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Title	2011 Country Reports on Human Rights Practices - Israel and the occupied territories
Publisher	United States Department of State
Country	Israel Occupied Palestinian Territory
Publication Date	24 May 2012
Cite as	United States Department of State, <i>2011 Country Reports on Human Rights Practices - Israel and the occupied territories</i> , 24 May 2012, available at: http://www.unhcr.org/refworld/docid/4fc75a905f.html [accessed 30 January 2013]
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2011 Country Reports on Human Rights Practices - Israel and the occupied territories

EXECUTIVE SUMMARY

Israel is a multiparty parliamentary democracy. Although it has no constitution, Israel's 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. The Knesset has the power to dissolve the government and mandate elections. The 2009 nationwide Knesset elections, considered free and fair, resulted in a coalition government led by Prime Minister Benjamin Netanyahu. Israeli security forces reported to civilian authorities. (An annex to this report covers human rights in the occupied territories. This report deals with human rights in Israel and the Israeli-occupied Golan Heights.)

The most significant human rights issues during the year were terrorist attacks against civilians; institutional and societal discrimination against Arab citizens – in particular issues of access to housing and employment opportunities; and societal discrimination and domestic violence against women.

The government generally protected religious freedom, although there was institutional and societal discrimination against non-Orthodox Jews and some minority religious groups. The government ceased the practice of immediately returning African asylum seekers who reached the country through Egypt but continued to deny many asylum seekers individual refugee status determinations, which impacted their ability to work or receive basic social services, including health care. Societal discrimination and lack of accessibility persisted for persons with disabilities. Serious labor rights abuses against foreign workers were common, and there were reported cases of trafficking for labor purposes.

The government took steps to prosecute and punish officials who committed abuses in the country regardless of rank or seniority.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

Terrorist groups routinely fired rockets and mortars into Israel during the year. There were 924 terrorist attacks against citizens, both from the West Bank and the Gaza Strip, which included the firing of 388 rockets and 247 mortar shells from the Gaza Strip into Israel (compared with a total of 235 in 2010). In total 25 persons were killed and 119 were injured in these attacks. For example, on April 7, an antitank missile fired from the Gaza Strip hit a school bus in southern Israel, killing one student. On August 18, a Sinai-based group of gunmen crossed the Egyptian border into the country and killed eight citizens near the city of Eilat.

The IDF continued to investigate allegations relating to the 2008-09 Operation Cast Lead military incursion into the Gaza Strip. Since 2009 the military advocate general launched 52 military police criminal investigations into IDF conduct during the incursion. The military advocate general filed three indictments in previous years, two of which resulted in convictions.

One case continued at year's end. The military advocate general also internally disciplined at least six officers in connection with actions during Operation Cast Lead.

b. Disappearance

There were no reports of disappearances or politically motivated abductions.

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

The law does not refer to a specific crime of torture but prohibits acts such as assault and pressure by a public official. A 1999 High Court of Justice ruling held that, although torture and the application of physical or psychological pain are illegal, Israel Security Agency (ISA) interrogators may be exempt from criminal prosecution if they use such methods in extraordinary cases determined to involve an imminent threat or "ticking bomb" scenario. Human rights organizations alleged that these methods in practice included beatings, forcing an individual to hold a stress position for long periods, and painful pressure from shackles or restraints applied to the forearms. NGOs continued to criticize these and other detention practices they termed abusive, including isolation, sleep deprivation, and psychological abuse, such as threats to interrogate family members or demolish family homes.

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 Israel Prison Service (IPS) facilities generally met international standards according to international and domestic NGOs. All prisoners had access to potable water. (Conditions in four facilities for detainees are covered in the annex.)

According to a December 2010 *Haaretz* article, there were on average 13 deaths per year from suicide, murder, or neglect in prisons over the past decade. The IPS increased staff training and monitoring of cells to combat this phenomenon. Two cases of deaths from suicide were recorded during the year. At year's end the police and prison service were conducting separate investigations into the causes of the deaths.

As of December 14, there were 17,755 prisoners in IPS facilities. According to IPS figures reported by the nongovernmental organization (NGO) BTselem, at year's end there were 307 administrative detainees in IPS detention centers. Seventeen had been detained for between two and four and a half years. One had been detained for more than five years (see section 1.d., Arrest Procedures and Treatment While in Detention). None of them were minors. Prison conditions were equal for male and female prisoners.

Prisoners and detainees had reasonable access to visitors, including through a program of the International Committee of the Red Cross (ICRC) that brought relatives from the West Bank into the country for prison visits. The government stopped a similar program for visitors from the Gaza Strip following the 2007 Hamas takeover of the Gaza Strip, maintaining that such visits did not constitute a humanitarian need. Travel restrictions into the country affected some Palestinian prisoners' access to visitors and lawyers. Prisoners were permitted religious observance.

The law allows prisoners to submit a petition to judicial authorities in response to substandard prison conditions, and the authorities investigated credible allegations of inhumane conditions and documented results of such investigations publicly. In addition, the state comptroller investigates public complaints against government institutions, including the prison service. The law allows for alternatives to sentencing for nonviolent offenders, including community service.

The ICRC regularly monitored IPS facilities, interrogation facilities, and the two IDF provisional detention centers in accordance with standard modalities but did not monitor security detainees in military detention centers. The government also permitted the Israel Bar Association and Public Defenders' Office to inspect IPS facilities, and they did so during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions for all citizens. Non-Israeli residents of the Israeli-annexed Golan Heights were subject to the same laws as Israeli citizens. Noncitizens of Palestinian origin detained on security grounds fell under military jurisdiction even if detained in Israel (see annex).

Role of the Police and Security Apparatus

Under the authority of the prime minister, the ISA combats terrorism and espionage in the country and the occupied territories (see annex). The National Police, including the Border Police and the Immigration Police, are under the authority of the Ministry of Internal Security. Civilian authorities maintained effective control over the ISA and police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. The military is responsible for external security and has no jurisdiction over citizens.

Arrest Procedures and Treatment While in Detention

Criminal suspects are apprehended with warrants based on sufficient evidence and issued by an authorized official. Authorities generally informed such persons promptly of charges against them. The law allows authorities to detain suspects without charge for 24 hours before bringing them before a judge, with limited exceptions allowing for up to 48 hours. Authorities respected these rights in practice. Authorities allowed detainees to consult with an attorney in a timely manner, including one provided by the state for the indigent, and to contact family members promptly. A functioning bail system exists, and a decision denying bail can be appealed.

As a general practice, noncitizens of Palestinian origin detained for security violations were either granted or denied bail according to the circumstances of each case, severity of the offenses, status as a minor if relevant, risk of escape, and other factors. Persons detained on security grounds fall under one of three legal regimes.

First, under a temporary law on criminal procedures that has been repeatedly renewed, the IPS may hold individuals suspected of a security offense for 48 hours before being brought to a judge, with limited exceptions allowing up to 96 hours before being brought to the senior judge of a district court. The law allows the court to authorize holding a detainee for up to 20 days without an indictment in exceptional cases for interrogation.

Second, the 1979 Emergency Powers Law allows the Defense Ministry to detain persons administratively without charge for up to six months, renewable indefinitely. Administrative detention was used as an exception when intelligence sources could not be presented as evidence in regular criminal proceedings. An administrative detainee has the right to appeal any decision to lengthen detention to a military court of appeals and ultimately to the Supreme Court. According to the government, many cases were appealed to the Supreme Court. The military courts may rely on classified evidence denied to detainees and their lawyers when determining whether to prolong administrative detention.

Third, the 2002 Illegal Combatant Law permits holding a detainee for 14 days before review by a district court judge, denying access to counsel for up to 21 days with the attorney general's approval, and allowing indefinite detention subject to twice-yearly district court reviews and appeals to the Supreme Court. As of November authorities held only one Palestinian resident of the Gaza Strip in detention under the Illegal Combatant Law.

The law provides that foreign nationals suspected of immigration violations be afforded a hearing within four days of detention. They have the right to, but no assurance of, legal representation. According to the NGO Hotline for Migrant Workers (Hotline), interpreters in Ketziot, where most asylum seekers were detained, were rarely present during hearings.

The president pardoned and the government released from prison 1,021 Palestinians, five Israeli Arabs, and one Syrian prisoner through transfers on October 18 and December 18. They were released in exchange for Hamas' release of IDF soldier Gilad Shalit, whom terrorists kidnapped during a 2006 cross-border attack from the Gaza Strip.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government respected this provision in practice.

Trial Procedures

Defendants enjoy the right to presumption of innocence and the right to consult with an attorney, or if indigent, to have one provided at public expense. Trials are public except when the court determines that a closed trial is required to protect state security, foreign relations, a party or witness's right to privacy, or a sexual offense victim. There are no trials by jury. Defendants have the right to confront witnesses against them and present witnesses and evidence on their behalf, access evidence held against them (except when the court determines such access would compromise national security), and appeal to the Supreme Court. Although the government may withhold evidence from defense lawyers on security grounds, the evidence must be made available to the court. The annex covers military court trials of Palestinians and others in the occupied territories.

At the discretion of the court, security or military trials may be open to independent observers but not to the general public.

Military courts provide some, but not all, of the procedural rights granted in civil criminal courts. The 1970 evidentiary rules governing trials of Palestinians and others applicable in the occupied territories under military law are the same as evidentiary rules in criminal cases. According to the Ministry of Justice, the law does not permit convictions to be based solely on confessions. In military trials prosecutors often present secret evidence that is not available to the defendant or counsel. 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 in practice almost all detainees had counsel even in minor cases. The defendant and public are read the indictment orally in Hebrew and, unless the defendant waives this right, in Arabic. In past years many written indictments were translated into Arabic, but, since according to the government no requests for translations were made, the practice during the year was to provide written translations of indictments into Arabic only upon request. At least one interpreter is present for simultaneous interpretation in every military

court hearing, unless the defendant waives that right. Defendants can appeal through the Military Court of Appeals and petition the High Court of Justice.

Political Prisoners and Detainees

There were no reports of citizen political prisoners or detainees. NGOs alleged there were noncitizen political detainees, but the government maintained that it only held prisoners on criminal and security grounds (see annex).

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 were usually enforced. By year's end the attorney general had yet to enforce the 11 contempt of court ordinances and Supreme Court rulings that the former deputy attorney general had noted in February 2010 were unimplemented.

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

The law prohibits such actions, and the government generally respected those prohibitions in practice. Separate religious court systems adjudicate matters such as marriage and divorce for the Jewish, Muslim, Christian, and Druze communities. Civil marriages, marriages of some non-Orthodox Jews, marriages in non-Orthodox ceremonies, marriage of a Jew to a non-Jew, or marriage of a Muslim woman to a non-Muslim must take place outside the country to be considered legal. Many Jewish citizens objected to exclusive Orthodox control over aspects of their personal lives. Approximately 322,000 citizens, who immigrated either as Jews or as family members of Jews, are not considered Jewish by the Orthodox Rabbinate and cannot be married, divorced, or buried in Jewish cemeteries within the country. A law requiring the government to establish civil cemeteries has not been fully implemented, although eight civil cemeteries exist.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Speech: Individuals may criticize the government publicly and privately without reprisal. The law prohibits hate speech and incitement to violence, and the 1948 Prevention of Terrorism Ordinance prohibits expressing support for illegal or terrorist organizations. On July 11, the Knesset passed legislation that permits civil cases for damages against citizens who publicly and knowingly advocate for anti-Israel boycotts. Israeli NGOs challenged the constitutionality of this law in a petition to the High Court, and the law was not being implemented pending the court's ruling.

Freedom of Press: The independent media were active and expressed a wide variety of views without restriction, although the prohibitions on airing content liable to incite to discrimination on ground of race, origin, religion, nationality, and gender also applied to media.

Censorship or Content Restrictions: All media organizations must submit to military censors any material relating to specific military issues or strategic infrastructure issues, such as oil and water supplies. The censor's decisions may be appealed to the High Court of Justice, and the censor cannot appeal a court judgment. The Interior Ministry has no authority over the military censor.

News printed or broadcast abroad is subject to security censorship. The government did not fine newspapers or other mass media for violating censorship regulations during the year.

Internet Freedom

There were no government restrictions on access to the Internet. The government monitored e-mail and Internet chat rooms for security purposes.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *2010 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government respected these rights in practice for citizens (see annex). The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to some refugees, asylum seekers, and other persons of concern. At year's end 175 asylum seekers with disputed nationalities remained in detention pending formal decisions on whether to grant conditional release visas or to deport them, according to the UNHCR.

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. No citizen is permitted to travel to any state officially at war with the country without government permission. All citizens required a special permit to enter "Area A" (the area, according to the Interim Agreement, in which the Palestinian Authority exercises civil and security responsibility), although the government allowed Arab citizens access without permits. On March 7, the High Court responded to a 2007 petition by the Association for Civil Rights in Israel and Adalah regarding alleged ethnic profiling by asking the government to explain why security officials discriminated against Israeli Arabs during airport screenings. On May 26, the government rejected the claim of discrimination and stated that the security examination procedures were effective in achieving the goal of foiling terrorism.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of temporary asylum, and the government has established a system for providing temporary protection for most asylum seekers; however, there were complaints about the system's accessibility and reports of discrimination. The UNHCR and NGOs criticized new asylum regulations released on January 2 that require applicants to submit claims within one year of arriving in the country, allow the Ministry of Interior to reject applications without appeal even at the registration stage, and exclude "enemy nationals" from receiving asylum. The regulations fail to establish an independent appeal process.

Sudanese and Eritrean asylum seekers, who constituted approximately 85 percent of all asylum seekers in the country, were not allowed access to asylum procedures but were given renewable "conditional release" documents that deferred deportation and had to be renewed every few months. According to the UNHCR, during the year there were 4,603 new asylum applications; the government rejected 3,692 and approved one. There were 6,412 previous cases that remained pending at year's end.

Persons held in immigration detention rarely were released prior to judicial determination of their status. Moreover, if the detainee's country of origin had no diplomatic or consular representation, the individual could remain in detention for months.

Government officials often negatively referred to asylum seekers as "infiltrators." According to NGOs, officials periodically characterized asylum seekers as directly associated with rises in crime, disease, and terrorism. On December 8, in an interview with Army Radio, Minister of Interior Eli Yishai said, "I will safeguard the Jewish majority of the state, and I ensure that the last of the Sudanese, and the Eritreans, and all of the infiltrators, to the last of them, will return to their countries."

Nonrefoulement: The government provided some protection against the expulsion or return of refugees to countries where their lives or freedom could be threatened. In March the government declared the suspension of the "hot returns" procedure of immediately returning African asylum seekers across the border to Egypt. According to an IDF affidavit to the Supreme Court, there were 119 cases of "hot returns" through the first week of March. On July 7, the Supreme Court rejected a petition filed by several NGOs against the "hot return" procedure. It stated that the government's decision to suspend the practice rendered the petition moot but emphasized that the ruling was not a decision on the legality of the practice, nor did it preclude future petitions should the government resume the practice. In August the Refugee Rights Clinic and Hotline for Migrant Workers filed a complaint to the IDF legal advisor regarding several credible reports of instances of return of asylum seekers to Egypt in violation of the government's declaration. The IDF opened an investigation of the allegations, which was pending at year's end. No credible reports of "hot returns" were received after August.

Employment: Recognized refugees were given renewable work visas, but renewable documents given to most asylum seekers explicitly stated, "This is not a work visa." In practice, however, the government informally allowed asylum seekers to work. On December 4, Prime Minister Netanyahu announced that the government would begin to enforce the prohibition on asylum seekers working. On December 11, the cabinet passed a series of measures that included a request that authorities pursue cases against employers of asylum seekers.

Access to Basic Services: Recognized refugees received social services, including access to the national healthcare system, but the government did not provide asylum seekers with public social benefits such as health insurance. NGOs were critical of the process of victim identification and the lack of medical treatment upon arrival for asylum seekers who had been

abused, raped, and tortured in Egypt. The UNHCR and NGOs advocated for greater access to health and social services for asylum seekers, particularly victims of abuse. In July the Refugee Rights Clinic and Hotline for Migrant Workers filed a petition in the Be'er Sheva District Court regarding the segregation of children of asylum seekers in the city of Eilat, who were not accepted into the school system but forced to study in a makeshift school outside of Eilat's municipal boundary. The case was pending at year's end.

Temporary Protection: The government provided temporary protection primarily to Eritrean and Sudanese asylum seekers, and at times to asylum seekers from the Democratic Republic of Congo, Ivory Coast, and Somalia.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections held in 2009 were considered free and fair.

Political Parties: The Basic Law prohibits 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.

Participation of Women and Minorities: Women and minorities were participants in political life on the same legal basis as men or nonminority citizens. Although the senior leaders have traditionally come from the predominantly male IDF, women generally do not face cultural barriers in politics, including in leadership positions up to prime minister. Women face significant cultural barriers in political parties representing conservative religious movements and the Arab minority. At year's end the 120-member Knesset had 24 female and 14 Arab members. The 30-member cabinet included three women but no Arabs; two women and one Arab were deputy ministers. Five members of the 15-member Supreme Court, including its president, were women. One Arab was a justice of the Supreme Court.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government implemented these laws effectively. There were reports of government corruption during the year, although impunity was not a problem. The media routinely reported on corruption. The National Police, the state comptroller, the attorney general, and the accountant general are responsible for combating official corruption. Senior officials are subject to comprehensive financial disclosure laws.

During the year the government investigated and prosecuted several senior political figures for alleged misconduct. NGOs focused on anticorruption efforts operated freely without government interference. On September 5, an unknown assailant stabbed in the face and leg a Bedouin lawyer for the Movement for Quality Government in Israel as an apparent reprisal for his investigating local corruption in Israeli Arab municipalities in the Negev.

On August 4, police interrogated a Supreme Court justice as a suspect in a criminal case. Justice Yoram Danziger took a leave of absence from the court before questioning that centered on his former activities and fees as a private lawyer in connection with Bat Yam mayor Shlomo Lahiani, whom police were investigating for bribery, fraud, and breach of trust.

The law requires governmental agencies to make their internal regulations, administrative procedures, and directives available to the public.

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

Numerous domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Human rights NGOs have standing to petition the High Court directly regarding governmental policies and can appeal individual cases to the Supreme Court. Government officials were cooperative to widely varying degrees, and some routinely invited domestic NGOs, including those critical of the government, to participate in Knesset hearings on proposed legislation. A unit in the foreign ministry maintained relations with certain international and domestic NGOs.

During the year the Ministry of Interior barred entry into the country to foreign nationals affiliated with certain pro-Palestinian human rights NGOs and solidarity organizations. The government stated this was done on an individual basis, not according to the activities or platform of the NGOs with which these persons were affiliated.

UN and Other International Bodies: The government cooperated with UN and other international bodies. In December the government hosted the Human Rights Council's Special Rapporteur on Freedom of Expression.

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

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

The law prohibits discrimination on the basis of race, gender, disability, language, or social status, and the government was generally effective in enforcing these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a felony, punishable by 16 years in prison. The law doubles the penalty if the perpetrator assaults or rapes a relative. The government reported 727 cases opened due to rape complaints through October. The government effectively enforced rape laws during the year. As of September women filed 11,886 domestic violence complaints with police, of which at year's end 556 were still being investigated, 2,758 were transferred to the State Attorney's Office, 1,291 were heard by courts, and 7,281 were closed. According to the Association of Rape Crisis Centers in Israel, the majority of rape victims do not report the crime to the authorities due to social and cultural pressure. Women from certain Orthodox Jewish, Muslim, and Druze communities face significant social pressure against reporting rape or domestic abuse.

On November 10, the Supreme Court rejected former president Moshe Katsav's appeal of his 2010 rape conviction, and he began serving his seven-year prison sentence on December 7. In January, the month following his conviction, a record number of women sought services at rape crisis centers, according to the Association of Rape Crisis Centers in Israel. The association reported that 42 percent of calls dealt with rape or attempted rape, 23 percent with incest, 10 percent reported indecent acts, and 8 percent reported sexual harassment at work.

The Ministry of Social Affairs operated a battered women's shelter and an abuse reporting hotline. The police operated a call center to inform victims about their cases. Women's organizations provided counseling, crisis intervention, legal assistance, and shelters.

Harmful Traditional Practices: Several "honor" killings occurred within the Arab community. Police continued investigating Ramadan and Khaled Musrati, arrested in October 2010 on suspicion of involvement in four murders in Lod, where the victims were killed for allegedly being in relationships that members of their families viewed as inappropriate.

Sexual Harassment: Sexual harassment is illegal but remained widespread. According to a survey directed by the Tel Aviv Municipality Committee for Advancing the Status of Women, 83 percent of Tel Aviv women reported being sexually harassed at least once in their lifetime. The law requires that suspected victims be informed of their right to assistance. Penalties for sexual harassment depend on the severity of the act and whether blackmail is involved, and range from two to nine years' imprisonment. Police investigated 327 cases of sexual harassment during the year and by year's end transferred 66 cases for prosecution while continuing to investigate 108 cases. Three cases were heard by the courts, and the rest were closed for lack of evidence. Police notify all victims of their right to be assisted by the Association of Rape Crisis Centers in Israel, and the law ensures victims can be informed of the progress on their cases through a computerized system and information call center.

"Modesty patrols" continued to harass women in some "haredi" (also known as ultra-Orthodox) neighborhoods, according to NGOs and local media. There were reports of segregation of women and men in public spaces, including at public health clinics in haredi neighborhoods. On January 7, the Supreme Court ruled that gender segregation on public buses could not be imposed or ordered but could occur only on a voluntary basis. Despite the ruling there were continued reports of forced segregation on public buses. On December 16, both a bus driver and police officer requested that Ashdod resident Tanya Rosenblit move to the back of a public bus from Ashdod to Jerusalem due to haredi protests, but she was allowed to refuse and stay at the front of the bus. There were also reports of increased segregation at the Western Wall compound, including maintaining the country's only men-only walkway. In December harassment of an eight-year-old girl attending a Modern Orthodox school in Beit Shemesh by haredi men sparked large protests against haredi attempts to segregate genders in public spaces, with hundreds of haredim responding by rioting, lighting fires, and throwing stones when police took down haredi signs calling for separation of the sexes. According to the Ministry of Education, gender segregation was in effect at 65 percent of the state-funded religious elementary schools in the country, compared with 25 percent in 2001.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination, although women in haredi communities often had to seek approval from a rabbi to use contraception.

Discrimination: In the secular criminal and civil courts, women and men enjoyed the same rights, but religious courts responsible for adjudication of family law limit the rights of Jewish and Muslim women. A Jewish woman is allowed to initiate divorce proceedings, but her husband

must give his consent to make the divorce final. Because some men refuse to grant the divorce, thousands of "agunot" (chained women) may not remarry or give birth to legitimate children. Rabbinical tribunals may, and sometimes did, sanction a husband who refused divorce but still did not grant a 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, and a marriage contract may provide for other circumstances in which she may obtain a divorce without her husband's consent. A Muslim man may divorce his wife without her consent and without petitioning the court. Christians may seek official separations or divorces, depending on the denomination, through ecclesiastical courts.

Although the law prohibits discrimination based on gender in employment and wages and provides for class action suits, women across most ethnic and religious groups faced labor discrimination. According to international surveys, women earned on average 53 percent of the amount earned by men in comparable positions.

The government enacted a number of programs to improve the status of women in the workplace and society. 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, along with combating sexual harassment and domestic violence. Every city, local council, and government ministry in the country is required to have an adviser working to advance women's issues. The authority works with these advisers to develop action plans, submits regular opinions on Knesset legislation, and conducts 40 "empowerment courses" annually for women in cities across the country, particularly in the periphery and among Arab citizens. It also regularly provides materials on sexual harassment and ensures that job advertisements use gender-neutral language.

Children

Birth registration: Citizenship at birth is derived within or outside of the country to at least one citizen parent. Births are registered within 10 days of the delivery.

Education: Education is free, universal, and compulsory through age 17, which usually coincides with the 12th grade. Compulsory education was not enforced, however, in unrecognized Bedouin villages in the Negev, and many Bedouin families prevented Bedouin girls from travelling to school. Bedouin children continued to have the highest illiteracy rate in the country. The government operated separate school systems for Hebrew-speaking children and Arabic-speaking children. For Jewish children there were separate school systems for religious and secular families. Individuals could choose to attend a school regardless of ethnicity. Haredi political parties continued to oppose government regulation of their government-funded school systems.

Child Abuse: The National Council of the Child received numerous complaints during the year covering issues of health, welfare services, education, physical and sexual abuse of children, child pornography, and poor educational environments. The government provided specialized training to psychologists, offered a free psychological treatment program to treat child victims of sexual offenses, and operated a 24-hour emergency hotline.

Sexual Exploitation of Children: The law prohibits sexual exploitation of a minor and sets a penalty of at least seven to 20 years' imprisonment for violators, depending on the circumstances. The minimum age of consensual sex is 16 years; consensual sexual relations with a minor between the ages of 14-16 is not necessarily considered rape but is punishable by five years' imprisonment. According to the government, an estimated 100-150 girls and dozens of boys were exploited for prostitution annually. The government supported a number of programs to combat sexual exploitation of children, including establishing an interministerial research team, preparation of educational materials, and numerous training sessions for government and police officials. According to the Ministry of Welfare, there were many cases of children with disabilities who were sexually assaulted that awaited investigation during the year.

International Child Abductions: The country is party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were numerous reports of anti-Semitic acts perpetrated by members of minority groups, including desecration of Jewish tombstones on the Mount of Olives. In October unknown persons desecrated a number of synagogues in the city of Safed with inscriptions on the walls including one that read "death to the Jews." The Safed police launched an investigation into the incident. The government operated a special department in the State Attorney's Office for prosecution of incitement-related crimes.

Trafficking in Persons

See the Department of State's [2011 Trafficking in Persons Report](#).

Persons with Disabilities

The law provides a framework to prohibit discrimination against persons with disabilities in access to employment, education, health care, and selected other state services. The legislation mandates access to buildings, transportation, and physical accommodations and services in the workplace. According to NGOs the government made limited progress in enforcing these laws.

Societal discrimination and lack of accessibility persisted in employment, transportation, housing, and education. The unemployment rate for hard-of-hearing persons was 14 percent, compared to 7 percent of the broader population, although NGOs said the figure was underreported. The average monthly income of people with disabilities was 64 percent lower than monthly income for other workers, according to NGOs. Most train stations maintained access for persons with disabilities, but interurban buses did not. As of September 2010 approximately 70 percent of buses did not have such access. In housing, few community-based independent living options were available for persons with mental or intellectual disabilities. The government and NGOs cooperated and built infrastructure and materials for students with disabilities during the year. NGOs noted that hard-of-hearing students sometimes were channeled into inappropriate tracks such as schools for mentally disabled persons. Such problems were generally more acute in the Israeli Arab population.

The Commission for Equal Rights of People with Disabilities within the Ministry of Justice is responsible for protecting the rights of persons with disabilities but relies on government ministries to enact regulations. The commission took legal action in the areas of accessibility and employment and issued regulations to provide access to services and public sites. According to three NGOs (Bekol, Bizchut, and Al Manarah), however, implementation of these regulations was slow overall, especially for Israeli Arab communities. The Division for Integrating Persons with Disabilities in the Labor Market within the Ministry of Industry examines and promotes employment for persons with disabilities. The Ministry of Social Affairs and Social Services provides out-of-home placement and sheltered employment for persons with cognitive, physical, and communication disabilities. It also handles criminal investigations involving persons with certain disabilities, either victims or offenders, when police request assistance. The National Insurance Agency provides financial benefits and stipends, the Ministry of Health provides mental health and rehabilitation services, and the Ministry of Education provides special education services. A report during the year by the Commission for Equal Rights of Persons with Disabilities found that the socioeconomic status of people with disabilities was worse than that of the general population.

National/Racial/Ethnic Minorities

Arab citizens of the country faced institutional and societal discrimination. Tensions between Arabs and Jews were sometimes high in areas where the two communities overlap, such as Jerusalem, the Galilee, and Negev, and in some cities with historically separate Jewish and Arab neighborhoods.

On March 23, the Knesset codified into law the longtime practice of community admissions committees determining someone's suitability for moving into small communities of fewer than 400 families in the Negev and Galilee. The law prohibits any discrimination based on "race, religion, gender, nationality, disability, age, parentage, sexual orientation, country of origin, or political affiliation," but NGOs petitioned the High Court to overturn it, alleging that in practice the admissions committees restricted Arabs from living in small Jewish communities and could use criteria such as military service to exclude Arab citizens from admission into communities.

According to NGOs, new "kosher certificates" indicating that no Arabs were employed by a business were found in several businesses during the reporting period. Numerous "death to Arabs" slogans were spray-painted along highways during the reporting period, including across a pedestrian bridge in Herzeliya.

In June the mayor of Nazaret-Ilit, Shimon Gafso, said that his city would never be a "mixed city," despite its high percentage of Arab residents, and that he would never house a mosque or permit Christian residents to light Christmas trees in public places. Referring to clashes between Arab citizens and police in October 2000, Gafso added, "If I had participated in the events, then there would have been more Arabs killed."

Immediately following an October 3 arson attack on a mosque in Tuba-Zangariyye, the government strongly condemned the incident, and President Peres, the chief rabbis, and many religious leaders visited the mosque the next day.

On November 23, Attorney General Yehuda Weinstein ordered an investigation into Safed Rabbi Shmuel Eliyahu's statements concerning the Arab minority. Eliyahu, who is a government employee, reportedly called on citizens not to rent apartments to Arabs in Safed and to expel the city's Arab residents.

The law exempts Arab citizens, except for Druze, from mandatory military service, but some serve voluntarily. Citizens who do not perform military service enjoy fewer societal and economic benefits and are sometimes discriminated against in hiring practices. Citizens generally were ineligible to work in companies with defense contracts or in security-related fields if they had not served in the military. The government managed a National Civil Service program for citizens not drafted for military service, giving Arabs, haredi Jews, Orthodox Jewish

women, and others the opportunity to provide public service in their own communities and thus be eligible for the same financial benefits accorded military veterans.

The government began implementing a new economic development fund for Arab and other minority populations. The 800 million NIS (approximately \$210 million) "Arab plan" focused on 12 Arab-majority towns and villages, investing in housing, transport, community-based law enforcement, and job training (particularly for Arab women). A majority of the funding for housing and transport projects was made available through a combination of private sector investments, public tenders, and government matching funds.

Resources devoted to Arabic education were inferior to those devoted to Hebrew education in the public education system and some Arabs in ethnically mixed cities chose to study in Hebrew instead. The separate school systems produce a large variance in education quality, with just 31 percent of Arabs qualifying for university acceptance on the matriculation exam, compared to 76 percent of Jews, according to Central Bureau of Statistics findings in 2009.

Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. According to a 2005 attorney general ruling, the government cannot discriminate against Arab citizens in marketing and allocating lands it manages, including those of the JNF. As an interim measure, the government agreed to compensate the JNF for any land it leased to an Arab by transferring an equal amount of land from the Israel Lands Administration to the JNF. Legal petitions against the JNF policy of leasing public land only to Jews continued at year's end. The NGO Israel Land Fund continued its program to purchase Arab land throughout the country and market it to Jewish buyers, including in the diaspora; the organization claimed that all the land belonged to Jewish people and described as a "danger" the purchase of Jewish-owned lands by non-Jews. Various Arab NGOs similarly bought land and built exclusively for Arabs.

New construction is illegal in towns that do not have an authorized outline plan for development, which is the legal responsibility of local authorities. At year's end according to the government, 47 of the country's 128 Arab communities had fully approved planning schemes, 29 had outline plans in the final stages of the localities' approval process, seven were still developing their outline plans, and 45 were promoting detailed plans for their updated outline plans. Localities are also responsible for initiating and submitting urban outline plans to the district committees, which are responsible for approving any expansion of the municipalities.

While Arab communities in the country generally faced economic difficulties, the Bedouin segment of the Arab population continued to be the most disadvantaged. More than half of the population of an estimated 160,000 Bedouin lived in seven state-planned communities and the Abu Basma Regional Council. Approximately 60,000 Bedouin lived in at least 46 unrecognized tent or shack villages that did not have water and electricity and lacked educational, health, and welfare services. Bedouins living in established towns enjoyed the same services provided to all citizens. The government-sponsored Committee for the Arab, Druze, and Circassian Populations' Affairs built six centers to provide water to areas that included unrecognized villages. Some direct water connections were also made to families residing in unrecognized villages. The government reported that there were numerous pirated connections to water pipelines absent authorization of the Israel National Water Corporation.

On June 6, the Supreme Court ruled on Adalah's 2006 appeal, stating that the Water Tribunal should provide basic access to water for persons living in unrecognized villages but was not obligated to provide additional water access to half of the petitioners who already possessed legal places of residence in recognized towns.

In the unrecognized "villages" constructed without official authorization on state land in the Negev claimed by various Bedouin tribes, all buildings were illegal and subject to demolition. In July the state commenced legal proceedings against 34 residents of the unrecognized "village" of Al-Arakib to recover 1.8 million NIS (\$471,500), the cost of demolishing their homes approximately two dozen times since 2010. Al-Arakib had been repeatedly rebuilt illegally on state land since 1998, despite multiple eviction orders and a 2007 Supreme Court decision.

The government maintained a program to encourage Bedouins to relocate from unrecognized villages to established towns by providing low-cost land and compensation for demolition of illegal structures for those willing to move to designated permanent locations. Many Bedouin complained that moving to government-planned towns required giving up claims to land they had lived on for several generations, while the government claimed it was difficult to provide services to clusters of buildings throughout the Negev that ignored planning procedures.

The law bars family reunification in cases where one spouse is a non-Jewish citizen of Iran, Iraq, Syria, or Lebanon. Palestinian male spouses who are 35 or older and female spouses who are 25 or older may apply for temporary visit permits but may not receive residency based on their marriage and have no path to citizenship. The government originally enacted the law following 23 terrorist attacks involving suicide bombers from the occupied territories who had gained access to Israeli identification through family unification. During the year human rights NGOs and international organizations continued to criticize this ban, which primarily affected Palestinian spouses of Arab citizens. In 2009 in response to an NGO petition, the Supreme Court demanded an explanation within six months from the government for its refusal to grant social and health insurance to an estimated 5,000 Palestinian spouses of citizens who were granted

"staying permits" to reside legally in Israel. In January 2010 the court recommended the government provide a temporary solution that would be in place until an official policy could be formulated. In July 2010 the government requested an additional five months to formulate a response regarding the provision of social benefits to nonresidents. The committee was deliberating recommendations at year's end.

The government prohibits Druze citizens, like all citizens, from visiting Syria. The government allowed noncitizen Druze from the Golan Heights to visit holy sites in Syria through the ICRC-managed pilgrimage program, but it has prevented family visitations since 1982.

A estimated population of 130,000 Ethiopian Jews faced persistent societal discrimination, although officials and the majority of citizens quickly and publicly condemned discriminatory acts against them. In May 2010 approximately 200 parents and children protested racial segregation in Beer Sheva's Otzar Haim kindergarten, where they claimed Ethiopian Jewish children were educated in a room separate from the rest of the children. An official from the Industry, Trade, and Labor Ministry then visited the site and forced the school to cease the segregation. There were reports of discrimination in admissions targeting Ethiopian Jews in the school system of Petah Tikva during the year.

Societal Abuses, Discrimination, and Acts of Violence 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. The Jerusalem Open House for Pride and Tolerance activities received public financing after a 2010 Supreme Court ruling mandated that the Jerusalem Municipality must allocate financial support after previous refusals. There were no reports of violence against the lesbian, gay, bisexual, and transgender community during the year.

Other Societal Violence or Discrimination

There were some reports of societal violation or discrimination against persons with HIV/AIDS, including doctors denying medical consultation and care to HIV-positive individuals and a case of an HIV-positive individual excluded from his congregation after the head of the congregation discovered he was HIV-positive. According to NGOs, several hundred HIV-positive asylum seekers did not receive antiretroviral medication since they lacked access to the public health system. There were also reports of deaths of HIV-positive asylum seekers during the year, whose situations deteriorated due to lack of treatment.

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 minimum wage and overtime, and bargain collectively. These laws also applied to foreign workers, but they faced difficulty in practice.

The law specifically prohibits antiunion discrimination, and none was reported.

Rights to association and collective bargaining were generally respected for citizens; however, foreign workers often faced difficulties exercising these rights. Worker organizations were independent of the government and political interference.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor and criminalizes labor exploitation; however, laws concerning minimum employment conditions and foreign workers were not effectively enforced.

The Ministry of Interior revoked the license of a manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

Also see the Department of State's [2011 Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

Laws provide for protection of children from exploitation in the workplace and prohibit forced or compulsory labor; the government generally enforced these laws.

Children at least 14 years old may be employed during official school holidays in light work that will not harm their health. Children at least 15 years old who have completed education through grade nine may be employed as apprentices. Working hours for those children between 16 and 18 years old are restricted in all sectors.

During the year the Labor Laws Enforcement Division in the Ministry of Industry, Trade, and Labor initiated 250 investigations, investigated more than 1,000 employers for allegedly violating the law, filed 55 indictments against employers, and imposed 822 administrative fines totaling approximately NIS 10.5 million (\$2.8 million). There were reports of Palestinian children working illegally in Jerusalem's central market.

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The Labor Law Enforcement Division conducted national campaigns regarding employment terms of youth to promote the implementation of youth labor laws, especially during summer vacation.

d. Acceptable Conditions of Work

The national minimum wage was 21 NIS (\$5.50) per hour; many foreign workers received less. The official poverty line was 2,413 NIS (\$632) for one person per month and 5,116 NIS (\$1,340) for a family of three. Persons with disabilities whose working capacity was reduced due to their disability earned between 19 and 50 percent of minimum wage. Youth below the age of 18 earned between 60 and 83 percent of the minimum wage. The law allows a maximum 43-hour workweek at regular pay and paid annual holidays. Premium pay for overtime was 125 percent for the first two hours and 150 percent for any additional hours, with a limit of 15 hours of overtime per week. Some workers, such as migrant workers in the homecare sector, were not covered by the law.

The Labor Inspection Service, along with union representatives, enforced labor, health, and safety standards in the workplace. Fifty-six labor inspectors operated throughout the country, but only six were dedicated to foreign worker violations. Resource constraints affected overall enforcement, and according to NGOs the country failed to fully enforce its labor laws. Existing penalties were not sufficient to deter violations.

In 2010 there were 49 fatal working accidents that resulted in 53 workers killed and 12,152 notices on working accidents that resulted in workers' injuries, according to the government. According to the National Insurance Institution, there were 67,633 claims for work-related injury payments in 2010. During the first half the year, 32 workers died as a result of work-related accidents, more than half in the construction sector. Female migrant workers in the homecare sector remained particularly vulnerable to abuse and forced labor. On May 16, the Knesset passed amendments to the Law of Entry that grant the Interior Ministry the discretion to bind foreign workers to narrowly defined subcategories within the homecare sector and geographic regions. NGOs asserted that the binding of migrant workers created vulnerability to human trafficking. NGOs also reported receiving increased complaints of labor violations in the homecare sector following the amendments to the Law of Entry.

In the homecare sector, the live-in arrangements and lack of labor law protections and inspections led to many cases of exploitative working conditions among women migrant workers. During the year the NGO Kav LaOved filed 830 complaints on behalf of foreign caregivers, including allegations of underpayment of wages, physical violence, sexual harassment, and unsuitable employment conditions.

Some foreign workers reported unlawful withholding of passports, restrictions on movement, the inability to change or otherwise choose one's employer, nonpayment of wages, threats, and physical intimidation. There were numerous documented cases, but few employer prosecutions, concerning foreign laborers' living in harsh conditions and subject to debt bondage. Foreign agricultural workers, construction workers, and nursing care workers – particularly women – were at greatest risk for abuse, including trafficking, forced labor, nonpayment, and withholding of wages.

The first foreign worker strike, involving hundreds of Thai agricultural workers, occurred on July 11 in response to alleged underpayment of wages, excessive hours of work, and employer coercion at the Moshav Achituv (privately owned farm cooperative). Following the strike the Ministry of Industry, Trade, and Labor issued administrative orders to improve working conditions, while inspectors continued to investigate the extent of the violations.

In December the Ministry of Interior revoked the license of one manpower recruitment agency for not fulfilling contract obligations to monitor labor rights abuses.

On April 13, the Supreme Court overturned a government regulation requiring female foreign workers to leave the country within three months of giving birth. The court ruled that the previous "procedure for the handling of a pregnant migrant worker" was unconstitutional due to its violation of a migrant woman's basic right to family and parenthood. NGOs charged that the Ministry of Interior failed to abide by the court ruling through year's end.

The NGO Kav LaOved also filed hundreds of complaints with police regarding labor rights abuses and legal violations at moshavim (privately owned farms) and kibbutzim (private communities) throughout the country. Allegations included health and safety violations, such as prolonged exposure to pesticides, nonpayment for overtime, excessive working hours, and poor living conditions.

Brokers and employers collected hiring fees from migrant workers. The government limited such fees to NIS 3,135 (approximately \$820) per worker. However, Kav LaOved asserted that foreign workers paid brokerage fees of NIS 10,000-13,000 (approximately \$2,620-\$3,405) in the agriculture sector and from NIS 6,000-13,000 (approximately \$1,570-\$3,405) in the homecare sector. The Ministry of Foreign Affairs initiated a pilot program to recruit foreign agricultural workers directly from Thailand and other countries as a means of eliminating brokerage fees.