a new business center for businesses owners and young entrepreneurs from the Druze, Circassian and Bedouin populations in Northern Israel. The center will be established at Yarka as one of three other business centers which are located in Ma'alot-Tarshiha, Nazareth and Shefa-'Amr and are in construction stages these days. The center will offer verity of services along side with business consultation for small businesses owners and young entrepreneurs who are encountering difficulties with the expenses of operating their businesses. In addition, the center will offer professional trainings, business guidance, office services, meeting rooms and modern office equipment. The center will further provide the opportunity for entrepreneurs and business owners to settle at a central business location for up to two years with no commitments to pay long-term rent. The center will be operated by ISMEA and will be budgeted with the amount of NIS 1.3 Million (U.S. \$363,687) by both the ISMEA and the Prime Minister's Office.

Additional Activities According to Resolutions No. 412 and 413

Promoting students' integration in the labor market - Currently, the Ministry of ITL is initiating a pilot program aimed at increasing the number of students from minority populations integrated in the High-Tech industry. The pilot program will be budgeted with ten Million NIS (U.S. \$2.8 Million) and will operate for two years as a vocational course. The pilot's first stage goal is to assist the integration of 200 students from minority populations in the high-tech industry. The pilot's budget will be allocated to

businesses that hire students from minority populations and will reach up to 40% of the employee's wage.

The Authority for the Advancement of the Status of Women in the Prime Minister's Office regularly distribute scholarships for female Bedouin students from the north, as well as for female students from the Druze and Circassian populations. These scholarships are granted in accordance with Government Resolutions No. 412 and 413, and are intended for tuition in recognized academic institutions, in the fields of medicine, pharmaceuticals, nursing, law, engineering, and other professions. Between the years 2007 and 2008, the Authority received 800 applications for such scholarships from Druze and Circassian women, of which, following an examination process, 100 scholarships were approved and granted, and 400 applications from women of the Bedouin population in the north, of which 45 were approved and granted. The total budgetary allocation for this purpose for 2009 is 500,000 NIS (U.S. \$135,135), with each scholarship awarded in the amount of 6,000 NIS (U.S. \$1,622). In 2009, 200 scholarships were granted and in 2010, 289 scholarships were granted. The Authority also published an announcement inviting Bedouin, Druze and Circassian women to submit applications for the year 2011.

The Authority for the Advancement of the Status of Women in the Prime Minister's Office conducted a special survey regarding the needs of women in minority populations, and based on the results it was decided to conduct training and to empower women in these populations in varied fields, such as completion of their education, leadership, employment, business entrepreneurship and operating communal projects. Each locality, out of the 40 detailed in Government Resolutions No. 412 and 413, received at least two professional training courses. During 2010, over 30 courses, on various subjects, were conducted for women of minority populations in the Northern Druze, Circassians and Bedouin municipalities. In 2009, 55 such courses were conducted, of which 15 focused on business entrepreneurship, eleven focused on empowerment issues and four focused on completing education. The courses took place in the localities of Abtin, Bueina Nugidat, Bir-Almaxsur, Bait-Djan, Bosmat-Tivon, Julis, Dmaida, Zarzir, Hussniyya Hu'aled, Hurfeish and many others.

Moreover, in accordance with the abovementioned survey, the Authority conducts workshops focusing on various issues in these localities, including: parental authority,

first aid, prevention of domestic accidents and couples' communication. There are also workshops conducted in high schools on issues of respect etc.

Additional Government resolution regarding development of the Arab population

In addition, Government Resolution No. Arab/40 3956 mentioned above (July 18, 2005), provided a total budget of NIS 387.7 Million (U.S. \$104.7 Million) for the development of infrastructure and building public structures in Abu-Basma and Al Sid between 2005 and 2008. The budget includes 285 new school and kindergarten classrooms, targeted and specialized education programs (NIS 3 Million (U.S. \$810,811)), the paving of new roads (NIS 50 Million (U.S. \$13.5 Million)), sewage, water and electrical infrastructures (NIS 44 Million (U.S. \$11.8 Million)), general planning (NIS 90 Million (U.S. \$24.3 Million)), industrial area planning and development, employment and business entrepreneurship (NIS 20 Million (U.S. \$5.4 Million)), building public institutions (NIS 16 Million (U.S. \$4.3 Million)), as well as investment in health, welfare, religion, agriculture and more.

Government Resolution No. 4088 of September 14, 2008 extended the duration of resolution No. 3956 until the end of 2009, in order to use the remaining budget allocated for the abovementioned plans.

In social welfare, NIS 16 Million (U.S. \$4.3 Million) will be invested in establishing and renovating social welfare institutions in the Druze Community. NIS 4 Million (U.S. \$1.08 Million) will be invested in commemorating fallen Druze and Circassian IDF soldiers.

In employment, NIS 16 Million (U.S. \$4.3 Million) will be invested in establishing and operating employment training and guidance centers in order to increase the rate of participation in the labor force, mainly among women. Additionally NIS 6 Million (U.S. \$1.6 Million) will be allocated to a plan to encourage small and medium businesses.

In housing, NIS 40 Million (U.S. \$10.8 Million) will be allocated towards assistance for discharged soldiers, NIS 10 Million (U.S. \$2.7 Million) to preparing a master plan and NIS 10 Million (U.S. \$2.7 Million) to completing detailed plans on private land. NIS 180 Million (U.S. \$48.7 Million) will be invested in improving and developing transportation infrastructures.

In order to strengthen local councils, NIS 42 Million (U.S. \$11.3 Million) will be invested in industrial zones. NIS 23 Million (U.S. \$6.2 Million) will be allocated to developing older neighborhoods, NIS 20 Million (U.S. \$5.4 Million) in establishing and renovating religious institutions and NIS 16 Million (U.S. \$4.3 Million) in building and renovating public structures.

In tourism, NIS 36 Million (U.S. \$9.7 Million) will be invested in developing tourism infrastructures in the communities and 8 Million NIS in marketing and improving Druze and Circassian tourism.

The communities included in the plan are: Yirka, Beit Jann, Julis, Hurfeish, Kisra-Samia, Yanoach-Jat, Sajur, Kafr Kama, Ein al-Assad, Reihania, Peki'in, Rama and Abu Sinan. NIS 32 Million (U.S. \$8.6 Million) additional budgets will be invested in Daliyat al-Carmel, Isfiya and Maghar, for the benefit of needs of which were not met under the Cabinet's Resolution dated March 21, 2010.

For further information, please see Israel's reply to Questions 4 and 6 above.

Question 8

Please provide information on measures taken to address the marginalized position of Bedouin women with regard to various economic, social and cultural rights, especially those living in unrecognized villages.

Reply:

Measures Taken to Ensure Bedouin Women Rights

The State of Israel, together with the relevant Authorities, has taken several steps to achieve advancement of the Bedouin population rights, and particularly of Bedouin women's rights, allocating numerous resources for the development of housing, employment, water supply, health, electricity, services and infrastructures, education and other rights enshrined in the convention.

Bedouins enjoy all the rights and opportunities of Israeli citizens, including the privilege to receive formal education at all levels, health services etc., in accordance with the laws of Israel.

General

There are more than 180,000 Bedouins living in the Negev desert area. Most of them (approximately 120,000 – 66%) live in urban and suburban centers which have been legally planned and constructed. The remaining 60,000 Bedouins (34%) reside in hundreds of unauthorized clusters, which are spread over an area of more than 500,000 dunams, obstructing urban expansion in the greater Negev area and the common good of the Bedouin population. This, while, as detailed below, as well as in Israel's Periodic Report, the existing towns can accommodate most of the needs of the Bedouin population, and while vacant lots await additional occupants in all of these towns.

The Authority for the Advancement of the Status of Women

Government Resolutions No. 412 and 413 of August 2006, are aimed at development of the Druze, Circassian and Bedouin populations. Accordingly, the Authority operates various courses for the Bedouin, Druze and Circassian women in the relevant local authorities in the fields of women leadership and empowerment. The main goal of these courses is to promote women to key positions in the Israeli society.

During 2010, over 30 courses, on various subjects, were conducted for women of minority populations in the Northern Druze, Circassians and Bedouin municipalities. In 2009, 55 such courses were conducted, of which 15 focused on business entrepreneurship, eleven focused on empowerment issues and four focused on completing education. The courses took place in the localities of Abtin, Bueina Nugidat, Bir-Almaxsur, Bait-jann, Bosmat-Tivon, Julis, Dmaida, Zarzir, Hussniyya Hu'aled, Hurfeish and many others. During 2008, 30 courses were further conducted.

In addition, in accordance with Resolutions No. 412 and 413 mentioned above, the Authority for the Advancement of the Status of Women grants scholarships for female students from the Bedouin population in the north, as well as for female students from the Druze and Circassian populations. Between the years 2008 and 2010, 560 scholarships were granted and further scholarships were allocated in the year 2011. The distribution of scholarships is aimed at encouraging high education among women in these populations, and thus to further develop their roles and representation in the Israeli society. The scholarships are intended for tuition in recognized academic institutions, in the fields of medicine, pharmaceuticals, nursing, law, engineering, and other medical

related professions

The advertisements and campaigns done by the Authority are conducted in several languages, including Arabic, with the aim of reaching Arab women and raising awareness among Arab women and the Arab population as a whole.

The Authority conducts seminars and empowerment conferences for women, in cooperation with various NGOs and the civil society, in order to raise the awareness among Arab and Bedouin women on a variety of issues concerning the advancement of the status of women in these populations.

In December 2009, the Authority for the Advancement of the Status of Women held a conference for influential Bedouin women. Fifty politically active women participated in this conference with the aim of promoting Bedouin women activities in all fields including the political arena.

The Authority also supervises and follows appointments to teams, committees, councils and other public bodies, which are obligated by law to gender equality and sends notification letters to all the appointing bodies with the reminder of their legal obligation and their duty to inform the Authority on any new body that is established.

In 2010, the Authority has sent 227 such reminders and requests for appointing bodies. In cases of under representation, the Authority sends additional notifications and submits reports to the Knesset regarding its activities.

Moreover, the Authority conducts workshops in the Druze, Circassians and Bedouin localities focusing on various issues, including: parental authority, first aid, prevention of domestic accidents and couples' communication. There are also workshops conducted in high schools regarding issues of respect etc.

Activities According to the Work Plan for Promotion of the Status of Bedouin Women:

- Economic Initiative for Women in Kseifa - a three-year program developed with "Joint-Israel", for creating and marketing authentic products made by women through a central body owned by them. The women become business owners exempt from V.A.T. In 2007, 20 women participated in the program. At the end of the three year project, 100 Bedouin women will have participated in the program.

- The creation of a joint marketing body for women businesses in the Bedouin village Hussniyya in the Galilee. Currently, there are 20 women participating in the project.
- The Authority for the Advancement of the Status of women also provides Bedouin women with knowledge regarding employment and Business entrepreneurship, constructing business strategies and more. The courses include information, *inter alia*, on market research, learning from information sources, setting up a working budget, writing a business plan etc.
- The Authority also provides Bedouin women with the opportunity to complete their formal education by providing special courses in relevant subjects, such as language skills, computers, internet use and more.
- The Authority provides information and courses regarding empowerment and community leadership such as life skills, parenting, health awareness, and skills needed to operate community projects.

The Authority has prepared a new work plan for the years 2011-2015, aimed at promoting Bedouin women in the Negev. The work plan includes training courses and programs for economic empowerment, integration in the labor market, business entrepreneurship, women leadership, encouraging education, etc.

Housing

There are seven existing Bedouin towns in the Negev: Lakiya, Hura, Kseifa, Arara, Tel-Sheva, Segev Shalom and Tarabin, in addition to the city of Rahat. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

Although these eight existing towns (the seven towns in addition to the city of Rahat) can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that a further eleven new towns for Bedouins should be established. The Government did so in order to accommodate the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format. The new towns will include the best infrastructure and services the State offers to its citizens. The planning and construction of the new towns

are carried out by the authorities in consultation with Bedouin representatives who provide input as to their vision of every town's character.

Tarabin was the first town to be populated. "Tarabin" is situated in the Bney-Shimon District Council, and is designated for the members of the Tarabin El-Sana tribe. The first stage of the town's development has been finalized, most of the lots have been distributed, and hundreds of residents have already populated the town. Each of the families received developed land for construction and an agricultural property. The new town was planned jointly with its inhabitants, as a modern town offering educational services, underground infrastructure, and health services. The town spreads over a territory of 1,132 dunams, and is intended to be home to approximately 3,500 people by 2020.

The following eight new towns are in the process of planning and development: Abu Krinat - located on 7,320 dunams, consisting in its first stage of 1,300 lots and an industrial center. Abu Krinat is intended to accommodate approximately 15,000 people by 2020; Bir Hadaj- an agricultural town located on an area of 6,550 dunams, and intended to accommodate approximately 12,500 people by 2020; Kaser A-Sir - located on an area of 5,000 dunams, and designed to accommodate around 8,000 people by 2020. The other towns to be established are Makchul-Marit – for which a detailed plan for two neighborhoods was approved in September 2005, and a detailed plan for a third neighborhood is underway, spread over 6,300 dunams, and designed to accommodate approximately 12,000 people by 2020; Um Betin – for which a master plan was approved in March 2005, and which is located on 6,700 dunams, and designed to accommodate approximately 8,000 people by 2020; Moleda - for which a master plan was approved in March 2005, and which is located on 11,000 dunams; and Darijat. The names of these towns were chosen by the Bedouin population. One additional plan that is currently in the advance stages of planning is of the town El-Seid. An additional three towns, Ovda, Abu-Talul, and El-Foraa are currently in the process of receiving statutory approval.

In addition, the Government is in the process of expanding thousands of units in the existing towns. Rahat for example, will be approximately tripled in its size (from 8,797 dunams to 22,767 dunams) through a project that is to be implemented and estimated to cost approximately NIS 500 Million (U.S. \$128.2 Million). The plan includes the

construction of 7,500 additional housing units (intended to house 90,000 people by 2020), public and trade facilities, employment centers for women, and public areas. The above plan, developed according to the highest standards, is a speedy solution to the current situation existing in the town of Rahat. As of May 2010, thousands of lots were sold to Bedouin families and the plan is progressing well.

There are more than 2,800 vacant lots available for occupancy by Bedouins living in the Diaspora throughout the existing permanent towns and in addition more than 6,900 lots which can be developed upon demand.

As mentioned in Israel's Periodic Report, the Government is encouraging movement to permanent towns by providing unique benefits to all the residents of the Bedouin Diaspora who seek to move to permanent towns. This policy was adopted because of the difficulties the State faced in providing infrastructural and social services to so many small, scattered clusters, mostly numbering several dozen houses or huts.

In accordance with the provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the Bedouins receive significant compensation for any structures they leave behind destroyed (even on land unlawfully held by them). Compensation is awarded both in monetary terms and in terms of land. In addition, grants are provided for families who choose to move to an existing or new town regardless of their economic status. Since 2002, the rates of compensation have risen dramatically (800 sqm. per family and NIS 7,500 (U.S. \$1,923) per family and an additional NIS 1,500 (U.S. \$384.6) per child). A family that destroys its unauthorized construction and relocates to the planned towns can receive up to NIS 400,000 (U.S. \$102,564) per family. The average sum received is estimated at NIS 200,000 (U.S. \$51,282), which is exceedingly higher than the actual loss.

Furthermore, the Bedouin population is eligible to receive tens of thousands of dunams for agricultural use and shepherding, at very low rates.

In order to maintain the special character of Bedouin communal life and prevent the exploitation of the abovementioned benefits, the State has refused offers by non-Bedouins to buy land in the areas designated for exclusive Bedouin localities. Furthermore, representatives of the Bedouin population take part in all planning processes; in the sub-committee of the Local Committee for Planning and Building,

there are representatives of each of the existing Bedouin towns, and in the District Committee for Planning and Building, the Mayor of Rahat and the Head of Council of Segev-Shalom are members.

In addition, in 2007, the authorities began the planning procedures for the Be'er-Sheva Metropolis District Plan (No. 23/14/4). The plan seeks to regulate the planning situation of the greater Negev area, with consideration being given to the population's needs, restrictions, environmental affects etc. To date there are several objections which have been raised with respect to the abovementioned plan, which are yet to be decided upon by the courts.

As mentioned in Israel's Periodic Report, an additional sum of NIS 1.1 Billion (U.S. \$282 Million) was invested over a period of six years (2004-2010) for the development of infrastructure and the establishment of public facilities and the reorganization of ownership in southern Israel.

The Advisory Committee on the Policy regarding Bedouin Towns - Please see Israel's reply to Question 6 above.

Abu-Basma Regional Council - Please see Israel's reply to Question 6 above.

Perennial Program for the Advancement of the Status of Bedouin Women

Over 2010, the Authority for the Advancement of the Status of Women has prepared a new perennial program for the Advancement of Bedouin women for the years 2011 – 2015 (in continuation of the previous program that was implemented in 2007-2008). The program includes workshops on family matters, intimacy, spouse's communication and dignity, parental authority and first aid operated in schools and at the community centers. This program was submitted to the Prime Minister's Office, its operation is dependant upon an assigned budget.

Water

The Policy of Water Supply to the Bedouin Unauthorized Villages

The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are specially adapted to their needs. Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions which the

Ministry of Health considers to be unsatisfactory. Thus, additional funds were allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins who live in unauthorized villages.

On October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Resolution, a condition for the implementation of the plan was the establishment by the localities of Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law 5761-2001* (hereinafter the "*Water and Sewage Corporations Law*"). However such corporations have yet to be established.

Nearly 60,000 Bedouin live in unauthorized villages in the Negev. These unauthorized villages pose difficulties in supplying the residents with necessary services, especially water. While the Government does not question its duty to supply its inhabitants with services such as water, it is practically impossible to supply such services to sporadic places which disregard the national construction and planning programs.

Nevertheless, pending the completion of the establishment of the eleven additional permanent Bedouin towns and the regulation of water supply systems, the Ministerial Committee for the Arab, Druze and Circassian Populations' Affairs has decided to build "Water Centers." Pursuant to this decision, instructions have been given concerning the planning of water supply systems to several centers in the Negev called "Water Centers." The Water Centers result from the Government's understanding of the needs and current realities faced by the Bedouin population, and governmental efforts to improve the Bedouin's living conditions. The planning of the centers takes into account the amount of water necessary for the population size expected in 2020, and the establishment of the centers involves great costs.

These systems will enable the supply of water to a significantly larger portion of the Bedouin population than that which currently receives a water supply through individual connections.

An additional method relied upon to provide water is through direct water connections being made to the main water pipeline, which are granted to a minimum of ten families. Due to the problematic nature of these connections, which require the transfer of water

to unauthorized villages, this method is less frequently employed than previously. The connection to the main pipeline is approved by the Water Committee, which evaluates requests for connections to pipelines, and conducts negotiations in cases where disputes arise between residents of the Diaspora concerning the ownership of such connections.

According to 'Mekorot' – the Israel National Water Corporation – there are numerous pirated connections to pipelines, which are made absent the authorization of the Water Committee.

Case Law

On September 13, 2006, the Haifa District Court (residing as a Water Tribunal) rejected an appeal filed by Adalah on behalf of 767 Israeli-Bedouin living in the Negev's Diaspora, demanding access to sources of water (*D.C.H. Appeal 609/05, Abdallah Abu Msaed, et. al. v. The Water Commissioner*).

In its decision, the Haifa District Court President emphasized that while the case directly deals with connections to the main water pipelines, it indirectly addresses the complex issue of the organization of "Bedouin housing." The Court added that it is not disregarding the fact that all citizens enjoy the basic human right to water and health, which must be granted by the State in order to guarantee the right to dignity, but explained that, in its opinion, providing connections to the main water pipeline is not the way to resolve the problem of unauthorized villages. According to the Court's decision, the right to water is not absolute, but can be made conditional upon a "clear" public interest "not to encourage cases of additional illegal settlement."

On November 18, 2006, Adalah submitted an appeal to the Supreme Court against the ruling delivered by the Haifa District Court. On June 6, 2011, the Israeli Supreme Court delivered its judgment. The Court noted that the *Water Law 5719-1959* (hereinafter: "the *Water Law*") stipulates that the authority to approve connection to a private water connection is of the Director of the Water and Sewage Governmental Authority (hereinafter: "the Authority"). In addition, the Court noted that as long as the unauthorized villages continues to grow, and as an intermediary step, the Authority is operating to ensure access to water for Bedouins in two ways: first, establishing water centers near the Bedouin Diaspora, and second, providing authorizations for private water connections according to the Water Committee's recommendations and

humanitarian considerations.

The Court stated that the access to water sources for the purpose of basic human use is a part of the right to minimal respectful existence. The Court further noted that, water is an essential product for human beings and without basic access to water in reasonable quality, people can not survive. Therefore, according to the Court, the right to water should be seen as a part of the right to respectful human existence, which is under the constitutional protection of the basic right to dignity according to the Israeli *Basic Law: Human dignity and Liberty*. The Court further noted that as every constitutional right, **the right to water is not absolute and the protection of the law is relative and obligates consideration of other important contrasting values.**

The Court stated, *Inter alia*, that the right for water is a statutory and constitutional right according to the Israeli law and therefore the State is obligated to facilitate the access to water for all its citizens, even if they are living in unauthorized villages. In addition, the Court stated that Article 11 of the **Convention on Economic, Social and Cultural Rights**, which has been signed by Israel in 1991, and ratified on October 3, 1991, states that food is a fundamental right and this right also includes the right to water. The Court also noted however, that Article 4 of the Convention that allows limiting the rights mentioned in the **CESCR**, but only to the extent that that limitation does not contradict the nature of these rights and only for the purpose of promoting the welfare in a democratic society. The Court further mentioned that the right to water was not mentioned explicitly in the said Convention, but in its General Comment no. 15, the Committee on Economic, Social and Cultural Rights stated that the right to water is a part of the right to adequate standard of living (Article 11) and the right to highest attainable standard of physical and mental health, and stated normative standard for its implementation. The Court mentioned that the convention text and relevant recommendations constitute guidelines for the interpretation of the Israeli Law. Therefore, the Authority's decisions should be examined in the light of the Israeli Constitutional Law.

The Court noted that, the Authority's decisions concerning the petitioners was made after the committee examined the petitioners housing situation on the field and examined closely each petitioner's needs and their accessibility to water centers.

The Court decided it is appropriate that the Water Committee and the Authority's Director will reexamine the cases of petitioners 2, 4 and 5 and decide if they have reasonable access to water sources near their locality and the existence of special humanitarian needs that might justify authorization for private connection. If required, there will be a possibility to order alternative solutions for private connection if it these will guarantee minimal accessibility to water sources.

The Court Noted that the State's principle policy in regard to solving the water problem in the unauthorized Bedouin villages reflects proper balance between the opposing values in this case. According to the Court, as far as the Bedouin population shall move into legal permanent localities, their entitlement to all of the civil services provided by the State, including private connection to water supply will be solved. The Court noted that in any case, reasonable access to minimal supply of water should be ensured, even if not be private water connections to the unauthorized villages, and that the State must provide solutions to specific needs, based on humanitarian considerations if required.

The Court finally determined to reject the petitions of petitioners 1, 3 and 6; however, the Court suggested reexamining the cases of petitioners 2, 4 and 5 by the Water Committee and the Authority's Director in order to determine whether they have reasonable access to water sources, in order to ensure minimal accessibility to water sources. Furthermore, the Court stated that special humanitarian needs, if exist, should be taken in to account when considering private water connections. (C.A. 9535/06, *Abdullah Abu Musa 'ed, et. al. v. The Water Commissioner et. al.*).

The Current Situation

As of June 2010, there are Water Centers in the following Bedouin localities: Um Betin, El-Seid, Abu-Krinat, Bir Hadaj, Darijat and Kaser A-Sir. In addition, there is an agreement to establish additional Water Centers in Moleda, Abu-Talul, Foraa and Lakiya.

As of February 2009, 'Mekerot' has begun laying new pipelines, two inches in diameter, in order to improve and enlarge the amounts of water supplied to the Bedouins and to prevent technical difficulties (pipelines that were previously approved for direct connections by the Water Committee are of one inch diameter, which is insufficient for

a supply of water to a large number of persons and which causes technical problems, such as low water pressure, freezing of pipes etc.).

Owners of direct water connections to the pipeline of one inch diameter may apply to 'Mekorot' and request that the corporation expand the pipeline. Note that even in cases where such an application has not been made, 'Mekorot' can identify pipes with respect to which there is a large amount of water consumed, and can widen the pipeline at its own initiative.

All of 'Mekorot's' pipelines are located underground, and claims regarding pipelines that are laid on the ground probably refer to pipelines that were illegally laid down by the local population.

There are currently 16 service points which provide services to the Bedouin population who live outside the permanent towns. Each service point is equipped with water systems built according to the customary standards, and with temporary sewage system operated by the Abu-Basma Regional Council, without causing harm to the environment

In regard to the quality of water in the unauthorized villages – the water are received from the national water system are in a quality which is according to the relevant regulation requirements, are safe to drink and are provided by a large number of consumer connections.

As of 2007, the sampling of water is conducted by the Abu-Basma Regional Council in the 16 service points. There are additional 11 sampling points of Mekorot which sample its local supply lines, which supply water both to Jewish and Arab localities.

Note that unauthorized villages outside Abu-Basma regional council, are unregulated, and accordingly there is no responsible local authority and no water sampling are conducted.

Administration for Sewage Infrastructures – Bedouin Population

As mentioned above, in the permanent Bedouin towns there are regulated water and sewage systems that are built according to the same criteria as in the Jewish population. In addition, all the new Bedouin towns that are in the process of planning and development and those under statutory approval procedures are planned with water and

sewage systems with the same quality level and criteria as in the Jewish population.

In addition, in each of the 16 service points which provide services to the Bedouin population who live outside the permanent towns, there is a temporary sewage system operated by the Abu-Basma Regional Council, without causing harm to the environment

Government Resolution No. 3956 (Arab/40) of July 18, 2005, established a total budget of NIS 387.7 Million (U.S. \$104.7 Million) for the development of infrastructures and building public structures in Abu-Basma and Al Sid localities between 2005 and 2008. The budget included NIS 44 Million (U.S. \$11.8 Million) (of which 50% is in the form of a Government loan) for development of water and sewage systems. The implementation of this Resolution was delayed due to the slow population of these localities and for difficulties the localities encountered in returning the loan.

In March 2010, the Be'er Sheva District Court approved an agreement between Kseifa local authority and "Adam, Teva V'din - The Israel Union for Environmental Defense" regarding arrangements of the Kseifa sewage system. The finalization of the sewage system was delayed due to the objection of one of Kseifa's residents to the laying of the sewage pipe near his property. According to the agreement, the head of Kseifa locality and the local authority shall take all necessary steps to complete the building of the sewage line by June 2010. The agreement was reached after concluding that the area in question does not belong to the objecting resident.

Electricity

The *Electricity Supply Law (Temporary Order) 5756-1996*, was enacted to solve the problem of providing electricity to Arab and Druze citizens whose houses had been built without building permits, and were consequently not connected to the central electricity grid. This Law was in force between 2001 and May, 2007. Since the enactment of the Law and up until May 31, 2007, the Electricity Administration approved the connection of 8,941 buildings to the electricity grid.

Israel Electric Corporation began connecting el-Mustakabal and el-Aasam b' schools, which operate in the unauthorized village of Abu-Talul, to the national electricity grid. The corporation is also working to connect el-Amal school in the village Hirbat el-Watan and additional schools in other unauthorized villages in the Negev. These steps

were taken following a petition to the High Court of Justice by Adalah in July 2009. Following the State's notification to the Court in February 2010 that the necessary works for connecting the schools to the national grid were completed, and that the schools would be connected within several days, the Court stated that the remedy requested in the appeal had been provided, and therefore rejected the appeal (*H.C.J. 5475/09 Aiub Abu-Sabila et. al. v. The Ministry of Education et. al.* (10.3.10)).

Health

Health Infrastructures

Health Clinics – As of May 2010, the total number of health clinics and independent physicians in the Bedouin population was 51, according to the following distribution: in the permanent localities there were 27 clinics and eleven independent physicians; in the localities in the process of planning and development there were nine clinics and in the unauthorized villages there were four clinics.

The clinics located in the Bedouin localities are equipped according to the standards of every Health Fund in the country. Clinics in unauthorized Bedouin villages located throughout the Negev are all computerized, air conditioned, and equipped according to the standards followed by all the Health Funds (HMOs) in the country.

It is important to note, that medical services are also available in the various Health Funds' clinics, which are located outside the Bedouin localities, such as in Be'er Sheva, Arad, Dimona, Omer, Mitzpe-Ramon etc.

Special Services - The General Health Services Department operates a special health service for the Bedouin population that includes an ambulance service for Bedouins, run by a Bedouin employee. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization.

Mother and infant health care stations - There are 46 mother and infant health care stations located in the southern district, 27 of which (more than 50%) serve the Bedouin population:

- 13 stations are located in the Bedouin towns (also serving the Bedouin population living in nearby unauthorized villages).

- Eight stations serving unauthorized villages.
- Five stations located in Jewish localities, which also serve the Bedouin population in localities nearby (Abu-rabiah Station in Be'er Sheva which mainly serves Bedouins living in unauthorized villages, Dimona A, Arab A, Yeruham and Mitzpe Ramon stations.)
- One mobile station serving the Bedouin population located in the unauthorized villages in the Marit Area, near the city of Arad.

Training of Nurses - On November 4, 2009, the Deputy Health Minister stated that due to a shortage of nurses, the Ministry would be forced to close several Health Care stations serving every segment of the population. Thus, the following clinics were closed: one station in Omer, two stations in Dimona and three stations in Be'er-Sheva, and the patients were directed to larger stations located in their areas. The Deputy Health Minister also stated that in order to overcome the lack of trained nurses in the Arab population, and in particular in the Bedouin population, the Ministry of Health was planning to open a nurses' training course at Ben Gurion University in the Negev, which would be fully financed by the State for nurses of the Bedouin population. The Deputy Health Minister added that the intention was for this to be a long-term program which would result in an increased number of well-trained Bedouin nurses, serving the target population, the Bedouins.

The Ben-Gurion University in the Negev opened a new course of studies – a bachelors' degree for male/female qualified nurses of the Bedouin population. As of 2010, 37 students have enrolled in this new course. In addition, as of January 2010, five nurses were hired to work in mother and infant health care stations and their training for these positions will take six months. There is also a two year program training nurses, who will work in the Bedouin population, in providing parental guidance. In 2010, 16 nurses graduated from this program and a new group of nurses is underway. Note however that there is still a substantial shortage of qualified nurses in the Bedouin population.

Physician specialty services - Physician specialty services are currently being provided to the Bedouin community in the Negev, including: Pediatrics, General Internal Medicine, Neurology, Family Medicine, Dermatology, Gynecology and Obstetrics, etc. In addition, every resident has equal access to all the specialty clinics at the Soroka

Hospital, with no discrimination between Bedouin or Jewish patients.

In addition, the first female Bedouin physician in Israel, Rania al-Oqbi, has completed her degree. She was part of the special "Cultivating Medicine in the Desert" program, which was aimed at incorporating more Bedouin into the health sector. As of 2009, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

Article 3- Equal rights for men and women

Question 9

Please provide information on the impact of the various State party initiatives taken to address the inequalities between men and women in the civil service, as well as on specific measures taken to address the low rate of representation of women in decision-making positions in the civil service and in local authorities.

Reply:

Women in Government, Local Authorities and the Civil Service

Israel has taken a wide range of actions, in the political, social, economic and cultural fields, to enable the comprehensive development and advancement of women. These actions have taken place via legal developments, advanced legislation, various state initiatives, public and private awareness campaigns and social changes. These measures enhance the protection of women's rights and further develop their roles and representation in the Israeli society as well as in key positions in the Government, Local Authorities and the Civil Service.

It is hard to estimate the specific impact of each of the measures taken by the State to address inequalities between men and women in the civil service, but as demonstrated below, recent statistics and data collected over the years show a clear trend of improvement in representation of women in decision-making positions in the civil service. For example, **as of December 31, 2010, 53% of the top four ranking positions, and 54% of the top three ranking positions in the Civil Service were held by women.**

Legislative Measures

On November 20, 2007, the Knesset enacted the *Gender Implications of Legislation Law (Legislative Amendments) 5676–2007* (the "*Gender Implications of Legislation Law (Legislative Amendments)*"), which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. The Law's aim is to expose any hidden inequalities between men and women that might be present in different bills, in order to advance the status of equality between men and women. According to this law, the Authority for the Advancement of the Status of Women will submit an opinion to the relevant Knesset committee concerning the gender implications of any bill or secondary legislation when it is brought for consideration or approval. These opinions will allow Knesset members participating in committee hearings to become acquainted with any possible gender implications inherent in legislation. In addition, the submission of these opinions was anchored in the *Authority for the Advancement of the Status of Women Law 5758-1998*, (the "*Authority for the Advancement of the Status of Women Law*") as one of the official functions of the Authority.

The *Statistics Ordinance [New Version] 5372-1972* was amended in 2008. Section 4(d) of the Ordinance requires that in appointing the Public Council for Statistics, appropriate expression shall be given to the representation of both genders, to the extent that circumstances permit. Furthermore, Section 7A requires that the collection and processing of statistics relating to individuals, and the publication of the results by the Bureau in accordance with Section 7, shall include statistics by gender unless the National Statistician determines that there are circumstances regarding a specific matter that justify deviation from the general rule. The National Statistician may determine that the collection and processing of statistics and the publication of the results shall include statistics by gender, even if they do not pertain to matters that have gender-related implications. The Bureau shall publish, at least once a year, results deriving from the collection and processing of statistics that include statistics by gender. The National Statistician shall appoint, following consultation with the Authority for the Advancement of the Status of Women, as defined in the *Authority for the Advancement of the Status of Women Law*, an employee who shall be responsible for the implementation of this section, including preparation of programs for the collection and processing of statistics, the development of statistical classifications and cooperation with state agencies in

matters relating to the collection and processing of statistics by gender. The Amendment entered into force on January 1st, 2009.

Equal Representation in a Public Committee and a Team for Shaping National Policies

The *Equal Rights for Women Law* was amended in 2005. The fourth Amendment to the Law (July 20, 2005), determined that any task force appointed by the Government for the creation of foreign and/or interior national policies, including negotiation teams working toward a peace agreement, must include an appropriate number of women. In order to effectively implement and enforce the provision, the appointing body must report the composition of the appointed body to the Authority for the Advancement of the Status of Women, which will in turn examine the details. Ultimately, such information will be compiled in an annual report concerning the adequate representation of women in national policy task forces, to be submitted to the Knesset Committee on the Status of Women. **Current data indicate that 37% of all representatives in Governmental Committees and work-teams are women.**

On April 10, 2008, the *Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law 5768 -2008* was enacted by the Israeli Knesset. The purpose of this law is to generate a change in the business culture in Israel and promote public awareness of women rights in order to encourage employers to advance and integrate women in the workplace. Under this law, substantial monetary incentives and grants will be provided annually by the Minister of Industry, Trade and Labor (ITL hereinafter) to employers in the private sector who endeavor to integrate and promote women in their business, and who initiate programs to that end. Such grants will also be given to employers who modify their workplace and work conditions to the needs of women and parents. The employers are required to show that they actually integrated women into their businesses, promoted women and instituted programs to adapt the work environment to women.

On November 1, 2010, the Knesset enacted the *Career Service in the Israel Defense Force (Female Soldiers in Career Service) Law 5771-2010*. The Law determines that a female career soldier may not be discharged from the Israel Defense Forces, due to her pregnancy, during a maternity leave, during a special leave following the maternity leave, or during 60 days following these leaves, without the authorization of the Minister of

Defense. The Minister shall not authorize the dismissal if, in his/her opinion, it relates to the pregnancy, delivery or an absence of the career woman due to the abovementioned leaves. The Minister may not issue an authorization for dismissal before conducting a hearing in which the career woman may present her arguments.

Women in the Civil Service

The obligation to take action for adequate representation of women in public entities is anchored in various legislation sources; such as the *Equal Rights for Women Law 5711-1951: (Section 6(c))* (the "*Equal Rights for Women Law*") and the *Civil Service Law 5720-1959 (Appointments)* (the "*Civil Service Law (Appointments)*"). The *Equal Rights for Women Law* together with the *Civil Service Law (Appointments)* constitute the basic obligations of adequate representation of women in all public bodies, in every rank and profession, as part of the principle of equality between the genders.

In 2010, there were 62,680 employees in the Civil Service, of which 65% were women.

The Civil Service has four main classifications that comprise the main sources in which administration managers may be ranked. The number of women featured among the top three ranking senior staff positions is gradually improving. In 1997, women comprised 61% of all civil servants, yet women held only 15% of high ranking civil servant positions. As of December 31, 2010, 53% of the top four ranking positions, and 54% of the top three ranking positions were held by women. These figures do not include women in the security forces, but does include all other positions in the Government Ministries.

In 2010, women maintained an absolute majority in the following professions in the Civil Service: nursing (84% women), biochemists (84% women), social workers (85%), advocates (68%), jurists (70%) and administration positions (64%).

According to the Tenders and Exams Section in the civil service, in 2009 the percentage of women hired through public tenders was 60%.

The following tables further illustrate the rates of women and men in the civil service, in all ranks:

Table 1 - Women and Men in the Civil Service, by Ranks, 2008-2010

Ranks	2008	2009	2010
--------------	-------------	-------------	-------------

	Total	% of Women	% of Men	Total	% of Women	% of Men	Total	% of Women	% of Men
Top	344	60%	40%	350	59%	41%	356	58%	42%
Second	625	48%	52%	649	49%	51%	669	50%	50%
Third	1,264	37%	63%	1,340	38%	62%	1,398	40%	60%
Fourth	3,082	48%	52%	3,228	49%	51%	3,236	48%	52%
Fifth	4,615	49%	51%	4,840	49%	51%	5,439	51%	49%
Sixth	5,615	60%	40%	5,973	61%	39%	6,012	62%	38%
Seventh	7,287	67%	33%	8,206	68%	32%	8,811	69%	31%
All the rest	30,237	72%	28%	30,238	71%	29%	29,637	70%	30%
Total %	100%	65%	35%	100%	65%	35%	100%	65%	35%
Total	53,069	34,671	18,398	54,824	35,755	19,069	55,558	36,144	19,414

Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2010, July 2011

Table 2 - Women in Government Ministries, (Total Percent and Percent in the Four Highest Ranks) 2008-2010

Ministry	% of women in the Ministry			% of women in four highest ranks		
	2008	2009	2010	2008	2009	2010
Prime Minister's Office	57%	54%	51%	31%	28%	31%
Finance	52%	52%	51%	33%	35%	38%
Public Security	52%	51%	53%	24%	24%	25%
Education	79%	79%	79%	53%	50%	48%
Science, Culture and Sport	69%	67%	66%	28%	38%	36%
Agriculture	46%	45%	46%	34%	34%	38%
Industry, Trade and Labor	60%	60%	63%	39%	42%	44%
Justice	70%	70%	69%	66%	66%	65%
Social Affairs and Social Services	75%	75%	76%	66%	67%	67%
Interior	56%	39%	39%	35%	34%	39%
Transportation	51%	49%	51%	18%	16%	26%
Health	83%	83%	83%	65%	64%	64%
Environmental Protection	59%	59%	58%	37%	45%	44%
National Infrastructures	52%	54%	53%	26%	34%	38%
Construction and Housing	63%	63%	64%	39%	41%	40%
Tourism	63%	63%	64%	26%	11%	22%
Immigrant Absorption	78%	78%	78%	51%	56%	56%
Communications	54%	51%	50%	36%	35%	37%
Public Diplomacy and Diaspora Affairs		58%	51%		17%	13%

Religious Services		52%	49%		27%	25%
--------------------	--	-----	-----	--	-----	-----

Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2010, July 2011

According to the Department for the Advancement and Integration of Women within the Civil Service, in 2011, due to intensive work and efforts with several Ministries that had low rate of representation of women, a number of women were appointed to serve in high ranked positions.

Women in the Government

Currently, 23 women serve as Knesset Members out of the 120 Knesset Members (KM) (total of 19.1%):

- Three women serve as Government Ministers, MK Sofa Landver serves as the Minister of Immigrant Absorption and MK Limor Livnat serves as the Minister of Culture and Sport, and in January 2011 MK Orit Noked was appointed as the Minister of Agriculture and Rural Development.
- Two women serve as Deputy Minister – MK Gila Gamliel serves as the Deputy Minister for the Advancement of Young People, Students and Women and MK Lea Ness serves as Deputy Minister of Senior Citizens Affairs.

The Deputy Minister for the Advancement of Young People, Students and Women, MK Gila Gamliel, nominated a special team to the advancement of women to key positions in the public service. The team includes representatives from NGOs for women rights and from the various relevant state authorities.

- Two women hold the position of Chairperson of Permanent Knesset Committees – MK Tzipi Hotobeli serves as the chairperson of the Committee on the Status of Women and MK Shelly Yecimovich serves as the chairperson of the Ethics Committee, and Orit Zuaretz serves as the Head of the Subcommittee on Trafficking in Women.

Women in the Judiciary

The Judiciary is one of the professional arenas in which women have closed the gap as will be illustrated in the following figures.

Among the thirteen Supreme Court of Justice judges, five are women (38.5%), including **the President of the Supreme Court**, Justice Dorit Beinisch. In addition, among the two Supreme Court Registrars, one is a woman.

The number of female judges in the rest of the Judiciary continues to climb in conjunction with the rising number of judges in general. As of the end of November 2010, **there were 314 female judges out of a total of 613 judges, (51.2% of the judiciary in Israel, compared to 49.8% in 2008)**. In addition, 67 women reside as District Courts Judges (of approximately 90 Judges (74%)), 150 women reside as Magistrate Courts Judges (more than half of the Magistrate Courts Judges), 29 women reside as Family Matters Courts' Judges, there are also 11 female Judges in the Youth Courts, 13 female Judges in Traffic Courts, and 36 female Judges in District Labor Courts.

Women in the Legal Profession

In the public sector, women remain a majority of the legal professionals. As of 2010, 70% (1,674) of the Ministry of Justice employees were women: 66% of the legal advisors at the Office of the Attorney General, 67% of the lawyers at the Office of the State Attorney, and 69.2% in the Public Defender's Office.

Women in Government Corporations

On March 11, 2007, the Government resolved to obligate Ministers to appoint women to directorates of Government Corporations until they achieve a 50% representation of women within two years from the date of the Government Resolution (Government Resolution No. 1362). The Government Corporations Authority supervises closely and effectively any appointments made to directorates of government corporations. Consequently, female representation on boards of government corporations has increased, and as of December 2010, in 79 of the 102 government corporations, there is appropriate representation for women (77.4%), and in 20 corporations only one or two women are needed to achieve appropriate representation. In 21 corporations (20.5%) the rate of women directors is higher than the rate of men directors. Note that only in three corporations there is no appropriate representation of women.

As of December 2010, among the 102 government corporations, 79 are demonstrating adequate representation for women (77.4%), and in the remaining 20 corporations, only one or two women are required in order to achieve appropriate representation. In 21 corporations (20.5%) the rate of women directors is higher than the rate of men directors. Note, only three corporations have not yet reached appropriate representation of women.

On December 2010, 44% of all directors in government corporations were women, compared to 37% in February 2007, and 4% of all women directors were from the Arab populations (compared to 1.9% in 2007).

In addition, Government Resolution No. 1563) March 28, 2010), determined that government corporations shall appoint advisors for the status of women. This resolution is aimed at promoting and protecting women rights within these corporations.

Women in Local Authorities

In December 2004, the *Municipalities Ordinance [New version]* and the *Local Municipalities Ordinance [New version]* were amended so that appropriate representation shall be given to both genders when a municipality or local authority is establishing a public corporation or an association. The Amendment applies only to representatives that are not members of the local council, due to the general determination in the *Equal Rights for Women Law*, according to which that obligation will not apply where the representatives of the public body are chosen by the public.

Furthermore, in 2005, the *Local Municipalities' Ordinance* was amended, so that proper representation would be granted for both genders in corporations, associations and cooperative associations of local municipalities.

As of October 2010, out of 255 possible appointments, there were only five women actively employed as mayors or heads of local councils/authorities. In addition, only 13% of the public officials, elected in 2008 to the local authorities, were women.

In accordance with the *Local Authorities Law (Advisor on the Status of Women) 5760-2000* (the "*Local Authorities Law (Advisor on the Status of Women)*"), **as of December 2010, 224 out of 255 local authorities had appointed an advisor on the Status of Women.** The *Local Authorities Law (Advisor on the Status of Women)* mandates that

every local council must actively promote the status of women. To that end, each council must appoint an Advisor on the Status of Women who is responsible to report directly to the mayor and/or head of the local council, on pertinent matters. As a direct subordinate to the mayor or the head of the local council, the Advisor is dedicated to ensuring ongoing communication between the head of the council and the local women's council, where such a women's council exists) and to initiating policies for the advancement of the status of women within the local authority.

The *Local Authorities (Advisor on the Status of Women)* was amended in 2008, to further strengthen the Advisor's position in the local Authority and clarify the advisor's duties and powers, in light of the experience gained over the years since the Law was enacted. According to the Amendment, the Advisor is primarily responsible to the advancement of the status of women, the promotion of equality between men and women and the prevention of violence against women in the local authority region. The advisor is also responsible to assist women residing in the local authority region in every aspect related to women's rights and is obligated to examine the implications of the local authority decisions with regard to equality principles between men and women.

According to the Amendment, the Advisor will enjoy the same working conditions as a senior manager in large local authorities and the same conditions as head of department in smaller ones. In addition, the Amendment further empowers the Minister of Interior to supervise the implementation of the Law in regard to the designation of the Advisor, and in the event that the authorities fail to comply, to personally appoint an Advisor on the Status of Women on the Local Authorities' behalf.

Note that the Advisors are closely guided by the Authority for the Advancement of the Status of Women, keeping them informed as to the latest updates, distributing relevant material and statistics, conducting conferences and guidance sessions, as well as training courses. These advisors ensure the advancement of policy for enhancing the status of women within the purview of the local authority, in addition to ensuring that the necessary resources are provided to this end.

Administrative Measures

Several additional measures were taken by the Government with regard to the elimination of all forms of discrimination against women through the two main governmental bodies responsible for the promotion of women's rights in the State of Israel:

1. The Authority for the Advancement of the Status of Women in the Prime Minister's Office.
2. The Department for the Advancement and Integration of Women within the Civil Service Commission.

Both the Authority for the Advancement of the Status of Women and the Department for the Advancement and Integration of Women within the Civil Service, play a vital role in the implementation of women's rights within the Civil Service.

The Authority for the Advancement of the Status of Women:

In October 2010, the Authority for the Advancement of the Status of Women, in cooperation of leading NGOs, including "Wepower-Advancement of women leadership in Israel" (hereinafter: "Wepower") held a conference for Women Leadership in the city of Netanya. The conference dealt with promotion of women leadership in local politics and was attended by 250 women from all over the country.

In March 2010, The Authority held a conference for women in Herzliya on "Influential Women in Law and Security".

In December 2009, The Authority held a conference titled "Women Leading Equality in Local Authorities". The conference took place at the President's residence in Jerusalem, and was held in cooperation with the Wepower. The conference was attended by the Deputy Minister for the Promotion of Youth, Students and Women, the Knesset Chairperson and other Knesset members and leading figures. The aim of this conference was to raise awareness to the issue of women participation in Israel's political life.

In December 2009, The Authority held a conference for influential Bedouin women. Fifty politically active women participated in this conference with the aim of promoting Bedouin women activities in all fields including the political field.

The Authority is scheduled to publish a tender for hiring a body that will develop manage and operate a training program for women in local authorities throughout Israel regarding "women leadership" and "women economic empowerment". The purpose is to integrate women in influential positions in the Israeli society and to encourage women to participate in the political life. According to Government Resolutions No. 412 and 413 aimed at development of the Druze, Circassians and Bedouin populations, the Authority operates courses for the Bedouin and Druze women in the relevant local authorities in the fields of women leadership and empowerment.

The Department for the Advancement and Integration of Women within the Civil Service

The Department for the Advancement and Integration of Women within the Civil Service has been active on a wide range of topics, all aimed at promoting women in the Civil Service.

The Department heads the training and professional guidance of the supervisors responsible for the status of women in Government Ministries and in the auxiliary units (in 2010 there were 75 such supervisors), conducts regular training courses, sessions and conferences, and provides ongoing updates of relevant information and material to deal with issues relating to the status of women. All supervisors must report to the Department biannually, and these reports are further discussed in biannual meetings that take place with each supervisor.

Furthermore, the Department promotes the implementation of the legislation regarding the protection of women's rights and the improvement of women's status and gives counselling service for women within the Civil Service. The Department also plays a significant role in engaging with the various Knesset committees to advance women's rights legislation.

The Department continued its activities regarding affirmative action for women. *Inter alia*, during 2010, 39 lectures were conducted to Civil Service personnel on issues of sexual harassment, equal opportunities in employments and others. Towards the International Day for the Fight against Violence towards Women, the Department issued a circular in which the supervisors were required to hold explanatory activities on various forms of violence against women. The circular further required the various

units to notify Civil Service employees on the Exceptions Committee, which provides financial assistance to female civil servants in shelters for battered women. In addition, the Department published several academic training programs and other courses aimed at raising awareness for the advancement of the status of women. The Department emphasized that women and gender studies were recognized as favored courses of study in all Government Ministries and auxiliary units.

The Department continues to serve as a place for women civil servants to submit complaints regarding discrimination, injustice and grievance in their status and working conditions. More than one hundred such complaints are received annually, concerning a wide variety of subjects. In 2010, the Department received 75 complaints regarding sexual harassment allegations and 64 complaints regarding discrimination in wages and working conditions. Furthermore, the Discipline Department in the Civil Service also receives sexual harassment complaints transferred to it from the Israeli Police. During 2010, the Discipline Department received and handled 125 such complaints.

The Department grants special attention to the implementation of the *Prevention of Sexual Harassment Law 5758-1998* (hereinafter: the "*Prevention of Sexual Harassment Law*") in the Civil Service through training of the supervisors on the status of women in the Government Ministries, conducting seminars and conferences, along with regular follow up and supervision as to the Law's implementation in the Ministries and auxiliary units, establishing clear procedures for the treatment of sexual harassment complaints, and filing regular reports to the Knesset regarding sexual harassment cases in the Civil Service.

Issues relating to the specific provisions of the Covenant (Art. 6-15)

Article 6– The right to work

Question 10

Please provide up-to-date information on employed persons by occupation, sex and population group since 2005. Please also elaborate upon steps taken to address the following reported obstacles to employment by the Arab Israeli population:

– *The use of the military service criterion;*

- *The limited employment opportunities in towns and villages;*
- *The shortage of State-run day-care centers for children;*
- *A near absence of public transportation from towns and villages to central cities.*

Reply:

Employed persons by occupation, sex and population group since 2005

The following tables contain employment statistics by Occupation, Population Group and Gender between the years 2005-2009, in numbers and percentages.

Terminology:

- **Academic professions** – biologists, chemists, judges and lawyers, mathematicians, higher education teaching professionals and other related professions.
- **Associate professionals and technicians** – natural sciences technicians, civil engineering technicians, electrical, electronic, mechanical and other engineering technicians and associate professionals, auditors and accountants, journalists, and workers in arts and sports and other related professions.
- **Managers** - legislators and executives, directors general and chief executives and other related professions.
- **Clerical workers** - customs, tax and licensing clerical workers, cashiers, bank clerks and credit company clerks, customer service clerks and other clerks.
- **Agents, sales and service workers** - financial and business services agents, salespersons, Personal care workers and other service workers.
- **Skilled workers** – manufacturing, construction, agricultural workers, builders, plumbers, tailors, drivers, diamond workers and other skilled workers.
- **Unskilled Workers** - street pedlars, domestic and related helpers, cleaners and launderers, unskilled agricultural labourers and road workers and other unskilled workers.

As detailed in the following tables, in 2009, there were 2,786,000 employees in the Israeli labor market, among them there were approximately 350,000 Arab workers (12.5%). 9.3% of the Arab workers were employed in academic professions, 12.3% worked as associate professionals and technicians, 1.9% worked as managers, 6.6% as

clerical workers, 18% as agents, sales and service workers, 38.8% as skilled workers and 11.8% as unskilled workers.

The majority of employees from the Arab population were employed in manufacturing, construction and other skilled jobs (38.8% skilled workers compared to 14.7% in the Jewish population). The most popular occupation amongst the Jewish population was "agents, sales workers and service workers" (20.8% compared to 18% from the Arab population).

As for the female Arab workers, out of the total number of working women in the Israeli labor market, 6.6% were Arab women. Of the 86,200 women who were employed in 2009, 13.2% worked as academic professionals, 31.9% worked as associate professionals and technicians, 15.2% as clerical workers, 23.3% as agents, sales workers and service workers, 4.9% as skilled workers, and 10.3% as unskilled workers.

According to data received from the Central Bureau of Statistics, in 2009, the number of Arab women between the ages of 25 and 54 (considered to be the ages in which women take part of the labor force) was increased by 11.8% compared to 2005 and amounted to 255,400. The number of employed Arab women constitutes 27% of the total number of Arab women in the age group of 25-54.

Table 3: Number of Employed Persons by Occupation, Population Group and Gender, 2005-2009 (thousands)

Occupation	2005			2006			2007			2008			2009		
	total	Men	women	total	men	women	total	men	women	total	men	women	total	men	women
All Workers	2493.6	1339.9	1153.7	2573.6	1383.6	1190.0	2682.0	1441.9	1240.1	2776.7	1489.1	1287.6	2785.9	1477.1	1308.8
Total number of Employed Persons															
Academic professions	349.7	180.1	169.6	358.0	183.6	174.4	374.7	193.5	181.2	396.8	209.6	187.2	397.1	205.8	191.3
Associate professionals and technicians	375.5	156.1	219.4	402.3	165.5	236.8	421.9	172.6	249.3	422.2	173.5	248.7	432.9	177.3	255.6
Managers	142.6	105.6	37.0	156.1	111.1	45.0	174.2	124.3	49.9	187.9	128.7	59.2	182.3	128.3	54.0
Clerical workers	402.3	102.6	299.7	407.8	102.6	305.2	426.2	111.2	315	443.4	112.2	331.2	449.7	111.2	338.5
Agents, sales and service workers	505.3	226.4	278.9	514.0	230.8	283.2	539.7	244.8	294.9	564.8	252.1	312.7	570.2	252.2	318
Manufacturing, construction and other Skilled workers	485.9	433.3	52.6	499.7	448	51.7	515.7	462.6	53.1	531.7	475.8	55.9	503.6	452.2	51.4
Unskilled workers	206.0	117.1	88.9	206.0	121.9	84.1	199.6	111.9	87.7	199.6	115.5	84.1	213.4	125.4	88.0
	2005			2006			2007			2008			2009		
Jewish population	total	Men	women	total	men	women	total	men	women	total	men	women	total	men	women
Total	2146.8	1088.1	1058.7	2209.8	1121.0	1088.8	2291.6	1162.4	1129.2	2363.0	1193.3	1169.7	2364.3	1184.1	1180.2

Academic professions	321.8	161.3	160.5	330.3	165.1	165.2	347.3	176.5	170.8	363.2	188.3	174.9	360.9	183.1	177.8
Associate professionals and technicians	340.8	143.0	197.8	362	151.6	210.4	376.6	155.1	221.5	375.8	156.8	219.0	380.6	158.8	221.8
Managers	136.9	100.4	36.5	148.9	104.4	44.5	166.3	117.8	48.5	179.8	121.8	58.0	175	121.6	53.4
Clerical workers	377.8	92.6	285.2	382.9	93.4	289.5	397.3	100.1	297.2	413.9	100.9	313.0	420.1	99.7	320.4
Agents, sales and service workers	445.9	191.9	254	452.6	194.5	258.1	473.9	207.1	266.8	488.7	206.7	282.0	491.4	205.1	286.3
Manufacturing, construction and other Skilled workers	343.8	300.7	43.1	353.5	310.5	43.0	359.3	314.2	45.1	367.2	320.2	47.0	346.6	304.6	42.0
Unskilled workers	156.1	81.9	74.2	153.3	84.2	69.1	144.6	74.1	70.5	147.3	79.7	67.6	158.2	87.0	71.2
	2005			2006			2007			2008			2009		
Arab population	total	Men	women	total	men	women	total	men	women	total	men	women	total	men	women
Total	278.3	217.9	60.4	295.1	229.3	65.8	317.9	243.8	74.1	341.1	259.2	81.9	348.4	262.2	86.2
Academic professions	23.4	16.8	6.6	23.7	16.1	7.6	23.6	14.8	8.8	28.8	18.6	10.2	32.3	20.9	11.4
Associate professionals and technicians	27.7	10.6	17.1	34.0	11.9	22.1	36.9	14	22.9	38.6	13.8	24.8	42.8	15.3	27.5
Managers	5.4	4.9	0.5	6.8	6.5	0.3	7.1	6.2	0.9	7.3	6.5	0.8	6.7	6.1	0.6
Clerical workers	20.4	9.4	11	19.3	7.9	11.4	22.9	9.7	13.2	23.5	9.8	13.7	23.0	10.0	13.0
Agents, sales and service workers	45.5	31.3	14.2	47.7	33	14.7	51.5	35.0	16.5	61	41.3	19.7	62.6	42.7	19.9
Manufacturing,	117.7	113.4	4.3	122	119.2	2.8	131.8	128.2	3.6	139.5	136.2	3.3	135.3	131.1	4.2

construction and other Skilled workers															
Unskilled workers	35.9	29.4	6.5	38.8	32.0	6.8	40.7	32.5	8.2	39.8	30.7	9.1	41.2	32.3	8.9

Source: Manpower Survey 2005-2009 Central Bureau of Statistics, Statistical Abstract of Israel, 2009

Table 4: Percentage of Employed Persons by Occupation, Population Group and Gender, 2005-2009 (percentages)

Occupation	2005			2006			2007			2008			2009		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
All Workers	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Academic professions	14.0%	13.4%	14.6%	13.9%	13.3%	14.7%	14.0%	13.4%	14.6%	14.3%	14.1%	14.5%	14.3%	13.9%	14.6%
Associate professionals and technicians	15.7%	12.0%	20.1%	15.6%	12.0%	19.9%	15.7%	12.0%	20.1%	15.2%	11.7%	19.3%	15.5%	12.0%	19.5%
Managers	6.5%	8.6%	4.0%	6.1%	8.0%	3.8%	6.5%	8.6%	4.0%	6.8%	8.6%	4.6%	6.5%	8.7%	4.1%
Clerical workers	15.9%	7.7%	25.4%	15.8%	7.4%	25.6%	15.9%	7.7%	25.4%	16.0%	7.5%	25.7%	16.1%	7.5%	25.9%
Agents, sales and service workers	20.1%	17.0%	23.8%	20.0%	16.7%	23.8%	20.1%	17.0%	23.8%	20.3%	16.9%	24.3%	20.5%	17.1%	24.3%
Manufacturing, construction and other Skilled workers	19.2%	32.1%	4.3%	19.4%	32.4%	4.3%	19.2%	32.1%	4.3%	19.1%	32.0%	4.3%	18.1%	30.6%	3.9%
Unskilled workers	7.4%	7.8%	7.1%	8.0%	8.8%	7.1%	7.4%	7.8%	7.1%	7.2%	7.8%	6.5%	7.7%	8.5%	6.7%

Jewish population	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Academic professions	15.0%	14.8%	15.2%	14.9%	14.7%	15.2%	15.2%	15.2%	15.1%	15.4%	15.8%	15.0%	15.3%	15.5%	15.1%
Associate professionals and technicians	15.9%	13.1%	18.7%	16.4%	13.5%	19.3%	16.4%	13.3%	19.6%	15.9%	13.1%	18.7%	16.1%	13.4%	18.8%
Managers	6.4%	9.2%	3.4%	6.7%	9.3%	4.1%	7.3%	10.1%	4.3%	7.6%	10.2%	5.0%	7.4%	10.3%	4.5%
Clerical workers	17.6%	8.5%	26.9%	17.3%	8.3%	26.6%	17.3%	8.6%	26.3%	17.5%	8.5%	26.8%	17.8%	8.4%	27.1%
Agents, sales and service workers	20.8%	17.6%	24.0%	20.5%	17.4%	23.7%	20.7%	17.8%	23.6%	20.7%	17.3%	24.1%	20.8%	17.3%	24.3%
Manufacturing, construction and other Skilled workers	16.0%	27.6%	4.1%	16.0%	27.7%	3.9%	15.7%	27.0%	4.0%	15.5%	26.8%	4.0%	14.7%	25.7%	3.6%
Unskilled workers	7.3%	7.5%	7.0%	6.9%	7.5%	6.3%	6.3%	6.4%	6.2%	6.2%	6.7%	5.8%	6.7%	7.3%	6.0%
Arab population	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Academic professions	8.4%	7.7%	10.9%	8.0%	7.0%	11.6%	7.4%	6.1%	11.9%	8.4%	7.2%	12.5%	9.3%	8.0%	13.2%
Associate professionals and technicians	10.0%	4.9%	28.3%	11.5%	5.2%	33.6%	11.6%	5.7%	30.9%	11.3%	5.3%	30.3%	12.3%	5.8%	31.9%
Managers	1.9%	2.2%	0.8%	2.3%	2.8%	0.5%	2.2%	2.5%	1.2%	2.1%	2.5%	1.0%	1.9%	2.3%	0.7%
Clerical workers	7.3%	4.3%	18.2%	6.5%	3.4%	17.3%	7.2%	4.0%	17.8%	6.9%	3.8%	16.7%	6.6%	3.8%	15.1%
Agents, sales and service workers	16.3%	14.4%	23.5%	16.2%	14.4%	22.3%	16.2%	14.4%	22.3%	17.9%	15.9%	24.1%	18.0%	16.3%	23.1%
Manufacturing, construction and other Skilled workers	42.3%	52.0%	7.1%	41.3%	52.0%	4.3%	41.5%	52.6%	4.9%	40.9%	52.5%	4.0%	38.8%	50.0%	4.9%
Unskilled workers	12.9%	13.5%	10.8%	13.1%	14.0%	10.3%	12.8%	13.3%	11.1%	11.7%	11.8%	11.1%	11.8%	12.3%	10.3%

The Military Service Criterion

Case Law:

The Supreme Court has played a pivotal role in the promotion of non-discriminatory principles with regard to the use of the military service criterion.

On September 6, 2009, the Tel-Aviv Labor Court ruled that the requirement of serving military service set by Israel Railways Company as part of its requirements for employment of new supervisors constituted discrimination against citizens who do not serve in the IDF. The Court emphasized the importance of the right to equality and the prohibition of discrimination, which form the basis of all other basic rights, as well as the values of democracy, and noted that the law also prohibits indirect discrimination. (*C.M. 3863/09 Abdul-Karim Kadi et. al. v. Israel Railways et. al.* (6.9.2009)).

On December 13, 2006, the Supreme Court rejected a petition filed by Adalah – The Legal Center for Arab Minority Rights in Israel – against the Ministry of Construction and Housing, challenging the governmental policy of providing financial support – in the form of low-interest governmental loans – for home mortgages to Israeli citizens who have completed their military or national-civil service. The petitioners argued that the extended support for mortgage loans for housing discriminated against Arab citizens of Israel, who are not required to perform military or national-civil service. The petitioners contended that the performance of military service was irrelevant to the purpose of supplemental governmental housing support, which is to assist the socio-economically disadvantaged to find housing solutions.

Here, the Court held that there is no impediment in principle to granting benefits to those who have completed full military and national-service above that which is afforded in the Absorption of *Discharged Soldiers Law*, provided that the use of the military service or national-civil service criterion is justified by the circumstances.

The former Supreme Court president, Justice Barak, rejected Adalah's argument that in this case the use of this criterion results in discrimination against Arab citizens. Justice Barak reasoned in this regard that "a distinction made on the basis of the national or military service criterion is not necessarily a permissible distinction or illegal

discrimination: this depends on the circumstances. Those who have completed military or national-civil service differ in many respects, as a group, from those who have not. Thus, for example, those who have completed military or national service dedicate much of their time and energy to the benefit of the general public. They cannot work or make a living during their service period. As long as this distinction is based on these factors, and as long as it is relevant in a given situation, it should not be considered illegal discrimination." (*H.C.J. 11956/05, Suhad Bishara, et. al. v. The Ministry of Construction and Housing* (13.12.06)).

National-Civil Service in the Arab Population

Every Israeli citizen exempted from military service according to the *Defense Service Law* (Consolidated Version) 5746-1986 (among the exempted populations are Arabs and Jewish Ultra-Orthodox) and service candidates who are discharged from the duty to serve in the IDF, are entitled to complete their duty in the National-Civil Service Administration's framework. Therefore, every member of the Arab population has the opportunity to volunteer for a period of one to two years, as a part of the National-Civil Service Administration (hereinafter: "the Administration") framework.

According to the *Absorption of Discharged Soldiers Law* 5754-1994 (hereinafter: "the *Discharged Soldiers Law*"), a volunteer who completed at least 12 months of volunteering activity at one of the acknowledged institutions, is eligible to receive financial benefits equivalent to those of non-combat soldiers (such as: financial benefits, service grant, the services of the Foundation for Dismissed Soldiers, etc).

Furthermore, as mentioned in Israel's Third Periodic report (please see paragraphs 56-64), the Government has promoted several measures to increase the participation in the National-Civil Service, as part of reducing inequality and sharing the burden among the different groups in the Israeli society. These measures included, *inter alia*, Government Resolution no. 2295 (August 19, 2007), according to which a new National-Civil Service Administration in the Prime Minister's Office was established, and a special team was subsequently formed to implement the Resolution. The Administration mandate is to regulate and coordinate the implementation of the National-Civil Service programme in order to enable youth from all populations of the population, exempt from military duty, to take part in the programme for a period of one- two years, performing activities aimed at promoting society in general and weak populations in

particular, thus enhancing the linkage between the individual and the State. The Resolution stresses that the national-civil service is aimed for those exempt for military service, for people that postponed their service and people who were not summoned for military duty for other reasons.

The Resolution also stresses the voluntary nature of the national-civil service, and its help in reducing inequality between people who serve in military service or any other voluntary service, to those who do not serve, and will increase the possibility of all those serving to fully integrate in the civil life.

This Resolution encountered strong resistance from different Arab leaders and from the Arab High Monitoring Committee.

However, according to a survey held, the majority (74%) of the Arab population youth are willing to take part in such programme. Moreover, according to data presented by the Committee for Establishment of National Civil Service in Israel (the Ivri Committee), since the application of the Government Resolution, the number of Arab population youth, who are taking part in the national civil service have been increasing steadily - from 240 persons in 2005-2006, and 628 persons in 2007-2008 to 1,256 persons in 2009-2010, which represent an increase of 423% and 100% respectively. These figures represent approximately 10% out of a total of approximately 12,000 members.

As of 2010, the volunteers from the Arab population are distributed within the National Civil Service into different fields, such as education (54%), health (22%), welfare (16%), legal field (3%) environment protection (1%) and in other fields (4%).

In 2009-2010 the Arab youth participating in the national civil service program volunteered in these various fields mainly through several association: the Civil Equality Association (358 volunteers), Shlomit Association for Operating National Civil Service Volunteers (341 volunteers), the Association for Volunteering (300 volunteers) and through a number of other associations and organizations - although by smaller numbers.

Approximately 46% of the Arab volunteers are Muslims by religion, 29% are Bedouin, 17% are Christians and 8% are Druze. In addition, 90% of the Arab population

volunteers are females and the remaining 10% are males.

There is an ongoing work in regard to development of new and additional volunteering positions for the Arab population. On such example is the Ministry of Public Security which recently allocated 350 new positions for Arab national civil service volunteers for community police duties, prevention of violence, the fight against alcohol, drugs and prevention of road accidents.

Employment Opportunities in Towns and Villages of the Arab Population

One of the Government's central goals is to increase the employment opportunities and participation rate of the Arab population in the national workforce, as detailed in the following:

- Please see paragraphs 37-49 of Israel's Third Periodic Report, regarding the Government's two multi-year plans (2006-2009) on the development of the Bedouin, Druze and Circassian populations (Government Resolutions no. 412 and no. 413) and the development of industrial zones.
- Please see paragraphs 169-184 of Israel's Third Periodic Report, regarding the promotion of employment opportunities among minority populations.
- Please see paragraphs 288-295 of Israel's Third Periodic Report, regarding the promotion of equal opportunities by the Equal Employment Opportunities Commission within the Ministry of Industry, Trade and Labor.

Recent Measures Taken by the Government:

1. On March 21, 2010, the Government approved Government Resolution No. 1539, titled "**Five Year Plan for the Economic Development of Minority Localities**" (including Arab, Bedouin, Druze and Circassian local authorities) (hereinafter: "The Five Year Plan"). According to this Resolution, the plan will focus on the development of the economy, increasing employment, enhancing housing and real estate, providing transportation and ensuring personal safety and enforcement, in twelve chosen localities, encompassing a population of 370,000 people. The budget for the execution of the plan is NIS 778.5 Million (U.S. \$210.4 Million). The plan will be managed by the Authority for the Economic Development of the Arab, Druze

and Circassian Populations within the Prime Minister's Office, and will include, among other activities: development of industrial zones, funding for the building of new housing units and operation of public transportation.

2. In 2011, the Government resolved to commence on **two additional multi-year plans (2011-2015) for the socio-economic development of Arab localities**, particularly concerning education, housing, employment, tourism, infrastructures and transportation:

- Government Resolution No. 2861 (February 13, 2011), approved a comprehensive multi-year plan (2011-2014) for the development of the Druze and Circassian populations, in the amount of approximately NIS 680 Million (U.S. \$190 Million). The plan is aimed at strengthening and developing the Druze and Circassian communities. Among the plan's main goals are the promotion of employment opportunities through several different projects headed by the Ministry of ITL, in Druze and Circassian villages and towns. The budget allocated for that purpose is NIS 58 Million (U.S. \$16 Million). The plan is scheduled to be completed within four years and operated by the Ministry of Transportation and Road Safety.
- Government Resolution No. 3211, dated May 15, 2011, approved a multi-year plan (2011-2015) for the development of the Bedouin population in northern Israel, in the amount of NIS 350 Million (U.S. \$97.9 Million). According to the plan, NIS 22 Million (U.S. \$6.09 Million) will be allocated to the field of employment - NIS 13 Million (U.S. \$3.6 Million) will be invested in the establishment and operation of employment training and guidance centers. Additional NIS 4 Million (U.S. \$1.1 Million) and NIS 5 Million (U.S. \$1.3 Million) will be invested in a plan to encourage small and medium businesses and in professional retraining, respectively. Emphasis will be placed on increasing participation in the labor market in the Bedouin population in general and among women in particular.

3. **Development of Industrial Zones** - As part of the abovementioned Five-Year Plan, the Authority for the Economic Development of the Arab, Druze and Circassian populations and the Ministry of ITL, created a joint program aimed at the

development of industrial zones in the Arab population. The program is expected to increase the employment opportunities in each of the Arab towns and villages. The program includes 13 Arab towns and villages. In some of the towns, new industrial zones are established and in some the existing industrial zones are expanded and upgraded.

The budget for the five-year program is NIS 81.5 Million (U.S. \$22 Million), of which NIS 11 Million (U.S. \$2.9 Million) will be already used in 2011. An extra NIS 15 Million (U.S. \$4.05 Million) will be used for the establishment of regional financial companies. The Administration for Industrial Zones within the Ministry of ITL is working on the development of 36 industrial zones for Minority populations throughout Israel - 23 of them are located at the north, eight at the south and five at the center of Israel. The total budget allocated for this purpose in the years 2006-2009 was 122.5 Million NIS (U.S. \$33 Million) (not including a special budget of 5 Million NIS (U.S. \$1.3 Million) allocated for the establishment of joint industrial administrations). In 2009 alone that budget stood at 32 Million NIS (U.S. \$8.6 Million), and in 2010, the budget stood at 32 Million NIS (U.S. \$8.6 Million). **The budget for 2011 is 30 Million NIS ((U.S. \$8.1 Million).**

Additional new industrial zones were built in Peki'in Ksura at the north and Abu-Samra and at Umm al-Fahm. The development of additional industrial zones is currently being promoted at Ma'arava, Daliat El Caramel, Castle, Kafar Qasem, Kalanswa, Nazareth, Sakhnin, Shfara'm and Tamra.

An expansion of industrial areas is currently being carried out in two Arab localities - one of them is the industrial park in Kafar Kana.

4. **Tax Benefits** - As mentioned in Israel's Third Periodic Report, in 2006, following Government Resolution no. 249, the *Encouragement of Capital Investments Order (Development Areas) 5763-2002* (hereinafter: the "*Encouragement of Capital Investments Order*"), was amended in order to include all minority localities within the definition of "Development Area A", thus enabling plants in industrial areas located in these localities to receive various tax benefits and grants as stipulated in the Order and the *Encouragement of Capital Investments Law 5719-1959*. Furthermore, on January 7, 2007, the Government resolved to expedite the marketing of lands for industrial purposes in "Development Area A", thus facilitating the

expedition of land marketing in these localities, as well as subsidizing the land development expenses, as stipulated in the Resolution. The *Encouragement of Capital Investments Order* was amended in order to strengthen the Arab localities, including the Bedouins communities. There are currently seventeen planned industrial areas in the Southern district, three (17%) of which are located in Bedouin towns – Rahat, Segev Shalom and Hura. Additionally, a new industrial area, currently in the advanced stages of planning, will also service the Bedouin population – Shoket, (for Hura, Lokia, Meitar and Bney Shimon). Development of all these areas is uniform and subject to the same general criteria.

5. **Encouraging Local Entrepreneurs** - The Center for Nurturing Entrepreneurship in the city of Rahat - The Ministry of ITL is aware of the inherent difficulties faced by entrepreneurs from the Bedouin population, such as limited financial capability, and is therefore taking action to bridge the gaps. The Ministry of ITL has established a designated Center for Nurturing Entrepreneurship among the Arab and Bedouin populations, located in Rahat, which is specially equipped to serve minority populations and answer their needs. Furthermore, in order to support entrepreneurs among the Bedouin population in the Negev, the Ministry of ITL has established a unique loan fund for small enterprises.

6. **A New Employment Park in the Negev** – In April 2010, the "Idan Ha-Negev" Employment Park was established as a result of a joint initiative of the region's Jewish and Bedouin localities, with cooperation and subsidization of the Minister for the Development of the Negev and the Galilee and the Ministry of ITL. The park goal is to create employment opportunities to the local population through the establishment of industrial areas and public facilities that will enjoy tax benefits and subsidization of the land. The Park spreads over 3,500 dunams and is located 30 minutes from the city of Tel-Aviv, near main roads and a train station. The park is managed and operated by the three local authorities who established it – Bnei-Shimon local authority, Rahat municipality and Lehavim local council. The Park was established with an investment of NIS 20 Million (U.S. \$5.4 Million) and recently the Ministry of ITL has allocated additional NIS 25 Million (U.S. \$6.7 Million) for the second stage of development. 130 entrepreneurs applied to join the Park, of which 18 entrepreneurs have already purchased lots in the new park and are expected to employ approximately 700 employees. Some of the entrepreneurs are Bedouin

from the Negev who wish to establish factories which will employ young Bedouins from the area.

7. **Employment Centers for the Bedouin Population-** In the framework of cooperation between the Government and the American Jewish Joint Distribution Committee, it was decided to create unique employment centers in the Bedouin localities. These centers are expected to assist in enhancing the number of employed persons, aid in the creation of small businesses and enterprises, provide professional training and guidance for entrepreneurs and financial solutions and lead to a change in employment-related perceptions and norms of the Bedouin population, including encouraging the rate of women employment in the community while providing them with unique training for that purpose. The First employment center was inaugurated in Hura in April 2010.
8. **Employment Vouchers Initiative for Arab Academics-** In 2011, the Ministry of ITL, in cooperation with the Prime Minister's Office representatives and the Israeli Employment Service, initiated a pilot program aimed at strengthening academics from minority groups and advance their integration in the private sector by providing financial incentives for employers. The program participants receive special vouchers that are given to prospected employers offering them financial incentives to hire the program participants.
9. **Professional Training Vouchers** – The Ministry of ITL also encouraged employment by distributing professional training vouchers for the Arab population enabling them to participate in different vocational courses. Each voucher is worth NIS 7,000 (U.S. \$1940). The total budget for the project amounts to NIS 30 Million (U.S. \$8.3 Million), as a part of the Five-Year Plan mentioned above.
10. **Entrepreneurship Encouragement and Business Development Support Courses** – The training program includes participation in entrepreneurship encouragement courses designated to the Arab population to support business opening and proper management. In addition, the program offers courses in different employment fields such as: fashion designing, cooking and confectionery.
11. **Special Program for Integration in the Export Sector** - The Ministry of ITL, in cooperation with the Israel Export and International Cooperation Institute (IEICI), initiated a joint program to encourage business owners from minority groups to join

the export sector. The program offers training courses and guidance to become professional exporters.

12. **Establishment of Five Career Centers in Arab Localities-** The Ministry of ITL is planning to establish five Career Centers aimed to provide re-employment services to unemployed persons from Arab localities. The first center was established at the Arab city of Tira. The services include, *inter alia*, career counseling, vocational training, assessment tests, development of interviewing skills, qualifications for job searching and job placement service.
13. **Employment Advancement by Local Authorities ("Rashut Mekadement Ta'asuka" Program)** - The Ministry of ITL is promoting a new experimental program aimed at the creation of a local network for employment under the responsibility of the local authority. The main purpose of the program is to shift the responsibility in the employment field from the national level to the local authority's level. The program encourages local authorities to take responsibility over the employment situation in their region, thus make them create more employment opportunities, form local job network, provide employment services, vocational training etc. The program is expected to increase the accessibility of employment services to the citizens, reduce the unemployment rate and improve the cooperation between the different governmental bodies operating in this field. The program is operating in several localities, among them some Arab towns and villages.
14. **The Israeli Employment Service** - The Israeli Employment Service is responsible for the placement of employees without any prejudice or discrimination. The Employment Service conducts special programs designated for members of weaker populations in order to encourage their integration in the labor market. Such programs involve financial incentives for employers who employ people of minorities for long periods, financial incentives for employers and employees in the agricultural field and recovery of high travel expenses for job-seekers who work far from their permanent residence.

Promotion of Employment Opportunities for Arab Women

In order for the employment potential of the Arab population to further increase, it is crucial to create greater participation rate of Arab women in the workforce. Within this framework, the Ministry of ITL is utilizing a number of tools to augment the number of

Arab women participants in the workforce including professional training programs, employment tracks, entrepreneurship encouragement etc.

In addition, the Authority for Advancement of the Status of Women has taken several steps to increase the percentage of Arabs employed, especially among women. This includes cooperation with business development centers to develop entrepreneurship programs for women, professional training programs, and loans for small businesses related to home industry. In order to improve accessibility for Arab women, a municipal project has been formed in order to establish new industrial areas and expand existing ones etc.

Furthermore, the Be'er Sheva and the Negev Center for Nurturing Entrepreneurship is situated in Be'er Sheva and assist the local population, including the local Arab and Bedouin populations in establishing and the expanding of small and medium business. The center offers various courses and seminars, some of which are aimed at Arab and Bedouin women in order to provide them with professional tools and the knowledge needed to better integrate in to the employment and economic markets. In 2009 and 2010 for example, a course on building an economic business model was conducted for women in Kseifa and four courses regarding women business entrepreneurship were held for women in Lakiya, Arara, Segev Shalom and Hura.

During 2010, the Authority for the Advancement of the Status of Women prepared a perennial work plan for the promotion of Bedouin women in the Negev area for the years 2011-2015. The plan currently waits for a budgetary approval.

Vocational Training for Arab Women

Over the past few years, there has been an increase in the rate of employment among Arab women, yet this rate remains relatively low. Academic education and vocational training are the key components for the integration of Arab women into the work force, yet various barriers inhibit their integration into these educational and training systems, such as the level of education and social/cultural barriers. The traditional stances and cultural stigmas among the Arab population define the acceptable limits with respect to women traveling alone to school and work, and Arab women are therefore often reluctant to attend courses that require travel to other towns. Not all vocational courses are available in the women's residential towns, because of a lack of a proper framework, candidates, and future job

opportunities.

Due to the above, many Arab women attend "traditional" courses that are local, and are likely to enable them to meet the requirements of local job opportunities, whether full-time or part time. This is not the case with regard to education, computers, graphics or technical assistants/engineers. Additionally, the employment opportunities in these fields, in some of the residential towns, are very limited.

The Department for Vocational Training in the Ministry of ITL, conducts courses to women and men referred by the Employment Service, through training institutions nation-wide, including in Arab towns. In addition to the general training system, there are special programs for Arab women, aimed at bridging the gaps and increasing women' participation in training courses.

The main programs

As part of the Ministry of ITL's policy to foster entrepreneurship among weak segments of the population, the Ministry, through the Small and Medium Enterprises Authority, runs several programs, with an emphasis on the women population:

- Initiating business - a program to locate unemployed individuals throughout the country with entrepreneurship potential, and provide them with personal coaching for the start-up period of their business.
- "Eshet Ha'iel" (women of valor) Program - The program is designated for women who has no academic background and are interested in returning to the labor market. This plan provides the women with professional training and community empowerment towards their re-integration in the labor market.
- Project for single parent women in Ramla-Lod - a long term project for single parent women providing them with the necessary tools for starting up a business, through coaching and assessing the proper financial tools they require for the business. Currently there are 20 women participants in the program.
- Economic Initiative for Women in Kseifa - a three-year program developed with "Joint-Israel," for creating and marketing authentic products made by women through a central body owned by them. The women become business owners exempt from value added tax (V.A.T.).

- Female Horizon Project – this project is operated in cooperation with the Forum for Civil Agreement and "Joint-Israel" for the Arab population. The project's aim is to develop and empower 60 business owners and includes, *inter alia*, women who have written their own independent business development plans.
- Innovators Association - courses are provided for qualified women, focusing on running a business for special events (such as birthdays and other parties). Every year 70 women participate in the program.
- Project in the Western Galilee for training of Arab women in the field of alternative medicine – The project is held in cooperation with the Albaum Institute. The 25 women who participate in the program receive training in alternative medicine and in business management.
- A joint marketing body for women-run businesses in the Bedouin village Hussniyya in the Galilee. There are 20 women participating in the project.

Additional courses include education completion, entrepreneurship courses for women and their integration into the labor market, which is in its third year, and a program for business entrepreneurship for Arab women of the triangle area in the north etc.

During 2009, approximately 140,000 NIS (U.S. \$38,000) were allocated for the vocational training of the Arab population (28.8% of the total sum allocated for vocational training). In addition, that year, 5,277 women attended training courses provided by the Ministry of ITL, of which, 1,072 women attended day training courses, 2,827 women attended night training courses, 976 women attended engineers or technician courses and 402 young women attended youth training courses.

In 2010, 50% of the Arab population attending day training courses provided by the Ministry of ITL, were women (573 of 1,511).

In addition to the general vocational training system provided by the Ministry of ITL, there are special programs for Arab women, aimed at bridging the gaps and increasing women's participation in vocational training courses. These courses cover a variety of professions, such as care-takers and nursing, computers, electronics, management and combined management, services and sales, accounting and more.

Day Care Centers for Children in the Arab and Bedouin Populations

In the traditional Arab society, women are considered the primary caretakers for children. This fact is one of the main explanations to the low percentage of women participating in the work force. The Government, through the Authority for the Advancement of the Status of Women has invested great efforts in enhancing the awareness among women to the development of their own careers and self-fulfillment.

Recent years' growing participation of Arab and Bedouin women in the work force created a need for daycare centers and nurseries. The Government has moved to meet these needs.

The Department for Day Care Centers for Children at Ministry of ITL is operating to raise the number and improve the quality of the day care centers in the Arab population.

These efforts are done correspondingly with the Government Resolution No. 1539, titled "Five Year Plan for the Economic Development of Minority Localities", mentioned above (including Arab, Bedouin, Druze and Circassian local authorities).

As a matter of Policy, the Ministry of Construction and Housing works on the construction of daycare centers throughout the country on the basis of one daycare for every 1,600 house units.

In 2009, the Ministry of ITL opened additional 250 pre-nurseries, of which **101** were opened for the Arab population. During the years 2009-2010, the Department for Day Care Centers for Children at Ministry of ITL operated towards the opening of over 400 new nurseries for Arab populations. These nurseries will host 2,000 children of working mothers' as well as serve as an employment sources for 400 women who manage them. Before opening the new nurseries, the Department is operating training courses for the new nursemaids with a budget of NIS 2 Million (U.S. \$536,912), subsidizing 75% of the courses costs. Moreover, the Department conducts a special project for unemployed Bedouin women in the south, in which the nurseries are operating half a day in order to allow the mothers to participate in vocational training courses operated by AJEEC center (Arab-Jewish Equality Empowerment Center). To date, there are more than 100 children staying in these nurseries.

The system includes 3,033 nurseries (ages 0-3), among them, 1,298 for the Arab

population, providing a solution for 13,350 children of working mothers and children to mothers on social welfare, of them 3,800 children are of the Arab population. In addition, daycare centers operating in Arab local authorities provide a solution for another 1,000 children. Such nurseries and day care centers allow mothers to work, as well as provide a source of income for the women operating them.

The development of additional day care centers greatly depends on the willingness of local authorities to cooperate and to assist the Government in doing so. In 2009, the Government allocated funding for the establishment of 150 buildings designated for day care centers, 17 of which in Arab local authorities.

In addition, in order to create accessibility to the Arab population the Department is making an effort to produce all of its publications in Arabic.

Furthermore, in 2011, the Ministry of ITL had changed the entitlement criteria for financial support in the construction of new Day-Care Centers in minority localities, in order to encourage their establishment. Thus, as of 2011, the Ministry grants 95% of the Day Care Centers' construction cost in minority localities (in comparison to 75% last year).

The Ministry of ITL is also planning to change the entitlement criteria for financial support given to working women for Day Care Centers. The new criteria will also grant better benefits for part-time working mothers.

Development of Road Infrastructure and Public Transportation Services in Arab Localities

Development of Road Infrastructure

The Ministry of Transportation and Road Safety continued to advance the development of intra-municipal infrastructure in Arab localities. Furthermore, the Ministry continues to develop inter-municipal infrastructure through the allocation of budgets to the local municipalities towards their development of infrastructure in their jurisdiction, or through management companies.

Accordingly, the two multi-year plans (2011-2015) mentioned above for the socio-economic development of Arab localities, resolved to promote *inter alia*, infrastructures

development and transportation, as detailed henceforth:

1. Government Resolution No. 2861-Among the plan's goals are the improvement and development of transportation infrastructures in Druze and Circassian villages and towns. The budget allocated for that purpose is NIS 180 Million (U.S. \$49.9 Million). The plan is scheduled to be completed within four years and operated by the Ministry of Transportation and Road Safety.
2. Government Resolution No. 3211 - According to the plan, nearly 90 Million NIS (U.S. \$25 Million) will be invested in paving and upgrading transportation infrastructures in the northern Bedouin communities.

Government Resolution No. 1539, mentioned above (the "Five Year Plan for the Economic Development of Minority Localities") also allocates budget for development of transportation infrastructures and public transportation. The total budget for the execution of the plan is NIS 778.5 Million (U.S. \$210.4 Million), of which NIS 100.9 Million (U.S. \$27.08 Million) are allocated for developing transportation infrastructures and public transportation.

In addition, Government Resolution No. 724 of August 9, 2009 approved a five-year-plan to improve road infrastructure and accessibility to public services and educational centers in the regional council of Abu-Basma, and the public service centers located in the Bedouin villages in the south. The total budget for these plans amounts to NIS 68.5 Million (U.S. \$18.5 Million) for the years 2009-2013, with NIS 13.7 Million (U.S. \$3.7 Million) distributed per year.

In addition, the Ministry has approved an additional budget of NIS 26 Million (U.S. \$7 Million) as an authorization for budgetary obligations, in order to carry out additional municipal road infrastructure projects in the Bedouin localities, by private companies.

Furthermore, as mentioned in Israel's Third Periodic Report, in order to encourage employment among members belonging to minority populations in the southern Negev area, it was decided that a factory/entrepreneur (in the industrial field, services or tourism), that employs at least four new employees from the Bedouin or the Jewish Ultra-Orthodox population in the Negev, will be entitled to reimbursement of 15% - 20% of these workers' monthly wage costs for a period of five years. The employer will

also receive annual reimbursement for the costs of organized transportation for the workers, to and from the workplace, up to a total of NIS 3,000 (U.S. \$810) per worker.

Public Transportation Services in Bedouin, Druze, Circassian and Arab Localities

Most of the Arab, Druze and Bedouin localities encounter problems with the existing transportation infrastructures, which makes it difficult to provide them with efficient services of public transportation. One of the main difficulties for the development of public transportation is the fact that most of these localities are rural and old, characterized with narrow streets and roads. Furthermore, many localities, especially the northern ones, have mountainous topography making it difficult to operate and facilitate public lines.

In addition, approximately one quarter of the Arab localities (36) are located half a kilometer far from main roads and roads with available public transportation. Out of the said 36 localities, 21 are recognized localities (with 50,000 residents) and 15 are unauthorized localities. In ten of the authorized localities, there is no paved road into the town.

In order to address the problems mentioned above, in recent years, within the process of privatization and the framework of the Public Transportation Department district officers in the local authorities, several projects took place towards the development of the public transportation for the Arab population. Furthermore, the Ministry of Transportation and Road Safety has also promoted projects aimed to improve public transportation in Arab localities, and further advance the planning of road infrastructures designated to be used for public transportation, as follows:

Eastern neighborhoods of Jerusalem- In 2004, the Ministry of Transportation and Road Safety began operating an organized plan for public transportation in the eastern neighborhoods of Jerusalem. The plan included contracting with 17 new transportation companies in the neighborhoods. These companies manage 320 vehicles; most of them are small buses. In addition, the existing public transportation infrastructures were developed and upgraded. According to a survey conducted on 2008, 92,000 passengers travel daily in those lines.

Bedouin Localities:

Southern Bedouin localities - The Bedouin localities in the south are situated in four main areas: near Dimona (road 25), Arad (roads 60 and 31), Rahat (road 40) and in proximity to the Negev junction (road 40 south). For that reason the Ministry increased the frequency of Public transportation in these areas, as follows:

Along road 25 an all-stops bus were operated between Dimona and Be'er-Sheva. The stops were designed according to the Bedouin localities on the ground, and the busses conduct 17 rounds daily. In addition, an express line also provides service to the Bedouin localities near Dimona with a frequency of 83 rounds daily.

In September 2010, the Ministry of Transportation and Road Safety increased the public transportation on road 25 by two additional bus lines and by a total of 35 daily rides, which provides public transportation services to the Bedouin population in and around Ar'ara and Segev Shalom.

The Ministry has also operated public transportation bus lines on road 60 and 31 near Arad with a daily frequency of 89 rounds, and as of September, 2010, The Ministry has also increased the public transportation in these road by five new bus lines which provide services to Kseifa, Jura, Lakiya, Tel-Sheva, and other Bedouin localities around Be'er Sheva with a total of 61 daily rounds.

As of the 2009-10 school years, special bus lines are operated between the city of Arad and Achva College. This line provides service to the Bedouin population both in the unauthorized villages and the permanent localities with two daily rounds.

In addition, as of 2009, the Ministry is operating public transportation connecting the Bedouin city of Rahat (a city of 50,000 residents) with the city of Be'er Sheva (the capital city of the Negev), the surrounding localities, "Lehavim-Rahat" train station and high education institutions. Within this framework, the Ministry is operating service lines between Rahat and the city of Sderot with 93 daily rounds, between Rahat and Sapir College with three daily rounds and between Rahat and Hura with a frequency of two daily rounds. All of these lines service the Bedouin population both in the unauthorized villages and the permanent localities along the relevant roads.

Note that the public transportation services are provided for the Bedouin population in the south for significantly lower prices than other places in Israel.

In regard to infrastructure improvement projects, the Ministry of Transportation and Road Safety has conducted the following projects in the southern Bedouin localities:

- Paving an access road to the Al-Said service center, which also leads to two schools and one mosque.
- Paving an access road to the Um-Batin service center, which leads to an elementary school, a high school, a youth center and a health clinic.
- Paving an access road through Marit and Darijat localities to Kuhla village. The road will provide access to these localities' service center, which is currently in the final planning stages and will include a variety of public services such as kindergartens, health clinic, school, etc.
- An access road was paved to the service center in Abu Krinat, which includes an elementary school, kindergartens and a youth center.
- An access road was paved to the Huashala service center, which includes an elementary school and a high school, kindergartens, a youth center and a health clinic.
- An access road was paved to the Moleda service center and to two schools in this locality. The service center in Moleda includes, among other, medical services and an elementary school.
- An access road was paved to the Dir Hadje service center, which includes schools, kindergartens and a health clinic.

Northern Bedouin localities - Public transportation services are provided for the Bedouin population in the north for lower cost, and are operated regularly on Saturdays (Sabbath). The Ministry of Transportation and Road Safety has made preparations for the examination of the public transportation services in the northern Bedouin villages and localities during 2011-2012. This examination falls within the framework of an extensive development plan for the Arab population.

Public transportation in the Bedouin localities in the north is provided for the localities of Abtin, Shibli and Zarzir. Other localities are assisted by service lines, which are

operated in a similar manner to those that operate in southern localities.

The Golan Heights – The Ministry conducted a comprehensive reform regarding the public transportation in the Golan Heights (including all the Arab localities in the area), in order to improve the public transportation between the Golan localities and the big cities of the north (such as Kiryat Shmona, Hazor Ha'Glilit and Tiberias). The new plan also includes improved transportation services for the Druze villages in the Golan Heights: Majdal-Shams, Bukhata, Masada and Ein-Kiniya.

The Southern Triangle Area in the north - In 2011, the Ministry increased the frequency of public transportation in the Southern Triangle area, including the Arab cities of Taibe, Tira and Kalanswa (to an hourly frequency). In addition, since 2011, the "Kavim" public transportation company operates a new line connecting between the Arab city of Kafar-Kasem and Petah Tiqwa (at half an hour frequency).

The Wadi' Ara Region - At the end of 2010, two bus lines started operating at high frequency from the city of Binyamina, through the Arab localities in the Wadi' Ara Region, to the city of Hadera. An additional bus line started operating in several Arab localities (such as Um El Fahem, Daliat El-Carmel and Isfiya) connecting them with the Haifa University and the Israeli Institute of Technology. Moreover, a new service line connects those cities to the Haifa's central bus station at a frequency of two daily rounds.

The city of Daliat-El-Carmel and the Isfiya village –As of February 2011, five bus lines are operating between these Druze localities, the city of Haifa and Yoqne'am. The new lines significantly improved the public transportation services for the villages' residents.

More improvements and developments are expected to take place in the next few years with respect to the Arab, Druze and Bedouin localities.

Question 11

What steps have been taken to address the high unemployment levels of persons with disabilities, including persons with severe disabilities?

Reply:

As set out in Israel's Third Periodic Report, the employment provisions of the *Equal*

Rights for People with Disabilities Law 5758 – 1998 (the "*Equal Rights for People with Disabilities Law*") prohibit discrimination on the basis of disability, obligate employers to conduct reasonable work accommodations and require appropriate representation of persons with disabilities in the work force.

Yet, the employment rate among persons with disabilities is relatively lower than that of the rest of the population, especially among those with severe disabilities. In order to improve this situation and to increase the employment rate of persons with disabilities, several measures have been taken, as detailed below:

Measures Taken to Increase and Promote Employment of Persons with Disabilities

On July 2010, the Knesset enacted Amendment No. 15 to the *Equal Employment Opportunities Law 5748-1988* ("*The Equal Employment Opportunities Law*"), which prohibits discrimination of an employment applicant or an employee by his/her employer on the basis of several characteristics. According to this recent Amendment, in cases where an employment applicant or an employee proves that his/her employer demanded from him/her prohibited information on discriminatory grounds (such as information on: sexual orientation, personal status, pregnancy, etc) the burden of proof is shifted to the employer to prove he/she acted in accordance to the Law, thus, the Amendment further increases the burden of proof upon the employer.

Designated Positions for Legal Interns at the Ministry of Justice - As detailed in Israel's previous Periodic Report, on March 12, 2006, the Government resolved, at the request of the Ministry of Justice, with respect to the appropriate level of representation among interns in the Ministry of Justice (Resolution No. 4730). The Government decided, *inter alia*, as follows:

“A. In accordance with the provisions of Section 15A(b)(2) of the *Civil Service (Appointments) Law* to designate, insofar as possible, some ten percent of the annual class of interns in the Ministry of Justice solely for the employment of candidates who qualify for an internship in the Ministry of Justice and fulfill one of the following:

- 1) the candidate is a member of the Arab population, including Druze and Circassian;

- 2) the candidate or one of his/her parents was born in Ethiopia;
- 3) the candidate is a “person with a severe disability” within its meaning in Section 35.252 of the Civil Service Regulations...”

In accordance with the aforesaid resolution, it was decided to compile a directory of candidates who satisfy the aforesaid and will include candidates who meet the criteria set forth in the Government’s Resolution and whose particulars and qualifications make them suitable for an internship position. Accordingly, in 2011, the Ministry of Justice announced, for the fifth year, the compilation of a directory of candidates for internship positions for September 2012 and March 2013.

Appropriate Representation in the Civil Service - As detailed in Israel's previous Periodic Report, in 2000, the *Civil Service (Appointments) (Amendment no.11) (Appropriate Representation) Law 5760-2000* (the "*Civil Service (Appointments) Law*"), was enacted by the Israeli Knesset in order to ensure that minorities and under-represented populations such as women, persons with disabilities, and the Arab, Druze and Circassian populations are represented in the Civil Service according to their proportion in the eligible work force population. Section 15A of the *Civil Service (Appointments) Law* requires appropriate representation of the various groups throughout the Civil Service, at all levels and in all professions.

Moreover, according to the Law, the Civil Service Commissioner is obligated to submit a periodic report to the Government and the Knesset's Constitution, Law and Justice Committee once a year, concerning the measures taken that year to promote appropriate representation in the Civil Service. Accordingly, in 2011, the Commissioner submitted the annual report regarding the year 2010. The report stated that the Civil Service Commission has been promoting awareness to appropriate representation of persons with disabilities and included the issue as one of the main objectives of the Civil Service training program. The Commission's Planning Department has worked on the preparation of a statistic report regarding representation of persons with disabilities with the Central Bureau of Statistics. The Department has also participated in the Knesset Committees' discussions regarding the issue.

Professional Rehabilitation According to the *National Insurance Institute Law*

The *National Insurance Institute Law (Consolidation Version) 5755-1995* (the "*National Insurance Law*") stipulates that in certain circumstances, Israeli citizens are eligible to receive professional rehabilitation from the National Insurance Institute (NII), in order to assist them with entering the labor market more easily. The Rehabilitation Department in the NII provides counseling regarding choosing a course of studies and employment in light of the disabled person's skills and limitations. The department offers professional training and assistance with employment placement. At the time of the training, the disabled persons receive rehabilitation payments, tuition fees, required equipment, assistance classes, accommodation and traveling expenses and support services.

The Commission for Equal Rights of People with Disabilities- The Commission for Equal Rights of People with Disabilities (hereinafter: "the Commission") was established in August 2000. The Commission's work is aimed at promoting public policies regarding the rights of persons with disabilities as well as providing assistance to individuals who encounter difficulties. Alongside the Commission operates a steering committee, composed mainly of persons with different disabilities who represent the main organizations operating in the field.

Employers Incentives

As detailed in Israel's Third Periodic Report, under the *Equal Rights for People with Disabilities (State Participation in Financing Accommodations) Regulations 5766 - 2006* (hereinafter: "The Financing Accommodations' Regulations for People with Disabilities"), employers are entitled to a refund from the Government on expenses made in adjusting the work place to the disability, work and daily needs of disabled employees (subject to a maximum sum per employee).

For further information, please see Israel's response to Question 16 below.

The Department for Integration of Persons with Disabilities in the Labor Market in the Ministry of ITL

The Department for Integration of Persons with Disabilities in the labor market (hereinafter: "the Department") in the Ministry of ITL is in charged of promoting the integration of persons with disabilities in the open labor market as opposed to sheltered

employment and thus decreasing their unemployment. This, through, *inter alia*, the implementation of the abovementioned *Equal Rights for People with Disabilities Regulations (State Participation in Financing Adjustments) Regulations* and the *Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations*. The Department is working towards a full integration of people with disabilities in the labor market, both as hired employees and as self-employed. Moreover, the Department work emphasizes the goal of increasing disable persons' standard of living, wage and work conditions. The Department grants services according to the law and operates plans according to the market characteristics, the disables persons' needs in light of their disability's type and level employment capability.

The Department has composed a number of instruments for dealing with persons with disabilities low employment rates in Israel. This is carried out by creating, developing and operating instruments for encouraging employers to integrate workers with disabilities, and create instruments aiming to assist the integration and advancement of people with disabilities in their work place.

The assistance instruments are as follows:

1. **"One Step Center"**- The center is established in cooperation with the National Insurance Institution, the Ministry of Social Affairs and Social Services and Ministry of Health, and its goal is to accompany and support people with disabilities in every step taken towards integrating in the labor market and a specific work place, by conducting diagnosis, workshops, training and placement in a suitable work place and providing support.
2. **Developing plans for the integration in the labor market of people with learning disabilities** - establishing a center for training and placement of people with learning disabilities, in order to provide solutions for this population, both persons with academic degrees and professional training graduates. A tender for the establishment of the center was prepared and currently it is being promoted by the Legal Department of the Ministry of ITL.
3. **A Project for Promoting workers with disabilities in their work places** - this is a wide project aimed at improving the abilities, positions, functions and wages of

workers with disabilities with full cooperation with the employment agents which accompany these employees and of their employers. Recently, this plan began operating in corporation with employers that are interested in employing people with disabilities. The Department designed a training and empowering program for the workers who intend to work for these employers in order to assist them with integrating in the work place, acquire better chances for promotion and receive higher salaries.

4. **Professional Training** - during 2010, the Department is working on the adjustment of the Ministry's vocational training services that service the general population so that they will be able to service the population of persons with disabilities as well. This process includes introduction of additional courses and contents for this specific population.

5. **Government procurement of services that are performed by persons with disabilities** - The Department assisted the Government Procurement Division in issuing a tender concerning procurement of services that will be carried out in Government Ministries by people with disabilities, *inter alia* in order to create more employment opportunities for this population. According to the tender conditions, the employers must provide adequate support services to their employees in order to assure their best integration into the work place. The program is aimed at encouraging Government Ministries to employ people with disabilities and extend the employment possibilities for those who are capable of earning more than the minimum wage. The Ministry of ITL has allocated 1.4 Million NIS (USD 412,980\$) for this plan, and the Department gathered a team which will assist other Government Ministries in spotting relevant positions for workers with disabilities, and provide advises concerning the plan implementation. So far, 25 workers with disabilities have been hired in various department in the Ministry of ITL within the framework of the said plan, and 75 other were hired by other Government Ministries. Additional disabled persons are currently in final stages of integration.

Assistance Tools for Employers of Workers With Disabilities

Since 2007, the Department is enforcing the Financing Accommodations' Regulations for People with Disabilities. These Regulations derive from the *Equal Rights for People*

with Disabilities Law, which goals are to promote equal employment opportunities among different populations in the labor market and to increase the employment rate of people with disabilities. These goals are achieved by decreasing the employers' expenses entailed in providing adjustments at the workplace for people with disabilities. The Government participation in the employer's expenses aims at helping the employers in creation of a suitable working environment for people with disabilities so they can integrate to the work place like any other worker. So far, adjustments have been approved for 100 businesses, hiring 200 workers.

Establishing support center for employers- the support center's goal is to assist employers which intend to employ people with disabilities. The center will provide support through a manned telephone center and by providing assistance in forming plans for those businesses, including: locating suitable positions inside the business for people with disabilities, guidance regarding the existing positions and aides and assistance with filling forms. Afterwards, the employer will be referred to manpower companies. In addition, the center will initiate direct applications to employers concerning employment of persons with disabilities. The tender for the establishment of the center is due to be published in the coming months.

Establishing the Israeli business forum for promotion of employment of persons with disabilities - on March 2011, the Department launched the "Open Circle"- a business forum aimed at assisting businesses with improving their activities in fields of recruitment and absorption of workers with disabilities, extending those workers' contribution to the business, preservation of workers that became disable during the work period and providing accessible service for disabled costumers. The forum's work model is based on employers work model, which is has operated a successful model in Britain for many years. The model had been adapted to the Israeli market and its needs. During the first years of the forum's work, it will be conducted by the Department and the employers, and after its consolidation, the employers will run it independently.

Amendment of the *Tenders Law 5752-1992* - following Government Resolution No. 4231 concerning giving priority to employers who hire persons with disabilities, a Director Generals Committee was assembled to examine the issue and submit its recommendations. The Committee formed a subcommittee, in order to submit recommendations and conclusions concerning two relevant issues: 1. providing

incentives/priority for businesses who employ persons with disabilities; 2. granting priority in tenders to businesses who employ persons with disabilities. Since February 2010, the subcommittee is discussing and examining financial incentives and other measures in order to encourage employers.

Additional Projects

A Project for Promotion of Employment among Disabled Persons

This is a project that is carried out by the Ministry of Social Affairs and Social Services and the JOINT. The project's aims at developing standards and procedures in the Employment Service and the social services in order to promote disabled workers' integration in workplaces, including by providing support services, accompanying and assisting people with disabilities which are incapable of dealing with the demands of the competitive labor market on their own. The plan complements an additional rehabilitation plan of the NII, since it applies to disabled persons who are no longer entitled to receive rehabilitation services by the NII nor by any other law or regulation. The project began its operation in 2011, by establishing a new model, creating new working procedures and writing new job requirements for various positions that are suitable for people with disabilities qualifications and needs. In the next few months, a new training alignment will be established for social workers and the representatives of the concessionaire.

Tri-sector Cooperation Project for Promotion of Employment among Disable Persons

The project's main goal is to create essential foundation for cooperation between national bodies, third sector bodies and the business sector, in order to significantly promote the integration of disabled persons in the labor market. In November 2010, a summary meeting of the project's team planners was held and recommendations were submitted. The project's next planned step is to establish a national council for disabled people employment. The planning team outcomes will serve as a basis for the council's strategic plan which is expected to become the general national framework for coordination of all authorities and relevant bodies operating in this field: Governmental, private and third sector.

International Cooperation - The Twinning project

The Commission for Equal Rights for Persons with Disabilities is engaged in a Twinning project with the European Union. In July 2009 the European Commission in conjunction with the EEOC accepted an offer from the Northern Ireland Equality Commission (NIEC) and as a result the former chief executive of the Disability Commission in United Kingdom, has been guiding, training and assisting the Commission in Israel for 18 months. The Project started at February 2010 and will continue for two years. During the project, there will be a strong emphasis on collecting and applying best practice and experiences from across the EU countries. There will also be consultations within Israel, workshops, action plans to steer implementation, and reports on supervising, evaluation and lessons learned.

Accessibility to Public Transportation

Improvement of the accessibility to public transportation for persons with disabilities is an important factor in encouragement and promotion of employment among persons with disabilities and allows them better integration into the labor market.

Accessibility to busses, passenger trains, planes and ships designated, public transportation and pickup stations for all transportation measures is mandated by law. As of April 2010, 42 of the 47 train stations in Israel (89.3%) are accessible to persons with mobility and other disabilities and accessible train cars are available on every line. Although the placement of signs for persons with disabilities is currently still insufficient, Israel Railway's Company has requested and received all the necessary information regarding this issue from the Commission for Equal Rights of Persons with Disabilities, and in the upcoming months, accessible signs will be installed in all stations. In addition, all the service personnel in every train station are trained to assist persons with disabilities, and in every station there are workers who are in charge on providing assistance to persons with disabilities.

The *Equality for Persons with Disabilities (Arrangement of Accessibility to Public Transportation) Regulations 5763-2003*, determine that since 2002 every new city bus that is registered for the first time in the vehicle registration authority will be accessible according to the requirements set in the Regulations. According to the Regulations, the accessibility requirement is not applicable to inter-urban buses. Up to date all the urban buses are accessible. The process of rendering all buses accessible for persons with

disabilities will continue until full completion, which is expected in the coming years. All the major bus companies also train their drivers to assist persons with various disabilities. These employees undergo special training regarding assisting persons with mobility disabilities to board buses as well as assisting persons with other disabilities. The Ministry of Transportation and Road Safety issued a program obliging bus companies and local authorities to complete the accessibility process within five years, while completing relative parts of the program each year.

For additional information:

- Please see paragraphs 95-103 of Israel's Third Periodic Report, regarding employment of persons with disabilities.
- Please see paragraphs 65-66 of Israel's Third Periodic Report, regarding Government resolutions on appropriate representation of minority populations in the Civil Service.

Question 12

Please indicate how the State party ensures the right to work of: (a) Palestinians in the West Bank whose agricultural land has been rendered inaccessible by the construction of the barrier and the State party's permit system; (b) Palestinian farmers in the Gaza Strip whose agricultural land lies in or near the "exclusion zone"; and (c) Palestinian fishermen in Gaza.

Reply:

Please see Israel's response to Question 2, above.

Article 7– The right to just and favorable conditions of work

Question 13

Please provide up-to-date information on the wage differences between men and women by sectors, and indicate what measures have been taken to ensure equal pay for work of equal value.

Reply:

Salary Inequalities

Although gaps remain between male and female salaries in the Israeli labor market, these gaps are gradually decreasing.

The Male and Female Workers (Equal Pay) Law 5756-1996 (hereinafter: "the Male and Female Workers (Equal Pay) Law")

In order to further decrease the gap between men and women salaries, the *Male and Female Workers (Equal Pay) Law*, was enacted. Despite the advanced legislation and the improvement in this field, there are still some inequalities between the salaries of men and women, as follows:

According to recent data, in 2009 the average salary of a female employee stood at 6,280 NIS (\$1,795 USD) which equaled to 66% of the average salary of a male employee 9,526 NIS (\$2,722 USD).

In addition, in 2009, the average salary of a female employee in the civil service amounted to 11,497 NIS (Gross) (\$3,285 USD), which equaled to 76% of male civil service employee - 15,059 NIS (gross) (\$4,303 USD).

In the administrative sector, the salary of a female employee stood at 82% of a male employee's salary; in the social sciences academic ranking, a female employee stands at 76% of a male employee's salary and in the medical physicians ranking the income of a female doctor, amounted in 2009 to 79% of that of a male doctor.

The average hourly income for employed men in 2009, was 50.4 NIS (\$14.4 USD) and of a female employee 42.6 NIS (\$12.2 USD). In addition hereinafter is data according to years of schooling as of 2010:

Table 5 – Gross Hourly Income by Years of Schooling and Gender, 2010

Years of schooling	Gross hourly income of men (NIS)	Gross hourly income of women (NIS)	% of women income compared to the men income
0-8	29	26	89.6%
9-12	35	29	82.8%
15-15	51	39	76.4%
16+	75	57	76%

Source: Central Bureau of Statistics, Statistical Abstract of Israel 2010

One explanation for this gap is shorter working hours (or lower availability for work) for women - In 2009, employed men worked an average of 44.9 hours a week, compared to employed women, who worked 35.5 hours a week - a 26.4% difference. Therefore, when calculating according to the working hours the salary gaps decreases to 15.5%. Yet these differences cannot be solely attributed to the number of working hours.

The Equal Employment Opportunities Commission

The Equal Employment Opportunities Commission (hereinafter: the “Commission”) is a statutory body, established by the Ministry of Industry, Trade and Labor in 2008, following Amendment No. 18A to the *Equal Employment Opportunities Law*. The Commission is engaged in civic enforcement of equal employment opportunities, and operates to apply appropriate norms of equal employment opportunities within the labor market. The Commission also promotes awareness to workers rights, the implementation of these rights and prevention of situations in which workers waive their rights in advance. In order to do so, the Commission has explanatory and legal authorities.

In order to raise awareness and promote equal employment opportunities, the Commission produces, publishes and distributes researches, informative materials and conducts lectures on the matter of equal employment opportunities.

In the legal aspect, the Commission deals with employers and workers' discrimination claims, issues warrants against employers and provides legal representation. The Commission is charged with all the relevant equal opportunity laws in the field of employment, including the *Male and Female Workers (Equal Pay) Law* and the *Prevention of Sexual Harassment Law*. It operates to assist in advance to claims made by employees and/or employers, handles court proceedings, writes legal opinions, and organizes conferences and more.

As of October 2010, the Commission handled 1,000 applications, including taking legal proceedings when it considers necessary (In 2010, the Commission filed 15 civil suits against employers).

The Equal Employment Opportunities Commission has made the Arab population a

priority in its work and is targeting cases dealing with double discrimination, thus raising public awareness and enforcing the law in specific cases.

The Commission regularly publishes a pamphlet in Arabic which is intended for employers, employees and employment-seekers in the Arab population.² The pamphlet contains information regarding discrimination at various stages of the employment process and details regarding the Commission, ways of contacting it, ways of addressing a complaint etc.

On January 21, 2009, the Commission launched its Arabic website³ which contains information for employers, employees and employment-seekers on issues such as: discrimination at work, discrimination in applying for work, discrimination upon dismissal, verdicts and court decisions regarding issues of discrimination etc.

In 2010, the Commission has filed a suit against the Jerusalem Municipality, concerning unequal salary (A precedent legal action). In this case, on August 2008, two employees of the city municipality filed a complaint with the Commission. The complaint indicated discrimination in male and female pay. The Commission turned to the city municipality and requested information. Such a request is derived from the power given to the Commission by Section 18(k) to the *Equal Employment Opportunities Law* and Section 2 to the *Male and Female Workers (Equal Pay) Law*. The Municipality did not respond to the Commission's request, therefore, a warrant was issued by the Commission to reveal the information. Following the issuance of the warrant, the council disclosed the information and the complaint was found to be valid, as inequalities were found between male and female salaries in the Jerusalem Municipality.

Question 14

Please provide information on the number and nature of complaints received by the Ombudswoman for the Complaints of Foreign Workers, on a yearly basis, as well as action taken after referral to the Ministry of Industry, Trade and Labor.

² The pamphlet is accessible through the following link:
http://www.moital.gov.il/NR/rdonlyres/4721B754-9DAF-4030-ACBF-1F7C1004D681/0/shivyonhizdamnuoyot_Arabic.pdf

³ <http://www.moital.gov.il/CmsTamat/Rsrc/ShivyonArbic/ShivyonArabic.html>

Reply:**The Ombudswoman for the Complaints of Foreign Workers**

The Ombudswoman for the Complaints of Foreign Workers was appointed in the Ministry of Industry, Trade and Labor. Her mandate is to safeguard the rights of foreign workers employed in Israel, and to handle applications received from foreign workers, employers, citizens, NGOs, associations and the media (note that not every application is a complaint). The Ombudswoman is authorized to recommend that a criminal investigation be carried out by the Enforcement Division, as well as to initiate administrative proceedings. The Ombudswoman serves as a central coordinating function in reviewing the applications and complaints and deciding if they contain violations of regulatory laws or crimes of slavery, forced labor or trafficking. She then refers them to the proper authority (the Ministry of Industry, Trade and Labor if a regulatory violation is involved and the Police if the crimes of trafficking, slavery or forced labor are involved). The Ombudswoman does not only deal with "complaints" but with a wide range of applications submitted to her, while some of these applications are not defined as a "complaint".

In addition, the Ombudswoman decision may address both criminal enforcement and administrative enforcement (sometimes even including civil enforcement by the Ombudswoman Department). In such cases, the information is submitted to all the authorized bodies with the Ombudswoman's recommendations and the enforcement procedure is conducted according to the relevant guidelines. In addition, in such cases it is the Ombudswoman's responsibility to supervise the handling of the case by the relevant authorities until they conclude their treatment of the case.

In some cases, special procedure can be used which enable the Ombudswoman to continue handling civilian aspects of the enforcement by the Ombudswoman Department, parallel to the criminal and administrative enforcement. However, in most cases the criminal and administrative enforcement precede the civil enforcement, which is under the jurisdiction of the Ombudswoman according to the law.

During 2010, 150 applications were submitted to, and handled by the Ombudswoman. About 40% of these applications were public applications for information concerning foreign workers' rights. Most of the applications are submitted in writing. Verbal

applications (by phone) are received in frequency of two to three a day. The rest of the applications are found to be public complaints regarding violations of foreign workers rights. During 2010, 26 complaints were referred to criminal enforcement and 20 complaints were referred to administrative enforcement. In addition, in two complaints the Ombudswoman decided on taking legal proceedings against employers of foreign workers, who violated their employees' rights – a special authority that was used in these cases for the first time. The Ombudswoman wrapped up handling all of its 2010 cases (no cases were referred for criminal or administrative proceedings), except for twelve cases that are still undergoing examination.

Additional information regarding the applications

- Most of the applications are made by employers of foreign workers in the nursing field in order to receive information regarding the employment and the workers' rights;
- Out of the applications that are found to be complaints: a third is submitted by foreign workers; about 8% of the complaints are made by employers and the rest are submitted by workers' representatives.
- The majority of the complaints concern non-payment of wages and avoidance from granting social right according to the law.

Question 15

Please provide information on the wage levels by occupation, disaggregated by population group, in particular Jews and Arab Israelis.

Reply:

Hereinafter are disaggregated figures regarding income levels by occupation according to population group, and relevant indicators:

Table 6: Gross Income for an Employee According to Occupation, 2010

Total Population – 2010				
	Employees (thousands)	Gross income (NIS) - per month	Gross income (NIS) - per work	Work hours per week

			hour	
Total population	2,522	8,100	47.9	40.4
Academic Professionals	352.0	13,036	76.5	40.2
Associate Professionals and Technicians	376.5	8,350	54.4	36.5
Managers	143.2	16,972	82.0	48.4
Clerical Workers	470.5	6,960	42.3	39.2
Agents Sales Workers And Service Workers	503.7	5,197	33.2	37.9
Skilled Workers	420.5	6,801	35.1	46.3
Unskilled Workers	185.7	4,118	27.6	36.0

Source: Central Bureau of Statistics, Income Survey, 2010

Table 7: Gross Income for an Employee According to Occupation and Population Group, 2009

Total Population -2009			
	Gross income (NIS) - per month	Gross income (NIS) - per work hour	Work hours per week
Total population	7,923	45.6	40.4
Academic Professionals	12,634	72.3	40.5
Associate Professionals and Technicians	8,326	53.5	36.3
Managers	16,942	80.7	48.8
Clerical Workers	6,772	40.7	38.8
Agents Sales Workers And Service Workers	5,096	31.5	38.2
Skilled Workers	6,814	34.8	46.3
Unskilled Workers	3,940	27	36.1

Source: Central Bureau of Statistics, Income Survey, 2009

Jews and others – 2009			
	Gross income (NIS) - per month	Gross income (NIS) - per work hour	Work hours per week
Total population	8,306	47.5	41.2
Academic Professionals	12,936	73.5	40.9
Associate Professionals and Technicians	8,619	54.9	36.8
Managers	17,220	82.1	48.6
Clerical Workers	6,870	41.2	38.8
Agents Sales Workers And Service Workers	5,144	32.1	37.9
Skilled Workers	7,452	37.6	46.5

Unskilled Workers	3,926	27.5	35
-------------------	-------	------	----

Source: Central Bureau of Statistics, Income Survey, 2009

Arabs – 2009			
	Gross income (NIS) - per month	Gross income (NIS) - per work hour	Work hours per week
Total population	5,366	32.1	40.3
Academic Professionals	8,622	57.8	35.8
Associate Professionals and Technicians	5,830	42.0	32.2
Managers	8,158	36.5	52.8
Clerical Workers	5,067	31.5	37.6
Agents Sales Workers And Service Workers	4,587	25.7	41.9
Skilled Workers	5,174	27.7	45.9
Unskilled Workers	3,996	24.7	40.4

Source: Central Bureau of Statistics, Income Survey, 2009

Question 16

Please explain how the right to a minimum wage is respected for persons with disabilities, in particular for those with diminished work capacity.

Reply:

Regarding persons with disabilities whose working capacity is reduced due to disability and who are employed in the regular labor market, the minimum wage is set by the Regulations of the Minister of Industry, Trade and Labor (ITL), pursuant to specific provisions of the *Minimum Wage Law 5747-1987* (hereinafter: the "*Minimum Wage Law*"). These Regulations, which have been amended in December 2009, currently prescribe six tiers as follows: an employee with a 19%-30% reduced working capacity will be entitled to an adjusted minimum wage which is 30% of the regular minimum wage; an employee with a 30%-40% reduced working capacity will be entitled to an adjusted minimum wage which is 40% of the regular minimum wage; an employee with a 40%-50% reduced working capability will be entitled to an adjusted minimum wage which is 50% of the regular minimum wage; and so on. An employee with a reduced working capability which is above 80% will be entitled to the full minimum wage.

The adjustment of the minimum wage for persons with disabilities, who have reduced

working capacity and are employed in the regular labor market, is also conducted in accordance with Regulations set by the Minister of ITL. These are aimed, on the one hand, at promoting decent remuneration for employees with disabilities who have reduced working capacity, and on the other hand, ensuring that their employment is economically worthwhile, given that not all employers can be expected to employ persons with disabilities with reduced working capacity for altruistic reasons.

As mentioned in Israel's Third Periodic Report, in view of encouraging the employment of persons with intellectual and/or mental disabilities in supported employment in the open labor market, a law was enacted in 2007 - the *Equal Rights of Persons with Disabilities Employed as Rehabilitated Persons (Temporary Provision) Law 5676-2007*. According to this law, a person whose work capacity is less than 19% shall not be considered an employee, but rather a rehabilitated person. As such the entire body of labor laws does not apply, but at the same time the new law gives a rehabilitated person the right to remuneration for work and decent work conditions concerning matters such as leave, sick pay, hours of work and travel expenses. This law supplements the *Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations 5762-2002*, promulgated on February 21, 2002, concerning adjustments to the minimum wage for persons who are at various levels of diminished work capacity as the result of a disability.

Under the Regulations, the person with disability is required to apply to the Ministry of ITL requesting a determination of his/her reduced work capacity, resulting in the entitlement to a reduced minimum wage. The Regulations apply to employment in the open labor market, as opposed to sheltered employment. In the first 20 months of the implementation of the Regulations, 1,600 persons with disabilities have applied to have their minimum wage adjusted, and in 1,255 of these cases the wage was, in fact, adjusted.

The objective of the Regulations is to encourage employers to hire employees whose work capacity is diminished due to their disability and otherwise may be unemployed, by enabling them to pay such employees less than the minimum wage considering their severe disability and diminished work capacity. Furthermore, the new Regulations enable persons with severe disabilities the opportunity to be integrated in the labor market, and thus enjoy a more meaningful life and stronger self-esteem.

Note that disabled persons, who suffer from severe disability and diminished work capacity, are entitled to a national insurance disability benefit.

Further more, as mentioned in Israel's Periodic Report, the *National Insurance Law* (Amendment no. 109), which is the outcome of the Government's adoption of the Public Commission for the Examination of Disabled Persons report (the Laron Commission's Report), enables a person with disability to earn a relatively high monthly salary (7,000 NIS – 1,842\$) without having to forgo his/hers national insurance disability benefit entitlement. Therefore, although the new Regulations allow a reduced minimum wage for certain persons with disability, they are still entitled to the national insurance disability benefit, and their total income equalizes the minimum wage and sometimes even higher.

Enforcement of the *Minimum Wage Law*

In 2009, the Labor Laws Enforcement Division in the Ministry of ITL investigated the cases of more than 1,439 employers for allegedly violating the *Minimum Wage Law* and investigations against 663 of them were opened in 2009. In addition, 54 indictments were filed against employers, and 461 administrative fines were imposed, in a total sum of approximately 3.3 Million NIS (U.S. \$810,811).

Enforcement covers all workers, including persons with disabilities, youth workers, foreign workers, workers hired by manpower contractors, etc.

Furthermore, enforcement of minimum wage for persons with disabilities includes preventive measures such as raising awareness to rights of persons with disabilities through media campaigns, professional trainings and seminars explaining employers their legal duty to pay minimum wage.

The Department for Integration of Persons with Disabilities in the Labor Market in the Ministry of ITL have also initiated a "Pre-Enforcement Procedure" according to which the employers of persons with disabilities, who fail to pay minimum wage, are provided with a special plan on how to follow the provisions of the law and assist their disabled employees in reaching their maximum work capacity and best supporting them. During the program, the employers participate in professional trainings. An employer who commits to adhering to the offered plan and fulfilling his/her obligation to pay

minimum wage according to the law, shall not be charged with criminal offenses.

Article 8– Trade union rights

Question 17

Please clarify whether Palestinians living in the Occupied Palestinian Territories and working in Israel can join trade unions, and if so, please provide statistics on the number of such workers who have done so over the past five years.

Reply:

Please see Israel's response to Question 2, above.

Palestinians who reside outside of Israel and work in Israel are not allowed to be members of the Histadrut (the General Federation of Laborers in Israel). Notwithstanding, the Histadrut is cooperating with Palestinians trade unions (PGFTU) and as a result is obligated to protect the Palestinians workers' rights in Israel. In addition, the Histadrut transfers half of the union fees which are collected from the Palestinians workers to the Palestinians unions.

Article 9– The right to social security

Question 18

Please clarify why, since 2002, the number of persons eligible for unemployment benefits has reportedly been reduced by half, and why, in 2007, only a quarter of the unemployed were entitled to unemployment benefits.

Reply:

In 2002-2003 the conditions of eligibility for unemployment benefits were changed due to several legislation amendments. Among these legislation amendments and the most relevant, was the extending of the period for eligibility which entitles a person for unemployment benefits. Until June 2002, that period stood at six employment months of the year that preceded the unemployment situation and as of July 2002 the requirement is for a 12 employment months of the 18 months that preceded the unemployment.

The decrease in the rate of persons eligible for unemployment benefits began with the implementation of the above Amendment – namely in 2003 rather than 2007.

Hereinafter is the data regarding the rate of persons eligible for unemployment benefits over the years:

Table 8: Unemployed Persons by Numbers and Rates, 2010

Year	Unemployed persons		Persons receiving unemployment benefits	
	Number (thousands)	Rate (of the civil labor force)	Number (thousands)	Rate (of the unemployed persons)
1990	158	9.6	50,624	32.0
1995	145	6.9	61,548	42.4
2000	213.8	8.8	92,596	43.3
2002	262.4	10.3	97,052	37.0
2003	279.7	10.7	70,450	25.2
2005	246.4	9.0	58,830	23.9
2006	236	8.4	55,941	23.7
2007	211.8	7.3	49,817	23.5
2008	180	6.1	48,045	26.7
2009	230	7.6	73,025	31.8
2010	210	6.6	58,634	28.3

Source: Poverty and Social Gaps, Annual Report, National Insurance Institute, 2009

Question 19

Please provide an update on the status of the draft law that entitles all non-resident children to the national health insurance.

Reply:

There is no draft law concerning health insurance for all non-resident children.

Since 2001, and in accordance with Directive No. 2001/5 of the directives issued by the Director General of the Ministry of Health, an arrangement was finalized for the provision of health services to minors who reside in Israel but are not insured by the *National Health Insurance Law 5754-1994* (the "*National Health Insurance Law*"). The arrangement provides health services from the "Meuhedet" Health Fund, with a services basket which is equal to the one available for children who are Israeli residents. This arrangement applies only to children who continuously reside in Israel for a period of six months, for the monthly fee of 185 NIS (U.S. \$50), and does not cover previous

health conditions of children who were born out of Israel or of children whose parents are residents of the Palestinian Authority. Note that situations of young children previous health conditions are rare and they receive treatment when necessary. In addition, it should be emphasized that no person in need of urgent medical treatment will be rejected and refused treatment.

Question 20

Please describe the impact of the revocation of residency rights of Palestinians living in East Jerusalem on their right to social services.

Reply:

The Revocation of residency rights of Palestinians living in the eastern neighborhoods of Jerusalem shall result in the cessation of social services provided by the Ministry of Social Affairs and Social Services and the Jerusalem Municipality to these Palestinians, excluding cases of severe danger in which such services will be provided.

Note that this issue is currently pending before the High Court of Justice in a petition filed in April, 2011 (*Machmud Kar'in et. al. v. The Ministry of Interior*).

Article 10– Protection of the family, mothers and children

Question 21

Please indicate whether the State party is planning to revoke the Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003 and take alternative measures that would guarantee and facilitate family reunification for all citizens and permanent residents. In addition, please provide information on the number of requests for entry into Israel received on a yearly basis since 2003, and specify the number of those that have been denied entry and the reasons why.

Reply:

The Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003 hereinafter: the "The Citizenship and Entry into Israel Law (Temporary Provision)"

Since the outbreak of the armed conflict between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, there has been a growing involvement in assistance provided to terrorist organizations on the part of Palestinians originally from the West Bank and the Gaza Strip. Such individuals carry Israeli identity cards pursuant to procedures of family unification with Israeli citizens or residents, allowing their free movement between the West Bank and the Gaza Strip and into Israel.

In order to prevent the potential danger posed by former residents of these areas during the current armed conflict, the Government decided in May 2002 to temporarily suspend granting them legal status in Israel, through the process of family unification. The decision was adopted following the horrendous wave of terrorist attacks in March of 2002, when 135 Israelis were killed and a further 721 were injured, in a single day.

In addition, between September 2000 and the end of 2006, 38 of the 172 terrorist attacks committed in Israel were committed by such individuals. Those injured in these 38 terrorist attacks constitute 86% of the total number of those injured by terrorist attacks. For example, in 2007, a twenty year old woman, whose mother is an Israeli-Arab from Kafar Qasem and whose father is Palestinian, was caught – merely twelve minutes before exploding herself in a restaurant in Israel - using a bomb which was stored during the previous night in the home of a relative in Kafar Qasem.

This situation is the result of the genuine difficulties in obtaining information concerning residents of the West Bank.

Israel, as any other State, has the right to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence against its citizens. It should be emphasized that while the value of family life is indeed sacred, there is no necessity for it to be realized in Israel, and it may be fully realized in the West Bank, or the Gaza Strip.

On July 31, 2003, the Knesset enacted the *Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003*, which limits the possibility of granting residents of the West Bank and the Gaza Strip Israeli citizenship pursuant to the *Citizenship Law 5712 -1952*, including by means of family unification; and the possibility of granting such residents residence permits into Israel pursuant to the *Entry into Israel Law 5712 -*

1952. The Law was amended in 2005 and 2007 in order to expand the humanitarian relief it initially provided. The amendments also expanded the applicability of the Law to citizens of enemy states (namely, Iran; Syria; Lebanon; and Iraq). The Law was extended several times and it is currently valid until January 31, 2012.

The Law enables entry to Israel for the purposes of medical treatment, employment, or on other temporary grounds, for an overall period of up to six months.

In addition, the Minister of Interior may authorize a request for family unification for those who are married to an Israeli spouse, and are residents of the West Bank, for men over the age of 35 and women over the age of 25.

The Law further authorizes the Minister of Interior to grant residence permits to children under the age of 14, of whom one of the parents is legally residing in Israel. With regard to children who are minors over the age of 14, the Law stipulates that the Minister of Interior has the authority to grant temporary permits under certain conditions.

The Law further allows the Minister of Interior, due to special humanitarian reasons and according to a recommendation of a professional committee appointed for this purpose, to grant temporary residence permits for a resident of the West Bank or a citizen of Iran, Iraq, Syria or Lebanon, who has a family member legally residing in Israel, and to approve a request for a stay permit of a resident of the West Bank who has a family member legally residing in Israel.

Such a decision made by the Minister of Interior is to be reasoned and be provided in writing, within six months from the day that the professional committee received all the necessary documents. According to the Law, the fact that the family member (e.g.- spouse, parent or child) of the person requesting the permit, legally residing in Israel, is his/her spouse or that the couple have shared children – will not be considered as a stand-alone special humanitarian reason. If the person requesting the permit is a Syrian resident and his/her spouse is a member of the Druze community who lives in the Golan Heights, which is under Israeli jurisdiction, then the Minister of Interior may consider it a special humanitarian reason.

The Law stipulates that a request can be denied in cases where the Minister of Interior or certain security functionaries assert that the person, or a family member of first degree, poses a security threat.

In cases where a person or a family member has been known to act for the benefit of the State of Israel, the Law enables the Minister of Interior and certain security functionaries to grant permits to a resident of the area.

The Law does not change the status of persons who already received their status prior to the day the Law came into effect. However, the status of such persons shall remain static.

The Law's constitutionality was scrutinized and upheld by the Supreme Court in *H.C.J. 7052/03, 7102/03 Adalah – The Legal Center for Arab Minority Rights in Israel et. al. v. The Minister of Interior* (14.5.06). The High Court of Justice, residing in an extended panel of eleven judges, rejected the petitions against the legality of the Law, by a ruling of six judges, with five dissenting.

On December 17, 2007, the Minister of Interior announced the formation of the professional committee according to the Law, and proclaimed its members.

Additional petitions against the constitutionality of the Law are pending before the High Court of Justice. (*H.C.J. 466/07, 544/07, 830/07, 5030/07 MK Zehava Galon et. al. v. The Minister of Interior et. al.*). On July 31, 2008, the State submitted its arguments in these cases and on April 13, 2010, the State submitted a supplementary notification to the Court.

In its supplementary notification, the State clarified that since August 2005, the Ministry of Interior has authorized the provision of staying permits in Israel to **4,118 Palestinians** (more than 1,000 individuals per year) based on requests for family unification and under the exceptions recognized by the Law. The State noted that in addition to these figures, the professional humanitarian committee received over 600 requests, 282 of which were dealt with and 33 of which were transferred to the Minister of Interior with positive recommendations which were adopted by the Minister, thus resulting in the provision of staying permits in Israel for the applicants.

The State further noted that since September 2005, 632 requests for status in Israel on the basis of family unification were rejected. An analysis of the requests that were rejected reveals that the rejections were based on the following grounds: the applicant was a terrorist (four cases), the applicant was an operative of a terrorist organization (149 cases), the applicant was linked to operatives of terrorist organizations (63 cases), the applicant aided a terrorist organization (22 cases) and the applicant had contact with family members who are operatives of terrorist organizations (394 cases).

In its response to the Court, the State further indicated that according to official data, in 2006, 42 terrorist attacks which were in the stage of final preparation or implementation stages were foiled by Israel's security forces; in 2007, 43 such attacks were foiled; in 2008, 63 such attacks were foiled; in 2009 - 40 such attacks were foiled by the Israeli security forces and in 2010 - 11 such attacks have been foiled, eight of which originated from the Gaza strip.

Number of Requests for Entry into Israel Received on a Yearly Basis Since 2003

Table 9: Requests for Family Reunifications in the Years 2003-2010

Years	Family reunification requests (not including the West Bank):	Family reunification requests from the West Bank:
2003	1,549	354
2004	2,808	609
2005	2,993	1,253
2006	2,699	1,902
2007	2,456	971
2008	2,917	950
2009	3,269	939
2010	549	178
Total	25,466	9,905

Source: The Ministry of Interior, 2010

Article 11- The right to an adequate standard of living

Question 22

Please provide up-to-date information on the number of households that live below the national poverty line, in the State party, including in the Occupied Palestinian Territories, disaggregated by population group. Please also provide detailed information on public expenditure to fight poverty in particular for the most marginalized and disadvantaged groups in society, and indicate its effect on reducing the extent and depth of poverty.

Reply:

Table 10: The Poverty Line by Family Size, 2009 (average for period of survey)

Number of Persons in Family	Number of Standard Persons	NIS Per Month	Marginal Supplement in NIS
1	1.25	2,268	-
2	2.00	3,629	1,361
3	2.65	4,809	1,179
4	3.20	5,807	998
5	3.75	6,805	998
6	4.25	7,712	907
7	4.75	8,619	907
8	5.20	9,436	817
9	5.60	10,162	726

Source: The National Insurance Institute, Poverty and Social Gaps – Annual Report, 2009

The incidence of poverty among families, persons and especially children increased in 2009 (to 20.5% (+0.6 percentage points), 25% (+1.3 percentage points) and 36.3% (+2.3 percentage points) respectively). In that year, Israel had 435,100 poor families, including a total of 1,774,800 poor persons, of whom 850,300 were children.

In all, 15,000 families were added to the poor population; 14,300 of those families were Arabs. At the same time, the number of poor families among the elderly was reduced by 9,300. Among families with children, 23,600 families are newly poor; these include 20,800 families with 1 to 3 children and 6,700 single-parent families.

Public Expenditure to Fight Poverty

Minimizing Poverty - A National Goal

One of the most important social goals of the State of Israel is to reduce the scope of poverty and the socio-economic gaps in Israel. In recent years the Government has

significantly increased the budget allocated for social purposes.

The social policy of the State of Israel aims at promoting equality in the Israeli society in general and between the various population groups. It grants preference to the weak and low-income groups in the distribution of resources, thereby creating an opportunity to reduce poverty and social-economic gaps between the various groups.

The measures taken in order to minimize the poverty rate are done in multiple levels and not by a single Government Resolution. One of the most important aspects in this regard is the fact that health and education services are provided for free for every Israeli citizen.

For further information please see Israel's response to Question 2, above.

Question 23

Please provide information on measures taken to ensure affordable housing, including through the increase in public housing units, and to address the lack of regulation of the private rental market. Please elaborate how effective the 2008 Law of Execution 5678-2008 has been in providing for the protection of the right to adequate housing, particularly in the context of evictions carried out due to reasons other than “debt, mortgage or pledge”, as referred to in paragraph 4 of the periodic report.

Reply:

Ensuring Affordable Housing

The issue of affordable housing has been the focus of a wide ranging public protest in Israel over the last several months, and a designated committee, headed by Professor Manuel Trajtenberg, was nominated to negotiate with the Israeli protesters and recommend economic measures in this regard.

On August 3, 2011, the Knesset approved the Planning and Construction Procedures for the Acceleration of Construction for Housing Purposes Law 5771-2011.

The Law's purpose is to set temporary arrangements and establishment of a special planning institution – National Housing Committees that will allow efficiency in handling and expediting the approval of construction plans for housing purposes. The

arrangements are intended to substantially reduce the time periods for approval of construction plans while preserving the quality of the constructed buildings, the fairness and the public transparency. According to the Law, these special arrangements will apply to plans submitted by the State and on State Lands. Section 4 of the Law determines that the National Council will have a National Housing Sub-Committee that will be composed of a representative of the Minister of Interior (as a chairperson), representatives of the Prime Minister Office, the Ministries of Justice, Construction and Housing, Finance and four additional representatives that will be elected according to the *Planning and Construction Law 5725-1965*.

Section 5 determines the authorities of the National Housing Sub-Committee, which includes, *inter alia*, the authority to approve a national housing plan which requires approval of the National Council. In addition the Sub-committee has the authority to discuss and decide on appeals against decisions of the Committee for Preservation of Agricultural Lands and Open Spaces and of the Committee for Preservation of the Coastal Environment – regarding national housing plans. The National Housing Sub-Committee is required to issue its decisions within 15 working days from the date of hearing and appeal (this period may be extended by five days with the approval of the chairperson). If the National Housing Sub-Committee fail to reach a decision within this time frame, the representative of the Prime Minister Office will conduct a special meeting in order to reach the required decision and he/she will serve as chairperson in that meeting.

Section 6 of the Law establish six National Housing Committees (of in each district), which will be composed of a representative of the chairperson of the district's committee or the representative of the Minister of Interior – as the Chairperson, a representative of the Prime Minister Office, representatives of the Ministers of Construction and Housing, Environmental Protection, Transportation and Road Safety, National Infrastructures, the District's engineer and others. The Law determines that the National Housing Committees are authorized to discuss and decide on approval of national housing plans and plans for registration purposes. The National Housing Committees are authorized to do so instead of any other planning institution except the National Council and the Committee for Preservation of Agricultural Lands and Open Spaces and of the Committee for Preservation of the Coastal Environment.

Section 10 of the Law sets shorter time periods for the examination and approval of national building plans and this substantially expedites the approval of these plans, That is done, *inter alia*, in order to relieve the burdens and hardships which are conducted according to the regular building procedures and thus enlarging the number of apartments in the housing market and reducing their price, thus allowing for affordable housing.

The new law was initiated by the Prime Minister Office and the Prime Minister presented the Law to the Knesset. In its presentation, the Prime Minister told the Knesset that this law is intended to assist young couples in finding suitable housing opportunities.

In addition, on June 5, 2011, the Government approved Resolution No. 3282, according to which, a grant of 100,000 NIS (27,777 USD) will be given to young people and young couples who purchase their first apartment in peripheral areas. The aim of this benefit is to assist these young people to buy their first apartment and encourage them to relocate to peripheral areas, together with increasing the number of available apartment in these areas.

The Ministry of Construction and Housing also operates several additional programs for assistance in affordable housing, among them is the increased assistance in rent as an alternative for public housing. According to this program, due to the decreasing number of apartments for public housing, the State will provide financial assistance to those who are eligible for public housing but do not receive it due to lack of apartments. The amount of assistance for a family with 2-3 children is 1,750 NIS (486 USD)

The Effectiveness of the *Law of Execution 5678-2008*

On November 4, 2008 the *Law of Execution 5678-2008* was amended (Amendment no. 29) in order to strengthen the protection provided by the Law to the right to adequate housing. The Law stipulates that in situations of evictions due to debt, mortgage or pledge, the provision of an alternative housing prior to the eviction is obligatory. Accordingly, in any case of eviction due to a debt, the Law provides the evicted person the right to have reasonable alternative housing and in the case of a debt due to a mortgage or a pledge granted after November 2008, reasonable housing will also be provided.

Question 24

Please indicate whether the State party's policies on home demolitions and evictions in Area C meet its obligations arising from the Covenant: (a) to consult with the affected persons; (b) to explore all possible alternatives prior to evictions; and (c) to provide effective remedies to those affected by forced evictions carried out by the State party's military. Please indicate if the development of special outline plans and closed military zones is preceded by consultations with affected Palestinian communities, so as to obtain their informed consent.

Reply:

Please see Israel's response to Question 2, above.

Question 25

Please indicate what measures the State party is planning to take to review its housing policy and the issuance of construction permits in East Jerusalem, in order to prevent demolitions and ensure the legality of construction in those areas?

Reply:**Planning and Zoning in Jerusalem:**

Since 1967, the percentage of the Jewish population of the city has decreased, while the percentage of the Arab population has increased from 26.6% to 31.7% in 2000. Specifically, the growth rate of the Arab population in Jerusalem and the surrounding areas has increased since 1967. This increase has led to a significant increase in the construction of neighborhoods that serve this community. The Municipality of Jerusalem approved outline plans for construction of housing for the Arab population that will serve the needs of the population until 2020.

During recent years, several measures have been taken in order to adjust the outline plans relevant to the eastern neighborhoods of Jerusalem, so as to properly address the needs of the population. The Jerusalem Municipality is working on and promoting construction plans for the eastern neighborhoods of Jerusalem in order to qualify and expand the future residential areas in these neighborhoods, according to the new outline

plans. Thus, currently, there is a new outline plan, pending approval, which includes the expansion of some of the eastern neighborhoods of Jerusalem, and grants additional construction rights to the local population. In the course of this expansion, emphasis will be granted for providing public establishments and open public areas.

Further, currently there are additional outline plans, in various stages of preparation and authorization, which were initiated by established agents on behalf of the population in the eastern neighborhoods of Jerusalem. Among these, are plans initiated by the population in Dir Al-Amud, Ali-Muntar and Ara-Al-Sahra. These plans aim to best address the needs of the residents.

The Municipality of Jerusalem initiated approximately 60 plans that will enable additional construction rights, while taking into consideration the needs of the population for providing public establishments and open public areas, in the neighborhoods of Beit-Hanina and Shu'afat. The plans are currently in various stages of preparation and authorization.

The District Planning Committee established a simple procedure to prove an interest in property in unregistered lands. This procedure alleviates the preparation of outline plans in areas in the eastern neighborhoods of Jerusalem where the land is unregistered. Additionally, the Committee discussed numerous plans that were presented by land owners in the eastern neighborhoods of Jerusalem. These plans were examined in light of the policy of the Committee, and in many cases have been authorized, thereby granting additional construction rights. Approximately 50% of the plans that are presented to the Committee relate to lands in the eastern neighborhoods of Jerusalem, and scores of resources are dedicated to examining and facilitating the plans in accordance with the planning policy.

In addition, in order to promote and expedite handling of construction applications, a new team was established in the licensing and Construction Department in the Jerusalem Municipality. This new team is in charged exclusively on handling such requests regarding the eastern neighborhoods of Jerusalem.

From the abovementioned it is evident, that the District Planning Committee operates, alongside the Municipality of Jerusalem, in order to address the planning needs of the eastern neighborhoods of Jerusalem. In doing so, consideration is always given to

planning policies that will ensure a reasonable quality of life, preserve open public areas as well as sites having cultural and historical value.

Hereinafter are the plans included in the annual working plan for 2011:

Plans initiated by the residents:

1. Tel Adasa.
2. Tzur-Bacher - a partial detailed plan.

Plans initiated by the Jerusalem Municipality:

1. Isawiya – a detailed plan.
2. Silwan – a detailed plan.
3. Gan-Hamelech – a detailed plan.
4. Erev Aswahara – a detailed outline plan.
5. Dir El Amud Ve El Muntar – a detailed plan.
6. Tzur-Bacher – a master plan.
7. Beit-Tzafafa - a master plan.
8. The Old City of Jerusalem – a comprehensive plan.
9. Beit Hanina and Shu'afat - 20 plans for consolidation areas and redistribution.

Structure Demolitions

In order to facilitate proper planning procedures, illegal construction is not tolerated. Such illegal construction harms the local population, given the fact that it does not take into consideration planning policies that will ensure a reasonable quality of life, and public needs.

All demolitions are conducted in accordance with due process guarantees and following a fair hearing, which is subject to judicial review and the right to appeal, and all demolitions are decided upon without distinction on the basis of race or ethnic origin.

Those affected by a demolition order are entitled by law to appeal to the Supreme Court.

During 2011, the Municipality of Jerusalem did not conduct any house demolitions in the eastern neighborhoods of Jerusalem. During 2010, 23 structures were demolished (mainly small structures, fences, shacks and house additions constructed without municipal permits). In 2009, the Jerusalem municipal officials ordered to demolish 122 structures constructed without municipal permits both in the eastern and western neighborhoods of Jerusalem. 65 structures were demolished in the eastern neighborhoods of Jerusalem and additional 57 structures were demolished in the western neighborhoods of Jerusalem.

The residents of these illegal structures were not compensated for the demolition, since no such requirement regarding illegal construction exists according to the law, unless it is proven *post factum*, that the demolished structure was not illegal.

Question 26

Please indicate what measures are taken to address the increasing food insecurity among older persons, the Jewish Ultra-Orthodox population group, and Palestinians living in the Occupied Palestinian Territories. Please also provide information on the implementation of the recommendations of the Inter-ministerial Committee set up to examine the Government's role and responsibility for ensuring food security for all its citizens.

Reply:

Measures Taken Concerning Food Insecurity Among Elderly Population and the Jewish Ultra-Orthodox Groups

The Ministry of Social Affairs and Social Services (hereinafter: "the Ministry") grants (considering the budget frame) solutions for Israeli citizens who are under the care of the social services. Among the target populations, are the Ultra-Orthodox and the minority population and a special plan is operated benefiting the elderly population. The Ministry also provides warm meals to senior citizens in the frame of day centers and elderly population centers. The Ministry also allocates an annual sum of eight Million NIS (U.S. \$2.2 Million) intended for food baskets and nutrition frames (according to

certain criteria).

Implementation of the Inter-Ministerial Committee's Recommendations Concerning Food Security

On May 30, 2007, the former Minister of Social Affairs and Social Services, appointed an Inter-Ministerial Committee regarding the nutrition security headed by the Ministry's Director-General. The Committee examined the Government's responsibility on the matter of nutrition security for its citizens and submitted its report on March 30, 2008. The Minister received the recommendations and transferred them to the approval of the Ministerial Committee for Social Affairs. The main principles of the Inter-Ministerial Committee's report have yet to be approved by the Ministerial Committee.

On November 1, 2009, the Prime Minister decided that the Ministry of Social Affairs and Social Services, in cooperation with the Ministry of Finance, will initiate a nutrition security plan with a budget of NIS 17 Million (U.S. \$4.8 Million) for a period of three years. The plan began its operation and in its frame a research will be conducted in order to examine its outcomes. The plan will enable the allocation of an annual budget of six Million NIS (U.S. \$1.7 Million) for the local authorities, towards supporting specific associations which provide food for the needy population.

Moreover, for the first time, a computerized data base will be established in order to coordinate between the food distributing associations, relevant organizations and the local authorities. This data base will enable to rank the associations by their quality and to increase the transparency of these associations, their management and activities.

The National Council's Law concerning Food and Nutrition Security

In July 2011, the Knesset enacted the *National Council for Nutrition Security Law 5771-2011*. The Law stipulates the establishment of Food and Nutrition Security Council, which will include representatives of Government Ministries and other professional bodies operating in this field, and its main responsibilities will be to promote the nutrition security of the Israeli population. The Council will achieve its goals, *inter alia*, by planning, examination and coordination of policy and the implementation measures which will be taken by the relevant Ministries dealing with nutrition security, decreasing lacks and gaps in the field of nutrition security and

suggesting solutions for the existing difficulties.

According to the Law, the Council is to consult the Minister of Social Affairs and Social Services on the following issues:

- Planning a nutrition security policy, including accessibility to healthy and sufficient nutrition for the entire population, both for the short and long terms.
- Enforcement, supervision and monitoring actions taken by all the Government Ministries who are responsible for nutrition security.
- Examination of models for achieving nutrition security among the population and conducting researches for that purpose.

The Council is required to submit periodic reports with its recommendations to the Minister of Social Affairs and Social Services, which will form a nutrition security policy and submit it to the approval of the Government.

School children

Section 3 of the *Daily Meal for the Pupil Law 5765-2005* (the: “*Daily Meal for the Pupil Law*”) stipulates that each pupil will receive one warm meal per day, which meal will accord with a well-balanced and varied menu which will be determined by the Ministry of Health, and will take into consideration the age and needs of the pupils.

The *Daily Meal for the Pupil Law* is to be gradually implemented. The Minister of Education, in conjunction with the Minister of Finance, will determine the population of pupils regarding which the Law will be implemented each year (Section 4).

The Ministry of Education and the local municipalities fund the nutrition service. The *Daily Meal for the Pupil Law* permits the local municipality to collect participation payments from parents, yet it requires the Minister of Education’s consent to do so. The parental participation payment will be determined by the Minister, according to socio-economic standards and in the framework of payments stipulated under the *Compulsory Education Law*.

In addition, in August 2011, the Ministry of Social Affairs and Social Services operated a three-weeks pilot program which provided warm meals to children at risk. The program operated in 25 local authorities (both Arab and Jewish localities) and was

intended to provide nutrition for children who were on school vacation. The children were requested to fill out questioners in order to examine the continuation of this program in other school vacations, in which the schools' nutrition program does not operate.

Elderly population

according to the data of the Ministry of Social Affairs and Social Services, about 15,000 elderly persons in 170 day and elderly population centers receive a daily breakfast and lunch, and may purchase additional meals for the weekends in subsidized cost. In additional 50 such centers, about 1,000 elderly persons receive breakfast.

Services in the community – many local authorities provide meals to elderly persons living at their homes in subsidized cost. In 2010, about 6,000 persons received such meals.

In the frame of the *Nursing Insurance Law 5748-1988*, about 145,000 elderly persons receive personal assistance at home by care takers, who among other functions assist with preparing meals for this population.

In addition, some of the elderly population receives meals in public kitchens.

Holocaust survivors – as of 2002, the Ministry of Social Affairs and Social Services and the Claims Conference cooperate in assistance for holocaust survivors in need. The Ministry supports associations which deliver food baskets with an annual budget of two Million USD. In 2011, the Ministry allocated NIS 1.2 Million (U.S. \$358,900) for 16,416 food baskets for Passover through 13 associations, and NIS 4.9 Million (U.S. \$1.4 Million) for 4,450 meals through 19 association.

The Ministry of Social Affairs and Social Services is operating in order to decrease nutrition insecurity among Israeli residents, and finding specific solutions to needy populations.

For further information please see Israel's response to Question 2, above.

Question 27

Please provide information on measures taken by the State party to restore the water infrastructure of the West Bank including in the Jordan Valley, after the destruction of the local civilians' wells and other water and irrigation facilities under military and settler operations since 1967. Please indicate what measures the State party has undertaken to ensure equal and equitable availability, access, affordability, acceptability and quality of water across the Occupied Palestinian Territories, as indicated in the Committee's general comment No.15 (2002) on the right to water?

Reply:

Please see Israel's response to Question 2, above.

Article 12- The right to physical and mental health

Question 28

Please clarify how the State party ensures access to medical care for Palestinians living in the Occupied Palestinian Territories, especially those living in the closed zones between the wall and the Green Line. Please also indicate what remedies are provided in the case of unattended roadside births, miscarriages, maternal deaths resulting from delays at checkpoints, and maltreatment of Palestinian ambulance drivers, and indicate whether disciplinary action has been undertaken against checkpoint officials.

Reply:

Please see Israel's response to Question 2, above.

Question 29

Please clarify how the State party ensures the right to the highest attainable standard of health for civilians in the Gaza Strip, including the provision of urgent medical care and measures to address psychological trauma in people living in Gaza.

Reply:

Please see Israel's response to Question 2, above.

Question 30

Please provide information on measures taken by the State party to ensure the availability of sufficient and safe drinking water and adequate sanitation for civilians living in Gaza. In this light, please comment on the fact that water disinfectants and equipment for the production of water from drillings are part of the banned product list.

Reply:

Please see Israel's response to Question 2, above.

Question 31

Please indicate which measures the State party has taken to protect asylum-seekers with “conditional release” visas from dangerous working conditions as well as to ensure their access to basic medical assistance. Please also explain the medical insurance coverage provided for by the Foreign Workers Law to migrant workers.

Reply:

Protection from Hazardous Working Conditions

Israel is a destination country for migrant workers from Asia, Eastern Europe and Africa. The Government allows for the employment of legal foreign workers in specific fields: care giving for the elderly and disabled, construction, agriculture, certain restaurants and industry. Employment of a legal foreign worker in one of the permitted fields requires the submission of an application for employment permit, after which a working visa is granted to the desired foreign worker.

The issue of access to basic medical assistance is detailed below.

Please also see Israel's reply to Question 14, below, regarding the Ombudswoman for the Complaints of Foreign Workers.

The Construction Field

In 2005, the Government initiated a new system for employment of foreign workers in the field of construction, which has proven successful in protecting workers' rights and related working conditions, as well as in providing employment for foreign workers in short-term projects carried out by registered contractors in the construction industry.

According to this new system, foreign workers are employed by 40 bonded and licensed manpower agencies which are responsible for their salaries and working conditions. Each agency is required to report directly to the relevant authorities each month, regarding the salary and deductions from salary of each foreign worker it employs. The limited number of licensed agencies allows the authorities a closer degree of supervision over the agencies and the working conditions of the foreign workers.

The Manpower agencies must provide each worker with a document in his/her language, prepared by the Ministry of ITL, setting out the workers' rights and obligations. At the beginning of each year, the agency's director must issue a formal declaration to the authorities affirming that each worker has received this document. The document, translated into different languages, can also be found on the Government internet sites.

In order to counteract the problem of underreporting of the working hours of foreign workers, manpower agencies in the construction field are required to pay their foreign workers for a minimum of 211 working hours per month, which include over twenty hours of overtime.

In addition, the new system allows workers to change manpower agencies on a quarterly basis. However, a worker whose complaint against a manpower agency is found to be justified by the Ombudsman, may change his/her manpower agency at any time.

Nursing (Care Giving) Field

The greatest risk in this field is caused by the lifting of the employers, and accordingly, employers of foreign caregivers who must be lifted are encouraged to rent appropriate lifting equipment, some of which can be rented, for a minimal fee, from the national "Yad Sara" nonprofit organization.

Nurses from HMO's, as well as social workers from the welfare services, the National Insurance Institute (NII) and from the recruitment agencies are required to visit the employers and the caregivers periodically and instruct them as to the reasonable and healthy care of the patient, including concerning lifting techniques and lifting apparatus when necessary.

Finally, in cases of injuries that occur at work, foreign caregivers are eligible for compensation from the NII.

Medical Insurance Coverage provided by the *Foreign Workers Law 5751-1991*

Section 1D of the *Foreign Workers Law* imposes an obligation on foreign workers' employers to provide for health insurance for their employees for his/her employment period at the employer's expense (however the employer may deduct one third of the amount of the employee's salary).

The legal duty on the employer to provide the employee with health insurance is valid regardless of whether the employee holds a working visa (note that in case of a legal employee, the employer will not receive an employment permit unless he/she ensures for a health insurance for the employee in advance). Violation of this provision is considered to be a criminal offence which is punishable by substantial administrative or criminal fines.

The obligatory insurance includes:

- A. All services included in the second addendum to the *National Health Insurance Law*;
- B. Hospitalization services in a mental hospital or mental department in a general hospital, in a medical emergency situation, for up to 60 days for "one employment period"- the entire employment period even if it is not continuous, provided there have been employer-employee relations between specific employers to specific employees.
- C. The following services:
 - Amniocentesis examination for women aged 35 years or older at the beginning of the pregnancy;
 - Immunizations against: tetanus, hydrophobia and diphtheria;
 - Mantoux-test examinations and lung e-rays;
 - Wheelchairs and walkers.

- D. All services included in the *National Health Insurance Order (Medications in the Health Services Basket)* 5755-1995;
- E. All services included in Regulations 2 and 5 of the *Parallel Tax Regulations (Health Services at the Work Place)* 5733-1973, (while changing the words "the HMO" with the words "the health insurer").

In addition, foreign workers are also entitled to some of three benefits provided by the *National Insurance Law (Consolidated Version)*: work injuries, company liquidation or bankruptcy of the employer, maternal insurance and in some cases child insurance.

Article 13 and 14 - The right to education

Question 32

Please indicate the reasons why the dropout rate is systematically higher in Arab education compared to Hebrew education, especially in Grade 9, as illustrated in table 40 of paragraph 566 of the periodic report. Please indicate which measures have been taken to address this issue.

Reply:

Regretfully, Arab youth, in some cases, as is the case in other population groups, rather leave the school system and try to assist in the family's income, due to the economic situation in their families.

The Department for Regular School Visit is in charge on the implementation of the *Compulsory Education Law 5709-1949* (the "*Compulsory Education Law*", by preventing Dropout cases and reinstating pupils that dropped out of the school system (kindergartens to 12th Grade). The Department's goal is to escort each pupil until the finish line and assist him/her in order that ever pupil will finish his/her education and integrate in the society and the labor market.

The Department officers report cases of pupils at risk of dropping out and dropout cases to the relevant authorities, and assist in reinstating them into the education system together with all the necessary professional assistance. The officers see to it that a professional team in the relevant school and locality will treat every child at risk. The

officers supervise every pupil and child under their care until their full return to the school system

Hereinafter are several steps taken to reduce the rate of the dropout in the Arab population and the gaps compared to the dropout rate in the Jewish population:

Different Learning Space Program (MELA Program) – is intended to prevent both hidden and clear dropout cases. The program provides children at risk of dropping out learning frames at the school on every day of the week together with a feeling of care, concern and friendship.

The pupil leaves his/her regular class according to his/her personally determined schedule which was designed according to his/her specific needs.

The pupil is accompanied with a specifically designated teacher in order to increase to attachment and the will for a change. The staff assists the pupil in feeling welcomed at school, and conducts a dialog regarding the pupil's anxieties, feelings and emotions which prevent him/her from maximizing their full potential, overcome difficulties and gradually to return to full studies at the regular class.

Assistive Preventive Interference Program (MENA Program) – this program is intended to promote the social abilities of the pupil in fields that are not regularly being taught at school such as art, movement, sport, creativity etc. In addition the pupils receive further tutoring in mathematics, English and reading while acquiring learning abilities, dealing with tests anxiety etc. and the program is operated in intermediate and high schools. This program adds an additional layer of self esteem and enriches pupils who have learning difficulties and those who are on the verge of dropping out of school.

Leverage For Life by Student Teachers (MENIFA Program) – this program is intended to prevent dropping out of school on the one hand and reinstating to classes of pupils who have already dropped out of the system for feeling of alienation, distrust between them and their parents and the education system etc. This Program is intended for pupils in the ages of 15-18 and operates with a holistic approach which deals with emotional aspects, learning abilities, education assistance, treatments and educational aspects and self identity. After locating pupils at risk they join a special group that receives 90 hours of intensive education and preparation for matriculation exams, together with seminars

on life skills and other workshops. This program is also used to educate new teachers in dealing with pupils at risk of dropping out of school.

Youth and family clubs – this educational framework provides several aspects of home for the pupils' whose parents have difficulties raising their children, but without disconnecting the child from his/her family. This program is intended to children at risk who suffer from neglect, parents with law ability to treat their children and with emotional and behavior difficulties. The program operates as a family model, and greatly develops the children' physical, emotional, educational and social aspect on both as individuals and as a group.

Question 33

Please indicate measures taken to address the serious shortage of classrooms in schools for Arab Israeli children.

Reply:

Following a Government Resolution of 2007, a five year plan for the establishment of 8,000 classrooms for all populations was formed. Out of these planned 8,000 classrooms, 39% - 3,120 were designed for the Arab population. Between 2007 and 2011, the budget for the establishment of 6,860 classrooms was allocated. 2,769 of these classrooms were built for the Arab population, which constitutes 40.2% of the classes that were built so far. In addition, between 2007 and 2010, the natural growth of the Arab population was of 1,793 standard classes, which means that the State has built 532 classrooms beyond the natural growth of this population. This investment in additional classes and in future education possibilities indicates the State's strong will to act in order to reduce the gaps between the various populations.

In a recent decision dated February 6, 2011, the High Court of Justice accepted a petition against the Ministry of Education requiring the Ministry to implement the right to education for children in the eastern neighborhoods of Jerusalem. The petitioners argued that many children in the eastern neighborhoods of Jerusalem do not attend compulsory education because there are not enough classrooms in the city's schools, therefore the school system can not accept them and they have to either pay for private education or quit school.

The Court, by a majority vote, stated that the right for education is a clear derivative of the constitutional right for human dignity, as inscribed in the *Basic Law: Human Liberty and Dignity* (1992). Thus, every child holds the right to receive free compulsory education in equality with all the children who reside elsewhere in Israel, according to *Compulsory Education Law*.

Accordingly, the Court ordered the Ministry of Education to establish adequate infrastructures in order to enable the city's official education system to absorb all of the children residing in the eastern neighborhoods of Jerusalem who are entitled for free compulsory education. The Court stated that the Ministry of Education will be required to achieve this goal within a period of five years. Moreover, the Court stated until such time that the Ministry will not be able to provide full official free compulsory education, it will be obligated to provide, when necessary, financial coverage for alternative educational frameworks, as an interim solution protecting the children right for free compulsory education (*H.C.J. 5373/08 Ismaeel Ibrahim abu Lavda et. al. v. The Minister of Education et. al.* (6.2.11)).

In its decision dated February 6, 2011, the High Court of Justice accepted a petition against the Ministry of Education requiring the Ministry to implement the right to education for children from the eastern neighborhoods of Jerusalem. The petitioners argued that many children in the eastern neighborhoods of Jerusalem do not attend compulsory education because there are not enough classrooms in the town's schools, therefore the school can not accept them and they have to either pay for private education or dropout of school.

The Court, by a majority vote, stated that the right for education is a clear derivative of the constitutional right for human dignity, which is legislated in the *Basic Law: Human Liberty and Dignity* (1992). Thus, every child holds the right to receive free compulsory education in equality with all the children who permanently reside in Israel, according to *Compulsory Education Law 5709-1949*.

Respectively, the Court obliged the Ministry of Education to establish adequate infrastructures in order to enable the city's official education to absorb all of the children from the eastern neighborhoods of Jerusalem who are entitled for free compulsory education. The Court stated that the Ministry of Education will achieve this

goal in a period of five years. Moreover, the Court stated that until such time as the Ministry will provide full official free compulsory education, it must provide, when necessary, finance coverage for alternative educational frameworks, as an interim solution protecting the childrens' right for free compulsory education.

Question 34

Please provide information on the provision of human rights education throughout the school system at all levels.

Reply:

Human Rights Education

The Ministry of Education attaches great importance to human rights education and to raising awareness to human rights in general. The Ministry has on its website a special page titled "Pupil's Rights" that presents the Convention on the Rights of the Child (CRC), the Optional Protocol regarding Involvement of Children in Armed Conflict (CRC-OP-AC) and the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The CRC Convention is published on the Ministry's website in over 55 languages, in addition to child-friendly versions published in 11 languages. In addition the Ministry has on its website other human rights treaties such as the Convention on the Rights of Persons with Disabilities, the International Convention on Civil and Political Rights and others.

In 2011, the Ministry of Education drafted a child-Friendly version of the CRC, which was distributed to every school in the system, as part of an educational commitment to the rights anchored in the Convention by the Ministry of Education. The pupils that took part in this project established, along with UNICEF-Israel, youth groups titled "Rights Trustees", aimed at informing the public of the rights enclosed in the Convention and aimed at implementing its provisions in wider aspects of their lives.

All of the Human Rights Conventions and Protocols Israel is a party to can be found on the web site of the Ministry of Justice in Hebrew, English, and Arabic. Also, the full body of work with the Human Rights Bodies – reports, list of issues, replies, concluding observations etc., can also be found on the web site of the Ministry of Justice.

Educational programs concerning human rights issues are routinely conducted throughout the country. Israel has developed special programs such as an annual "Human Rights Day." Each year, "Human Rights Day" is dedicated to a different aspect of human rights, and a relevant curriculum and teaching material is developed in both Arabic and Hebrew. In 2007, for example, emphasis was placed on the right to enjoy the highest attainable standard of health. In 2009, the chosen topic was "From Vision to Reality," which focused on the Universal Declaration of Human Rights and the challenges in implementing human rights in Israel and in other countries around the world. In 2010, the chosen topic was freedom of speech, which focused on achieving self-realization through freedom of speech, the various kinds of expression, freedom of speech as an essential part of a democratic regime, limitations imposed on freedom of speech, and the challenges in its implementation in Israel and in other countries around the world.

An additional program developed by the Ministry of Education is titled "Sachten", targeting pupils throughout Israel, of all religions, aimed at best notifying the pupils of the rights enshrined in the Convention as part of civil leadership in the community. The pupils participating in this program presented their work in the International Peace Day in the French Parliament in 2010.

The Ministry of Education routinely operates Gender Equality programs of 20 to 28 two-hour sessions within the education system (these programs are also conducted to teachers (a 30 to 60 hour programs) and in colleges and universities (112 hour program). In 2008 a special module was incorporated in these programs, which includes two sessions regarding issues such as: empowerment of girls, trafficking in women, human dignity and gender equality, gender and politics and active citizenship. In 2008, over 4,000 pupils and 250 teachers from all over the country participated in these programs. In 2009, 1,140 groups of 24,154 pupils (59% of the Arab population) and 1,717 teachers participated in these programs. In 2010, 1,997 groups of 26,857 pupils (28.5% of the Arab population) and 1,653 teachers participated in these Gender equality programs, and in 2011, 988 groups of 28,627 (52.8% of the Arab population) pupils and 1,529 teachers participated in these programs. These sessions also include activities with the pupils' parents.

The Gender Equality in Education Department in the Ministry of Education routinely

operates workshops and seminars for pupils and staff. In 2009, the Department operated a program titled "Gender and Human Dignity" by conducting weekly 20 hours seminars, one-day seminars, conferences, and training with a total budget of 184,000 NIS (U.S. \$47,750). In 2010, the total budget for this program increased to 203,000 NIS (U.S. \$55,000).

The 2010-2011 total annual budget according to the work plan of the Gender Equality Department in the Ministry of Education stood at 4,140,000 NIS (1,132,385 USD). Among the activities: seminars (440,000 NIS), training days (580,000 NIS), different projects (2,070,000 NIS), national conference (900,000 NIS) etc. Currently the budget request for the 2011-2012 school year stands at 1,865,000 NIS (511,000 USD).

The Department also operated a program titled "Prevention of Trafficking in Women and Prostitution" for pupils and teachers, that included development of lessons plans, conducting conferences and workshops etc., with a total budget of 206,000 (U.S. \$55,700).

Since 2005, the Ministry of Foreign Affairs, in cooperation with several NGOs and the office of the United Nations Special Coordinator for the Middle East Peace Process, has sponsored the simulation program "Israel Model United Nations" (IMUN), with the participation of numerous Jerusalem based high-schools from all parts of the city and all segments of society. The project strives to expose participants to the United Nations' activities, instilling awareness of the major challenges confronting the global arena, whilst inculcating a spirit of tolerance and inter-cultural dialogue. Forming part of the well-established Model United Nations program that operates extensively throughout the world, the program goes some way towards improving the image of the United Nations in Israel. With several new initiatives to expand Model United Nations activities to Israeli institutes of higher learning in 2009/10, the IMUN program holds the promise of becoming an important facet of educational dialogue in Israel.

In 2006, the Chief Supervisor for Society and Youth on the Implementation of the Pupils Rights Law published the booklet "In the Path of Rights," which focuses on teaching human rights to pupils of all ages. The booklet contains important information regarding the Convention on the Rights of the Child, and activities and educational programs regarding the various rights, tolerance, accepting the other etc. During some of the

educational programs described in the booklet, the pupils learn about Human Rights, especially the CRC and relevant articles of the CRC are read followed by an explanation and discussion to be held in the classroom.

The Administration for Society and Youth has in recent years created several educational programs regarding democracy, tolerance and co-existence, and human rights education, which are intended, *inter alia*, to provide knowledge and tools in these fields and combat all forms of discrimination. The following are some of the main programs:

- **International Humanitarian Law.** This program, intended for pupils in the 7th to 12th grades, exposes the pupils to the importance of International Humanitarian Law, the ways in which this law is formulated and the methods of enforcement. The program provides the pupils with a wide perspective and tools to understand current events in the international arena, emphasizes the importance of humanitarian acts, and encourages the individual to be involved and show support for others. The program was developed in cooperation with the International Committee of the Red Cross (ICRC) and is currently being run in a number of schools.
- **The right to respect and the obligation to respect others** – This program is intended for various educational frameworks and consists of three parts. The first part raises issues of personal respect and dignity, and in particular addresses the right of an individual to respect and the duty to respect others. Part two deals with issues of social and group behavior aimed at ensuring the right to respect and preserving the dignity of members of the group. Part three deals with rights in the public sphere and as part of a group - a person's right to respect and dignity, to privacy, to enjoy a good reputation, and to avoid being humiliated.
- **Human and citizens rights** – in this part of the educational curriculum the pupils are examining the value of human dignity as a source for all human rights and are taught of the relations between duties and rights. In order to clarify this matter the teachers are assisted by the UN declaration of human rights and other human rights charters such as the American and French human rights charters. The pupils are also taught about natural rights (life, security, right to property, due process, liberty, equality, respect etc., civil and political rights such as the right to elect and be

elected, freedom of association, protest etc. cultural rights of various population groups and more.

In addition, the pupils learn about the different rights content, the rights purpose, limitation and exceptions and the linkage between rights and individual duties in a democratic society. Moreover, the pupils learn to analyze current events from human rights' perspective and understanding the balance between those rights to other public interests.

In addition, there are supplementary educational programs which are operated by the Ministry of Education or various human rights NGOs (as approved by the Ministry) both for teachers and pupils. These programs are designed for all ages (kindergartens, elementary school and high schools), for all educational systems (national, state religious, Arabic and Druze) and for all pupils (new immigrants, special education etc) by adjusting it when required.

Question 35

Please provide statistics on the number of children with disabilities attending primary school, secondary school and high school.

Reply:

Children with disabilities who are attending school are divided to three educational facilities: Special education schools, Special education classrooms placed in regular schools and regular classrooms.

As of 2011, 129,269 children with disabilities are placed in the various educational facilities mentioned. 23,291 children with disabilities attend special education schools, 32,593 study in special education classrooms within regular schools and 73,385 children with disabilities have been integrated in regular classrooms in the regular school system.

The following table contains data regarding the number of children with disabilities attending primary school, secondary school and high school.

Table 11: Number of Children with Disabilities and Classrooms in the Education System, 2011

	Elementary School	Secondary School	High School	Total	Percentage
Children with disabilities in special education schools	8,934	8,470	5,887	23,291	18%
Children with disabilities in special education classrooms in regular schools	19,994	10,821	1,778	32,593	25%
Children with disabilities integrated in regular classrooms in regular schools	51,582	16,335	5,468	73,385	57%
Total	80,510	35,626	13,133	129,269	100%

Source: Special Education Department, Ministry of Education, September 2011.

Question 36

Please indicate the measures taken to ensure the right to education for Palestinian children living in the Occupied Palestinian Territories. Please also indicate the measures taken to address serious violations thereof, including attacks by the Israeli military and settlers on school children and educational facilities.

Reply:

Please see Israel's response to Question 2, above.

Article 15- Cultural rights

Question 37

Please provide information as to whether the Arabic language is systematically used, in addition to Hebrew, in public administration at the local and national level, in the court system, as well as with regard to road signs.

Reply:

The Status of the Arabic Language

As mentioned in Israel's Third Periodic Report, on March 21, 2007, the Knesset approved the *High Institute for the Arabic Language Law 5767-2007*, according to

which, the Arabic Language Academy was established (in December 2007). Among its functions, the Arabic Language Academy is charged with researching the Arabic language and its cultural and historic sources, and promoting the study of terminology, grammar, vocabulary, pronunciation and transcription. The Academy also addresses linguistic innovation and the adaptation of the Arabic language to the modern, computerized reality. According to the Law, the Institution's activities are to be financed by State budget.

Arabic Language Education

Arabic is one of the core subjects in the Israeli education system and it is obligatory between the 7th and the 10th grades. In recent years there has been a significant increase in the number of pupils who are taking the matriculation exam in Arabic (five study units). In 2009-10 school year 2,187 pupils took this exam compared to 1,516 pupils who took the exam in 2008-09 school year. In recent years there has also been an increase in the number of elementary schools that teach Arabic. Currently there are 140 elementary schools in which Arabic is being taught as an elective course.

In light of the growing demand for the teaching of Arabic from high schools pupils, elementary schools principals and heads of local authorities, in August 2010, the Ministry of Education decided to expand the number of Arabic (including the Arab world and Islam) teaching hours in high schools by 2,300 hours. In addition, it was decided that Arabic will be an obligatory subject in the 5th grade in Haifa and the northern district – in which the rate of the mixed population is high in comparison to other districts. The Ministry of Education intends to gradually expand this decision to additional districts.

For this purpose Arabic teachers are hired by the Ministry and are trained to teach Arabic as a second language (and not as a native tongue).

In Director General Circular No. 5769-8(a) (April 1, 2009), the Director General of the Ministry of Education noted that the core education program is the educational common denominator for all pupils in the Israeli education system. This core program which was detailed in the circular included the Arabic language.

The Department for Arabic Culture in the Ministry of Culture and Sport

The object of the Department is to promote and develop Arab culture while preserving its cultural and ethnic uniqueness. The Department achieves its aims by encouraging and financing many activities, events and projects. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc.

The Ministry of Interior regularly distributes professional guidance materials in Arabic for the use of the Arab population. For example, the last guide that was published was a guide for persons who were publicly elected in local authorities, including new elected members. Currently, the Ministry of Interior is working on adding various useful contents in Arabic to the Ministry's website.

The Judiciary

The Courts Administration is assisted by translators for translation of hearings. The Courts Administration may use the translation services at any time and for a verity of languages; The translation services are available throughout Israel, even right before holidays and the day of Shabbat. Naturally, translation for the Arabic language is the most common translation requested by the courts.

For the last two years, the Courts Administration has been working towards improvement of the level of translation service. This process includes seminars and vocational training in order to improve the professional level of the translators by knowing the judicial language and legal terms in the Arabic language. Moreover, a guidance team has been established recently with the participation of judges, aimed at locating additional needs and recommending on processes to promote the level of translation in the courts.

In addition, the Courts Administration Director ordered on the establishment of a think-tank which will submit a comprehensive report regarding the present situation together with recommendations on implementing language accessibility in general and in the translation area specifically. The report findings are as follows:

- Documents which are produced by the "Net Hamishpat" system- the system contains 4,000 forms types, some of which are translated into Arabic.

- Information brochures - these days, most of the information is published on the internet, and some of it is translated to Arabic. In addition, information brochures concerning crime victims are published in hard copies annually, both in Hebrew and Arabic and are available at the courts' secretariats.
- Signposts and guidance – in approximately 90% of the courts there are signposts both in Hebrew and Arabic.
- Information call center - the center provide information concerning court cases are manned with service personnel who speak both Hebrew and Arabic.

Road Signs

The Ministry of Transportation and Road Safety performed a comprehensive survey in order to establish clear and uniform rules regarding the text which is to appear on road signposts. For the drivers' convenience, locals and foreigners alike, the text on the signposts appears in Hebrew, Arabic and English. In addition, according to the professional approach, and in order to improve drivers' orientation and to assure road safety, the text appears in a clear language and using standard spelling.

In July 2009, the Ministry of Transportation and Road Safety issued an updated draft list, which includes the names of all of the destinations which are indicated on Israel's roads. The draft contains approximately 2,500 names of cities, localities, crossroads, intersections, and geographic and historical locations in Israel, and was edited by the Governmental Names Committee in the Prime Minister's Office, in accordance with the transcription rules of the Academy of the Hebrew Language. The draft is currently being examined thoroughly by the Ministry of Transportation and Road Safety, as well as other Governmental Ministries, and in this framework, claims regarding the Arabic transcriptions are also being addressed

Public Tenders

A 2000 amendment to the *Second Authority for Television and Radio Law*, established a requirement to broadcast programs in Arabic and Russian, through speech or translation. The required figure is a 5% minimum of the total broadcasts for each language (Section 4 of the first addendum).

The Attorney General has directed all legal advisors in the Civil Service that public tenders are to be published in both an Arabic language newspaper and a Hebrew one, as well as to be made available on the internet (17.06.1999). The Directive stresses that it is prohibited to distinguish between public tenders according to their relevance to the Arab population. Furthermore, the duty to translate the public tenders into Arabic is the Government's duty.

Local Authorities

As mentioned in Israel's Third Periodic Report, H.C.J. 4112/99 *Adalah v. Municipality of Tel Aviv et. al.* (25.7.2002) addressed the duty of municipalities in which Arabs reside, to use the Arabic language along with Hebrew in all municipal signs. The Supreme Court determined that two principles are important in this context: the protection of the individual's right to a language, and the right to equality. This is due to the fact that the language comprises part of the individual's personality and the instrument through which he/she thinks and communicates with others. The Supreme Court stipulated that: "Indeed language plays a major role in human existence for both the individual, and for society. Using language we express ourselves, our individuality and our social identity. Take away a person's language and you have taken away his essence". The Court further stated that a language receives special importance when it is the language of the minority. The Supreme Court stressed the status of equality as one of Israel's fundamental values, according to which rights for language and equal use of municipality's services are to be assured, due to the duty to maintain equality among residents of the State.

The Court ordered the immediate use of Arabic in all new signs or instances where old signs are replaced. In major roads or public institutions, and side streets in districts with a significant Arabic-speaking population, signs must be altered within two years. Finally, regarding remaining signs, the Court required a change within four years from the date of the judgment.

The obligation of local authorities to use the Arabic language is also anchored in the municipal bylaws.

Official Documents

On January 7, 2009 the Supreme Court handed down its decision in a petition submitted by the Association of Defense for Children International (DCI) (Israel) against the National Insurance Institute (NII). The DCI requested the translation of the NII forms to Arabic, so as to enable the population of the eastern neighborhoods of Jerusalem to submit forms to the NII in Arabic, and to order the NII to send letters and notices to the population of the eastern neighborhoods of Jerusalem in Arabic.

The purpose of this petition was to allow the residents of the eastern neighborhoods of Jerusalem access to the social rights granted by the NII, as most of the residents of the eastern neighborhoods of Jerusalem are not fluent in Hebrew. The petition was submitted in 2001, and the NII undertook upon itself to translate all of its forms. However, this commitment was not fulfilled, and in May 2007, the Court issued a temporary injunction order. In July 2008, the Court criticized the NII and ruled that the NII must present, within 90 days, a concrete plan of action to translate the forms, together with a detailed schedule. On December 1, 2008, a schedule to translate the forms was presented to the Court. Furthermore, the NII confirmed that they accept forms submitted in Arabic. Thus, the Court issued an absolute order according to which the NII should complete the translation of the forms to Arabic, and accept forms in Arabic submitted to it. However, the Court held that the petition to send letters and notices in Arabic would not be granted, due to the fact that translators are available in the offices of the NII for clarifications. (*H.C.J. 2203/01 The Association of Defense for Children International (DCI) v. The National Insurance Institute (07.01.2009)*)

On March 13, 2008, the Haifa District Court, residing as a Water Tribunal, rejected an appeal which was filed in regard to financial water producing charges imposed by the Governmental Authority for Water and Sewage. The appellants claimed that since the notification regarding the changes in the calculation method and the manner in which one could oppose these changes, was only published by the Authority in Hebrew, they were unable to contest the charges. The appellants therefore claimed that since there was no similar publication released in Arabic, the Arab population was discriminated against in this regard.

The Court noted that the *Water Law* and its Regulations establish the right to a hearing for water producers and consumers, but there is no operative duty of publication or requirement regarding the language of publication. Thus, since the legislator chose not to

specify such obligations, it cannot be ruled that the Law includes a duty to publish the abovementioned notification in Arabic. Moreover, the Court stated that it cannot be held that the Authority's actions were unreasonable, and there is therefore no justification to cancel the financial charges imposed on the appellants. However, the Court held that since the Arabic language enjoys official status in Israel, the publication of such notifications in Arabic would render it easier for Arab water producers to contest the notification. The Court therefore advised that henceforth, publication should also be released in Arabic, although the Law does not oblige the regulators to do so, and the regulators should consider distributing notifications in Arabic among the regional bureaus of the Ministry of Agriculture and Rural Development (*A.C. 111/01 Hajj Ali Brothers et. al. v. The Governmental Authority for Water and Sewage* (13.3.08)).

On September 19, 2007, the Jerusalem Magistrate Court, residing as the Transportation Tribunal, decided to acquit a defendant whose hearing, at which he had been deprived of his driving license for 20 days, was flawed. The defendant, who was born in the West Bank and is a permanent resident of Israel, speaks Arabic and cannot speak or read well in Hebrew. Yet, his hearing was conducted in Hebrew alone, and he was unable to understand the content of the hearing or to contest the decision. The Court noted that a hearing should be conducted in the driver's language, by an officer who speaks that language or by way of an interpreter. Thus, the hearing of matters involving drivers of the Arab population, who do not understand Hebrew, should be conducted in Arabic, in order to prevent the miscarriage of justice. The Court reasoned that the recognition of Arabic as an official language in Israel was primarily intended to guarantee equality to the Arab population (*S.T.C. 759/05 The State of Israel v. Abu Zaida Ahmad* (19.9.07)).

Question 38

Please indicate how the State party effectively guarantees the preservation of non-Jewish holy sites and their protection from desecration, as well as peaceful access to these sites by their respective local and international religious communities.

Reply:

Free Access and Protection of Holy Places

Legislation

The Israeli Law grants freedom of worship and ensures the safekeeping of and access to holy places to members of all faiths. Some holy sites are guarded by the Police in order to protect public order in these sensitive places.

The *Protection of Holy Places Law 5727-1967* (the "*Protection of Holy Places Law*") prohibits desecration of holy sites and ensures their protection and preservation from any violation and from the violation of the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places. The Law further determines that the desecration or otherwise violation of a Holy Place, shall be liable with a seven years imprisonment . Moreover, any act likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places shall be liable to five years imprisonment .

According to the Law, the Minister of Religious Affairs is charged with its implementation, and he/she may, after consultation with, or upon the proposal of, representatives of the religions concerned and with the consent of the Minister of Justice, make regulations as to any matter relating to the implementation.

The Law does not include any distinction between holy places according to their religious affiliation.

Furthermore, Section 170 of the *Panel Law 5737-1977* (hereinafter: the "*Panel Law*"), stipulates that the demolition, damaging or desecration of a holy place, or any object sacred to members of a religion, intentionally or knowingly aimed at insulting their religion, is liable to five years imprisonment . Section 171 of the *Panel Law* stipulates that the intentional interruption of members a religion, assembled to practice their religion, is liable to three years imprisonment.

The Protection Granted

In accordance with the law, the State of Israel ensures protection and preservation of all holy sites, without any discrimination.

In general, holy sites are managed by the religious communities responsible for the sites. Visit arrangements are also set by the relevant religious community. The State of Israel respects the Christian community's possession of its holy sites and does not interfere in

any way with the holy places management. The State of Israel also respects the Waqf's⁴ management of Haram Ash-Sharif (the Temple Mount area), the third most holy place according to the Islam, and the Waqf's management over other properties and holy sites. In addition, the State of Israel respects all other religious communities' management over holy sites and enables their members' free access to their respective sacred places.

Moreover, the State of Israel preserves holy sites, historical holy structures and archeological sites, in order to maintain the religious and archeological value of those places.

The Israeli Police usually allows free access to holy places. Occasionally, the Police forces limit the access to holy places in order to protect the sites and maintain public order. According to the Police, certain holy places are characterized with constant security issues and high level of risk to the public peace and order (for instance, if a holy site is sacred to several religions or if the Police receive concrete information regarding an intention to harm a holy place). In these cases, the Police secure the place or reinforce the forces that already secure the holy site, in order to safeguard public order and allow the public to practice its faith.

In addition, the Police operates a special unit in the city of Jerusalem which constantly secures the three most holy sites in the city- Temple Mount, the Western Wall and the Church of the Holy Sepulchre. The special unit consists of 160 police officers who guard the sites 24 hours a day. The unit's responsibility is to enable free and peaceful access to the three holy sites in order to allow the worshipers to perform their religious rituals and enjoy freedom of religion. At times of special events or extraordinary security situations, the unit is reinforced with additional officers. Furthermore, in special holidays, including the Ramadan month, the Holy Fire and some Jewish holidays, when hundreds of worshipers visit the holy sites in Jerusalem, the Police makes great efforts to enable the visitors a safe and peaceful access to the sites by special traffic and security arrangements.

Moreover, the Department for Non-Jewish Communities in the Ministry of Interior is responsible for the management of the "Candle" (the site of "The Last Supper"). The Department ensures free access to the site and security arrangements during visiting

⁴ The Waqf is an inalienable religious endowment in Islamic law, denoting a building or plot of land for Muslim religious or charitable purposes. The donated assets are held by a charitable trust.

hours. At the Holy Fire ceremony, the Department, in cooperation with the Police and the Christian church representatives is making all the necessary arrangements, including security, cease-fire issues and photography, allocating special budget for the event. The Department also regularly conducts discussions with representatives of the different religions on the preparations and arrangements for religious events, in order to allow accessibility to the holy sites to all religious communities interested and ensure their freedom of religion.

In addition, the Ministry of Interior's officials provide religious services in mosques and are also responsible for the maintenance and preservation of the places.

The Ministry of Interior also grants financial support for religious non-profit organizations for the development and preservation of holy sites.

Budgeting of Religious Services and Religious Institutions

According to a coalition agreement signed in April 2006, it was decided that authorization of a budget of 85 Million NIS (U.S. \$22,972,973) would be provided for Jewish religious services in the years 2006-2007. However, in order to avoid inequity in allocating budgets for the development of religious structures and institutions of other religions, the Ministry of Interior respectively allocated the required amount for religious services for the minority populations.

The 2009 budget for religious services for the Jewish population was 329.2 Million NIS (U.S. \$88,972,973), and the budget for Jewish religious institutions was 113 Million NIS (U.S. \$30,540,541), of which 107.8 Million NIS (U.S. \$29,135,135) was in the form of cash and 5.2 Million NIS (U.S. \$1,405,405) was in the form of an authorization for budgetary obligations.

The 2009 budget for religious services and religious institutions for the Arab population was 55 Million NIS (U.S. \$14,864,865), of which 48 Million NIS (U.S. \$12,972,973) took the form of cash and 7 Million NIS (U.S. \$1,891,892) was in the form of an authorization for budgetary obligations. The cash budget was divided between religious services (which received 35 Million NIS (U.S. \$9,459,459)) and the development of religious institutions including holy places and cemeteries. Note that the

abovementioned 7 Million NIS (U.S. \$1,891,892) was intended for the development of religious structures and institutions, including holy places and cemeteries.

The 2010 budget for religious services and religious institutions for the minority population is 47 Million NIS (\$12.7 Million), of which 41 Million NIS (\$11,081,081) in cash and 6 Million NIS (\$1.621 Million) as an authorization for budgetary obligations. The cash budget is divided to religious services (39 Million NIS) and development of religious institutions including holy places and cemeteries (2 Million NIS). Note that the abovementioned 7 Million NIS is intended for obligations concerning the development of religious structures and institutions including holy places and cemeteries.

As noted above, the State also allocates part of its budget to non-Jewish religions; however there are religious congregations that refuse to accept funds from the State on the basis of principle and ideological grounds.

Free Access and Protection of Holy Places

In February 2000, pursuant to a Government Resolution, a special committee was established in order to investigate the conditions of Arab holy sites. The Committee included representatives from the Ministries of Religious Affairs and of National Infrastructure, the Israel Lands Administration, as well as a representative of the Regional Committee for Arab Local Councils. Responsibility was conferred on the Committee to prepare a program to deal with the issue of non-Jewish holy sites and to prepare a list of these places, and a schedule of priorities for implementing the program.

On November 21, 2004, 'Adalah' – the Legal Center for Arab Minority Rights in Israel, petitioned the Supreme Court and asked that the Court issue an order to compel the Minister of Religious Affairs to issue regulations for the protection of Muslim holy sites in Israel in accordance with the Law. The Supreme Court determined that such regulations are not a necessary condition in order to ensure respect for and the guarding of holy places. The State's representative announced that in order to guard Muslim holy places, it was decided to allocate, in the framework of the state budget, a sum of 2 Million NIS (U.S. \$540,541) per year for the treatment and reconstruction of such places. Moreover, a list of priorities was to be prepared by an inter-ministerial team, which will consider the position of Muslim representatives. Therefore, the Supreme Court decided to dismiss the petition, subject to the State's commitment to act for the

establishment of procedures for the caretaking of Muslim holy places (*H.C.J. 10532/04 Adalah – The Legal Center for Arab Minority Rights in Israel et al v. The Prime Minister et al*).

Nevertheless, on the basis of the work of the abovementioned committee and of the work of another inter-ministerial Committee, which was established following the petition, a program was prepared for the appropriate treatment, in terms of budget and planning, of the relevant holy sites. Furthermore, following the work of the Committee, a special budget was to be allocated for the restoration of Arab holy sites, the list of which is currently being drafted.

In addition, following the Court's ruling, the preservation of the Muslim holy sites is done in close cooperation with the Muslim representatives which are responsible for the sites. The State officials take a great consideration of the Muslim representatives' views before taking any action regarding their holy sites. In this regard, it was agreed that the senior Muslim representative will transfer an annual report concerning the maintenance of the cemeteries in Jerusalem and Be'er Sheva. In 2011, the Mamila cemetery in Jerusalem has been thoroughly cleaned. The Be'er Sheva cemetery will also be cleaned after the Ramadan month and the repair of the cemetery fence is being promoted.

The Israel Land Administration (ILA) has conducted several preservation works in Muslim holy sites, including evacuation of intruders, cleaning works, signs placing and fencing. In addition, the ILA has contracted with the Conservation Department of the Israel Antiquities Authority, in order to conduct an updated survey on the conservation of ancient Mosques. Conservation works are also taking place in the Mosques of El-Basa, Hittin and Hamat Gader.

Question 39

Please provide information on measures taken to guarantee the protection of the cultural heritage of the various population groups in the State party. Please also provide information on how the cultural heritage is reflected in the school curriculum as well as in the cultural events and activities in the State party.

Reply:

The Government of Israel has turned its attention to developing proactive policies aimed at encouraging the development of cultural heritage of the various population group in Israel, enhancing diversity, and preserving ethnic traditions and cultures.

Jewish Heritage

In addition to the various state's initiatives regarding the promotion of Jewish Heritage mentioned in Israel's Third Periodic Report, on July 9, 2008, the Knesset enacted the *Sigd National Holiday Law 5768-2008*, which will be celebrated every year on the 29th of the Hebrew month of Cheshvan. The Sigd is a traditional Ethiopian fast day, dedicated to prayers for the rebuilding of the Temple and to the giving of thanks for the right to return to the Holy Land. The fasting ends mid-day with a festive meal. The Ethiopian community in Israel celebrates the holiday by holding a mass ceremony on Mount Zion in Jerusalem, followed by a procession to the Western Wall. In recent years, the ceremony has been held at Jerusalem's Armon Hanatziv Promenade.

Arab Heritage and Culture

Please also see Israel's reply to Question 37, above.

The Ministry of Culture and Sport accords high priority to the promotion of cultural activities among the Arab population, both as creators and as consumers of culture; and to the promotion of qualitative art by Arab artists. The aims of the Cultural Administration within the Ministry include, among others:

- To encourage the consumption of art and culture while ensuring the exposure and accessibility of the entire population of Israel to these elements.
- To nurture pluralism and multicultural dialogue.
- To nurture and express the culture of Israeli communities and the different segments of Israel's population.

The budget for cultural activities is allocated according to a policy which emphasizes the promotion of qualitative and professional cultural activities, and includes all Israeli citizens in the process of the formation of culture making. The budget is divided between all eligible cultural bodies in accordance with relevant eligibility tests.

The eligibility tests are open to all cultural institutions in Israel, without discrimination based on language, geographic location, the identity of the artists or the identity of the organs receiving the support. This fact is specifically mentioned in the eligibility tests conducted by the Ministry.

All of Israel's cultural institutions are open to every Israeli citizen, regardless of his/her ethnicity or religion. All Israeli citizens are welcomed to enjoy the activities conducted by these institutions and to take an active part in their activities. The list of cultural institutions and persons that receive governmental support includes numerous figures that operate within the Arab population, authors who write in Arabic and institutions that are identified with the Arab population. For example:

- The theaters "Al- Midan" and "Beit Hagefen";
- "The Museum for Islamic Art" and the "Daroma" association which operate the "Museum for Bedouin Culture" in the Negev.
- Many festivals for the Arab population receive support under the Festival Regulation, including the "Abu- Ghosh" festival and the "Masrahid" festival in Acre;
- The "Al- Zitoon" association receives support for the conservation of the "Sisters of Nazareth Convent";
- The "Association for Promotion and Cultivation of Arab Music";
- The Nazareth Cinemateque "Alsana";
- The Israeli Center for Libraries operates special enterprises for Arabic literature and children's literature in Arabic in the Arab community. Dozens of public libraries for the Arab population receive a large portion of their funding from the Administration;
- In addition, these institutions, among many others, have received funds for renovations. Additionally, institutions that were damaged during operation "Cast Lead" received special funding for renovations.

Furthermore, the aforementioned eligibility tests establish affirmative action

mechanisms, including: preference which is afforded to works written in Arabic (under the theater and literature eligibility tests), and a preference which is afforded to artworks that address issues concerning the Arab population and which contribute to the multicultural dialogue (under the music and cinema eligibility tests) among others. Nearly all the eligibility tests (excluding two) are intended to promote cultural institutions belonging to the Arab population.

Note that the relevant advisory committees to the Minister of Culture and Sport, who advise on issues concerning the application of the eligibility tests for financial support, all include Arab representatives. In addition, as detailed above, the Administration includes a department which is in charge of the promotion of Arab culture and a department which is in charge of the promotion of Druze and Circassian culture.

There are two eligibility tests for the receipt of financial support, which incorporate affirmative action mechanisms for the benefit of the Arab, Druze and Circassian populations: the eligibility test for the distribution of funds by the Ministry of Culture and Sport to public institutions that promote Arab culture, and the eligibility test for the allocation of funds to public institutions.

The eligibility tests for the receipt of financial support for the promotion of Arab culture were updated and published in 2008, after intensive consultations with the relevant personnel within the Administration and the Attorney General. The aims of these eligibility tests are: (1) to increase the awareness of the Arab population of all forms of artistic and cultural creations and to encourage their participation in the creative process; (2) to encourage the foundation, development and activities of cultural and artistic institutions among the Arab population, which strive to achieve quality, excellence and uniqueness; (3) to preserve, spread, develop and promote cultural and artistic traditions of the Arab population (Section 3 of the eligibility tests for the receipt of financial support of Arab culture).

In 2009, the budget for cultural projects within the community for the general population stood at NIS 7 Million (U.S. \$1.8 Million), while the budget for cultural projects within the Arab and Druze populations stood at NIS 11.9 Million (U.S. \$3.2 Million).

Furthermore, every year, the Ministry of Culture and Sport grants awards in the total amount of 600,000 NIS (USD \$162,162) to artists from the Arab population. These

awards are granted independent of the artists' ability to nominate themselves for the receipt of other awards granted in various cultural fields.

The Department for Arabic Culture in the Ministry of Culture and Sport - The Department is aimed at promoting and developing Arab culture while preserving its cultural and ethnic uniqueness. The Department achieves its aims by encouraging and financing many activities, events and projects. The Department supports Arab writers, theaters, publications, colleges, research centers for the Arabic language etc.

The following table provides data regarding activities that were financed by the Ministry of Culture and Sport.

Table 12 - Activities Financed by the Ministry of Culture and Sport, July 2009

Activity	Description	Cost (NIS)	Cost (U.S. \$)	Notes
Providing financial resources to leading sporting groups in the Arab population	Renovation of sporting facilities and adapting them so as to meet the requirements of the groups and providing proper equipment	1,000,000	270,270	-
Establishment of sport facilities	Building sport yards and playing courts in Arab neighborhoods	4,200,000	1,135,135	-
Sport classes for youth and women	Providing financial resources for sport classes for youth and women in the Arab population	1,000,000	270,270	Assists local authorities to cope with financial difficulties in financing special sporting activities
Professional training	Training professional manpower in several areas of sport among the Arab population	1,750,000	472,973	-
Providing sports scholarships	Allocation of scholarships for students attending teachers training institutions, who in return provide tutoring in schools in Arab localities	500,000	135,135	Providing assistance for students and encouraging them to contribute to their communities
Providing financial	-	400,000	108,108	-

resources for sports tournaments and sports festivals in the Arab population				
Providing financial resources for building sports facilities	Providing financial resources for the renovation of sports facilities in the Arab localities	15,000,000	4,054,054	In addition to the project to renovate sports facilities in the Negev and the Galilee

Source: The Ministry of Culture and Sport, January 2009

Table 13 - Additional Sporting Activities Financed by the Ministry of Culture and Sport Within the Arab Population

Activity	Description	Years	Total allocation	remarks
Building sport yards and combined courts	According to the relevant Government Resolution regarding the building of sport yards in Arab and Bedouin localities in the Negev and the Galilee, an Inter-Ministerial team was established and 18 Million NIS (U.S. \$4,864,865) was allocated to realize this end. During 2008-9, 22 combined sport yards were built and some are still under construction)	2008-9	15.6 Million NIS (U.S. \$4,216,216)	-
Promotion of sports classes	Subsidizing sports classes for women and children in the Arab population	2008	1,000,000 NIS (U.S. \$270,270)	Additional sums are allocated through the "sport basket" each year
Subsidizing courses for training coaches	The physical education college in Wingate institute was chosen following a tender process to train coaches and guides in the Arab population	2009	314,000 NIS (U.S. \$84,865)	So far, 208 coaches and guides were trained in three major sporting fields: swimming, boxing and basketball
Supporting major sport events	Holding big sport events both for the Arab population and joint Arab and Jewish populations, such as women's walks, chess tournaments, horseback riding etc.	2008	1,000,000 NIS (U.S. \$270,270)	Additional sums are allocated through the "sport basket" each year
Holding the Ramadan league	In light of the month of Ramadan, annual tournaments in several areas of sport are held including soccer, women's basketball, volleyball and more. Several tournaments are also held for amateur groups	Every year since 2004	70,000 NIS (U.S. \$18,919)	Over 300 players took part in the last event.

Fitness facilities for the elderly population	Building fitness facilities for the elderly population in public gardens throughout Israel	2008-9	12 Million NIS (U.S. \$3,243,243) of which 1.92 Million NIS (U.S. \$518,919) for the Arab population	So far, 16 out of 100 facilities have been built in Arab localities.
---	--	--------	--	--

Source: The Ministry of Culture and Sport, January 2009

Druze and Circassian Heritage and Culture

As mentioned in Israel's Third Periodic Report, on June 4, 2007, the Knesset enacted the *Druze Cultural Heritage Center Law 5767-2007*, aimed at facilitating the establishment of a Druze Cultural Heritage Center in Israel. According to the Law, the Government is to designate the necessary budget for the establishment, operation and maintenance of the Center. The Center shall include a research institute, a museum and an archive of Druze heritage, culture and history. The Center will develop and promote research activities as well as educational programs, including tours, lectures, conferences and exhibitions geared towards developing, enriching and promoting knowledge relating to the different aspects of the Druze culture, history and heritage.

In addition, the Department for Druze and Circassian Culture in the Ministry of Culture and Sport is aimed at promoting, encouraging and developing the Druze and Circassian culture and folklore while preserving their cultural and ethnic uniqueness. The Department encourages the attainment of excellence by granting two awards for Druze and Circassian artists in the fields of literature, art and research. The Department fosters art and cultural creation in peripheral areas by encouraging cultural activities among the weaker segments of the population. In addition, the Department encourages pluralism and multiculturalism through the promotion of festivals, workshops, etc., in various areas of art, including through holding youth meetings and activities. The Department promotes the exposure of the works of artists and creators of the Druze and Circassian population, promotes the establishment of and subscription to Druze and Circassian theatre and music clubs, and promotes exhibitions by Druze and Circassian artists. The Department also grants financial support to cultural institutions.

Bedouin Heritage and Culture

The Ministry of Education encourages many activities on the Bedouin culture and heritage and allocates teaching days for preserving and development of the Bedouin heritage. In addition, informal activities are conducted as a part of schools' programs on social education and Bedouin heritage.

At the southern district there are activities regarding human beings, landscape and desert, and one main activity concerns culture, heritage and religious values is conducted once a year both at the southern and at the northern districts.

According to the new educational plan, every grade from second and until twelve grade receive two weekly teaching hours about religious and heritage with the purpose of strengthening the Bedouin legacy. In addition, there are four Bedouin heritage books published by the Bedouin education commissioner: "Bedouin Music", "The Desert Folklore", "Desert Chords" and "Behavioral Orientation and Educational Values".

Israeli Cultural Legacy

The citizenship studies best reflect the protection of cultural heritage of the different Israeli population groups. The program of citizenship studies includes number of educational subjects associated with cultural heritage:

- The program refers to the Israel Declaration of Independence, in particular the articles promising freedom of religion and the preservation of holy places.
- The program specifies the State of Israel laws which promise the preservation of holy places and the Courts' judgments defending freedom of religion.
- The program specifically mentions that part of the curriculum regarding citizenship and democracy will deal with cultural sources of every pupil (according to his/her religion), with regard to the democratic concepts and principles. In addition, the authorized education materials include texts and citations extracted from the various cultural sources, in order to broaden and enrich the learning experience.

For Further Information, please see paragraphs 625-651 of Israel's Third Periodic Report, regarding the Promotion of the Right to Take Part in Cultural Life and Enjoy Scientific Progress.