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USDOS – US Department of State

Country Report on Human Rights Practices 2017 - Israel and the Golan Heights

Israel is a multiparty parliamentary democracy. Although it has no constitution, the parliament, the unicameral 120-member Knesset, has enacted a series of “Basic Laws” that enumerate fundamental rights. Certain fundamental laws, orders, and regulations legally depend on the existence of a “state of emergency,” which has been in effect since 1948. Under the Basic Laws, the Knesset has the power to dissolve the government and mandate elections. The nationwide Knesset elections in 2015, which were considered free and fair, resulted in a coalition government led by Prime Minister Benjamin Netanyahu.

Civilian authorities maintained effective control over the security services.

The most significant human rights issues included terrorist attacks targeting civilians and politically and religiously motivated killings by nonstate groups and individuals; administrative detention of Palestinians, often extraterritorially in Israel; and legal requirements and official rhetoric that adversely affected the operating environment for human rights nongovernmental organizations (NGOs).

The government took steps to prosecute and punish officials who committed abuses within Israel regardless of rank or seniority.

This section includes Israel, the Golan Heights, and problems primarily related to Israeli residents of Jerusalem. Problems primarily related to Palestinian residents of Jerusalem are covered in the “West Bank and Gaza” section. On December 6, 2017, the United States recognized Jerusalem as the capital of Israel. It is the position of the United States that the specific boundaries of Israeli sovereignty in Jerusalem are subject to final status negotiations between the parties.

As stated in Appendix A, this report contains data drawn from foreign government officials; victims of alleged human rights violations and abuses; academic and congressional studies; and reports from the press, international organizations, and NGOs concerned with human rights. In the context of the Israeli-Palestinian conflict, some of those sources have been accused of harboring political motivations. The Department of State assesses external reporting carefully but does not conduct independent investigations in all cases.

We have sought and received input from the government of Israel with regard to allegations of human rights abuses, and we have noted any responses where applicable. Because of timing constraints, the Israeli government was not able to provide a detailed response to every alleged incident, but it did maintain generally that all incidents were thoroughly investigated and parties held accountable, as appropriate, according to due process of law.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was a report the government or its agents committed an arbitrary or unlawful killing. On January 18, during a police action to demolish homes in the unrecognized Bedouin village of Umm al-Hiran in the Negev region of southern Israel, police shot local resident Yaqub Musa Abu al-Qian. Abu al-Qian’s car subsequently struck and killed one police officer. Abu al-Qian died of his injuries shortly thereafter. NGOs alleged, based on an autopsy report leaked to Israel Channel 10, that he bled to death after authorities denied him immediate medical treatment. Police also fired sponge-tipped bullets at protesters, injuring Joint List Chairman Member of Knesset (MK) Ayman Odeh. The Department for Investigations of Police Officers had not completed its investigation into the incident as of October 15.

According to the government and media reports, during the year terrorist attacks killed seven persons and injured 23 others. The locations of attacks included Jerusalem, Yavne, Petah Tikva, Tel Aviv, and Arad. Most of the attackers were Palestinians from the West Bank, and two were Arab citizens of Israel.

In April authorities indicted Koren Elkayam and Tamir Bartal on charges of terrorism targeting Arab citizens of Israel in a series of attacks, including a stabbing, in Be’er Sheva that began in December 2016. According to the indictment, on several occasions, the defendants assaulted men who they thought were Arab to deter them from dating Jewish women.

On October 4, police discovered the body of Reuven Schmerling, a 70-year-old Israeli man, who had been stabbed to death. Authorities arrested West Bank residents Yusef Khaled Mustafa Kamil and Muhammad Ziad Abu al-Roub for the killing and on October 29 indicted them for premeditated murder and entering Israel illegally, according to media reports.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not refer to a specific crime of torture but prohibits assault and pressure by a public official. In 1999 the Supreme Court ruled that, although torture and the application of physical or psychological pain were illegal, Israeli Security Agency (ISA) interrogators may be exempt from criminal prosecution if they used “exceptional methods” in extraordinary cases determined to involve an imminent threat, such as the “ticking bomb” scenario, as long as such methods did not amount to torture. Human rights organizations such as the Public Committee Against Torture in Israel (PCATI), Defense for Children International-Palestine, and Military Court Watch reported that “physical interrogation methods” permitted by the law and used by security personnel could amount to torture. Methods documented by the organizations included beatings, forcing an individual to hold certain stress positions for long periods, sleep deprivation, threatening an illegal act against the detainee or a family member, and painful pressure from shackles or restraints. The government stated that ISA rules, procedures, and methods of interrogation are confidential for security reasons, but they are subject to governmental supervision from within and outside of the ISA.

Authorities continued to state the ISA held detainees in isolation only in extreme cases and when there was no alternative option, and that the ISA did not use isolation as a means of augmenting interrogation, forcing a confession, or punishment. An independent Inspector for Complaints Against ISA Interrogators in the Ministry of Justice handled complaints of misconduct and abuse in interrogations. The decision to open an investigation against an ISA employee is at the discretion of the attorney general.

The government established the Turkel Commission to implement the findings of the 2010 report of the Public Commission to Examine the Maritime Incident, which concerned the interception and capture by the Israeli Navy of ships carrying humanitarian aid bound for Gaza. This led to the 2015 “Ciechanover Report,” which deferred a decision to impose responsibility on military commanders and civilian superiors for offenses committed by their subordinates. The report instead recommended that: “[T]he question of the explicit anchoring of the responsibility of military commanders and civilian superiors in Israeli law would continue to be examined by the relevant parties before being decided.” The report also recommended increasing and clarifying civilian oversight (via the attorney general) of the military justice system. In July 2016 the security cabinet adopted the report’s recommendations. In the context of the Ciechanover report, and in response to more than 60 complaints of violent acts by soldiers that the military closed without response since 2014, the Supreme Court ruled in September 2016 that complaints should be examined within 14 weeks. The government did not publish the number of complaints it examined during the year.

In criminal cases investigated by police involving crimes with a maximum imprisonment of 10 years or more, regulations require recording interrogations; however, an extended temporary law exempts the General Security Services from audio and video recording of interrogations of suspects related to “security offenses.” In December 2016 the Knesset passed an amendment to the Criminal Procedure (Interrogation of Suspects) Law whereby the questioning of a suspect in relation to a security offense is subject to random inspections by a supervising authority, which may supervise any interrogation of such suspects, at any time, without advance notice and without the interrogator’s awareness.

The Ciechanover report recommended installing closed-circuit cameras in all ISA interrogation rooms that broadcast to a control room in real time. The government’s implementation team recommended that this control room be located in an ISA facility in which interrogations are not conducted and that it be accessible and available to a supervising entity from the Ministry of Justice at any time. According to the recommendation, the supervising entity would prepare a concise memorandum on what the observer saw, but no other record would be kept. In the event that the supervising entity believes that interrogators used illegal means during the interrogation, the observer would be required to report the matter to the Office of the Inspector for Complaints against ISA Interrogators in the Ministry of Justice. The government had not finished preparations to implement this mechanism as of September. Human rights NGOs criticized this mechanism as insufficient to prevent and identify torture, arguing there is no recording of interrogations for later accountability and judicial review. NGOs submitted a petition to the Supreme Court opposing the recommendation in 2015. The court rejected the petition on January 17 on the grounds that it was outdated, following significant legal changes.

According to PCATI, as of October the government had never opened a criminal investigation nor indicted an ISA interrogator for torture during an investigation--despite more than 1,100 complaints of torture by detainees in the country since 2001, in some of which cases the government acknowledged that “exceptional measures” were used. The government stated none of these complaints led to a criminal investigation due to insufficient evidence. Nonetheless, some preliminary examinations led to disciplinary measures, changes in procedures, and changes in methods of interrogation. The government noted 139 open cases as of June, of which one-half were received between 2013 and 2015. PCATI reported the preliminary examinations of complaints averaged 28 months, and all but one complaint the organization submitted regarding incidents in 2014 remained unanswered as of September. PCATI submitted 48 new cases of alleged torture or cruel, inhuman, or degrading treatment for the year as of October 24.

In its May 2016 review of the country’s compliance with the UN Convention Against Torture, the UN Committee Against Torture recommended (among 50 other recommendations) that the government provide for independent medical examinations for all detainees. In a September 2017 response, the government listed the services available to detainees by the medical staff of the Israel Prison Service (IPS) and stated that requests from prisoners for independent examination at the prisoner’s expense

are reviewed by an IPS medical team. PCATI added that professional training for medical personnel to identify, document, and report all allegations and evidence of torture had not been implemented as of October.

PCATI stated the government’s system for investigating allegations of mistreatment of detainees was complex and fragmented. For example, allegations against police and the ISA are investigated by two separate departments of the Police Investigation Department in the State Attorney’s Office of the Ministry of Justice, each with different procedures. The National Prison Wardens Investigation Unit is responsible for investigating allegations against members of the IPS. PCATI reported this fragmentation created a disorganized system characterized by widely varying response times and professional standards. PCATI noted victims often did not know the institutional affiliations of the perpetrators and that complaints were often passed from one organization to another for months or years with each authority denying jurisdiction in the case.

In May 2016 plainclothes Border Police officers beat an Arab citizen, Maysam Abu Alqian, outside the supermarket in which he was working in central Tel Aviv. After requesting to see his identification, the officers beat Alqian severely. The officers alleged Alqian attacked them, but the Tel Aviv District Court ordered him released the day after his arrest. Authorities dropped the criminal charges against the police officers during the year. On March 30, the Department for Investigations of Police Officers (DIPO) in the Ministry of Justice ordered disciplinary actions against one officer, Ben Edri, for “unreasonable use of force and improper behavior.”

Prison and Detention Center Conditions

The law provides prisoners and detainees the right to conditions that do not harm their health or dignity. Conditions in permanent detention facilities run by the IPS generally met international standards, according to the International Commission of the Red Cross (ICRC). For information about the Holot detention facility for irregular migrants, see section 2.d.

Physical Conditions: As of October 19, according to the government, there were 9,279 Israeli citizens held in IPS facilities (5,432 Jewish and 3,847 non-Jewish, the latter predominantly Arab citizens). IPS facilities also held 3,494 prisoners who were legal residents of Israel (including Palestinian residents of East Jerusalem), and 6,552 Palestinian prisoners from the West Bank or Gaza. The prison population included 157 minors who were citizens or residents of Israel--most of them Palestinians from East Jerusalem--and 282 Palestinian minors from the West Bank or Gaza. Of the total prisoner population, 5,821 were characterized as “security prisoners” (those convicted or suspected of nationalistically motivated violence). These prisoners often faced harsher conditions than those for prisoners characterized as criminals, including increased incidence of administrative detention, restricted family visits, ineligibility for temporary furloughs, and solitary confinement.

The vast majority of the security prisoners held in Israel were Palestinian residents of the West Bank; there were a small number of Israeli citizens and Palestinian residents of Gaza. Extraterritorial detention of Palestinians in Israel imposed heavy logistical burdens on family members who wished to visit them. Additionally, because the two Israeli military courts that try Palestinian suspects were both located in the West Bank, detention of Palestinians in Israel led to extensive delays for Palestinian prisoners due to transportation to and from each hearing.

A June report on 62 prisons by the Public Defender’s Office described physical neglect and harsh living conditions. The report also cited a shortage of treatment and rehabilitation groups for non-Hebrew-speaking prisoners, lack of social workers in some prisons, excessive shaking of detainees during transportation, and extended stays in court detention facilities beyond the duration of legal proceedings.

The percentage of minors of Ethiopian origin in prison was significantly higher than their proportion of the population, comprising 14 percent of the inmates in Ofek Prison for juveniles as of October. Data from the Public Defender’s Office reported by the newspaper *Ha’aretz* in September 2016 revealed that the proportion of Ethiopian-Israeli minors convicted of crimes and sentenced to prison instead of treatment was nearly 90 percent, three times the percentage for non-Ethiopian-Jewish minors and almost double that of minors who are Arab citizens of Israel.

On June 13, following a petition by the Association of Civil Rights in Israel (ACRI) and the Academic Center for Law and Business in Ramat Gan, the Supreme Court ruled that within 18 months, prisons must allocate a living space of 48 square feet to each prisoner, including toilet and shower, or 43 square feet, not including toilet and shower. According to ACRI each prisoner is currently allocated 33 square feet, including toilet and shower, and approximately 40 percent of the prisoners were imprisoned in an area that amounted to less than 32 square feet per person.

In 2015 the Knesset passed a law authorizing force-feeding of hunger-striking prisoners under specific conditions; however, the Israel Medical Association declared the legislation unethical and urged doctors to refuse to implement it. The government had not applied this law as of October. Approximately 1,500 Palestinian prisoners participated in all or part of a hunger strike between April 17 and May 27. The prisoners’ principal demands were reinstatement of a second monthly family visit and an end to administrative detention (detention without charge).

In February the IPS installed heaters in the cells of Palestinian security prisoners at Gilboa prison, following a letter from the Arab legal rights NGO Adalah alleging that excessively cold temperatures in prisoners’ cells during the winter months constituted inhuman treatment.

During the year, according to the government, 17 prisoners died in IPS custody, including seven in prisons and 10 in hospitals.

Administration: While authorities usually allowed visits from lawyers and stated that every inmate who requested to meet with an attorney was able to do so, this was not always the case. NGOs alleged authorities did not allow Palestinian detainees, including minors, access to a lawyer during their initial arrest. Travel restrictions on entry into Israel from the West Bank and Gaza affected the access of lawyers and family visitors to some Palestinian prisoners held extraterritorially in Israel. The government granted permits to family members from the West Bank on a limited basis and restricted those entering from Gaza more severely.

After MK Basel Ghattas smuggled items to security prisoners, the Knesset House Committee decided in December 2016 to ban MKs from visiting security prisoners, with limited exceptions for parliamentary oversight of prison conditions. As of August 31, the government authorized two MKs from the coalition and two from the opposition to visit security prisoners. The Public Defender’s Report published in June 2016 cited difficulties in holding meetings between detainees and their lawyers in detention facilities in Jerusalem, Tiberias, Nazareth, Petah Tikva, and Be’er Sheva.

On April 25, Adalah complained that the IPS prevented seven lawyers from meeting Palestinian prisoners regarding their hunger strike. On May 3, following a petition to the Supreme Court, the IPS, and Adalah reached an agreement allowing the prisoners to meet their lawyers under restricted conditions.

Independent Monitoring: The ICRC monitored all facilities in accordance with its standard modalities, except for urgent or isolated cases that the ICRC raised bilaterally with the concerned authorities (that is, relating to the composition of the visiting team and the conditions for interviews without witnesses). PCATI and other organizations continued to press for structural reforms, including mandatory audio-video recordings of interrogations. The Public Defender’s Office is officially responsible for monitoring and reporting on prison conditions, which it does every two years (see above).

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements. Authorities subjected non-Israeli residents of the Israeli-occupied Golan Heights to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction as applied by Israel to Palestinians in the West Bank and Gaza, even if detained inside Israel (see “West Bank and Gaza” section).

With regard to irregular migrants, the most recent amendment to the Prevention of Infiltration Law allows the government to detain migrants and asylum seekers who arrived after December 2014 for three months in the Saharonim Prison facility “for the purpose of identification and to explore options for relocation of the individual.” The

law also states authorities must bring irregular migrants taken into detention to a hearing within five days and inform them of their rights, including the right to legal counsel. After three months in Saharonim, the government may then hold them for 12 months in Holot, a remote, semiopen facility run by the IPS (see section 2.d.). The law also allows authorities to send those who fail to renew their visas on time to Holot for up to 120 days. It prohibits, however, detention in Holot based on certain factors including age, health, gender, or other protected status. Authorities can send those who violated rules at Holot to Saharonim Prison and reportedly transferred two or three detainees per day, on average. A policy dating to 2014 authorizes the government to detain without trial and for an indefinite period irregular migrants who were “implicated in criminal proceedings.” The NGO Hotline for Refugees and Migrants noted this policy enabled indefinite detention even in cases in which there is insufficient evidence to try a suspect, including for relatively minor crimes, as well as cases of migrants who completed a sentence following conviction. The Office of the UN High Commissioner for Refugees (UNHCR) stated this policy is “at variance with international human rights and refugee law,” and called for migrants suspected of crimes to be treated equally under Israel’s existing criminal laws. On January 4, the Supreme Court ruled that the legality of this policy requires additional review. It had not issued any new guidance as of October 27.

Role of the Police and Security Apparatus

Under the authority of the prime minister, the ISA combats terrorism and espionage in Israel and the West Bank. The national police, including the border police and the immigration police, are under the authority of the Ministry of Public Security. The Israeli Defense Forces (IDF) have no jurisdiction over Israeli citizens. ISA forces operating in the West Bank and East Jerusalem fall under the IDF for operations and operational debriefing. The Ciechanover report (see section 1.c.) clarified that the Ministry of Justice and its investigators and the IDF and its investigators would divide investigative and prosecutorial responsibilities in incidents in which police operated under the authority of the military.

Civilian authorities maintained effective control over the ISA and police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. The government took steps to investigate allegations of the use of excessive force by police and military.

PCATI continued to criticize the extremely low number of indictments issued relative to the number of investigations opened, the reliance on internal disciplinary measures instead of criminal charges, and the high percentage of cases closed due to investigation failures by military police.

DIPO is responsible for investigating complaints against ISA bodies, including incidents involving police and the border police that do not involve the use of a weapon. On April 5, the state comptroller published a report criticizing DIPO for investigating complaints narrowly on criteria of individual criminal or disciplinary violations rather than broadly on criteria of systemic or organizational problems. According to its annual report DIPO

published in February, after reviewing 2,945 cases in 2016, DIPO filed criminal indictments in 110 cases (4 percent), ordered disciplinary proceedings in 128 cases (4 percent), closed 974 cases without further investigation (33 percent), and closed 843 cases following a preliminary examination (29 percent). In 2016 courts in Israel ruled on 86 cases brought by DIPO and issued 67 convictions.

Investigative responsibility for alleged abuses by the IDF, including incidents involving a weapon in which police units were operating under IDF authority in the West Bank and East Jerusalem, remains with the Military Police Criminal Investigations Department of the Ministry of Defense.

Human rights NGOs, including Human Rights Watch (HRW) and Amnesty International (AI), continued to allege that accountability mechanisms precluded serious internal investigations by the military and were marred by severe structural flaws.

Arrest Procedures and Treatment of Detainees

Police must have warrants based on sufficient evidence and issued by an authorized official to arrest a suspect. The following applies to detainees, excluding those in administrative detention: Authorities generally informed such persons promptly of charges against them; the law allows authorities to detain suspects without charge for 24 hours prior to bringing them before a judge, with limited exceptions allowing for up to 48 hours; authorities generally respected these rights for persons arrested in the country; there was a functioning bail system, and detainees could appeal decisions denying bail; and authorities allowed detainees to consult with an attorney in a timely manner, including one provided by the government for the indigent and to contact family members promptly. (Further information on arrest procedures under military law can be found in the West Bank and Gaza section.)

Authorities detained most Palestinian prisoners within Israel. The government stated that the establishment of new prisons in the West Bank could adversely affect detainees' living conditions. Authorities prosecuted Palestinian noncitizens held in Israel under Israeli military law, a practice Israel has applied since the 1967 occupation. According to the circumstances of each case, such as the severity of the alleged offense, status as a minor, risk of escape, or other factors, authorities either granted or denied bail to noncitizens of Palestinian origin detained for security violations.

Authorities may prosecute persons detained on security grounds criminally or hold them as administrative detainees or illegal combatants, according to one of three legal regimes. First, under a temporary law on criminal procedures, repeatedly renewed since 2006, the IPS may hold persons suspected of a security offense for 48 hours prior to bringing them before a judge, with limited exceptions allowing the IPS to detain a suspect for up to 96 hours prior to bringing the suspect before the senior judge of a district court. In security-related cases, authorities may hold a person for up to 35 days without an indictment (versus 30 days for nonsecurity cases), and the law allows the court to extend detentions on security grounds for an initial period of up to 20 days for

interrogation without an indictment (versus 15 days for other than security-related cases). Authorities may deny security detainees access to an attorney for up to 60 days under military regulations or 21 days under Israeli civilian procedures.

Second, the Emergency Powers Law allows the Ministry of Defense to detain persons administratively without charge for up to six months, renewable indefinitely. As of May 31, according to data provided to the NGO B'Tselem by the IPS, 475 Palestinians including two minors were in administrative detention.

Third, the Illegal Combatant Law permits authorities to hold a detainee for 14 days before review by a district court judge, deny access to counsel for up to 21 days with the attorney general's approval, and allow indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. As of May 31, according to B'Tselem based on IPS data, no Palestinian prisoners were held under this law.

While international law allows the use of administrative detention in rare “ticking time bomb” scenarios, civil society organizations and some MKs continued to criticize the government for using it excessively, adding that the practice was undemocratic since there was no due process. In its September submission regarding compliance with the UN Convention Against Torture, the government claimed it issued administrative detention orders “as a preventive measure where there is a reasonable basis to believe that the detention is absolutely necessary for clear security purposes. Administrative detention is not employed where the security risk can be addressed by other legal alternatives, especially criminal prosecution.” The government further emphasized the role of military judges in reviewing administration detention orders and noted that 395 such orders were appealed to the Supreme Court as of September 10.

Arbitrary Arrest: The annual report of the Office of the Public Defender in 2016 highlighted indictments on problems of trivial importance or against persons who break the law to obtain basic needs such as food, electricity, water, or housing. Allegations continued of arbitrary arrests of Arab citizens during protests, as well as of Ethiopian-Israelis. The NGO Human Rights Defenders Fund reported police detained nine lesbian, gay, bisexual, transgender, intersex (LGBTI) participants in a July 20 protest (see section 6) and strip-searched seven of them at the police station. In response to a complaint, the Tel Aviv District Police legal advisor wrote that the search was not in accordance with regulations and that the officers involved would face disciplinary action.

Pretrial Detention: Administrative detention continued to result in lengthy pretrial detention for security detainees (see above).

Detainees' Ability to Challenge Lawfulness of Detention before a Court: By law persons arrested or detained on criminal or other grounds are entitled to challenge in court the legal basis or arbitrary nature of their detention and any delay in obtaining judicial rulings. If the court finds persons to have been detained unlawfully, they are entitled to prompt release, compensation, or both. An administrative detainee has the right to

appeal any decision to lengthen detention to a military court of appeals and then to the Supreme Court. All categories of detainees routinely did so, including citizens, legal residents, and Palestinian noncitizens. Military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention. There is no system whereby authorities may clear a defense team member to view classified information used to justify holding an administrative detainee.

For information on procedures related to the detention of irregular migrants, including refugees and asylum seekers, see section 2.d.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Exceptions to the right for a public trial include national security concerns, protection of the interest of a minor or an individual requiring special protection, and safeguarding the identity of an accuser or defendant in a sex-offense case.

Defendants enjoy the rights to a presumption of innocence, to be informed promptly and in detail of the charges against them, to a fair and public trial without undue delay, and to be present at their trial. They may consult with an attorney or, if indigent, have one provided at public expense. They have adequate time and facilities to prepare their defense. Defendants who cannot understand or speak the language used in court have the right to free interpretation as necessary from the moment charged through all appeals. Defendants have the right to confront witnesses against them and to present witnesses and evidence on their behalf. They may not be compelled to testify or confess guilt and may appeal to the Supreme Court.

The prosecution is under a general obligation following an indictment to provide all evidence to the defense. The government may on security grounds withhold from defense lawyers evidence it has gathered but will not use in its case against the accused. The Supreme Court (with regard to civilian courts) and the Court of Appeals (with regard to military courts) can scrutinize the decision to withhold such evidence. The rules of evidence in espionage cases tried in criminal court do not differ from the normal rules of evidence, and no use of secret evidence is permissible.

In August 2016, in response to a wave of attacks, many perpetrated by minors, that began in September 2015, the Knesset passed a “Youth Law” legalizing imprisonment of children as young as 12 years old if convicted of serious crimes such as murder, attempted murder, or manslaughter. The government reported no child had been imprisoned under this law as of October.

Military court trials are open to the public, but, since authorities conduct them in a military camp, members of the public require an entry permit from the military. Authorities conducted certain trials in a closed setting, not open to the public, for reasons of security or for the protection of the identity of a minor.

The evidentiary rules governing military trials of noncitizen Palestinians, all of whom are subject to military law, are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions based solely on confessions. Counsel may assist the accused in such trials, and a judge may assign counsel to defendants. Indigent detainees do not automatically receive free legal counsel for military trials, but almost all detainees had counsel, even in minor cases. Court indictments were read in Hebrew and, unless the defendant waived this right, in Arabic. Authorities translated all military court indictments into Arabic. At least one interpreter was present for simultaneous interpretation in every military court hearing, unless the defendant waived that right. Various human rights organizations claimed the availability and quality of Arabic interpretation was insufficient; most interpreters were bilingual Israelis performing mandatory military service. Defendants may appeal through the Military Court of Appeals and then to the Supreme Court. (Further information on military court proceedings against Palestinians and others can be found in the West Bank and Gaza section, Political Prisoners and Detainees.)

Political Prisoners and Detainees

Some human rights organizations claimed that Palestinian security prisoners held in Israel should be considered political prisoners. The government described security prisoners as those convicted or suspected of nationalistically motivated violence.

ACRI petitioned the Supreme Court in 2013 regarding a practice by the ISA of calling in Israeli political activists suspected of “subversive” activity unrelated to terror or espionage for questioning under caution, meaning they might be charged with a crime. In response the government confirmed a classified secret procedure regulates Israel National Police assisting the ISA in the summoning process. In February the Supreme Court imposed the following restrictions on this process: Summoning will be carried out only after consultation with the legal advisor of the ISA; police and the ISA will clarify that questioning is voluntary and the person summoned is not required to appear; and the ISA will clarify during questioning that the suspect’s statements cannot be used in court for other proceedings.

Civil Judicial Procedures and Remedies

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders usually were enforced. By law noncitizen Palestinians may file suit in civilian courts to obtain compensation through civil suits in some cases, even when a criminal suit is unsuccessful and the actions against them considered legal.

Property Restitution

In 35 unrecognized Bedouin villages in the Negev inhabited by approximately 70,000 persons, the government viewed all buildings as illegal and subject to demolition. The government maintained a program to encourage Bedouins to relocate from unrecognized villages, which lacked basic infrastructure, to established towns by providing low-cost land. It offered compensation for demolition of illegal structures for those willing to move to designated permanent locations. Bedouins often refused to participate because they asserted they owned the land or that the government had given them prior permission to settle in their current locations.

According to a 2016 report from the state comptroller, from 2008-14 the Ministry of Agriculture and Rural Development resolved only 3 percent of ownership claims through settlement agreements and legal proceedings. In cases of demolitions with no agreement from the residents to relocate, the government levied fines against residents to cover expenses incurred in the course of demolitions. On August 16, the Be'er Sheva Magistrate's Court ruled that six residents of al-Araqib (see below) must pay 262,000 shekels (\$73,400) for the costs of demolitions of their village from July to December 2010 and 100,000 shekels (\$27,800) for the expenses of the state's lawyer. On December 24, following a trial that lasted four years, a Be'er Sheva court sentenced the head of al-Araqib, Sheikh Sayyah al-Turi, to 10 months in prison and a fine of 36,000 shekels (\$10,000) for charges relating to residence in the village, including trespassing and entering public space against the law. Many Bedouins whose residences or structures were subject to demolition orders elected to demolish them themselves to avoid fines.

According to the NGO Negev Coexistence Forum for Civil Equality (NCF), Jewish citizens reside in 126 out of 144 communities in the Negev, in addition to approximately 60 family farms, alongside 18 government-approved communities for Bedouin citizens. According to the NCF, 115 of the 126 Jewish communities maintained admission committees to screen new residents, effectively excluding non-Jewish residents. Authorities approved plans for new Jewish communities called Hiran (see below), Daya, and Neve Gurion to replace existing Bedouin villages. Authorities planned Daya to replace the unrecognized Bedouin village of al-Qatamat, and Neve Gurion was to replace some houses in the recognized village of Bir Haddaj. In June the government completed registration of 44,500 acres of land in the Negev, effectively nullifying approximately 600 land claims filed by Bedouin citizens in the 1970s. As of October it was unclear whether the Bedouin plaintiffs would accept monetary compensation the government offered as restitution. The NCF noted the Negev was sparsely populated, with only 8 percent of the country's population living on 60 percent of the land, so there was ample room to establish new communities without razing existing ones.

Authorities halted efforts to demolish homes in the unrecognized Bedouin village of Umm al-Hiran, in preparation for replacing it with a Jewish community called Hiran, after protests and a fatal police shooting in January (see section 1.a.). Construction in the area surrounding Umm al-Hiran stopped after this incident, then resumed in July, but the government had not conducted any further demolitions in the village as of October 24. In January 2016 the Supreme Court ruled that eviction orders issued against the residents of Umm al-Hiran, where the Israeli government had moved them in 1956, were valid. The government offered plots of land and cash compensation to villagers willing to accept resettlement to the nearby Bedouin town of Hura, three miles away. Village leaders had rejected this option because, according to the Hura local council, there was insufficient space for natural growth in the town, and due to fears it would force the villagers to abandon a traditional rural lifestyle for an urban one. Village leaders expressed openness to almost any option that would allow them to remain in place, including living side by side with Jewish neighbors in an expanded community. On August 7, Adalah wrote a letter to the National Planning and Building Council objecting to bylaws drafted by the Hiran cooperative association that would allow only Orthodox Jews to live in Hiran. A group of 35 Jewish families sponsored by the OR Movement (an organization dedicated to expanding the Jewish population of the Negev region) who planned to move to Hiran remained in the forest outside Umm al-Hiran living in mobile homes donated by the Jewish National Fund (JNF), while waiting to obtain the land.

The NCF recorded 1,158 demolitions in 2016, the highest number since they began tracking in 2013. Demolitions by Israeli authorities increased to 412 in 2016 from 365 in 2015, while Bedouins demolished the remaining structures to avoid fines. In May 2016 a report from the state comptroller stated: “The ongoing circle of construction for housing and demolition of these structures deepens the alienation of the Bedouin residents of the Negev towards the state and does not contribute to the regulation of their settlement.” The report recommended the government act to settle land claims as early as possible, plan resettlement of Bedouin citizens in cooperation with the Bedouin community, develop infrastructure in recognized Bedouin communities, and formulate an enforcement policy regarding illegal construction.

One week before the January demolitions in Umm al-Hiran, the government demolished 11 homes in the Arab city of Qalansawe, which Prime Minister Netanyahu applauded in a Facebook posting. The demolitions in Qalansawe and Umm al-Hiran, as well as planned demolitions in the northern Druze town of Maghar, led thousands of Arab and Druze citizens to protest in multiple locations from January 21 to 24. (For details about housing construction and demolitions, see section 6.)

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected those prohibitions.

Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. The country lacks a civil marriage law. In order to be considered legal, civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, same-sex marriages, marriages of a Jew to a non-Jew, or marriages of a Muslim woman to a non-Muslim must take place outside the country to be considered legal, because religious courts refuse to conduct these marriages. Approximately 11 percent of marriages registered with the Ministry of the Interior in 2015 occurred abroad, according to the Central Bureau of Statistics.

The majority of Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives, including marriage and “kashrut” (Jewish dietary laws), according to a survey of 800 Jewish Israelis published in September by the NGO Hiddush. The Orthodox Rabbinat did not consider to be Jewish approximately 337,000 Israeli citizens who considered themselves Jewish and who immigrated either as Jews or as family members of Jews; therefore, these citizens could not be married or buried in Jewish cemeteries. The Orthodox Rabbinat had the authority to handle divorces of any Jewish couple regardless of how they were married. The government stated that 24 cemeteries in the country served immigrants not considered Jewish by the Orthodox Rabbinat. Authorities did not fully implement a law requiring the government to establish civil cemeteries.

The 2003 Law of Citizenship and Entry, which is renewed annually, prohibits non-Jewish Iranians, Iraqis, Syrians, Lebanese, and Palestinians from the West Bank or Gaza, including those who are spouses of Israeli residents or citizens, from obtaining resident status in Jerusalem or Israel unless the Ministry of the Interior makes a special determination, usually on humanitarian grounds. AI and other human rights organizations repeatedly called on the government to repeal this law and resume processing of family unification applications. The law allows the entry of spouses of Israelis on a “staying permit” if the male spouse is age 35 or older and the female spouse is age 25 or older. The NGO Mossawa reported this law impacts approximately 30,000 Arab families in Israel.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law generally provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

The law imposes tort liability on any person who knowingly issues a public call for an economic, cultural, or academic boycott of the State of Israel, or of institutions or entities in areas under its control in the West Bank. Plaintiffs must prove direct economic harm to claim damages under the “antiboycott” legislation. In 2015 the Supreme Court upheld the constitutionality of this law.

The law also permits the finance minister to institute regulations imposing administrative sanctions on those calling for such a boycott, including restrictions on participating in tenders for contracts with the government and denial of government benefits. On March 6, the Knesset passed an amendment barring entry to the country to visitors (excluding permanent residents) who called for such a boycott. Criteria published on July 24 by the Population and Immigration Authority restricted enforcement of this law to prominent activists promoting a boycott individually or as a leader of an organization. Adalah criticized the law for making political opinions a factor in decisions about whether to allow noncitizens entry to the country. Since immigration authorities already had broad powers to deny entry, and they do not routinely provide visitors who are denied entry with the statute under which they were refused, it is unknown how many times this law has been applied.

Freedom of Expression: The law prohibits hate speech and content liable to incite to violence or discrimination on grounds of race, origin, religion, nationality, and gender.

In July 2016 the Knesset passed a law increasing the penalty for desecrating the Israeli flag from one year to three years in prison and increased the fine from the equivalent of eight dollars to 58,400 shekels (\$16,400).

In cases of speech that are defined as incitement to violence or hate speech, the law empowers police to limit freedom of expression.

Authorities repeatedly attempted to obstruct events by the NGO Breaking the Silence in public facilities. For example, on February 7, at the request of Culture Minister Miri Regev, Jerusalem Mayor Nir Barkat tried to prevent a speech by Breaking the Silence by ordering the eviction from a government-owned building of an art gallery in which the speech was scheduled to take place. The art gallery refused to cancel the event, and it proceeded as planned on February 8 (see also Press and Media Freedom below). Independent media were active and expressed a wide variety of views without restriction.

Press and Media Freedom: In December 2016 ACRI published a report detailing a variety of legislative and rhetorical attacks on media throughout the year by elected officials, especially Prime Minister Netanyahu, and expressed concern about the chilling effect of these attacks on press freedom. On October 23, President Reuven Rivlin said, “It is one thing to work to remedy the problems of the media...and quite another thing to try to control it. ... How can it be in the interest of the State of Israel--or of any

democracy and Israel's democracy in particular--to have a weak media begging for its life?” Reactions to the president's speech included death threats on social media and hate graffiti, according to media reports.

In February, Prime Minister Netanyahu gave up the position of communications minister after a petition to the Supreme Court objected to his holding the communications portfolio while being investigated for corruption relating to his dealings with media companies. In May he appointed MK Ayoob Kara to the position of communications minister.

On July 31, Prime Minister Netanyahu ordered Communications Minister Kara to close the offices of the news outlet al-Jazeera, accusing the network of incitement to violence during a crisis on the Temple Mount/Haram al-Sharif. As of October the government had not closed al-Jazeera. Media reported on September 7, however, that Prime Minister Netanyahu banned al-Jazeera's bureau chief Walid al-Omari from a government seminar on freedom of speech.

Censorship or Content Restrictions: All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure problems, such as oil and water supplies. Organizations may appeal the censor's decisions to the Supreme Court, and the censor may not appeal a court judgment. In July the Israel Democracy Institute stated that power to prohibit publication of news should be transferred from the military censor to the judicial system.

News printed or broadcast abroad is subject to security censorship. The government regularly enacted restrictive orders on sensitive security information and continuing investigations, and required foreign correspondents, as well as local media, to abide by these orders. According to data provided by the military at the request of *+972 Magazine*, *Mekomit* and the NGO Movement for Freedom of Information, from 2011 through August 2016, the military censor banned the publication of 1,936 articles and redacted information from 14,196 articles. *Ha'aretz* reported on October 2 that the national police legal advisor issued new guidelines increasing the police's authority to bar journalists from entering an area based on “fear that the journalist's entry will inflame a violent atmosphere to a level that is liable to endanger people's lives” or possibly violate a gag order. Previous gag orders restricted only publication, not journalists' presence.

In January 2016 the State Attorney's Office sought a court order to compel the NGO Breaking the Silence to reveal the identity of an individual who served in the IDF during 2014's Operation Protective Edge and who testified to the organization about alleged war crimes during the operation. Breaking the Silence claimed the investigation was politically motivated and that providing this information would effectively force the organization to end its operations. In March, Breaking the Silence and the state reached a compromise in which the NGO would transfer to the government original

source materials for its report on Operation Protective Edge but withhold the names of its sources. As of the end of the year, the case remained pending at the Petah Tikva Magistrate’s Court.

National Security: The Counterterrorism Law, which took effect in November 2016, criminalizes as “terrorist acts” speech supporting terrorism, including public praise of a terrorist organization, display of symbols, expression of slogans, and “incitement.” There were at least 11 convictions under the law as of the end of the year, according to media reports.

On August 15, police arrested Sheikh Raed Salah, head of the Northern Islamic Movement, which the government outlawed in 2015 under the emergency law, an act for which it was criticized by Arab-Israeli politicians who had claimed the decision to outlaw the Northern Islamic Movement appeared to have motivated by politics rather than a threat to national security. Authorities indicted Salah for incitement to terrorism and supporting an illegal association.

Internet Freedom

The government monitored email and social media platforms and censored online content; according to Adalah, the government monitored private online communications without appropriate legal authority.

The government monitored email, internet chat rooms, and the popular texting application WhatsApp for security purposes. On July 17, the Knesset passed a law authorizing district court judges to restrict access to internet sites to prevent the commission of crimes. The state attorney’s cyber unit’s end-of-year report for 2016 stated that requests to social media outlets to remove content based on its assessment that the content is illegal under the law led to the removal of 1,554 online postings.

Internet access was widely available, and approximately 73 percent of the country’s inhabitants used it regularly.

Academic Freedom and Cultural Events

The law prohibits institutions that receive government funding from engaging in commemoration of the Nakba, or “catastrophe,” the term used by Palestinians to refer to the displacement of Palestinians during Israel’s 1948 War of Independence.

On June 9, Education Minister Naftali Bennett presented a new draft code of ethics to prevent academics from engaging in “political activity,” defined as supporting or opposing a party, political figure, or position on a topic under debate in the Knesset. Academics and a Supreme Court justice condemned Bennett’s initiative as an assault on academic freedom and freedom of speech. The government did not implement the code of ethics as of October 19.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for this right, and the government generally respected it.

In January, Adalah wrote letters to the attorney general and police commissioner objecting to police efforts to prevent Arab secondary school students from participating in street protests. According to Adalah police summoned Arab school principals to a Haifa police station and sent WhatsApp messages to students falsely claiming the planned protests were illegal and would lead to clashes with police.

In 2015 thousands of Ethiopian-Israelis and their supporters gathered to protest police brutality and discrimination following the publication of a video showing police beating Ethiopian IDF soldier Demas Fekadeh in the Tel Aviv suburb of Holon. The demonstrations at some points resulted in clashes with police. The police committee created to investigate the events led to several steps toward reform in partnership with an Ethiopian-Israeli NGO, including a pilot project for police body cameras, which ended in June, and new guidelines and training at police stations near Ethiopian-Israeli communities.

Freedom of Association

The law provides for this right, and the government generally respected it.

The law prohibits registration of an association or a party if its goals include denial of the existence of the State of Israel or the democratic character of the state. A political party will not be registered if its goals include incitement to racism or support of an armed struggle, enemy state, or terror organization against Israel.

Israeli and Palestinian NGOs, particularly those focused on human rights problems and critical of the government, asserted the government sought to intimidate them and prevent them from receiving foreign government funding. According to media reports, in meetings February 6 and 7, Prime Minister Netanyahu requested that British Prime Minister Theresa May and Belgian Prime Minister Charles Michel stop funding Israeli NGOs that are “hostile to Israel” and “act against IDF soldiers.” Prime Minister Netanyahu canceled a meeting with German Foreign Minister Sigmar Gabriel after Gabriel refused to cancel his April 26 meetings with NGOs Breaking the Silence and B’Tselem. On June 11, Netanyahu proposed to ban all foreign-government funding of Israeli NGOs. Israeli human rights NGOs, which generally receive more foreign-government funding than other Israeli organizations, stated this would cause many of them to close. In October, Netanyahu tasked Tourism Minister Yariv Levin with drafting

a bill on this topic. Media reports indicated it would target NGOs with “political” agendas and possibly ban Breaking the Silence. The Knesset did not take action on this proposal by October 25 (see also section 5).

On March 22, the Knesset passed an amendment to the National Service law mandating additional scrutiny on requests for National Service volunteers from NGOs that received more than one-half of their funding from foreign governments. A 2016 law requires such NGOs to state this fact in all their official publications, applications to attend a Knesset meeting, and any communications with the public (on television, radio, billboards, or emails). A report is due from NGOs to the Ministry of Justice in July 2018. The law fines NGOs that violate these rules 29,200 shekels (\$8,180). The Ministry of Justice claimed that 27 NGOs received more than one-half their funding from foreign governments; of these, 25 were human rights organizations. NGOs criticized the 2016 law as stigmatizing left-wing organizations, which more commonly received international funding from foreign governments, while not imposing similar reporting requirements for NGOs funded by private international donors, which was more common among right-wing organizations.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (<http://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights for citizens.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern, except as noted below.

Abuse of Migrants, Refugees, and Stateless Persons: Communities with a large concentration of African migrants were occasionally targets of violence. The Tel Aviv municipality dedicated a special police unit to combat violence and crime in the migrant community. Additionally, the nature of government policies on the legality of work (see Employment section below) forced many refugees to work in “unofficial” positions, making them more susceptible to poor treatment and questionable work practices by their employers.

In December 2016 the government charged two Israeli citizens, Dennis Barshivatz and a minor, with killing Sudanese asylum seeker Babikar Ali Adham after they beat him for 75 minutes in the city of Petah Tikva in November 2016. Adham died from brain-stem bleeding four days later. The case continued as of November.

In-country Movement: Authorities prohibited asylum seekers released from the Holot facility from going to Eilat and Tel Aviv, in part to keep them from working there, and municipal officials in other areas stated they would oppose asylum seekers’ relocating to their communities.

Foreign Travel: Citizens generally were free to travel abroad provided they had no outstanding military obligations and no administrative restrictions. The government may bar citizens from leaving the country based on security considerations, due to unpaid debts, or in cases in which a Jewish man refuses to grant his wife a Jewish legal writ of divorce. Authorities do not permit any citizen to travel to any state officially at war with Israel without government permission. This restriction includes travel to Iran, Iraq, Lebanon, Saudi Arabia, Syria, and Yemen,

The government requires all citizens to have a special permit to enter “Area A” in the West Bank (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility). But the government allowed Arab citizens of Israel access to Area A without permits, and *Yediot Yerushalayim* reported on August 25 that an increasing number of Jewish Israelis entered Area A without permits for entertainment and tourism.

A case filed by two NGOs in Be’er Sheva District Court in October 2016 objected to the government’s motion to dismiss a tort lawsuit on behalf of a Palestinian teenager whom the Israeli military shot and injured in his Gaza home in 2014. Adalah claimed that a 2012 amendment to Israel’s Civil Wrongs Law, which exempted from damages “persons who are not citizens or residents of Israel, and ... are residents of declared ‘enemy territory’” imposed nearly insurmountable obstacles to access to courts, accountability, and redress for civilians harmed by Israeli security forces in the West Bank and Gaza. In June the court asked the Knesset to join the case as a respondent. The case remained pending as of October 19.

Citizenship: The 2011 amendment to the Nationality Law allows revocation of citizenship from a person on grounds of “breach of loyalty to the State of Israel.” In May 2016 Minister of the Interior Aryeh Deri filed a motion with the Haifa District Court to revoke the citizenship of Alaa Zayoud, whom the courts convicted of four counts of attempted murder in a 2015 car-ramming attack. On August 6, the Haifa District Court ruled to revoke Zayoud’s citizenship, but the Supreme Court issued a temporary injunction preventing revocation of his citizenship on October 26. The case continued at year’s end.

Additionally, in June 2016 Minister Deri requested that the attorney general approve a request to petition the courts to revoke the citizenship of Luqman Atun and the permanent residency of Jerusalem resident Khalil Adel Khalil, following their attempts to join the Islamic State in Syria. The attorney general denied both requests.

Protection of Refugees

Refoulement: The government provided some protection against expulsion or return of refugees to countries where their lives or freedom could be threatened and stated its commitment to the principle of nonrefoulement. The government maintained three policies to induce departure of irregular migrants and asylum seekers who entered the country without permission, almost all of whom were from Eritrea and Sudan. As of September there were approximately 38,000 irregular migrants and asylum seekers in the country, of whom approximately 500 entered as unaccompanied minors and approximately 7,000 were women, according to NGOs.

The first policy, announced in 2015, allows deportation of migrants and asylum seekers who refuse to depart the country “voluntarily.” On August 28, the Supreme Court ruled that in principle migrants can be deported to a third country against their will but ruled the government cannot detain migrants for more than 60 days to persuade them to accept “voluntary departure.” As of December 31, no migrants were known to have been jailed under this policy.

The second policy is to offer irregular migrants incentives to “voluntarily depart” the country to one of two unspecified third countries in Africa, sometimes including a \$3,500 stipend (paid in U.S. dollars). The government claimed the third-country governments provided for full rights under secret agreements with Israel. The government provided most returnees with paid tickets to either Uganda or Rwanda, but NGOs and UNHCR confirmed that migrants who arrived in Uganda and Rwanda did not receive residency or employment rights. During the year approximately 4,000 irregular migrants departed the country, compared with 3,607 in 2016 and 3,381 in 2015. In 2015 a Be’er Sheva court upheld the legality of the secrecy of these agreements in response to a petition by NGOs. Prior to departure the Population and Immigration Authority and the Custody Review Tribunal reviewed mandatory recorded video interviews and written statements of those who opted to participate in the voluntary return program to verify they were departing voluntarily. NGO advocates for asylum seekers claimed the policy led to abuses in the receiving countries, and that this transfer could amount to refoulement. UNHCR and NGOs reported the policy led to many individuals’ quickly leaving again to other countries or returning to their country of origin because the foreign countries in which they arrived did not accord them protection, residency, and employment rights. HRW and the HRM documented the treatment of some returnees whom Sudanese and Eritrean authorities arrested upon their return to Sudan and Eritrea, reporting that authorities surveilled, beat, threatened, and in some cases tortured them. The Israeli government affirmed it maintained a series of mechanisms to monitor the conditions of those who departed “voluntarily.” Authorities stated they had successfully contacted by telephone more than 80 percent of those who departed, and the majority of those individuals had no complaints.

The third policy is detaining irregular migrants without conviction in the Holot or Saharonim detention facilities (see below).

Access to Asylum: The law provides for granting of asylum or refugee status. The government has established a system for providing protection to refugees, but it has rarely done so. In 2008 authorities began giving the majority of asylum seekers a “conditional release visa” that requires renewal every one to four months. Only two Ministry of the Interior offices in the country, located in Tel Aviv and Eilat--the two cities where migrants are forbidden to live after gaining release from the Holot facility--renew these visas. The Ministry of the Interior closed a third visa renewal office, in Be’er Sheva, during the year, and the Supreme Court rejected a petition against the closure of that office in September. The government provided these individuals with a limited form of group protection regarding freedom of movement, protection against refoulement, and some informal access to the labor market. Access to health care, shelter, and education was inconsistently available. The protection environment significantly deteriorated following the adoption in late 2011 of policies and legislation aimed at deterring future asylum seekers by making life difficult for those already in the country. These actions further curtailed the rights of the population and encouraged its departure.

Refugee status determination (RSD) recognition rates were extremely low. In the 2012-17 period, the government received 44,752 asylum applications, including 19,292 from citizens of Ukraine and Georgia from January 1, 2016, to October 26, 2017. As of October 26, the government had received 3,950 applications from citizens of other countries. During the year the government approved no asylum requests. The government granted refugee status to a Sudanese applicant for the first time in June 2016. Authorities stated the reason for the high proportion of unresolved applications is that the Ministry of the Interior’s RSD unit has been overwhelmed with applications. NGOs rejected this explanation, pointing to government statements and policies pressuring irregular migrants to depart the country.

In June the government announced it would issue A/5 humanitarian visas to 200 Sudanese migrants from Darfur. While this represented an improvement over the 2A5 “conditional release” status, NGOs cautioned that even these 200 migrants would continue to lack the full protections of refugee status. In February the Population and Immigration Authority issued new guidelines to RSD adjudicators to increase their sensitivity to gender problems. The new guidelines did not create new protection categories or lead to an increase in RSD approvals.

In September 2016 an administrative appeals tribunal ruled that asylum applications from Eritreans should not be rejected out of hand on the basis of fleeing military conscription, but a district court later overturned the ruling. In response to a November 2016 ruling by another administrative appeals tribunal, which overturned the government’s blanket rejection of applications submitted more than one year after arrival, the government agreed to reopen those applications.

Data that the HRM received under the Freedom of Information Law revealed that as of 2015 there were 16 migrants who had been detained for more than three years, 30 migrants detained between two to three years, and 31 migrants detained between one to two years. In July 2016, following a court order, authorities released an asylum seeker from Guinea detained in Saharonim Prison for 10 years. Migrants who were unable to prove their citizenship, including those claiming to be Eritrean or Sudanese, were subject to the same policy of indefinite detention as migrants from countries eligible for deportation. UNHCR reported more than 30 migrants with undetermined or disputed citizenship in long-term detention as of October. During the year the government released two Eritrean human trafficking victims whom prison authorities had detained for more than five years because they were unable to prove they were Eritrean citizens, according to the HRM.

Despite a stated nondeportation policy preventing refoulement of irregular migrants and asylum seekers to Eritrea and Sudan, government officials and media outlets continued to refer to asylum seekers from Eritrea and Sudan as “infiltrators.” The government and media did not apply those descriptions to the large number of asylum seekers from Ukraine and Georgia, who mostly entered on tourist visas before applying for asylum. On February 26, the Population and Immigration Authority (PIBA) announced a fast-track procedure to reject asylum applications from applicants whose country of citizenship the Ministry of the Interior had determined is safe for return and began applying it to Georgian applicants. PIBA expanded the fast-track procedure to Ukrainian applicants on October 17.

UNHCR expressed continuing concerns for Palestinian residents of the West Bank who claimed to be in a life-threatening situation due to their sexual orientation and who requested legal residency status in Israel. There is no mechanism for granting such persons legal status, leaving those who cannot return to the West Bank due to fear of persecution vulnerable to human traffickers, violence, and exploitation. The government stated that an interministerial committee headed by the Prime Minister’s Office recommended the Coordinator of Government Activities in the Territories welfare coordinator only handle “extreme cases where a person claims to be threatened for reasons other than collaboration” with the Israeli authorities.

Freedom of Movement: The Prevention of Infiltration Law defines all irregular border crossers as “infiltrators” and permits authorities to detain irregular migrants, including asylum seekers and their children. Under the Law of Entry, the government can detain irregular migrants based on an administrative order rather than through the legal process. In 2014 the Supreme Court struck down the section of the law that allowed irregular migrants, including refugees and asylum seekers, to be detained in the Holot facility indefinitely, and in 2015 the Supreme Court set the limit at one year. The government may still hold irregular migrants, including refugees and asylum seekers, in Saharonim Prison for three months on arrival and then move them to Holot for 12 months.

As a semiopen facility, authorities closed Holot from 10 p.m. to 6 a.m. daily and required check-in at 10 p.m. Authorities did not confine detainees to their rooms during the night, but they could not leave the facility.

In February, African migrants and asylum seekers detained in the Holot detention facility complained of poor medical care. Authorities provided detainees with a bed, clothes, clean towels, food, free medical care, and air-conditioned living quarters. Dental care was not available in Holot. Beginning during the year, a psychiatrist was available once a week. Detainees received a monthly allowance of 480 shekels (\$134), but authorities regularly docked detainees’ monthly allowance for minor infractions. In response to a lawsuit by a human rights NGO against overcrowding of 10 detainees into each room in the Holot facility, the Supreme Court ruled in June that each room must be limited to six individuals by March 2018.

An amendment to the Prevention of Infiltration Law, passed in 2014, excluded from summoning to Holot all women and children, men who could prove that they have a wife or children in Israel for whom they provide, persons over age 60, and those whose health could be negatively affected by detention in Holot. The amendment also excluded from summoning recognized victims of trafficking, but did not exclude survivors of torture who do not meet the criteria of trafficking victims. The government reported it released one trafficking victim from the Holot facility in 2016, as well as 13 from the Givon facility. UNHCR reported it was aware of many cases in which authorities did not exempt victims of torture, as well as several cases involving individuals with serious physical or mental health problems. In January the HRM filed a case to the Supreme Court against detention of torture survivors at Holot, and the case continued as of October.

Employment: The few recognized refugees received renewable work visas. In 2015 many asylum seekers who once had B/1 work visas had this status downgraded, and most held a 2A5 visa, which explicitly reads, “This is not a work visa.” The government allowed asylum seekers to work in the informal sector but not to open their own businesses or register to pay value-added tax, although the law does not prohibit these activities. Despite the lack of a legal right to employment, the government’s published policy was not to indict asylum seekers or their employers for their employment. In September, however, the Supreme Court ruled that asylum seekers are included as “foreign workers,” a category prohibited by Finance Ministry regulations from working on government contracts, including local government contracts for cleaning and maintenance, which often employed irregular migrants.

The Prevention of Infiltration Law, which took effect May 1, requires employers to deduct 20 percent of irregular migrants’ salaries for deposit in a special fund and adds another 16 percent from the employer’s funds. The employee can only access the funds upon departure from the country, and the government may deduct a penalty for each day that the employee is in the country without a visa. In October an organization assisting irregular migrants reported a 20-percent increase in requests for food aid after the law took effect. NGOs such as Kav LaOved and the HRM criticized the law for

pushing vulnerable workers’ already low incomes below minimum wage, and leading employers and employees to judge it to be more profitable to work on the black market. As of October technical problems prevented those who departed the country from receiving the accumulated funds. A coalition of NGOs petitioned the Supreme Court against the law, and the first hearing was on July 26. The case continued as of November 1.

Detainees in the Holot facility are prohibited from working outside the facility, but some worked inside the facility for less than the minimum wage. Some of the facility’s services depended on detainee labor.

The law bars migrants from sending money abroad, limits to the minimum wage for the number of months they resided in the country the amount they may take with them when they leave, and defines taking money out of the country as a money-laundering crime.

Access to Basic Services: Access to health care, shelter, and education was available on an inconsistent basis. The few recognized refugees received social services, including access to the national health-care system, but the government did not provide asylum seekers with public social benefits such as health insurance, public housing, or income assistance to the most vulnerable individuals, including children, single parents, and persons with disabilities. The NGO Physicians for Human Rights Israel reported that the lack of health insurance for persons without civil status in the country made them dependent on limited solutions, such as those offered by the Ministry of Health or humanitarian organizations. The government stated it provided infirmary services, including laboratory services, medical imaging, and general and mental hospitalization services in the Holot facility for individuals held there, including asylum seekers. UNHCR reported, however, that when a detainee accessed health services, another detainee often provided translation, compromising confidentiality and potentially affecting the quality of treatment. The government sponsored a mobile clinic, and mother and infant health-care stations in south Tel Aviv, which were accessible to migrants and asylum seekers. The clinic provided health and dental services, evaluation and treatment of sexually transmitted disease, and prenatal and infant medical care. Hospitals provided emergency care to migrants but often denied follow-up treatment to those who failed to pay for their emergency care, according to NGOs.

Temporary Protection: The government provided temporary protection primarily to Eritrean and Sudanese asylum seekers, as described above.

Stateless Persons

Despite being eligible for Israeli citizenship since 1981, an estimated 23,000 Druze living in territory captured from Syria in 1967 largely refused to accept it, and their status as Syrian citizens was unclear. They held Israeli identification cards, which listed their nationality as “undefined.”

In August media reported the Ministry of the Interior had retroactively canceled the citizenship of 2,600 Bedouin citizens since 2010, alleging that a “registration error” had mistakenly granted citizenship to their ancestors between 1948-51. Cancellation of their citizenship left these individuals stateless. On August 28, according to press reports, the Ministry of the Interior stated it was taking steps to rectify the problem. As of October 17, the problem was not resolved.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Observers considered parliamentary elections held in March 2015 free and fair. In 2014 a change in the law raised the electoral threshold from 2 percent of votes to 3.25 percent of votes, a move some civil society organizations criticized for its limitation on freedom of representation and its potential effect on parties representing the Arab minority. The four Arab-majority parties represented in the Knesset united into one faction, the Joint List, winning 13 seats and becoming the third-largest faction in the Knesset.

Political Parties and Political Participation: The Basic Laws prohibit the candidacy of any party or individual that denies the existence of the State of Israel as the state of the Jewish people or the democratic character of the state or that incites racism. Otherwise, political parties operated without restriction or interference. The Northern Islamic Movement, banned in 2015, continued its practice of prohibiting its members from running for local or national office and boycotting elections.

In March the Knesset passed a law restricting the funding of individuals and groups that engage in “election activity” during the period of a national election, which is typically three months. The law’s sponsors described it as an effort to prevent organizations and wealthy individuals from bypassing election-funding laws, but some civil society organizations expressed concern the law would stifle political participation.

In July 2016 the Knesset passed a law enabling dismissal of an MK for the remainder of the term if 90 of 120 MKs voted for expulsion, following a request of 70 MKs, including at least 10 from the opposition. The party of an expelled member could replace the MK with the next individual on its party list, and the expelled member could run in the next elections. Joint List MK Yousef Jabareen and two NGOs petitioned the Supreme Court against the law in December 2016, arguing the government intended the law to target Arab legislators and that it harmed democratic principles such as electoral representation and freedom of expression. The case continued as of year’s end.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. The law provides an additional 15 percent in campaign funding to municipal party lists composed of at least one-third women. Although senior political and social leaders often came from among veterans of the predominantly male IDF officer corps, women participated widely in politics, including in leadership positions. Women faced significant cultural barriers in political parties representing conservative religious movements and the Arab minority, although the 2015 elections resulted in two female Arab MKs from the Joint List winning seats. As of September the 120-member Knesset had 33 female members and 17 members from ethnic or religious minorities (13 Muslims, three Druze, and one Christian). As of September the 23-member cabinet included four women and one Druze minister. One woman was a deputy minister; there were no Arabs. For the first time, an Arab citizen of Israel, Aida Touma Suliman, chaired a permanent committee in the Knesset, the Committee on the Status of Women. Four members of the 15-member Supreme Court were women, and one was Arab.

According to Adalah, the recognized Bedouin village of al-Fura’a, with approximately 6,000 residents, had not been assigned to a regional council, meaning that residents were unable to vote for a local government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were reports of government corruption, although impunity was not a problem.

Corruption: The government continued to investigate and prosecute top political figures. As of December there were four continuing investigations of Prime Minister Netanyahu and individuals close to him. In “Case 1000,” Netanyahu was accused of receiving inappropriate gifts. “Case 2000” focused on whether Netanyahu had attempted to misuse his authority to suppress newspaper competition in exchange for favorable press. A third police investigation, known as “Case 3000,” concerned possible graft and bribery by government officials to facilitate the purchase of, and profit from, a billion-dollar submarine deal with the German corporation ThyssenKrupp. “Case 4000” reportedly involved possible corruption highlighted in a state comptroller report involving regulation of a telecommunications company and the Ministry of Communications when the prime minister also served as the communications minister. Netanyahu denied wrongdoing in all cases. Police were also investigating Netanyahu’s wife, Sara, regarding possible misuse of government funds related to the official prime minister’s residence. Several other government ministers and senior officials were under investigation for various alleged offenses.

On December 28, the Knesset passed a law prohibiting police from recommending whether or not to indict a public official when transferring an investigation to prosecutors. The law does not apply to investigations in process at the time of the law’s passage.

On July 2, former prime minister Ehud Olmert was released on parole, after serving 16 months in prison following a conviction for fraud and breach of trust.

Financial Disclosure: Senior officials are subject to comprehensive financial disclosure laws, and the Civil Service Commission verifies their disclosures. Authorities do not make information in these disclosures public without the consent of the person who submitted the disclosure. There is no specific criminal sanction for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally responsive to their views, and MKs routinely invited NGOs critical of the government to participate in Knesset hearings on proposed legislation. Human rights NGOs have standing to petition the Supreme Court directly regarding governmental policies and may appeal individual cases to the Supreme Court.

Israeli and Palestinian NGOs, particularly those focused on human rights problems and critical of the government, asserted that the government sought to intimidate and stigmatize them. Breaking the Silence, a group of military veterans whose goal is to create transparency on how the IDF interacts with Palestinians in the West Bank and Gaza, was the target of intensely negative rhetoric during the year. For example, in an interview on IDF Radio on April 26, Deputy Minister of Foreign Affairs Tzipi Hotovely compared the NGO to the terrorist organization Hamas, describing it as “an enemy that harms the State of Israel.” On June 22 and July 24, at the request of Justice Minister Ayelet Shaked, police questioned Breaking the Silence spokesperson Dean Issacharoff on charges relating to his claim that he assaulted a Palestinian man while serving in the IDF. In November the state’s attorney closed the investigation, concluding that the incident had not occurred. Authorities reopened the case in December after Breaking the Silence provided evidence that police had interviewed the wrong victim, according to media reports. In October media reported that Prime Minister Netanyahu tasked Tourism Minister Yariv Levin with drafting a bill to ban organizations seeking to prosecute IDF soldiers, especially Breaking the Silence.

On February 20, the Ministry of the Interior denied a work permit application for an HRW researcher, accusing HRW of spreading “Palestinian propaganda.” The Ministry of the Interior subsequently approved his visa on April 26.

The Ministry of the Interior continued to deny entry into the country to foreign nationals affiliated with certain NGOs that the government stated called for a boycott of the state of Israel, one of its institutions, or entities in areas under its control. (For information about boycotts against Israel and Israeli settlements in the West Bank, see section 2.a.)

The staffs of Israeli NGOs, particularly those calling for an end to Israel's military presence in the West Bank, received death threats, which spiked during periods in which government officials spoke out against their activities. On September 4, prosecutors indicted a man from Bnei Brak on charges of vandalism, extortion, and preparation of dangerous substances in six separate incidents, including vandalism of a Reform synagogue in Ra'anana in November 2016 and planning arson against the headquarters of Breaking the Silence.

Following a series of incidents in which government officials declined or canceled their participation at events organized by human rights NGOs from 2014 to 2017, ACRI submitted a complaint to the attorney general on August 16. The attorney general's reply on September 19 encouraged government ministries to engage in dialogue with civil society, including through participation in conferences.

The United Nations or Other International Bodies: The government generally cooperated with the United Nations and other international bodies. The government continued its participation in the UN Human Rights Council, including the Universal Periodic Review process. Following a July 7 UNESCO vote designating the Tomb of the Patriarchs in Hebron as a Palestinian world heritage site, Prime Minister Netanyahu announced the government would cut one million dollars in membership fees to the United Nations and repurpose the money to establish a museum of Jewish heritage in Kiryat Arba and Hebron and other similar projects. On October 12, Netanyahu instructed the Ministry of Foreign Affairs to make preparations for Israel's withdrawal from UNESCO. The government continued its policy of nonengagement with the UN Human Rights Council's “special rapporteur on the situation in the Palestinian territories occupied since 1967.”

Government Human Rights Bodies: The state comptroller also served as ombudsman for human rights problems. The ombudsman investigated complaints against statutory bodies that are subject to audit by the state comptroller, including government ministries, local authorities, government enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the authority to order any person or body to assist in the inquiry.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is a felony punishable by 16 years in prison, or up to 20 years' imprisonment for rape under aggravated circumstances or if the perpetrator rapes or commits a sexual offense against a relative. The government effectively enforced rape laws.

Arab and Jewish women’s rights groups protested against perceived police inaction and societal indifference to or support for actions to combat domestic violence. The government stated police had developed procedures and trained special investigators to deal with domestic violence, sex offenses, and the violation of protective orders in diverse communities, including the Arab community.

Women from certain Orthodox Jewish, Muslim, Bedouin, and Druze communities faced significant social pressure not to report rape or domestic abuse. The government stated that awareness and the perceived legitimacy of reporting and investigating rape and domestic violence were especially difficult in these communities.

The Ministry of Labor, Social Affairs, and Social Services operated 14 shelters for survivors of domestic abuse, including two for the Arab community, two mixed Jewish-Arab shelters, two for the ultra-Orthodox community, and eight for non-ultra-Orthodox Jewish communities. The labor ministry also operated a hotline for reporting abuse. The labor ministry assisted women involved in prostitution, including providing emergency shelters, daytime centers, and therapeutic hostels.

Sexual Harassment: Sexual harassment is illegal but remained widespread. Penalties for sexual harassment depend on the severity of the act and whether the harassment involved blackmail. Police notified all known victims of their right to receive assistance from the Association of Rape Crisis Centers in Israel. The law provides that victims may follow the progress on their cases through a computerized system and information call center.

In some ultra-Orthodox neighborhoods, private organizations posted “modesty signs” demanding women obscure themselves from public view to avoid distracting devout men. The local municipality of Beit Shemesh failed to comply with court orders from 2015 and January 2016 to remove the signs, leading the Jerusalem District Court to rule on June 7 that the municipality would face a fine of 10,000 shekels (\$2,800) per day if the signs remained posted after July 6. The municipality appealed the decision to the Supreme Court, which upheld the contempt of court finding. At least two “modesty signs” remained up as of October 19, and the next hearing was scheduled for March 2018.

On September 3, media reported that Major General Roni Rittman, head of police anticorruption unit Lahav 433 that is investigating Prime Minister Netanyahu for corruption (see section 4), will resign at the end of the year due to accusations of sexual harassment of a subordinate in 2010. Then attorney general Yehuda Weinstein closed the investigation against Rittman in 2015, but in August the Supreme Court ordered Police Commissioner Roni Alsheich to explain why he allowed Rittman to continue working despite the sexual harassment complaint.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/ (<http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/>).

Discrimination: The law provides for the same legal status and rights for women as for men. In the criminal and civil courts, women and men enjoyed the same rights, but in some matters religious courts--responsible for adjudication of family law, including divorce--limited the rights of Jewish, Christian, Muslim, and Druze women.

On August 15, following three years of hearings on a petition by women’s rights organizations to appoint a female director general to the rabbinical courts, the Supreme Court ruled that since the position is inherently administrative, not religious, it must be open to anyone licensed as a rabbinic pleader, including women. In June the Rabbinical Courts Administration named a female deputy director general for the first time. Although women currently serve as judges in nonreligious courts, they remain barred from serving as judges in rabbinical courts.

On April 25, the government appointed Hana Khatib as the first female judge in the sharia (Islamic) courts in Israel.

The law allows a Jewish woman or man to initiate divorce proceedings, and both the husband and wife must give consent to make the divorce final. Sometimes a husband makes divorce contingent on his wife conceding to demands, such as those relating to property ownership or child custody. As a result, according to the Rackman Center for the Advancement of the Status of Women at Bar Ilan University, thousands of Jewish women could not remarry or give birth to legitimate children. In rare cases Jewish women refused to grant men divorces, but this has lesser effect on a husband under Jewish law. Rabbinical courts sometimes sanctioned a husband who refused to give his wife a divorce, while also declining to grant the divorce without his consent.

A Muslim woman may petition for and receive a divorce through the sharia courts without her husband’s consent under certain conditions. A marriage contract may provide for other circumstances in which she may obtain a divorce without his consent. A Muslim man may divorce his wife without her consent and without petitioning the court. Through ecclesiastical courts, Christians may seek official separations or divorces, depending on their denomination. Druze divorces are performed by an oral declaration of the husband alone and then registered through the Druze religious courts, placing a disproportionate burden on the woman to leave the home with her children immediately. A civil family court or a religious court settles child custody, alimony, and property matters after the divorce, which gives preference to the father unless it can be demonstrated that a child especially “needs” the mother.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action antidiscrimination suits, a wage gap between men and women persisted. The government subsidizes daycare and after-school programs to encourage labor participation by mothers and offers professional training to single parents.

The Authority for the Advancement of the Status of Women in the Prime Minister’s Office works to mainstream women’s participation in the government and private sector and to combat sexual harassment and domestic violence. The authority requires every city, local council, and government ministry to have an advisor working to advance women’s rights.

Children

Birth Registration: Children derive citizenship at birth within or outside of the country if at least one parent is a citizen. Births are supposed to be registered within 10 days of the delivery. According to the law, births are registered in the country only if the parents are citizens or permanent residents. Any child born in an Israeli hospital receives an official document from the hospital that affirms the birth.

A child’s status derives from a parent’s status; if one of the parents is an Israeli citizen and the other is not, the child may be registered as Israeli as long as he or she lives with the parent who is an Israeli citizen or permanent resident.

According to UNHCR, the Ministry of the Interior issues a confirmation of birth document, which is not a birth certificate, for children without legal residency status in the country.

Education: Primary and secondary education is free and universal through age 17 and compulsory through grade 12.

The government did not enforce compulsory education in unrecognized Bedouin villages in the Negev. Bedouin children, particularly girls, continued to have the highest illiteracy rate in the country. The government did not grant construction permits in unrecognized villages, including for schools. In April the Ministry of Education of Education began providing transportation to preschool for 21 Bedouin children. NGOs stated that bussing for preschoolers in unrecognized villages, rather than building schools near their villages, was discriminatory. In response to a petition on this topic, on October 15, the Be’er Sheva District Court instructed the government to submit a detailed plan for expedited construction of safe bus stops.

The government operated separate public schools for Jewish children, in which classes were conducted in Hebrew, and for Arab children, with classes conducted in Arabic. For Jewish children separate public schools were available for religious and secular families. Individual families could choose a public school system for their children to attend regardless of ethnicity or religious observance.

The government offered to fund fully Christian schools if they become part of the public (state) school system, but the churches rejected this option. The government pledged to transfer an additional 50 million shekels (\$14 million). Church leaders noted this transfer did not resolve their annual deficits nor did it close the financial disparity with two politically affiliated ultra-Orthodox Jewish school systems.

The Tel Aviv municipality opened 46 new preschools and kindergartens and 10 first grade classes in 2016, primarily for the children of migrant workers and refugees, raising concerns of segregation. Segregation by place of origin is illegal.

In recent years an influx of Arab residents to the primarily Jewish town of Nazareth Illit led to a population of some 2,600 Arab students with no option for education in Arabic. As a result most such students attended schools in Arab-majority Nazareth and nearby villages. In June 2016 ACRI submitted a petition demanding establishment of a school for Arabic-speaking students, and the case continued at year's end.

Medical Care: The government provides preventive health services to minors younger than age six without legal status. For noncitizens under age 18, it also provides services similar to those provided for citizens, regardless of their legal status in country. This arrangement does not include minors whose guardian is a resident of the Palestinian Authority.

Child Abuse: The law requires mandatory reporting of any suspicion of child abuse. It also requires social service employees, medical and education professionals, and other officials to report indications that minors were victims of, engaged in, or coerced into prostitution, sexual offenses, abandonment, neglect, assault, abuse, or human trafficking. The Ministry of Education operated a special unit for sexuality and for prevention of abuse of children and youth that assisted the education system in prevention and appropriate intervention in cases of suspected abuse of minors.

The National Council for the Child received a number of complaints during the year of abuses related to physical and sexual abuse, child pornography, and poor educational environments. NGOs expressed concern regarding police negligence in child abuse and domestic violence cases reported in minority communities.

Early and Forced Marriage: The law sets the minimum age of marriage at 18 years, with some exceptions for younger children due to pregnancy and for couples older than 16 years old if the court permitted it due to unique circumstances. The government stated

that no marriages of children under 15 were registered with the Population Registry in 2016, but there may have been some such marriages that were not registered. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits sexual exploitation of a minor and sets a penalty of seven to 20 years in prison for violators, depending on the circumstances. The law prohibits the possession of child pornography (by downloading) and accessing such material (by streaming). Authorities enforced the law.

The minimum age for consensual sex is 16 years old. Consensual sexual relations with a minor between the ages of 14 and 16 constitute statutory rape punishable by five years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's report *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html (<https://travel.state.gov/content/childabduction/en/legal/compliance.html>).

Anti-Semitism

Jews constituted approximately 80 percent of the population. The government often defined crimes targeting Jews as nationalistic crimes relating to the Palestinian-Israeli conflict rather than as resulting from anti-Semitism.

On August 31, Sephardi Chief Rabbi of Jerusalem Shlomo Amar described non-Orthodox Jews as “accursed evil people,” according to press reports. Prime Minister Netanyahu condemned Amar's remarks. In September media reported that opposition MK Haneen Zoabi stated that Israel's “fascist laws” make it “suitable to compare, logical to compare, Israel... with Germany in the [19]30s.”

Regarding claims for the return of, or restitution for, Holocaust-era assets, the government has laws and mechanisms in place, and the government made some progress on resolution of such claims. Relevant Israeli laws refer to assets imported during World War II whose owners did not survive the war. Unclaimed assets were held in trust and not transferred to legal inheritors, who in most cases were not aware that their late relatives had property in Israel. The government stated that in recent years it initiated a program to contact potential claimants.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Persons with Disabilities

The Basic Laws provide a legal framework for prohibiting discrimination against persons with disabilities in the provision of government services. Legislation mandates access to buildings, information, communication, transportation, and physical accommodations and services in the workplace, as well as access to mental health services as part of government-subsidized health insurance, and the government generally enforced these laws.

The 2005 Equal Rights for Persons with Disabilities Law mandates that local governments implement all necessary changes to public buildings and locations to make them accessible. The deadline for implementation in nongovernmental buildings was November 1; in government-owned buildings it is November 1, 2018, but the Ministry of Justice extended the deadline to November 1, 2021, for buildings and places owned by local authorities.

Societal discrimination and lack of accessibility persisted in employment, housing, and education.

Shortages of funding for Arab municipalities adversely affected Arabs with disabilities.

Access to community-based independent living facilities for persons with disabilities remained limited.

The law prioritizes access by persons with disabilities to public services, such as eliminating waiting in line.

National/Racial/Ethnic Minorities

Arab citizens, many of whom self-identify as Palestinian, faced institutional and societal discrimination. There were multiple instances of security services' or other citizens' racially profiling Arab citizens. A May report from the state comptroller criticized the Ministry of Justice for failing to collect systematically complaints regarding discrimination and inequality.

There were “price tag” attacks, which refer to violence by Jewish individuals and groups against non-Jewish individuals and property with the stated purpose of exacting a “price” for actions taken by the government against the attackers' interests. The government classifies price tag attacks as terrorism. The most common offenses, according to police, were attacks on vehicles, defacement of real estate, harm to Muslim and Christian holy sites, assault, and damage to agricultural lands.

In 2015 arsonists burned a large section of the Church of the Multiplication in Tabgha and scrawled on the building's stone walls sections of the Jewish prayer book that, in this context, denigrated Christians. In July a court convicted one person of charges including arson and defacing real estate with a hostile motive and acquitted a second suspect. In January the government paid 1.5 million shekels (\$420,000) for the restoration of the church. On February 12, President Rivlin attended an interfaith ceremony to mark the completion of the restoration.

In September vandals desecrated a church at the Beit Jamal Monastery, smashing a statue, shattering stained glass windows, and damaging furniture. This was the third time this church was attacked in recent years. According to the Custody of the Holy Land, a priory of the Franciscan order, no arrests were made after any of the attacks as of the end of the year.

In 2015, following negotiations with the Arab community, the cabinet approved a five-year plan for development of the Arab sector in the fields of education, transportation, commerce and trade, employment, and policing. On October 26, the government reported it transferred approximately three billion shekels (\$840 million) under this resolution in 2016 and projected transfers of more than two billion shekels (\$560 million) during the year. But Mossawa reported in October that most of the budgetary allocations, which must be approved retroactively and individually by the Knesset Finance Committee, had not yet been approved.

The government employed affirmative action policies for non-Jewish minorities in the civil service. In August the Ministry of Labor, Social Affairs, and Social Services announced an investment of 15 million shekels (\$4.2 million) over the next five years to integrate Arab employees into the high-tech sector.

Separate school systems within the public and semipublic domains produced a large variance in education quality. Arab, Druze, and ultra-Orthodox students passed the matriculation exam at lower rates than their non-ultra-Orthodox Jewish counterparts. The government continued operating educational and scholarship programs to benefit Arab students. In 2015 the Council for Higher Education invited proposals for the establishment and operation of a state-funded college in an Arab locality in northern Israel, but there was no tangible progress towards opening this institution as of October.

In November 2016 the Ministry of Transport, National Infrastructure, and Road Safety removed automated audio announcements in Arabic from urban buses in Be'er Sheva after receiving complaints from the mayor and residents. Buses continued to display electronic announcements in Arabic and Hebrew. In response to a lawsuit by Arab residents, the ministry reinstated the Arabic announcements by June 7.

Approximately 93 percent of land in Israel is in the public domain. This includes approximately 12.5 percent owned by the JNF, whose statutes prohibit sale or lease of land to non-Jews. Human rights organizations withdrew a 2004 petition in January 2016 after the Israel Lands Administration (ILA) and JNF made an arrangement in which Arab citizens will be allowed to participate in all bids for JNF land, but the ILA will grant the JNF another parcel of land whenever an Arab citizen of Israel wins a bid. In August 2016 human rights organizations petitioned the Supreme Court against the requirement that six of 14 members of the Israel Land Authority Council be JNF representatives, claiming the JNF’s mission to benefit only Jewish citizens may make the council discriminatory against non-Jews. The case continued as of the end of the year. On March 28, the Knesset passed an amendment to the 1960 Israel Land Authority Law requiring representation of an Arab, Druze, or Circassian member in the ILA Executive Council.

New construction remained illegal in towns that did not have an authorized outline plan for development, which is the legal responsibility of local authorities. The government stated that as of 2015, 131 of 133 Arab localities had approved outline plans for development, 84 of which the National Planning Administration furthered. NGOs serving the Arab population, however, alleged discrimination in planning and zoning rights, noting regional planning and zoning approval committees did not have Arab representation. NGOs stated planning for Arab areas was much slower than for Jewish municipalities, leading frustrated Arab citizens to build or expand their homes without legal authorization, risking a government-issued demolition order. A plan for the Bedouin village of al-Fura’a was not yet completed as of October, despite government recognition of the village in 2006. As a result, the village lacked basic electricity and water infrastructure, and NGOs reported house demolitions occurred regularly.

According to a 2015 report from the Knesset Research and Information Center, 338 out of 350 administrative demolition orders from 2012-14 were against structures in Arab communities. In April the Knesset passed an amendment to the 1965 Planning and Building Law, which increased the government’s power to demolish unpermitted structures. Arab MKs and human rights organizations condemned the law for increasing enforcement and demolitions without addressing the systemic housing shortages in Arab communities that led to unpermitted construction. According to Mossawa, approximately 50,000 Arab families live in unpermitted houses.

A May report from the state comptroller criticized the segregation of Jewish and Arab women in hospital maternity wards. The report noted that separation of patients for nonmedical reasons was incompatible with the principle of equality, even if such separation was requested by the patient or for “cultural considerations.”

Arab communities in the country generally faced economic difficulties, including discrepancies in access to healthcare.

The Bedouin segment of the Arab population continued to be the most disadvantaged. More than one-half of the estimated 230,000 Bedouin population lived in seven government-planned communities. Approximately 70,000 Bedouins lived in 35

unrecognized tent or shack villages that did not have water and electricity or educational, health, and welfare services. A three-billion-shekel (\$840 million) multi-year plan the government approved in February to promote economic and social development in Bedouin communities excluded the unrecognized villages.

In nine of 11 recognized villages, all residences remained unconnected to the electricity grid or to the water infrastructure system, and only seven had high schools, according to the Negev Coexistence Forum for Civil Equality.

(See section 1.e. for issues of demolition and restitution for Bedouin property.)

The law bars family reunification when a citizen’s spouse is a non-Jewish citizen of Iran, Iraq, Lebanon, or Syria. Citizens may apply for temporary visit permits for Palestinian male spouses age 35 or older or Palestinian female spouses age 25 or older, but they may not receive residency based on their marriage and have no path to citizenship.

The government generally prohibited Druze citizens and residents from visiting Syria. Prior to 2013 the government allowed Druze residents of the Golan Heights to attend university studies and religious meetings in Syria. This ended after insurgent groups seized control of the Syrian side of the border crossing. Subsequently, the government facilitated the return of resident Druze students from Syria. The government has prevented family visitations to Syria for noncitizen Druze since 1982. Since 2013 the government facilitated the entry of several thousand Syrian nationals, including Druze, to Israel to receive medical treatment.

An estimated population of 144,100 Ethiopian Jews faced persistent societal discrimination, although officials and citizens quickly and publicly criticized discriminatory acts against them. In July 2016 Prime Minister Netanyahu publicly received the recommendations of an interministerial team established to address racism against Israelis of Ethiopian origin. There was one Ethiopian-Israeli member of the Knesset. The government maintained several programs to address social, educational, and economic disparities between Ethiopian-Israelis and the general population.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation, and the government generally enforced these laws, although discrimination based on sexual orientation or gender identity persisted in some parts of society.

Despite a 2014 directive from the Ministry of Health that government-subsidized health services include sex-reassignment surgery, patients received conflicting information from health-care providers.

There were reports of discrimination in the workplace against LGBTI persons, despite laws prohibiting such discrimination.

HIV and AIDS Social Stigma

Although discrimination against persons living with HIV is illegal, the Israel AIDS Task Force reported instances of HIV-related stigma and discrimination, including cases related to employment, military service, burial services, and prisons.

Other Societal Violence or Discrimination

Individuals and militant or terrorist groups attacked civilians, including 10 stabbing, shooting, Molotov cocktail, or ramming attacks characterized by authorities as terror attacks (see section 1.a.). (For issues relating to violence or discrimination against asylum seekers, see section 2.d.)

Human rights NGOs criticized the government for failing to invest sufficient resources to combat organized crime and gang violence, and to seize illegal weapons in Arab communities. Mossawa reported that more than 1,200 Arab citizens of Israel died as a result of organized crime and gang violence since 2000.

Promotion of Acts of Discrimination

On August 29, following a Supreme Court ruling restricting the government’s options on irregular migrants, Justice Minister Ayelet Shaked stated, “Zionism should not continue... to bow its head to a system of individual rights that is interpreted in a universalist fashion....” In response, according to media reports, opposition MK Tzipi Livni stated maintaining human rights “is a part of Israel’s values as a Jewish and democratic state.”

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join independent unions, strike, earn the minimum wage and overtime, and bargain collectively. After a union declares a labor dispute, there is a 15-day “cooling period” in which the Histadrut, the country’s organization of trade unions, negotiates with the employer to resolve the dispute. On the 16th day, employees are permitted to strike. Workers essential to state security, such as members of the military, police, prison service, Mossad, and the ISA, are not permitted to strike. While the law allows the government to declare a state of emergency to block a strike that it deemed could threaten the economy or trade with foreign states, according to the Histadrut, this law has never been applied.

The law specifically prohibits antiunion discrimination. A labor court has discretionary authority to order the reinstatement of a worker fired for union activity. The government respected these rights, and there are penalties if an employer is found guilty of firing a worker for union activity. The Histadrut raised concerns, however, that the deterrence was not always effective, primarily because the appeal process is lengthy and the fines imposed on employers were insufficient to deter violations.

Court rulings and union regulations forbid simultaneous membership in more than one trade union. Approval by a minimum of one-third of the employees in a given workplace is needed to form a union. Members of the Histadrut who pay affiliation fees may be elected to the union’s leadership bodies regardless of ethnicity, religion, or gender.

Authorities generally respected workers’ rights to free association and collective bargaining for citizens, although foreign workers often faced difficulties exercising these rights. According to the International Trade Union Confederation (ITUC), some employers actively discouraged union participation and collective bargaining. Worker organizations were independent of the government and political parties. For the most part, the Basic Laws do not differentiate between public-sector and private-sector workers.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor and criminalizes labor exploitation, the government did not effectively enforce laws concerning minimum employment conditions for foreign workers.

The Knesset passed an amendment, which went into effect on July 16, removing a geographic limitation on foreign caregivers seeking a new employer following the death or entry into a nursing home of the prior employer. In 2016 the Supreme Court analyzed the offense of “holding under conditions of slavery” for the first time since the statute passed in 2006, upholding the conviction of Ibrahim and Basma Julani for enslaving a foreign worker from the Philippines.

Some workers, particularly foreign workers, experienced conditions of forced labor, including the unlawful withholding of passports, restrictions on freedom of movement, limited ability to change or otherwise choose employers, nonpayment of wages, exceedingly long working hours, threats, sexual assault, and physical intimidation. Foreign agricultural workers, construction workers, and nursing care workers--particularly women--were among the most vulnerable to conditions of forced labor, including in particular nonpayment or withholding of wages. In December 2016 the government passed a resolution to issue permits directly to Palestinian workers rather than Israeli employers in the construction industry.

See also the Department of State’s *Trafficking in Persons Report* at

www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law provides for the protection of children from exploitation in the workplace and prohibits forced or compulsory labor. Children age 14 and older may be employed during official school holidays in light work that does not harm their health. Children 15 years old and older who have completed education through grade nine may be employed as apprentices. Regulations restrict working hours for youths between the ages of 16 and 18 in all sectors.

The government generally enforced these laws and conducted year-round inspections to identify cases of underage employment, with special emphasis on summer and school vacation periods. Authorities punished violations with fines that were generally effective. During the year authorities imposed a number of sanctions against employers for child labor infractions, including administrative warnings and levied administrative fines. Additionally, authorities filed criminal indictments and imposed criminal fines on some of these employers. Employers employed minors mainly in the food-catering, the entertainment, and hospitality sectors.

d. Discrimination with Respect to Employment and Occupation

The Equal Employment Opportunities Law prohibits an employer from discriminating against employees, contractors, or persons seeking employment. The Equal Pay Law provides for equal pay for equal work of male and female employees. The Equal Rights for Persons with Disabilities Law prohibits discrimination against persons with disabilities (see section 6). The law does not explicitly prohibit discrimination on the basis of language, citizenship, HIV/AIDS status, or other communicable diseases.

The law charges the Commission for Equal Employment Opportunities with the implementation and civil enforcement of the Equal Employment Opportunities Law. The 26-member commission includes one member each from organizations that promote employment rights for Arab Muslims, Arab Christians, Druze, Circassians, Haredim, immigrants, elderly persons, women, and army veterans. Additionally, the commission must have adequate representation of citizens of Ethiopian descent and persons with disabilities. Civil society organizations reported discrimination in the employment or pay of women (see section 6), Ethiopian-Israelis, and Arab citizens. On October 15, a Jerusalem court fined the operator of the jobs website “Hebrew Labor,” which hosted ads from employers seeking to hire only Jewish workers, for discriminating against non-Jews.

e. Acceptable Conditions of Work

The national minimum wage, which is set annually, was above the poverty income level for individuals, but below the poverty level for couples and families. In 2016 authorities issued administrative warnings and imposed financial penalties for violations related to minimum wage. The law allows a maximum 43-hour workweek at regular pay and provides for paid annual holidays. Premium pay for overtime is set at 125 percent for the first two hours and 150 percent for any hour thereafter up to a limit of 15 hours of overtime per week.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. The 2014 “Adam Commission,” which was established by the Ministry of Labor, Social Affairs, and Social Services, concluded that occupational safety legislation was outdated. There have been no legislative changes since that report. The number of labor inspectors was insufficient to enforce the law. A 2016 report from the state comptroller found that labor inspectors visited less than one-half of active construction sites every year. The employer held responsibility for identifying unsafe situations. No law protects the employment of workers who report on situations that endanger health or safety or remove themselves from such situations. During the year 35 workers died in accidents in the construction industry, according to the labor rights NGO Kav LaOved.

The law applies to the informal economy, but there was little information about protection and enforcement standards in this sector, which included an estimated 7 percent of the economy, according to ITUC.

According to some NGOs, the country failed to enforce its labor laws fully with respect to minimum working conditions for foreign workers, including asylum seekers, and existing penalties were not sufficient to deter violations. There were numerous documented cases of foreign laborers living in harsh conditions and subjected to debt bondage, but authorities prosecuted few employers.

A 2007 Supreme Court ruling extended the protections of the labor law to most Palestinians employed by Israeli businesses in the West Bank. In August 2016, however, the Ministry of Justice instituted a regulation under which noncitizen workers employed by Israeli companies, whether in the West Bank or Israel, must make a monetary deposit to file a labor-rights claim against their employer in an Israeli court. Following a petition by civil society groups opposing the regulation as an obstacle to fair labor practices, the Supreme Court held hearings in May and September. The case continued as of October 26.

The country had bilateral work agreements with Bulgaria, Moldova, Romania, Ukraine, and China to regulate recruitment fees of migrant workers in the construction sector, and it had agreements with Thailand and Sri Lanka to regulate recruitment fees for migrant workers in the agricultural sector. The entire recruitment process of foreign workers in these industries was coordinated solely through government offices, which resulted in a steep decline in recruitment fees paid by migrant workers in the construction and agricultural sectors. Besides small pilot programs with Nepal in 2015

and Sri Lanka in 2016, the government did not sign any bilateral work agreements in the largest sector of foreign labor, home care, which employs tens of thousands of migrant workers, mostly from the Philippines and the Indian subcontinent.

The agreements provide for migrant workers to have information on their labor rights as well as a translated copy of their labor contract before they arrive in the country. As a result of greater awareness of their legal rights and their reduced recruitment debt, more workers were willing to report labor violations to NGOs or to quit their jobs and return home. The government created and helped fund a hotline for migrant workers to report violations. Government enforcement bodies claimed they investigated all of these complaints.

Some employers in the agricultural sector circumvented the bilateral agreement with Thailand by recruiting students from poor countries to take part in agricultural study programs on student visas and then forcing them to work in the agriculture industry once they arrived in the country. According to Kav LaOved, the number of these student workers doubled from 2012 to approximately 4,500 in 2016. Employers required participants to pay high fees to one of six private companies to participate in what they believed were study programs, but authorities did not supervise their working or living conditions since they lacked work permits and were ostensibly in the country for study. In November the Central District Court rejected a class-action lawsuit filed by Kav LaOved against Agrostudies, a division of agricultural cooperative Granot. The lawsuit alleged that Agrostudies sidestepped a number of Israeli labor and student laws through this method.

The absence of full-scale bilateral labor agreements in the caregiving field led to continuing widespread abuses against foreign caregivers, including excessive recruitment fees and false descriptions of the terms of employment contracts. Live-in arrangements and lack of legal protections and inspections led to many cases of exploitative working conditions for female migrant workers. Local NGOs filed hundreds of complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions.

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and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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