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Freedom in the World 2013 - Israel

Overview:

Several pieces of legislation drafted in 2012 appeared to threaten aspects of democracy and due process, including a bill that would allow the Knesset to override Supreme Court decisions and a law permitting the lengthy detention of migrants without trial. Also during the year, informal gender segregation on buses continued, a number of women were attacked by ultra-Orthodox Jewish men for “immodest” dress, and women were regularly arrested at the Western Wall in Jerusalem for religious reasons. In November, an eight-day conflict between Gaza-based Hamas militants and Israel killed six Israelis and over 160 Palestinians.

Israel was formed in 1948 from part of the British-ruled mandate of Palestine. A 1947 UN partition plan dividing Palestine into two states, Jewish and Arab, was rejected by the Arab Higher Committee and the Arab League, and Israel's 1948 declaration of independence led to war with a coalition of Arab countries. While Israel maintained its sovereignty and expanded its borders, Jordan (then known as Transjordan) seized East Jerusalem and the West Bank, and Egypt took control of the Gaza Strip.

After its 1967 war with Egypt, Jordan, and Syria, Israel occupied the Sinai Peninsula, the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. While it returned Sinai to Egypt in 1982 as a result of the Camp David Accords, Israel annexed East Jerusalem in 1967 and unilaterally extended Israeli law to the Golan Heights in 1981.

In 1993, following a Palestinian uprising, or intifada, that began in late 1987, Israel secured an agreement (the Oslo Agreement) with the Palestine Liberation Organization (PLO) that provided for a phased Israeli withdrawal from the West Bank and Gaza Strip and some Palestinian autonomy in those areas, in exchange for Palestinian recognition of Israel and a renunciation of terrorism. In 1994, Israel and Jordan signed a U.S.-brokered peace agreement. However, Israeli-Palestinian negotiations on a future Palestinian state broke down in 2000, and a second intifada began.

In 2002, the Israel Defense Forces (IDF) reoccupied many of the West Bank areas that the Israeli government had ceded to the Palestinian Authority (PA) in the 1990s. Israel also began building a security barrier that roughly followed the 1949 armistice line, though it frequently extended deeper into the West Bank to incorporate Jewish settlements. Although the barrier was credited with reducing attacks inside Israel by about 90 percent, critics accused Israel of confiscating Palestinian property and impeding access to land, jobs, and services for those living in the barrier's vicinity. The barrier was declared illegal by the International Court of Justice in 2004, and was rerouted six times by order of the Israeli Supreme Court in response to a series of appeals.

In 2005, an informal cease-fire between the PA and Israel led to a general decline in violence, and Israel completed a unilateral withdrawal of all 7,500 Jewish settlers and military personnel from the Gaza Strip. Because his own right-wing Likud Party opposed that move, Prime Minister Ariel Sharon left Likud and founded the centrist Kadima party. In January 2006, Sharon suffered a stroke that put him in a coma, and Deputy Prime Minister Ehud Olmert became prime minister and Kadima chairman. After the 2006 parliamentary elections, Olmert and Kadima headed a new coalition government that included the center-left Labor Party, the religious Shas party, and other factions.

Israeli-Palestinian relations deteriorated after the Islamist group Hamas won elections to the Palestinian Legislative Council (PLC) in January 2006, outpolling PA president Mahmoud Abbas's Fatah party. Over the next two years, Israel experienced regular rocket and mortar fire from Gaza, as well as some terrorist attacks; the IDF continued to stage airstrikes against militant leaders, and invaded the Gaza Strip in the summer of 2006. Also that summer, Israel went to war against the Lebanese Islamist militia Hezbollah after the group staged a cross-border attack; a UN-brokered cease-fire ended the fighting in August.

Olmert resigned in September 2008 after being charged in a corruption case. Foreign Minister Tzipi Livni replaced him, but she was unable to form a new majority coalition in the Knesset (parliament), prompting early elections in February 2009. While Kadima led with 28 seats, Likud (27 seats) ultimately formed a mostly right-wing government with the secular nationalist Yisrael Beiteinu (15 seats), Shas (11 seats), and other parties. The Labor Party (13 seats) also joined the coalition, leaving Kadima in opposition. The new government, headed by Likud leader Benjamin Netanyahu, took office in April 2009.

Meanwhile, unilateral cease-fires in January 2009 ended an almost three-week-long conflict between Israel and Hamas, which had ruled the Gaza Strip exclusively since driving out Fatah officials in a 2007 PA schism. Well over 1,000 Palestinians were killed, including hundreds of noncombatants. Thirteen Israelis were killed, including three civilians.

In 2010 and 2011, a series of private ships carrying food and goods attempted to break Israel's economic blockade of Gaza, in place since 2007. In May 2010, Israeli forces intercepted a six-ship flotilla from Turkey and killed nine activists on board one vessel—the Mavi Marmara—in an ensuing confrontation. A UN report concluded that Israel was legally allowed to blockade Gaza, but that it had used excessive force and should not have operated so far from Israeli shores. Israel later eased some aspects of the blockade.

In January 2011, the Labor Party quit the coalition, but Defense Minister Ehud Barak and four other lawmakers resigned from Labor and started a new party, Independence, which remained in the ruling coalition.

Bouts of fighting between Israel and Gaza-based militants broke out regularly in 2011. In May, thousands of Palestinians marched on Israel's borders from Syria, Lebanon, the West Bank, and Gaza to mark Al-Nakba Day commemorating the displacement of Palestinians following Israel's declaration of independence in 1948. Clashes with Israeli troops ensued, and a dozen protesters were killed. In June, Israeli soldiers clashed with hundreds of Syrian and Palestinian protesters who entered the Golan Heights. According to Syria, Israeli troops killed 23 demonstrators; Israel claimed that some protesters were killed by a Syrian land mine, and that fewer people died overall.

In October 2011, Israel and Hamas negotiated a prisoner exchange whereby Hamas freed IDF soldier Gilad Shalit, who had been held captive since 2006, and Israel freed 1,027 Palestinian prisoners. Fighting between Hamas and Israel intensified again in November 2012, after Hamas stepped up its rocket fire into Israel, and Israel assassinated Ahmed Jabari, the commander of Hamas's military wing. However, the IDF stopped short of a ground invasion of Gaza, and the eight-day conflict ended with an Egyptian-brokered cease-fire. Six Israelis and more than 160 Palestinians were killed. The cease-fire agreement led to a loosening of the blockade.

In May 2012, Netanyahu struck a coalition deal with Kadima leader Shaul Mofaz, bringing the coalition members to 94, but Kadima withdrew in July due to tensions over the issue of subjecting ultra-Orthodox Jews to military conscription. The remaining governing parties were unable to agree on a budget in October, prompting the dissolution of the Knesset and the scheduling of elections for January 2013.

Political Rights and Civil Liberties:

Israel is an electoral democracy. A largely ceremonial president is elected by the 120-seat Knesset for seven-year terms. The prime minister is usually the leader of the largest party or coalition in the Knesset, members of which are elected by party-list proportional representation for four-year terms. At under 3 percent, Israel's vote threshold for a party to win parliamentary representation is the world's lowest, leading to the regular formation of niche parties and unstable coalitions.

Parties or candidates denying Israel's Jewish character, opposing the democratic system, or inciting racism are prohibited. In 2009, the Knesset's Central Elections Committee voted to ban two Arab parties—Balad and the United Arab List (UAL)—Ta'al—from that year's elections, citing their alleged support for Hamas in the Gaza

conflict. The ban was rapidly overturned by the Supreme Court, and the parties won three and four seats, respectively. In 2010, a Knesset plenum voted to strip Balad member Haneen Zoabi of some parliamentary privileges following her participation in the Mavi Marmara flotilla. In December 2012, a special nine-judge panel of the High Court voted unanimously to overturn the Central Elections Committee's ruling, paving the way for Zoabi to run in the 2013 elections.

Arabs enjoy equal political rights under the law but face discrimination in practice. Although Israeli identity cards have not classified residents by ethnicity since 2005, Jewish Israelis can often be identified by the inclusion of their Hebrew birth date. Arab Israelis currently hold 13 seats in the Knesset—though they constitute some 20 percent of the population—and no independent Arab party has ever been formally included in a governing coalition. Arabs generally do not serve in senior positions in government. Rising calls on the political right to impose a loyalty oath have marginalized Arab Israelis, though such measures have been rejected to date. In February 2012, some right-wing politicians denounced Salim Joubran, the sole Arab Israeli judge on the Supreme Court, for remaining silent during the singing of the national anthem—which refers explicitly to the Jewish soul—at a swearing-in ceremony. However, Deputy Prime Minister Moshe Ya'alon reportedly came to his defense.

After Israel annexed East Jerusalem in 1967, the Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most choose not to seek citizenship for political reasons. These noncitizens can vote in municipal as well as PA elections, and remain eligible to apply for Israeli citizenship. However, Israeli law strips noncitizens of their Jerusalem residency if they stay outside the city for more than three months.

A 2003 law denies citizenship and residency status to West Bank or Gaza residents married to Israeli citizens. While the measure was criticized as blatantly discriminatory, supporters cited evidence that 14 percent of suicide bombers acquired Israeli identity cards via family reunification laws. A 2011 law allows the courts to revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy. A number of rights groups and the Shin Bet security service criticized the legislation as unnecessary and overly broad.

Under the 1948 Law of Return, Jewish immigrants and their immediate families are granted Israeli citizenship and residence rights; other immigrants must apply for these rights.

Corruption scandals in recent years have implicated several senior officials. Ehud Olmert resigned as prime minister in 2008 amid graft allegations, and was indicted in 2009. In July 2012, he was found not guilty in two cases and convicted of breach of trust in a third case; a fourth case was ongoing at year's end. Separately, Yisrael Beiteinu leader Avigdor Lieberman was indicted for fraud and breach of trust in December 2012, prompting his resignation as foreign minister. Israel was ranked 39 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

The Israeli media are vibrant and independent and freely criticize government policy. All Israeli newspapers are privately owned, though ownership is concentrated among a small number of companies. Internet access is widespread and unrestricted. The Israel Broadcasting Authority operates public radio and television services, and commercial broadcasts are widely available. Most Israelis subscribe to cable or satellite television. In September 2011, the financially troubled Channel 10 television station was allegedly pressured by investors into apologizing for a story on a supporter of Prime Minister Benjamin Netanyahu, American businessman Sheldon Adelson; Netanyahu and his wife agreed to drop libel suits against the station in October 2012.

Print articles on security matters are subject to a military censor, and while the scope of permissible reporting is generally broad, press freedom advocates have warned of more aggressive censorship in recent years. In 2011, journalist Anat Kam was sentenced to four and a half years in prison for giving Haaretz newspaper reporter Uri Blau over 2,000 classified military documents during her military service. The Supreme Court reduced Kam's sentence by one year in December 2012. The Government Press Office has occasionally refused to provide press cards to journalists, especially Palestinians, to restrict them from entering Israel, citing security considerations.

Legislation passed in March 2011 requires the state to fine or withdraw funds from local authorities and other state-funded groups that hold events marking Al-Nakba on Israeli independence day; that support armed resistance or "racism" against Israel; or that desecrate the state flag or national symbols. Both Arab rights and freedom of expression groups criticized the law as an unnecessary and provocative restriction. In July 2011, the Knesset passed the so-called Boycott Law, which exposes Israeli individuals and groups to civil lawsuits if they advocate an economic, cultural, or academic boycott of the State of Israel or West Bank settlements, even without clear proof of financial damage. In December 2012, the High Court of Justice heard a petition against the law by eight civil rights groups; a ruling was pending at year's end.

While Israel's founding documents define it as a "Jewish and democratic state," freedom of religion is respected. Christian, Muslim, and Baha'i communities have jurisdiction over their own members in matters of marriage, divorce, and burial. The Orthodox establishment generally governs these matters among Jews, drawing objections from many non-Orthodox and secular Jews. In a landmark ruling in May 2012, the first non-Orthodox rabbi, Miri Gold, won the right to receive state funding (in this case, from the Ministry of Education,

Culture, and Sport). In another milestone case in 2011, an Israeli Jew won the right to an identity card that excluded his Hebrew birth date. Marriages between Jews and non-Jews are not recognized by the state unless conducted abroad, and legislation allowing nonreligious civil unions is restricted to two parties with no official religion.

Ultra-Orthodox Jews were exempt from compulsory military service under the 2002 Tal Law, which expired in July 2012 after the High Court of Justice ruled it unconstitutional in February. At the end of 2012, Israeli authorities were preparing to send draft notices to thousands of ultra-Orthodox youths.

Muslim and Christian religious authorities are occasionally discriminated against in resource allocation and upkeep of religious sites, though the state budget officially assigns funds according to need. Citing security concerns, Israel occasionally restricts Muslim worshippers' access to the Temple Mount, or Haram al-Sharif, in Jerusalem. In July 2012, Knesset member Michael Ben-Ari of the National Union party was photographed destroying a copy of the Christian New Testament; national and international condemnation of the stunt ensued.

Primary and secondary education is universal, with instruction for the Arab minority based on the common curriculum used by the Jewish majority, but conducted in Arabic. In 2010, the government mandated the teaching of Arabic in all state schools. School quality is generally worse in mostly Arab municipalities, and Arab children have reportedly had difficulty registering at mostly Jewish schools. Israel's universities are open to all students based on merit, and have long been centers for dissent. In late 2012, the Council of Higher Education attempted to shut down the Department of Politics and Government at Ben Gurion University, ostensibly for political and ideological reasons. The decision was being contested at year's end. Also in late 2012, the government granted Ariel College in the West Bank university status. In response, the Council of Presidents of Israeli Universities filed a motion at the High Court of Justice to oppose the designation. Periodic road closures and other security measures restrict access to Israeli universities for West Bank and Gaza residents.

Israel hosts an active civil society, and demonstrations are widely permitted, though groups committed to the destruction of Israel are not allowed to demonstrate. Thousands of Israelis participated in social protests in 2012, following massive 2011 demonstrations over the cost of living. A law requiring nongovernmental organizations (NGOs) to submit financial reports four times a year on the support they receive from foreign government sources went into effect in early 2012.

Workers may join unions of their choice and have the right to strike and bargain collectively. Three-quarters of the workforce either belong to Histadrut, the national labor federation, or are covered by its social programs and bargaining agreements. Both sector-specific and general strikes are common, but typically last less than 24 hours. About 100,000 legal foreign workers enjoy wage protections, medical insurance, and guarantees against employer exploitation. However, those who leave their original employers can be stripped of such rights and may face deportation. A 2011 amendment to the Israel Entry Law restricts the number of times foreign workers can change employers and may limit them to working in a specific geographical area or field. Advocacy groups claim that there are at least 100,000 illegal workers in Israel, many of whom are exploited. In 2010, Israel began construction of a barrier along its border with Egypt to prevent undocumented African migrants from entering. In January 2012, the Knesset passed legislation allowing migrants and asylum seekers who entered Israel irregularly and have been involved in criminal proceedings to be administratively detained, without trial, for up to three years, or indefinitely if they come from hostile countries. The judiciary is independent and regularly rules against the government. The Supreme Court hears direct petitions from citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings. In April 2012, the Knesset debated a bill that would allow it to override Supreme Court decisions. However, following a storm of criticism, no such measure had been enacted by year's end.

The Emergency Powers (Detention) Law of 1979 provides for indefinite administrative detention without trial. According to the human rights group B'Tselem, as of the end of November 2012 there were 4,430 Palestinians in Israeli jails: 3,048 serving sentences, 216 detainees, 990 being detained until the conclusion of legal proceedings, and 178 administrative detainees. A temporary order in effect since 2006 permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. Israel outlawed the use of torture in 2000, but milder forms of coercion are permissible when the prisoner is believed to have vital security information, leading to some criticism by human rights groups. Interrogation methods include binding detainees to a chair in painful positions, slapping, kicking, and threatening violence against detainees and their relatives. Al-Nakba Day protests in 2012 included a mass hunger strike by Palestinians held in Israeli jails. Under an Egyptian-brokered agreement, Israel pledged to improve prison conditions in exchange for an end to the strike.

According to Defence for Children International, there were 178 Palestinian children being held in Israeli jails as of November 2012, and 21 Palestinian youths aged 12 to 15. Most are serving two-month sentences—handed down by a Special Court for Minors created in 2009—for throwing stones or other projectiles at Israeli troops in the West Bank; acquittals on such charges are very rare. East Jerusalem Palestinian minors are tried in Israeli civil juvenile courts.

Arab citizens of Israel tend to receive inferior education, housing, and social services relative to the Jewish population. According to a 2010 report by the NGO Mosawa, Arab Israelis own only 3.5 percent of the land in Israel. Arab Israelis, except for the Druze minority, are not subject to the military draft, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans.

At the end of 2012 the courts were reviewing the constitutionality of 2011 legislation that would allow Jewish communities of up to 400 residents in the Negev and Galilee to exclude prospective residents based on "social suitability." The measure was seen by critics as an attempt to legalize restrictions that could be used to bar Arab residents.

There are about 110,000 Bedouin in the Negev region, most of whom live in dozens of towns and villages that are not recognized by the state. Those in unrecognized villages cannot claim social services and have no official land rights, and the government routinely demolishes their unlicensed structures. International and domestic human rights groups accuse the government of pervasive land and housing discrimination against the historically nomadic Bedouin.

The state's Israeli Lands Administration owns 93 percent of the land in Israel; 13 percent of that is owned by the Jewish National Fund (JNF). In 2005, the Supreme Court and attorney general ruled that the JNF could no longer market property only to Jews. The Knesset made several unsuccessful attempts to override those rulings.

Security measures can lead to delays at entrances to some public places, though IDF checkpoints are restricted to the West Bank. By law, all citizens must carry national identification cards. The West Bank security barrier restricts the movement of some East Jerusalem residents. Formal and informal local rules that prevent driving on Jewish holidays can also hamper freedom of movement.

Women have achieved substantial parity at almost all levels of Israeli society. However, Arab women and religious Jewish women face some discrimination. Many ultra-Orthodox Jewish communities enforce gender separation, impinging on women's rights in nearby public places and public transportation. In January 2012, the Supreme Court ruled against gender-segregated buses, though many women still sit at the rear of buses on certain bus lines in practice. In late 2011 and early 2012, ultra-Orthodox men attacked women and girls in the town of Beit Shemesh whom they deemed to be dressed immodestly. Repeatedly during 2012, Jewish women were arrested at the Western Wall for praying in shawls traditionally used by men, in violation of rules set for the location by ultra-Orthodox religious officials. In December 2012, the government formed a commission to evaluate the status of public prayer at the site in light of these ongoing gender concerns.

Both the United Nations and the U.S. State Department have identified Israel as a top destination for trafficked women in recent years. The government has opened shelters for victims, and a 2006 law mandates prison terms of up to 20 years for perpetrators.

Since 2006, Israel has recognized same-sex marriages conducted abroad. While such marriages are still not conducted in the country, a family court in Tel Aviv recognized Israel's first same-sex divorce in December 2012. Nonbiological parents in same-sex partnerships are eligible for guardianship rights. Openly gay Israelis are permitted to serve in the armed forces.

Explanatory Note:

The numerical ratings and status above reflect conditions within Israel itself. Separate reports examine the West Bank and the Gaza Strip.

2013 Scores

Status

Free

Freedom Rating

1.5

Civil Liberties

2

Political Rights

1

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