

Title	Freedom in the World 2010 - Israel
Publisher	Freedom House
Country	Israel
Publication Date	3 May 2010
Cite as	Freedom House, <i>Freedom in the World 2010 - Israel</i> , 3 May 2010, available at: http://www.unhcr.org/refworld/docid/4c0ceaebc.html [accessed 25 January 2011]

Freedom in the World 2010 - Israel

Capital: Jerusalem

Population: 7,634,000

Political Rights Score: 1 *

Civil Liberties Score: 2 *

Status: Free

Explanatory Note

The numerical ratings and status reflect conditions within Israel itself. Separate reports examine the Israeli-occupied territories and the Palestinian-administered areas.

Overview

In January, Israeli forces concluded a major military campaign against the Islamist militant group Hamas in the Gaza Strip in an effort to halt rocket fire into Israel. The incursion, which had begun in December 2008, drew accusations of war crimes from international human rights groups and a UN Human Rights Council investigation. While the incumbent centrist Kadima party won the most seats in February's parliamentary elections, the rightist Likud party succeeded in forming a governing coalition, and Benjamin Netanyahu succeeded Kadima's Tzipi Livni as prime minister in April.

Israel was formed in 1948 from part of the British Mandate of Palestine, which had been created by the League of Nations following World War I. 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.

As a result of 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. Israel annexed East Jerusalem in 1967 and extended Israeli law to the Golan Heights in 1981. It returned the Sinai to Egypt in 1982 as part of a peace agreement between the two countries.

In 1993, Israel secured an agreement with the Palestine Liberation Organization (PLO) that provided for a phased Israeli withdrawal from the West Bank and Gaza Strip and limited Palestinian autonomy in those areas, in exchange for Palestinian recognition of

Israel and a renunciation of terrorism. In 1994, Israel and Jordan agreed to a U.S.-brokered peace agreement. However, Israeli-Palestinian negotiations on a future Palestinian state broke down in 2000, and Palestinian militant violence resumed.

In 2002, the Israel Defense Forces (IDF) reoccupied many of the West Bank areas that had been ceded to the Palestinian Authority (PA) in the 1990s. Israel also began construction of a security barrier in the West Bank that roughly followed the 1949 armistice line. Critics accused the Israelis of confiscating Palestinian property and impeding access to land, jobs, and services for those living in the barrier's vicinity. As a result, the barrier – which was about 70 percent complete by the end of 2009 – has been rerouted six times by order of the Israeli Supreme Court; half of these orders have yet to be implemented.

After the death of Palestinian leader Yasser Arafat, Mahmoud Abbas was elected president of the PA in January 2005. A verbal ceasefire agreement between Israeli prime minister Ariel Sharon and Abbas led to a general decline, but not a halt, in violence. In September 2005, Sharon's government completed a unilateral withdrawal of Jewish settlers from the Gaza Strip, overcoming fierce right-wing opposition. Sharon subsequently left the right-wing Likud party and founded the centrist Kadima party. In January 2006, he suffered a stroke that left him in a coma, and then deputy prime minister Ehud Olmert succeeded him as prime minister and Kadima chairman. After the 2006 parliamentary elections, Olmert and Kadima headed a new coalition government that included the Labor Party, the religious Shas party, and other factions.

Israeli-Palestinian violence picked up after the Islamist group Hamas won elections to the Palestinian Legislative Council (PLC) in January 2006, displacing Abbas's Fatah party. Over the next two years, Israel experienced a decreasing number of terrorist attacks in Israel and regular rocket and mortar fire from the Gaza Strip, while the IDF continued to stage air strikes against militant leaders and destructive incursions into Palestinian territory, including an invasion of 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. By the time a UN-brokered ceasefire took effect in mid-August, about 1,200 Lebanese, including many civilians, had been killed; 116 IDF soldiers and 43 Israeli civilians were also killed. A 2007 report by Israel's state comptroller described the government's efforts to protect civilian life during the conflict as "a grave failure."

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 center-left 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.

Meanwhile, Israeli-Palestinian violence continued. Hamas had seized control of the Gaza Strip in June 2007, creating a rift with the Fatah-dominated West Bank. Israel thereafter regarded Gaza as a hostile entity and imposed an economic blockade, allowing only limited amounts of humanitarian aid through its border crossings. In June 2008, Israel and Hamas implemented a six-month truce agreement, leading to a significant decrease in clashes in and around Gaza. Separately, Israel had pursued accelerated peace talks with the Fatah-led PA in the West Bank. However, despite a series of confidence-building measures and increased involvement by the United States, any breakthrough remained far off by the end of 2009.

After the six-month truce expired and Hamas ramped up its rocket bombardment of Israeli towns near the Gaza border, the IDF in December 2008 launched a major offensive, including near-daily air strikes and a ground invasion. Israel declared a unilateral ceasefire in late January 2009, with Hamas following suit soon thereafter.

Israeli forces had destroyed large swathes of Gaza's military, government, and civilian infrastructure; according to the British Broadcasting Corporation (BBC), more than 4,000 buildings were destroyed, with 20,000 severely damaged. Human casualty figures remained in dispute: while the Palestinian Centre for Human Rights reported 1,434 Palestinians killed, including 960 noncombatants, the IDF reported 1,166 Palestinians killed, including 295 to 460 noncombatants. Thirteen Israelis were killed, including three civilians.

International and domestic human rights organizations accused Israel of using excessive force and imposing collective punishment on Gaza residents, citing the casualty figures, destroyed civilian infrastructure and homes, the IDF's allegedly illegal use of white phosphorus, and austere humanitarian conditions stemming in part from the blockade. Amnesty International and Human Rights Watch accused Israeli forces of war crimes, as did a UN Human Rights Council investigation led by South African jurist Richard Goldstone. The Israeli government, which did not cooperate with the Goldstone probe, vociferously denied these charges, arguing that the campaign was necessary to protect Israeli civilians from Gaza-based rocket fire and that Palestinian civilian casualties were caused primarily by Hamas and other militant groups' use of civilian areas to stage and prepare attacks. Hamas and other Palestinian militant groups were also accused of war crimes for indiscriminately firing over 700 rockets into Israeli civilian areas during the war.

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 threshold for parliamentary representation is the world's lowest, leading to the regular formation of niche parties and unstable coalitions.

Parties or candidates that deny the existence of Israel as a Jewish state, oppose the democratic system, or incite racism are prohibited. In January 2009, the Knesset's central election committee voted to ban two Arab parties – Balad and the United Arab List (UAL)-Ta'al – from the February elections on these grounds, citing their alleged support for Hamas in the Gaza conflict. The ban was rapidly overturned by the Supreme Court, and the parties were allowed to run (UAL-Ta'al won four seats and Balad won three). In 2007, Balad leader and Knesset member Azmi Bishara had resigned his seat and eventually left Israel for fear of prosecution on charges of espionage and aiding an enemy during war; Bishara had previously expressed support for Hezbollah during visits to Lebanon and Syria, both technically at war with Israel.

Thirteen members of the current Knesset are Arab Israelis. While the Arab population votes heavily for Arab-oriented parties, the left-leaning and centrist Zionist parties also draw strong support from the Arab community. No independent Arab party has been formally included in a governing coalition. After Israel annexed East Jerusalem in 1967, 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. Noncitizens have the same rights as Israeli citizens, except the right to vote in national elections. They can vote in municipal as well as PA elections, and are eligible to apply for Israeli citizenship. However, Israeli law strips such Arabs of their Jerusalem residency if they remain outside the city for more than three months; in December 2009, the Interior Ministry revoked the residency rights of 4,570 Palestinians, whose cases represented more than a third of all such revocations since 1967. While the government claimed that most of the affected individuals lived abroad and had been receiving government stipends, Israeli and Palestinian rights groups accused Israel of manipulating the demographic balance in East Jerusalem. The city's Arab population does not receive a share of municipal services proportionate to its numbers.

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. In 2003, the Knesset passed a measure that temporarily denied citizenship and residency status to West Bank or Gaza residents married to Israeli citizens. While the law was criticized as blatantly discriminatory, supporters cited evidence that 14 percent of suicide bombers acquired Israeli identity cards via family reunification laws, and the Supreme Court upheld the measure in 2006.

Israel was ranked 32 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. Corruption scandals in recent years have implicated senior officials including a prime minister, a finance minister, and the heads of the tax authority and the police. Ehud Olmert resigned as prime minister in 2008 amid an investigation into some \$500,000 in donations and other gifts he had reportedly received from a U.S. businessman over many years, as well as several other alleged misdeeds dating to his previous posts in the cabinet and as mayor of Jerusalem. In August 2009, Olmert was indicted in three of these scandals. Separately, Yisrael Beiteinu leader and current foreign minister Avigdor Lieberman is under investigation for money laundering, fraud, and breach of trust; in August, police recommended that the attorney general file charges against him.

Press freedom is respected in Israel, and the media are vibrant and independent. All Israeli newspapers are privately owned and freely criticize government policy. The Israel Broadcasting Authority operates public radio and television services, and commercial broadcasts are widely available. Most Israelis subscribe to cable or satellite television, and internet access is widespread and unrestricted. While print articles on security matters are subject to a military censor, the scope of permissible reporting is broad. The Government Press Office (GPO) has occasionally refused to provide press cards, especially to Palestinians, to restrict them from entering Israel, claiming security considerations. In February 2009, Israel threatened to not renew the work visas of some journalists with the Qatar-based satellite television station Al-Jazeera after Qatar cut trade ties with Israel. During the Gaza conflict, the IDF – which had declared Gaza off-limits to journalists – occasionally extended the exclusion zone two miles into Israeli territory, impeding both local and foreign journalists from reporting on developments at the border.

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. Since the Orthodox establishment generally handles these matters among Jews, marriages between Jews and non-Jews are not recognized by the state unless conducted abroad. In 2009, there were a number of clashes between police and ultra-Orthodox residents opposed to the opening of a parking lot near Jerusalem's Old City on the Jewish Sabbath. In November, the arrest of a woman praying at the Western Wall with a *tallit* (or Jewish prayer shawl) – traditionally worn by men – sparked a significant controversy in the country.

Muslim and Christian communities occasionally claim discrimination in resource allocation and upkeep of religious sites, though the state budget officially assigns funds according to need. In November 2009, the newspaper *Haaretz* reported that ultra-Orthodox political pressure has impeded the planned construction of a mosque and a church at Ben Gurion International Airport in Tel Aviv. Citing security concerns, Israel occasionally restricts Muslim worshippers' access to the Temple Mount, or Haram al-Sharif, in Jerusalem. In October, Muslim youths at the site threw stones and firebombs at police and a tourist group, and police responded with rubber bullets and stun grenades.

Primary and secondary education are universal, with instruction for the Arab minority based on the common curriculum used by the Jewish majority, but conducted in Arabic. In 2007, the government approved an Arabic textbook that presents the founding of the state from the typical Palestinian perspective. However, in 2009 the Education Ministry ordered the word *Nakba* (catastrophe) – the term used by many Arabs to describe the establishment of Israel – removed from the text. 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 October 2009, a court found that Tel Aviv

University had closed an art exhibition by members of the Falun Gong spiritual movement in 2008 due to pressure from the Chinese embassy. The university was ordered to pay the organizers' court costs and to allow the exhibit during the next semester. Periodic road closures and other security measures in recent years have made it difficult for West Bank and Gaza residents to reach Israeli universities.

Freedoms of assembly and association are respected. Israel hosts an active civil society, and demonstrations are widely permitted. Groups committed to the destruction of Israel are not allowed to demonstrate. In July 2009, the cabinet approved a bill that prohibited state funding for activities by local authorities that mark the Nakba, considered a day of mourning by many Arab Israelis and commemorated on Israeli independence day. The measure – which must still pass three rounds of votes by the full Knesset – also bars state funding for any activities that reject Israel's existence as a Jewish and democratic state, or that fall within the official definition of armed struggle or terrorist activities against Israel. Also in 2009, the Foreign Ministry voiced concerns about the funding of antiwar groups by foreign governments. While the ministry reportedly asked the British, Spanish, and Dutch governments to stop funding one such group, Breaking the Silence, no additional steps were taken.

The largest of several demonstrations against the IDF's 2009 campaign in Gaza took place in Arab-majority towns in the north, including gatherings of 150,000 people in Sakhnin and 100,000 people in Baqa al-Gharbiyah. While most demonstrations were allowed to proceed, human rights organizations alleged that permits were more difficult to obtain in the north, that there were instances of "physical violence" by police, and that detained Arab Israeli protesters were more likely to be kept in custody during legal proceedings than their non-Arab counterparts.

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. General strikes are common but generally last under 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 are stripped of such rights and face deportation. Advocacy groups claim that there are at least 100,000 illegal workers in Israel, many of whom are exploited. In July 2009, a new immigration enforcement unit announced plans to deport nearly 300,000 illegal migrants and visa violators. Demonstrations were mounted across the country in October to protest the Interior Ministry's decision to deport 250 migrant families, including 1,200 children. The ministry was reevaluating the decision at year's end.

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. The state generally adheres to court rulings, but the Association for Civil Rights in Israel reported in 2009 that the state was in contempt of eight rulings handed down by the Supreme Court since 2006, including a 2006 rerouting of the West Bank security barrier.

The Emergency Powers (Detention) Law of 1979 provides for indefinite administrative detention without trial. According to an October 2009 report by the human rights groups B'Tselem and HaMoked Center, there are about 7,150 Palestinians in Israeli custody: 5,000 serving sentences, 1,569 awaiting trial, and 335 in administrative detention. A 2006 temporary order (extended for three years in December 2007) permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. In 2007, B'Tselem and HaMoked Center reported that Palestinian prisoners are held in terrible conditions and are subject to abusive interrogation techniques, including instances of torture. The government disputed the accuracy of the report.

While personal security in Israel deteriorated during the 2009 Gaza campaign, rocket attacks subsequently declined. The roughly 700 rockets and mortar shells fired into Israel during the conflict killed three people and injured scores, and the towns of Sderot

and Gedera and the cities of Ashdod and Ashkelon were at least partially evacuated. From the ceasefire to the end of 2009, about 160 rockets hit Israel. In December, the country's Shin Bet intelligence agency reported that attacks on Israelis in 2009 fell to the lowest level since 2000, with 15 total fatalities. *Haaretz* has reported that over 12,000 rockets have been launched into Israel from Gaza since 2001. According to B'Tselem, about 500 Israeli civilians have been killed by Palestinian attacks since September 2000.

Although they have full political rights, the roughly one million Arab citizens of Israel (about 19 percent of the population) receive inferior education, housing, and social services relative to the Jewish population. 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. In 2000, 13 Arabs were killed by police attempting to quell several days of often violent protests in support of the concurrent uprising in the Palestinian territories. A subsequent state-sponsored investigation (the Orr Commission) found that the government's "neglectful and discriminatory" management of the Arab population had led to "poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure." In 2008, the attorney general announced that no police officers would be prosecuted for the 13 killings due to lack of evidence, drawing objections from human rights groups.

Separately, a July 2007 report by the state comptroller heavily criticized the government for failure to protect Arab Israeli villages – most of which did not have bomb shelters – during the 2006 conflict with Hezbollah. In 2008 and 2009, a number of Jewish towns in the north began insisting that prospective property buyers accept Israel's existence as a Jewish and democratic state as well as the towns' "Zionist ethos." These restrictions, widely perceived as attempts to exclude Arabs, are being challenged in court. In 2008, Jewish youths in the city of Akko attacked an Arab Israeli who drove through a mostly Jewish neighborhood during the Jewish holiday of Yom Kippur; this prompted retaliation by Arab youths and riots that spread to other cities.

Most Bedouin housing settlements are not recognized by the government or provided with essential services. International and domestic human rights groups have accused the government of pervasive land and housing discrimination against the Bedouin, and have urged authorities to stop demolishing unlicensed Bedouin homes. In December 2008, a Knesset-appointed committee called for the state to recognize villages and legalize buildings without permits as long as the settlements had a "minimal mass" of residents that would not affect existing regional plans. 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 a first attempt to override those rulings in 2007, but the process remained incomplete at the end of 2009.

Security measures can lead to delays at checkpoints and in public places. Security forces sometimes carry out random identity checks of civilians. By law, all citizens must carry national identification cards. The West Bank security barrier restricts the movements 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 and societal pressures that negatively affect their professional, political, and social lives. In October 2009, the Transport Ministry outlawed so-called "modesty buses," on which women were forced to sit at the back, separate from men. The buses had recently been appearing in greater numbers in very religious Jewish neighborhoods of Jerusalem. The trafficking of women for prostitution has become a problem in recent years; both the United Nations and the U.S. State Department have identified Israel as a top destination for trafficked women. The government has opened shelters for victims, and in 2006 the Knesset passed a law mandating prison terms of up to 20 years for perpetrators. In March 2009, Israeli police uncovered a trafficking ring that allegedly smuggled 2,000 women from the former Soviet Union into Israel and Cyprus over a six-year period for sex work.

Sexual minorities have made significant strides in recent years. A 2005 Supreme Court decision granted guardianship rights to nonbiological parents in same-sex partnerships, and two lesbians were granted permission to legally adopt each other's biological children in 2006. Openly gay Israelis are permitted to serve in the armed forces. In August 2009, however, a gunman killed 2 people and wounded 15 at a gay, lesbian, and transgender support center in Tel Aviv.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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