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[Africa](#)[Americas](#)[Asia](#)[Europe](#)[Oceania](#)

Countries

Categories

[Country Information](#)[Legal Information](#)[Policy Documents](#)[Reference Documents](#)

Browse by

[A-Z Index](#)[Topics](#)[Publishers](#)[Document Types](#)

Resources

[Standards and Training](#)[Information Alerts](#)[Protection Starter Kit](#)[Statistics and Operational Data](#)[UNHCR Research](#)[Library](#)[News](#)[Refworld Personalization](#)[External Links](#)Text size [A](#) [A](#) [A](#) [A](#)[Email this document](#)[Printable version](#)

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Freedom in the World 2012 - Israel

2012 Scores

Status: Free

Freedom Rating: 1.5

Civil Liberties: 2

Political Rights: 1

Overview

Right-leaning parties in the Knesset (parliament) proposed or successfully passed a range of measures in 2011 that appeared to target Arab Israelis or restrict dissent over Israel's policies toward the Palestinians. Among the laws adopted was one that allowed civil suits against those who advocated a boycott against the Israeli state or West Bank settlements. Proposed legislation included a bill that would restrict the funding of certain nongovernmental organizations. Also during 2011, Israel saw wide-scale social protests over economic conditions. The military periodically attacked Gaza-based militants who fired ordnance into Israel, and small-scale terrorist or militant attacks killed several people.

Israel was formed in 1948 from part of the British-ruled 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.

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

In 1993, following a Palestinian uprising that began in the late 1980s, 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 a degree of 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 the Israeli government had 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, though it frequently extended deeper into the occupied territory to incorporate Jewish settlements. 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 has been rerouted six times by order of the Israeli Supreme Court; two of these orders have yet to be implemented.

In 2005, an informal cease-fire between the PA and Israel led to a general decline, but not a halt, in violence, and Israel completed a unilateral withdrawal of Jewish settlers from the Gaza Strip. Because his own right-wing Likud Party opposed the latter move, Prime Minister Ariel

Sharon left it and founded the centrist Kadima party. In January 2006, Sharon suffered a stroke that put him in a coma, and Deputy Prime Minister Ehud Olmert became prime minister and Kadima chairman. After the 2006 parliamentary elections, Olmert and Kadima headed a new coalition government that included the center-left Labor Party, the religious Shas party, and other factions.

Israeli-Palestinian relations deteriorated after the Islamist group Hamas won elections to the Palestinian Legislative Council (PLC) in January 2006, outpolling PA President Mahmoud Abbas's Fatah party. Over the next two years, Israel experienced regular rocket and mortar fire from the Gaza Strip, as well as some terrorist attacks; the IDF continued to stage airstrikes against militant leaders and make extensive 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 cease-fire 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.

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

Meanwhile, unilateral cease-fires in January 2009 ended a weeks-long conflict between Israel and Hamas, which had ruled the Gaza Strip exclusively since driving out Fatah officials in a 2007 PA schism. The exact death toll from the conflict remained in dispute, but well over 1,000 Palestinians were killed, including hundreds of noncombatants. Thirteen Israelis were killed, including three civilians.

In 2010 and 2011, a series of private ships carrying food and goods attempted to break Israel's economic blockade of Gaza, which Israeli authorities had maintained to varying degrees since 2007. In May 2010, Israeli forces intercepted a six-ship flotilla from Turkey and killed nine activists on board one vessel – the *Mavi Marmara* – in an ensuing confrontation; a total of 632 activists were arrested and detained in Israel. The international community condemned the Israeli government for its conduct, while Israel claimed that its soldiers were acting in self-defense. A UN report concluded that Israel was legally allowed to blockade Gaza, but that it had used excessive force and should not have operated so far from Israeli shores. Israel later eased the Gaza blockade substantially.

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

Bouts of fighting between Israel and Gaza-based militants broke out regularly in 2011, with rocket and mortar fire into Israel prompting Israeli airstrikes and artillery bombardments (see Gaza Strip report). Two Israelis were killed by rocket fire, and hundreds were wounded. Nine people were killed and several dozen were injured in separate terrorist and militant attacks in Israel during 2011, including an attack by gunmen near the Egyptian border.

In May, thousands of Palestinians marched on Israel's borders from Syria, Lebanon, the West Bank, and Gaza to mark Al-Nakba, the Arab day of mourning, and to protest the creation of Israel. The marchers tried to breach the borders, leading to clashes with Israeli troops, and a dozen protesters were killed. In a similar incident in June, Israeli soldiers clashed with hundreds of Syrian and Palestinian protesters who entered the Golan Heights. According to Syria, Israeli troops killed 23 demonstrators; Israel disputed this account, claiming that some protesters were killed by a Syrian land mine, and that fewer people died overall.

In October 2011, Israel and Hamas negotiated a prisoner exchange whereby Hamas freed IDF soldier Gilad Shalit, who had been held captive since 2006, and Israel freed 1,027 Palestinian prisoners; 447 were released in October – mostly to Gaza, but some to the West Bank and foreign countries – and another 550 in December.

Political Rights and Civil Liberties

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

Parties or candidates that deny the existence of Israel as a Jewish state, oppose the democratic system, or incite racism are prohibited. In 2009, the Knesset's central election committee voted to ban two Arab parties – Balad and the United Arab List (UAL)-Ta'al – from that year's elections, citing their alleged support for Hamas in the Gaza conflict. The ban was rapidly overturned by the Supreme Court, and the parties won three and four seats, respectively. In 2010, a Knesset plenum voted to strip Balad member Haneen Zoabi of some parliamentary

privileges following her participation in the *Mavi Marmara* flotilla. Zoabi appealed to the High Court, and the case was pending in 2011.

Arabs enjoy equal political rights under the law but face discrimination in practice. Before 2005, Israeli identity cards classified residents by their ethnicity (such as "Jewish," "Arab," "Druze," or "Circassian"). After 2005, Jewish Israelis can often be identified by the inclusion of their Hebrew birth date. Arab Israelis currently hold 13 seats in the Knesset – though they constitute some 20 percent of the population – and no independent Arab party has ever been formally included in a governing coalition. Arabs generally do not serve in senior positions in government. Rising calls on the political right to impose a loyalty oath and to insist that Arab public officials sing the national anthem – which refers explicitly to the Jewish yearning for Israel – have encouraged Arab Israelis' political marginalization, though such measures have been rejected to date.

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

A 2003 law denies citizenship and residency status to West Bank or Gaza residents married to Israeli citizens. While the measure, which affects about 15,000 couples, was criticized as blatantly discriminatory, supporters cited evidence that 14 percent of suicide bombers acquired Israeli identity cards via family reunification laws. In March 2011, the Knesset passed a law allowing the courts to revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy. A number of rights groups and the Shin Bet security service criticized the legislation as unnecessary and overly broad.

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

Israel was ranked 36 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index. Corruption scandals in recent years have implicated several senior officials. Ehud Olmert resigned as prime minister in 2008 amid an investigation into 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 2009, Olmert was indicted in three of these scandals; one trial began in 2010 and continued in 2011. In April 2011, the attorney general announced a pending indictment of Yisrael Beiteinu leader and current foreign minister Avigdor Lieberman on charges of money laundering, fraud, breach of trust, and tampering with a witness, though the indictment was still pending at year's end.

Press freedom is respected in Israel, and the media are vibrant and independent, though a number of threats to free expression arose in 2011 and ownership of private media is concentrated among a small number of media companies. All Israeli newspapers are privately owned and freely criticize government policy. In November 2011, the Knesset advanced legislation that would increase the financial penalty for libel – beyond compensation for actual damages – by 300,000 shekels (\$85,000); the proposed bill was criticized vociferously by press freedom organizations and most media outlets. The Israel Broadcasting Authority operates public radio and television services, and commercial broadcasts are widely available. Most Israelis subscribe to cable or satellite television. In September 2011, the financially troubled Channel 10 television station was allegedly pressured by investors into apologizing for a story on a supporter of Prime Minister Benjamin Netanyahu, American businessman Sheldon Adelson; in addition, both Netanyahu and his wife initiated libel suits against the station in 2011. Internet access is widespread and unrestricted.

Print articles on security matters are subject to a military censor, and while the scope of permissible reporting is generally broad, press freedom advocates have warned of more aggressive censorship in recent years. In 2010, a widely condemned gag order on the case of journalist Anat Kam was lifted, revealing that she had been charged with "serious espionage" for giving *Haaretz* newspaper reporter Uri Blau over 2,000 classified military documents during her military service. Kam eventually pleaded guilty to a lesser charge of "leaking classified material" and was sentenced to four and a half years in prison in October 2011. The Government Press Office (GPO) has occasionally refused to provide press cards to journalists, especially Palestinians, to restrict them from entering Israel, citing security considerations.

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

While Israel's founding documents define it as a "Jewish and democratic state," freedom of religion is respected. Christian, Muslim, and Baha'i communities have jurisdiction over their own members in matters of marriage, divorce, and burial. The Orthodox establishment generally governs these matters among Jews, drawing objections from many non-Orthodox and secular Jews. Marriages between Jews and non-Jews are not recognized by the state unless conducted abroad, and legislation allowing nonreligious civil unions is restricted to two parties with no official religion. In a landmark case in 2011, one Israeli Jew won the right to an identity card that excluded his Hebrew birth date. A 2010 proposal to give the Chief Rabbinate exclusive control over the conversion process prompted significant opposition from non-Orthodox denominations, and the bill remained frozen in 2011. Another conversion bill giving the chief rabbi of the IDF – and not the Chief Rabbinate – ultimate control over soldiers' conversions was also stalled in the Knesset during the year. In June, two prominent rabbis were arrested for endorsing racism after they supported a highly controversial religious book that justifies the killing of non-Jewish civilians in "times of war" in order to save Jews.

Muslim and Christian religious authorities are occasionally discriminated against in resource allocation and upkeep of religious sites, though the state budget officially assigns funds according to need. Citing security concerns, Israel occasionally restricts Muslim worshippers' access to the Temple Mount, or Haram al-Sharif, in Jerusalem. In October 2011, Jewish extremists burned and vandalized a mosque in the northern village of Tuba-Zangariya, leading to protests by hundreds of residents and minor clashes with police.

Primary and secondary education is universal, with instruction for the Arab minority based on the common curriculum used by the Jewish majority, but conducted in Arabic. In 2010, the government mandated the teaching of Arabic in all state schools. School quality is generally worse in mostly Arab municipalities, and Arab children have reportedly had difficulty registering at mostly Jewish schools. Israel's universities are open to all students based on merit, and have long been centers for dissent. University administrators in 2010 generally rebuffed calls by a number of civic organizations to censure or fire faculty for allegedly enforcing "anti-Zionist" curriculums and attitudes in the classroom, a charge echoed by Education Minister Gideon Sa'ar. Periodic road closures and other security measures restrict access to Israeli universities for West Bank and Gaza residents.

Freedoms of assembly and association are respected. Israel hosts an active civil society, and demonstrations are widely permitted, though groups committed to the destruction of Israel are not allowed to demonstrate. Beginning in July 2011, hundreds of thousands of Israelis took part in a series of protests over the cost of living in the country. For nearly 60 days, thousands of protesters in Tel Aviv lived in tents along a central boulevard, while in both August and September about 400,000 people participated in "social justice" demonstrations across the country.

In 2011, two bills that aimed to cap the contributions of foreign governments to so-called "political" nongovernmental organizations (NGOs) at 20,000 shekels (\$5,700) passed through the government's ministerial committee, drawing protests from both domestic and international rights groups; both measures were later procedurally stalled by Netanyahu. The laws were aimed at a number of left-wing NGOs that have been highly critical of Israeli policies in the West Bank and Gaza Strip.

Workers may join unions of their choice and have the right to strike and bargain collectively. Three-quarters of the workforce either belong to Histadrut, the national labor federation, or are covered by its social programs and bargaining agreements. Both sector-specific and general strikes are common, but typically last less than 24 hours. About 100,000 legal foreign workers enjoy wage protections, medical insurance, and guarantees against employer exploitation. However, those who leave their original employers can be stripped of such rights and may face deportation, and a March 2011 amendment to the Israel Entry Law restricts the number of times a foreign worker can change employers and may limit them to working in a specific geographical area or field. Advocacy groups claim that there are at least 100,000 illegal workers in Israel, many of whom are exploited. In 2010, Israel began construction of a barrier along its border with Egypt to prevent undocumented African migrants from entering.

The judiciary is independent and regularly rules against the government. The Supreme Court hears direct petitions from citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings. In November 2011, Netanyahu blocked a bill that subjected candidates for the court to a public hearing and possible veto by the Knesset Constitution Committee. Netanyahu also opposed a November bill that aimed to limit the scope and nature of civic petitions to the Supreme Court. That same month, two bills concerning the appointment of Supreme Court justices – one related to an age threshold and another to the selection of Israeli Bar Association (IBA) representatives on the Judge Selection Commission – passed through the Knesset Justice Committee, but were not voted on by year's end. Later in November, the IBA selected the first Arab member of the commission.

The Emergency Powers (Detention) Law of 1979 provides for indefinite administrative detention without trial. According to the human rights group B'Tselem, by year's end there were 4,772 Palestinians in Israeli jails: 3,753 serving sentences, 131 detainees, 609 being detained until the conclusion of legal proceedings, 278 administrative detainees, and 1 detained under the Illegal Combatants Law. A temporary order in effect since 2006 permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. Israel outlawed the use of torture to extract security information in 2000, but

© UNHCR milder forms of coercion are permissible when the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups criticize Israel for continuing to engage in what they consider torture. Interrogation methods include binding detainees to a chair in painful positions, slapping, kicking, and threatening violence against detainees and their relatives.

According to the Israeli Prison Service, as of October 2011 there were 164 Palestinian minors (ages 12-17) in Israeli jails. Most are serving two-month sentences – handed down by a Special Court for Minors created in 2009 – for throwing stones or other projectiles at Israeli troops in the West Bank; acquittals on such charges are very rare. East Jerusalem Palestinian minors are tried in Israeli civil juvenile courts. In July 2011, a B'Tselem report accused the IDF of unfairly arresting and judging minors; the IDF denied the allegations.

Arab citizens of Israel receive inferior education, housing, and social services relative to the Jewish population. According to a 2010 report by the NGO Mosawa, Arab Israelis own only 3.5 percent of the land in Israel and receive 3 to 5 percent of government spending, figures that were challenged by the government. The government subsequently implemented a \$214 million investment plan to improve housing, transportation, and economic infrastructure in 12 Arab communities. Arab Israelis, except for the Druze minority, are not subject to the military draft, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans.

At the end of 2011 the courts were reviewing the constitutionality of a bill, advanced in the first of three readings by the Knesset in March, that would allow many Jewish communities to exclude would-be residents based on vague criteria of "social suitability" or compatibility with the communities' "unique characteristics." The measure was seen by critics as an attempt to legalize restrictions that could be used to bar Arab residents. More explicitly Zionist residency rules adopted by a number of communities beginning in 2008 had been struck down by the courts in 2009.

There are about 110,000 Bedouin in the Negev region, most of whom live in dozens of towns and villages that are not recognized by the state; there are 14 recognized Bedouin towns. Those in unrecognized villages cannot claim social services and have no official land rights, and the government routinely demolishes their unlicensed structures. International and domestic human rights groups accuse the government of pervasive land and housing discrimination against the historically nomadic Bedouin. In July 2011, the state initiated a lawsuit against a group of Bedouin to cover the costs of repeatedly demolishing homes in the unrecognized village of Al-Araqib, which the state owns but to which the Bedouin claim historic rights.

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

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

Women have achieved substantial parity at almost all levels of Israeli society. However, Arab women and religious Jewish women face some discrimination and societal pressures that negatively affect their professional, political, and social lives. In addition, many ultra-Orthodox communities enforce gender separation, impinging on women's rights in nearby public places, including public transportation. 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 a 2006 law mandates prison terms of up to 20 years for perpetrators. In what was considered a notable achievement for the rule of law and the punishment of violence against women, former president Moshe Katsav was sentenced in March 2011 to seven years in prison for rape committed while he was tourism minister in the 1990s.

Nonbiological parents in same-sex partnerships are eligible for guardianship rights. Openly gay Israelis are permitted to serve in the armed forces.

Trend Arrow ↓

Israel received a downward trend arrow due to the imposition of the so-called Boycott Law, which allows civil lawsuits against Israeli individuals and groups that call for an economic, cultural, or academic boycott of the State of Israel or the West Bank settlements.

Explanatory Note

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

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