

Document #1408209

Freedom House

Freedom in the World 2017 - Israel

Freedom Status:

Free

Freedom in the World Scores

(0=Least Free, 100=Most Free)

Freedom Rating: 1.5/7

(1=Most Free, 7=Least Free)

Quick Facts

Population:

8,200,000

Capital:

Jerusalem

GDP/capita:

\$35,728

Press Freedom Status:

Partly Free

Overview:

Israel is a multiparty democracy with strong and independent institutions that guarantee political rights and civil liberties for most of the population. Although the judiciary is active in protecting minority rights, the ruling elite has traditionally discriminated against the Arab and, to a lesser degree, the ultra-Orthodox and Ethiopian minorities.

Key Developments in 2016:

- In July, the Knesset (parliament) approved a law that allows it to expel any members found to have incited racism or supported armed struggle against the state of Israel. Critics of the measure described it as a means of silencing Arab representatives.
- In July 2016, Israelis of Ethiopian origin took to the streets of Tel Aviv to protest against police brutality and discrimination, with police arresting participants who tried to block a highway.
- A reported 414 Palestinian children (aged 12–17) from the occupied territories were being held in Israeli military detention as of April 2016, more than double the figure from a year earlier.

Executive Summary:

The environment for civil society groups and minorities in Israel did not improve in 2016, as restrictions on nongovernmental organizations (NGOs) and Knesset members reinforced a recent trend of intolerance for dissent. A wave of stabbing and other attacks against Jewish Israeli citizens that began in late 2015 continued to influence politics and society, despite a relative easing of tensions during the year. In July, the Knesset approved separate bills that increase penalties for flag desecration, require certain NGOs to routinely publicize their reliance on foreign funding, and allow the parliament to remove members who incite racism or support armed struggle against the state of Israel. Opponents said the latter two measures targeted left-leaning human rights groups and Arab Knesset members, respectively. Also in July, the government outlawed Al-Hirak al-Shababi (Youth Movement), a Palestinian group, and in August it reported plans to ban the radical Islamist group Hizb ut-Tahrir.

Meanwhile, hundreds of Palestinians were in administrative detention in 2016, hundreds of Palestinian children remained in military prisons, and Arab citizens of Israel—who often identify as Palestinian—continued to face disadvantages in areas such as education, social services, and housing. However, Arabs were not the only minority suffering from discrimination, as Israelis of Ethiopian origin have experienced a pattern of racism, including at the hands of police. In July Ethiopian Israelis took to the streets of Tel Aviv in a major demonstration, with police arresting protesters after some attempted to block a highway.

Political Rights (<https://freedomhouse.org/report/freedom-world/2017/israel#>)

Political Rights 36 / 40

A. Electoral Process 12 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

A largely ceremonial president is elected by the 120-seat parliament, the Knesset, for one seven-year term. In 2014, Reuven Rivlin of the right-leaning Likud party was elected to replace outgoing president Shimon Peres, receiving 63 votes in a runoff against Meir Sheetrit of the centrist Hatnuah party.

The prime minister is usually the leader of the largest faction in the Knesset, members of which are elected by party-list proportional representation for four-year terms. A low electoral threshold to win representation has led to unstable coalitions, though the threshold was raised in 2014 from 2 to 3.25 percent. Among other changes adopted in the same legislation, the no-confidence procedure was altered so that opponents hoping to oust a sitting government must simultaneously vote in a new one.

Israeli elections are free and fair. In the March 2015 Knesset elections, Likud, led by incumbent prime minister Benjamin Netanyahu, secured 30 seats, followed by the center-left Zionist Union with 24. The Joint List—a coalition of parties representing Arab citizens of Israel—earned 13 seats; the centrist Yesh Atid (There Is a Future), 11; Kulanu, also centrist, 10; Habayit Hayehudi (Jewish Home), 8; the ultra-Orthodox parties Shas and United Torah Judaism, 7 and 6, respectively; the right-wing Yisrael Beiteinu, 6; and the left-wing Meretz party, 5. In May 2015, after lengthy negotiations, Netanyahu formed a new coalition government made up of Likud, Kulanu, Jewish Home, Shas, and United Torah Judaism. In May 2016 the coalition was expanded to include Yisrael Beiteinu, whose leader, Avigdor Lieberman, became defense minister.

B. Political Pluralism and Participation 14 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

Israel hosts a diverse and competitive multiparty system. However, parties or candidates that deny Israel's Jewish character, oppose democracy, or incite racism are prohibited. In July 2016 the Knesset approved a law that allows it to remove any members who incite racism or support armed struggle against the state of Israel. Critics of the law alleged that it was aimed at silencing Arab representatives. Three-quarters of the Knesset would have to vote to oust a member, who could then appeal to the Supreme Court.

Arab or Palestinian citizens of Israel enjoy equal rights in principle, as enshrined in Israel's Basic Law, but face some discrimination in practice, both legally and informally. The Joint List's representation in the Knesset falls short of Arabs' roughly one-fifth share of Israel's population, though some vote or run as candidates for other parties. No Arab party has ever been formally included in a governing coalition, and Arabs generally do not serve in senior positions in government. Although Israeli identity cards issued since 2005 have not classified residents by ethnicity, Jewish Israelis can often be identified by the inclusion of their Hebrew birth date.

After Israel's annexation of East Jerusalem in 1967, which has not been recognized internationally, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most declined for political reasons. These noncitizens can vote in municipal as well as Palestinian Authority elections, and remain eligible to apply for Israeli citizenship. However, Israeli law strips noncitizens of their Jerusalem residency if they are away for more than three months.

A 2003 law, renewed in 2013, denies citizenship and residency status to Palestinian residents of the West Bank or Gaza Strip who are married to Israeli citizens. While the measure was criticized as blatantly discriminatory, supporters cited evidence that a significant share of past suicide bombers had acquired Israeli identity cards via family reunification. A 2011 law allows the courts to revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy.

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.

C. Functioning of Government 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The government and parliament are free to set and implement policies and laws without undue interference from unelected entities.

A strong societal intolerance for graft has been reinforced by frequent high-level corruption investigations. Scandals and criminal cases in recent years have implicated several senior officials. The most prominent example is that of Ehud Olmert, who resigned as prime minister in 2008 amid graft allegations. After the Supreme Court in December 2015 reduced his original 2014 sentence of six years, in February 2016 Olmert went to jail to serve a 19-month sentence for bribery. In September, Olmert was convicted of fraud and breach of trust in a separate case involving cash he accepted from an American businessman, Morris Talansky, and was sentenced to an additional eight months in prison.

Prime Minister Netanyahu has been the subject of a number of corruption probes by the media and state authorities, though none had resulted in formal charges as of 2016.

Civil Liberties (https://freedomhouse.org/report/freedom-world/2017/israel#)

Civil Liberties 44 / 60

D. Freedom of Expression and Belief 12 / 16

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

The Israeli media are vibrant and free to criticize government policy. However, the diversity and editorial independence of both print and broadcast media have been threatened in recent years by financial difficulties in the industry. All Israeli newspapers are privately owned, though ownership is concentrated among a small number of companies, some of which display a clear partisan bias. 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. While the scope of permissible reporting is generally broad, print articles on security matters are subject to a military censor, and the censor has sought to expand its supervision to bloggers and social media. The Government Press Office has occasionally withheld press cards from journalists, especially Palestinians, to restrict them from entering Israel, citing security considerations.

Investigative journalists came under increased pressure from politicians during 2016, with Netanyahu in particular issuing unusually harsh denunciations of senior reporters with the commercial television stations Channel 2 and Channel 10. Netanyahu's dual role as communications minister has raised questions about political bias and conflicts of interest in the ministry's regulation of the media and telecommunications.

There are some restrictions on political expression, including constraints on any local authorities or state-funded groups that commemorate the 1948 displacement of Palestinians, support armed resistance or racism against Israel, or desecrate national symbols. The 2011 Boycott Law 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. A law adopted in July 2016 sharply increased penalties for desecrating the Israeli flag, calling for up to three years in prison and over \$15,000 in fines.

While Israel defines itself as a Jewish state, freedom of religion is largely respected. Christian, Muslim, and Baha'i communities have jurisdiction over their own members in matters of marriage, divorce, and burial. The Orthodox establishment governs personal status matters among Jews, drawing objections from many non-Orthodox and secular Israelis. In a milestone case in 2011, an Israeli Jew won the right to an identity card that excluded his Hebrew birth date. Nevertheless, in 2013 the Supreme Court ruled against an appeal that would have allowed individuals to declare their ethnic "nationality" in Israel's population registry to be "Israeli" rather than "Jewish."

Ultra-Orthodox Jews, or Haredim, were exempt from compulsory military service under the 2002 Tal Law, which expired in 2012 after the High Court of Justice ruled it unconstitutional. In 2014, the Knesset enacted a law to formally end the exemption, but legislation adopted in November 2015 effectively postponed enforcement of the 2014 measure until 2023.

Although the law protects the religious sites of non-Jewish minorities, they face discrimination in the allocation of state resources, and a number of Christian and Muslim sites were attacked or vandalized in 2015 and to a much lesser extent in 2016. In September 2015, the government agreed to increase funding for private Christian schools in Israel for the 2015-16 school year and reexamine their legal status and future funding after the schools, representing 33,000 students, carried out a month-long strike over their unequal treatment by the state. However, there were considerable delays in the distribution of the new funds in 2016.

Citing security concerns, Israeli authorities have set limits on Muslim worshippers' access to the Temple Mount/Haram al-Sharif in Jerusalem with increasing frequency in recent years. Clashes between Palestinians and Israeli police in the area in 2015 and 2016 were driven partly by rumors that Israel was planning to change the existing rules and allow Jews to pray in the Muslim compound, which the government strongly denied.

Primary and secondary education is universal, though divided into multiple public school systems (state, state-religious, Haredi, and Arab, the last of which uses the common curriculum but provides instruction in Arabic). School quality and resources are generally lower in mostly non-Jewish communities. Israel's universities have long been centers for dissent and are open to all students based on merit, though security-related restrictions on movement limit access for West Bank and Gaza residents in practice.

While private discussion in Israel is generally open and free, it has been affected by security conditions in recent years. Palestinians in the country faced increased societal and other pressure in response to their remarks during a 2014 Israeli military campaign against Hamas militants in Gaza. Dozens were reportedly fired or disciplined by employers for views expressed on social media and elsewhere, and tensions persisted to some extent in 2016.

E. Associational and Organizational Rights 10 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Israel has an active civil society, and demonstrations are widely permitted and typically peaceful, though groups committed to the destruction of Israel are banned from demonstrating. In July 2016 Israelis of Ethiopian origin organized a protest against police brutality and discrimination in Tel Aviv. Several participants were arrested for disruption of public order after attempting to block a highway.

A law that took effect in 2012 requires NGOs to submit financial reports four times a year on support received from foreign government sources. In July 2016, the Knesset approved a law requiring NGOs that receive more than half of their funding from foreign governments to disclose this fact publicly and in any written or oral communications with elected officials. An especially controversial provision of the bill, requiring representatives of such NGOs to wear a special badge in the Knesset building, was dropped from the final version.

Also in July, the government outlawed the Palestinian youth group Al-Hirak al-Shababi due to its alleged violent activities and links with Iran and the Lebanese militant group Hezbollah. In August, Internal Security Minister Gilad Erdan announced plans to ban Hizb ut-Tahrir, a radical Islamist organization whose ideology he likened to that of the militant group Islamic State (IS), but no actual ban was subsequently reported. In

December the Defense Ministry outlawed a Turkish group, the Kanadil Institute for Humanitarian Aid and Development, because it allegedly channeled funds to the Palestinian militant group Hamas and the Muslim Brotherhood.

Workers may join unions and have the right to strike and bargain collectively. Most of the workforce either belongs to Histadrut, the national labor federation, or is covered by its social programs and bargaining agreements.

F. Rule of Law 11 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

The judiciary is independent and regularly rules against the government. Over the years, the Supreme Court has played an increasingly central role in protecting minorities and overturning decisions by the government and the parliament when they threaten human rights. The Supreme Court hears direct petitions from both citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings.

The Emergency Powers (Detention) Law of 1979 provides for administrative detention without trial for renewable six-month terms. According to the human rights group B'Tselem, there were 644 Palestinians in administrative detention in Israel Prison Service facilities at the end of August 2016, up from 584 at the end of 2015. Such detention rarely lasts for more than two years. Under criminal law, individuals suspected of security offenses can be held for up to 96 hours without judicial review under certain circumstances, compared with a maximum of 48 hours in other cases, and be denied access to an attorney for up to 21 days.

Israel's High Court of Justice banned torture in a 1999 ruling, but said physical coercion might be permissible during interrogations in cases involving an imminent threat. Human rights organizations accuse the authorities of continuing to use some forms of physical abuse and other measures such as isolation, sleep deprivation, psychological threats and pressure, painful binding, and humiliation.

Hunger strikes by Palestinian detainees have become increasingly common. Among several other such actions during the year, 65 detainees aligned with the left-wing Popular Front for the Liberation of Palestine (PFLP) went on a hunger strike in June 2016 to support Bilal Kayed, a PFLP member who was administratively detained after

completing a 14-year sentence. Kayed ended his hunger strike in August after he reached a deal with the Israeli authorities, who agreed to release him in December. Also in August, more than 200 Hamas members detained in Israel went on a hunger strike to protest body searches and improve prison conditions. The protest ended days later, after an agreement was reached.

According to Defense for Children International (DCI) Palestine, 414 Palestinian children (aged 12–17) from the occupied territories were being held in Israeli military detention as of April 2016, up from 164 at the same time in 2015. Although Israeli law prohibits the detention of children younger than 12, some are occasionally held. Most Palestinian child detainees are serving sentences of several weeks or months—handed down by a special military 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 civilian juvenile courts.

The authorities took a number of steps to crack down on violent protests in 2015. The Knesset passed legislation imposing harsher sentences for stone-throwing offenses under Israeli criminal law, with penalties of up to 20 years in prison for adults who throw objects at a vehicle with intent to harm the occupants. Moreover, the government authorized police to fire small-caliber bullets at stone throwers if a third party's life is threatened, not just when the officer's own life is in danger. Finally, the Knesset approved three-year minimum prison sentences for stone-throwing offenses in Israel, as well as the suspension of social benefits for the parents of juvenile offenders. Meanwhile, human rights groups in late 2015 accused police of using deadly force against some perpetrators of stabbing and vehicular attacks when they did not pose a lethal threat.

In addition to attacks by Palestinians on the ground during the year, Israeli civilians—particularly those living near border areas—faced occasional rocket and artillery fire from war-torn Syria and the Gaza Strip. However, the rate of fire was far lower than during the major Israel-Hamas conflicts of 2008–09, 2012, and 2014.

About 93 percent of the land in Israel is publicly owned, including some 12.5 percent owned by the Jewish National Fund (JNF-KKL). In 2005, the Supreme Court and attorney general ruled against the JNF-KKL's marketing property only to Jews, while the Knesset made several unsuccessful attempts to override those rulings. In practice, the JNF-KKL continues its Jewish-only land-leasing policy, partly as a result of a land-swap arrangement with the Israel Land Authority. In 2014 the Supreme Court upheld 2011 legislation that allows Jewish communities of up to 400 residents in the Negev and Galilee to exclude prospective residents based on "social suitability," meaning they could effectively bar non-Jews and other marginalized groups. In September 2016 a group of NGOs petitioned the Supreme Court, challenging the JNF-KKL's role in marketing Israeli land and focusing particularly on its discrimination against non-Jews.

Arab or Palestinian citizens of Israel face de facto discrimination in education, social services, and access to housing and related permits. Aside from the Druze minority, they are exempted from military conscription, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans. Many of Israel's roughly 230,000 Bedouin citizens live in towns and villages not recognized by the state. Those in unrecognized villages cannot claim social services, are in some cases off the electricity grid, and have no official land rights, and the government routinely demolishes their unlicensed structures. A lack of bomb shelters puts them at additional risk from Gaza-based rocket fire.

Israelis of Ethiopian origin, numbering around 130,000, suffer from some discrimination and lag behind the general population economically despite government integration efforts. Although Ethiopian Israelis mounted protests against police brutality and discrimination in 2015 and 2016, in August Israel's police commissioner defended the practice of racially profiling them, along with Arabs and other "immigrant" groups, claiming that statistics showed they were more likely to be involved in crime. In July, a regional labor court ordered the state to provide compensation to Ethiopian Israeli religious leaders who had long faced wage and other discrimination relative to their non-Ethiopian colleagues.

Israel has sought to block asylum seekers and migrants from Africa by erecting a fence along its border with Egypt. Individuals who enter the country irregularly, including asylum seekers, can be detained for up to a year without charges. Asylum applications, when fully processed, are nearly always rejected. Of some 60,000 African asylum seekers who have entered since 2005, mostly from Sudan and Eritrea, more than 10,000 have left under pressure, agreeing to be repatriated or deported to a third country such as Uganda or Rwanda.

G. Personal Autonomy and Individual Rights 11 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Security measures can sometimes present obstacles to freedom of movement, though military checkpoints are restricted to the West Bank. By law, all citizens must carry identification cards. Informal local rules that prevent driving on the Sabbath and Jewish holidays can also hamper free movement.

Property rights within Israel are effectively protected, and business activity is generally free of undue interference. Businesses face a low risk of expropriation or criminal activity, and corruption is only a minor nuisance for private investors.

Women have achieved substantial parity at almost all levels of Israeli society. However, Palestinian women and religious Jewish women face some discrimination. Many ultra-Orthodox Jewish communities enforce gender separation. In 2012, the Supreme Court ruled against gender-segregated buses. Nevertheless, many women still sit at the rear of buses on certain lines, and there are occasionally violent Haredi attacks on buses where the practice is not observed, along with attacks against women and girls deemed to be dressed immodestly. Since religious courts oversee marriage rules, marriages between Jews and non-Jews are not recognized by the state unless conducted abroad, nor are marriages involving a Muslim woman and a non-Muslim man. A law passed in 2010 permits nonreligious civil unions, but they are restricted to cases where the individuals have no religion, and they are seldom used.

Israel has recognized same-sex marriages conducted abroad since 2006, and a Tel Aviv family court granted the first same-sex divorce in 2012. Nonbiological parents in same-sex partnerships are eligible for guardianship rights, and openly gay Israelis are permitted to serve in the military. The Israel Prison Service permits same-sex conjugal visits.

Israel remains a destination for human-trafficking victims, and African migrants and asylum seekers residing in the country are especially vulnerable to forced labor and sex trafficking. The government works actively to combat trafficking and protect victims, though the U.S. State Department's *Trafficking in Persons Report* describes many of the penalties imposed by courts as inadequate.

Israel's roughly 80,000 legal foreign workers are formally protected from exploitation by employers, but these guarantees are poorly enforced. About 17,000 foreigners work in the country illegally, according to official data. Histadrut has opened membership to foreign workers and called on employers to grant them equal rights.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2017>)

ecoi.net summary:

Annual report on political rights and civil liberties in 2016



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