

# Freedom in the World 2014 - Israel

Publisher [Freedom House](#)

Publication Date 26 June 2014

Cite as Freedom House, *Freedom in the World 2014 - Israel*, 26 June 2014, available at: <http://www.refworld.org/docid/53b2b8c114.html> [accessed 19 August 2014]

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## 2014 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 1.5

Civil Liberties (1 = best, 7 = worst): 2

Political Rights (1 = best, 7 = worst): 1

## Explanatory Note:

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

## OVERVIEW

With the border between Israel and the Gaza Strip quieter than in late 2012 when Israeli forces carried out an eight-day campaign against Gaza-based militants, the country turned to domestic policy issues involving African asylum seekers, gender equality in prayer practices at the Western Wall, moves toward civil marriage, and resettlement of Bedouin villages in the Negev. Although minority rights and discrimination remained in the political spotlight, Israeli-Palestinian peace negotiations – largely insulated from the press – were ongoing at the end of 2013.

## POLITICAL RIGHTS AND CIVIL LIBERTIES

**Political Rights:** 36 / 40

*A. Electoral Process:* 12 / 12

A largely ceremonial president is elected by the 120-seat parliament, the Knesset, for seven-year terms. The prime minister is usually the leader of the largest party in the Knesset, members of which are elected by party-list proportional representation for four-year terms. At just 2 percent, the

threshold for a party to win parliamentary representation favors niche parties and leads to unstable coalitions. A new bill – being considered by year's end – proposes raising the threshold to 3.25 percent.

Israeli elections are free and fair. In the January 2013 Knesset elections, incumbent prime minister Benjamin Netanyahu's right-leaning Likud-Yisrael Beiteinu coalition led with 31 seats, followed by the newly formed centrist party Yesh Atid (There Is a Future) with 19, the Labour Party with 15, the right-wing Habayit Hayehudi (Jewish Home) with 12, the ultra-Orthodox parties Shas and United Torah Judaism with 11 and 7, respectively, and six smaller parties with 2 to 6 seats each. Netanyahu formed a governing coalition including Yesh Atid and Habayit Hayehudi, while excluding the two ultra-Orthodox parties.

#### *B. Political Pluralism and Participation: 14 / 16*

Israel hosts a diverse and competitive multiparty system. However, parties or candidates that deny Israel's Jewish character, oppose the democratic system, or incite racism are prohibited. In 2010, a Knesset plenum voted to strip Haneen Zoabi, a member of the Arab party Balad, of some parliamentary privileges following her participation in an attempt by activists to break Israel's maritime blockade of Gaza. In December 2012, a special nine-judge panel of the High Court voted unanimously to overturn the ruling. In the 2013 elections, Zoabi secured one of Balad's three seats; another Arab party, United Arab List (Ta'al), won four seats.

Palestinian citizens of Israel enjoy equal political rights under the law but face some discrimination in practice. Palestinian citizens of Israel currently hold 12 seats in the 120-seat Knesset – though they constitute some 20 percent of the population – and no Arab party has ever been formally included in a governing coalition. Arabs generally do not serve in senior positions in government. Although Israeli identity cards have not classified residents by ethnicity since 2005, Jewish Israelis can often be identified by the inclusion of their Hebrew birth date. Calls to impose a loyalty oath have marginalized Arab Israelis, though such proposals have been rejected.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship, though most declined for political reasons. These noncitizens can vote in municipal as well as Palestinian Authority elections, and remain eligible to apply for Israeli citizenship. However, Israeli law strips noncitizens of their Jerusalem residency if they leave the city for more than three months.

A 2003 law denies citizenship and residency status to Palestinian residents of the West Bank or Gaza who are married to Israeli citizens; it was most recently renewed in April 2013. While the measure was criticized as blatantly discriminatory, supporters cited evidence that 14 percent of suicide bombers acquired Israeli identity cards via family reunification. A 2011 law allows the courts to revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy.

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

#### *C. Functioning of Government: 10 / 12*

Corruption scandals in recent years have implicated several senior officials. Ehud Olmert resigned as prime minister in 2008 amid graft allegations, and was indicted in 2009. In July 2012, he was found not guilty in two major corruption cases, though he was convicted of breach of trust. Another corruption case against Olmert was pending at the end of 2013. Separately, Yisrael Beitenu leader Avigdor Lieberman was indicted for fraud and breach of trust in December 2012, prompting his resignation as foreign minister. He was acquitted in November 2013, however, allowing him to return to his cabinet post. Israel was ranked 36 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. The relative frequency of high-level corruption investigations is coupled with a strong societal intolerance for graft. Transparency International's 2013 Global Corruption Barometer survey showed that nearly all Israelis are willing to combat corruption and report violations.

## **Civil Liberties: 45 / 60**

### *D. Freedom of Expression and Belief: 12 / 16*

The Israeli media are vibrant and independent, and freely criticize government policy. All Israeli newspapers are privately owned, though ownership is concentrated among a small number of companies, some of which display a clear partisan bias. Internet access is widespread and unrestricted. The Israel Broadcasting Authority operates public radio and television services, and commercial broadcasts are widely available. Most Israelis subscribe to cable or satellite television. The diversity and editorial independence of both print and broadcast media have been threatened over the past several years by financial difficulties in the industry. 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. The Government Press Office has occasionally withheld press cards from journalists, especially Palestinians, to restrict them from entering Israel, citing security considerations. A series of "Prisoner X" incidents – state-enforced media blackouts regarding secret prisoners held in isolation – were challenged by ACRI during 2013.

Legislation passed in March 2011 requires the state to fine or withdraw funds from local authorities and other state-funded groups that hold events commemorating the 1948 displacement of Palestinians – known as Al-Nakba (The Catastrophe) – on Israeli independence day; that support armed resistance or "racism" against Israel; or that desecrate national symbols. In July 2011, the Knesset passed the 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. Challenges to this law by civil rights groups were ongoing in 2013.

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 personal status matters among Jews, drawing objections from many non-Orthodox and secular Israelis, though as of 2012, one non-Orthodox rabbi won the right to receive state funding. In another milestone case in 2011, an Israeli Jew won the right to an identity card that excluded his Hebrew birth date. Nevertheless, in October 2013 the Supreme Court ruled against an appeal that would have allowed several individuals to have state-issued identity cards declare their "nationality" to be "Israeli" rather than "Jewish."

Ultra-Orthodox Jews were exempt from compulsory military service under the 2002 Tal Law, which expired in July 2012 after the High Court of Justice ruled it unconstitutional. By the end of 2013, a bill that would subject Haredi youth to military conscription or civilian national service – with a four-year transition period – had passed its first reading in the Knesset.

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.

Repeatedly during 2012 and into 2013, Jewish women were arrested at the Western Wall for donning prayer shawls traditionally worn by men, in violation of rules set for the location by ultra-Orthodox religious officials. In December 2012, the government formed a commission to evaluate the status of public prayer at the site in light of these ongoing gender concerns. By the end of 2013, a government-appointed committee was discussing a compromise proposal known as the Sharansky-Mandelblit plan.

Primary and secondary education is universal, with instruction for the Arab minority based on the common curriculum used by the Jewish majority, but conducted in Arabic. In 2010, the government mandated the teaching of Arabic in all state schools. School quality is generally worse in mostly Arab municipalities, and Arab children have reportedly had difficulty registering at mostly Jewish schools. Israel's universities are open to all students based on merit, and have long been centers for dissent. In late 2012, the Council of Higher Education attempted to shut down the Department of Politics and Government at Ben Gurion University, ostensibly for political reasons. In February 2013, the council reversed the decision. Also in late 2012, the government granted Ariel College in the West Bank university status, leading the Council of Presidents of Israeli Universities to file a motion at the High Court of Justice opposing the designation. In December 2013 the court rejected the petition. Periodic road closures and other security measures restrict access to Israeli universities for West Bank and Gaza residents.

#### *E. Associational and Organizational Rights: 11 / 12*

Israel has an active civil society, and demonstrations are widely permitted, though groups committed to the destruction of Israel are banned from demonstrating. Thousands of Israelis participated in social protests in 2012, following massive 2011 demonstrations over the cost of living. In 2013, ACRI submitted a letter to the Knesset's internal affairs committee that alleged undue police violence, arrests and detention and "warning conversations" with activists. A law that took effect in 2012 requires nongovernmental organizations (NGOs) to submit financial reports four times a year on support received from foreign government sources. In July 2013, two MKs proposed a bill to curtail foreign governmental funding to Israeli NGOs that advocate a boycott of Israel or armed struggle against Israel, demand that Israeli soldiers be tried in international courts, incite racism, or deny Israel's existence as a Jewish and democratic state. In December, the bill crossed the first hurdle, passing a vote in the Ministerial Committee for Legislation.

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 they typically last less than 24 hours.

The judiciary is independent and regularly rules against the government. The Supreme Court hears direct petitions from citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings. In April 2012, the Knesset debated a bill that would have allowed it to override Supreme Court decisions, though no such measure had been enacted by the end of 2013.

The Emergency Powers (Detention) Law of 1979 provides for indefinite administrative detention without trial. According to B'Tselem, at year's end there were 4,768 Palestinians in Israeli jails, including 150 administrative detainees. A temporary order in effect since 2006 permits the detention of suspects accused of security offenses for 96 hours without judicial oversight, compared with 24 hours for other detainees. Israel outlawed the use of torture in 2000, but milder forms of coercion, including binding, kicking, slapping and threatening violence against relatives, are permissible to extract security information. Hunger strikes by Palestinian detainees have become increasingly common.

According to Defence for Children International (DCI) Palestine, there were 195 Palestinian children being held in Israeli jails by year's end, including 14 youths aged 12 to 15. Although Israeli military law prohibits children younger than 12 from being detained, some still were. DCI-Palestine also reported that the military declined to open an investigation into any of the seven complaints the group lodged regarding treatment of Palestinian minors. Most are serving sentences of several weeks or months – 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. Palestinian youths typically do not spend more than a year in jail for stone throwing. East Jerusalem Palestinian minors are tried in Israeli civil juvenile courts.

Arab citizens of Israel tend to receive inferior education, housing, and social services. The state's Israeli Lands Administration owns 93 percent of the land; 13 percent of that is owned by the Jewish National Fund (JNF-KKL). In 2005, the Supreme Court and attorney general ruled against the JNF-KKL's marketing property only to Jews. The Knesset made several unsuccessful attempts to override those rulings. Still, in practice, the JNF-KKL continues its Jewish-only land-leasing policy, partly as a result of a land-swap arrangement put in place in 2005 with the Israel Lands Authority.

Palestinian citizens of Israel (other than the Druze) are not drafted, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans. In June 2013 the Knesset discussed a proposed national service law that would provide preferential access to housing, jobs, and other services for those who have completed military or other national service.

In July 2013, the Israel Airports Authority announced new luggage-screening techniques that would make the process more egalitarian. At the end of 2013 the courts were reviewing the constitutionality of 2011 legislation that would allow Jewish communities of up to 400 residents in the Negev and Galilee to exclude prospective residents based on "social suitability." In September 2013, ACRI submitted a petition to the High Court against the Israel Lands Authority to challenge the use of such screening processes by the Negev community of Carmit, which is larger than 400 families.

There are about 110,000 Bedouin in the Negev region, most of whom live in dozens of towns and villages not recognized by the state. Those in unrecognized villages cannot claim social services and have no official land rights, and the government routinely demolishes their unlicensed structures. In June 2013, a Bedouin settlement bill, known as the Prager-Regim Plan, passed its first reading in the Knesset. Critics asserted that the plan would entail the eviction and displacement of tens of thousands of Bedouins. In December 2013, the plan was halted.

In January 2012, the Knesset passed legislation allowing migrants and asylum seekers (mostly from Eritrea and Sudan) who entered Israel irregularly and have been involved in criminal proceedings to be administratively detained, without trial, for up to three years, or indefinitely if they come from countries designated as hostile. With the number of Asylum seekers now 53,000 this Anti-Infiltration Law was overturned in September 2013, though only a small fraction of the prisoners had been released six weeks later. In December, the Knesset passed an Amendment requiring new arrivals to be detained for a year in an "open facility" where head counts are required three times daily; some may be detained indefinitely. A June 2013 law caps the amount of money an undocumented migrant may send out of the country, unless a relative is in "grave danger."

#### *G. Personal Autonomy and Individual Rights: 11 / 16*

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

Women have achieved substantial parity at almost all levels of Israeli society. However, Arab women and religious Jewish women face some discrimination. Many ultra-Orthodox Jewish communities enforce gender separation. In January 2012, the Supreme Court ruled against gender-segregated buses, though many women still sit at the rear of buses on certain bus lines, and there are occasionally violent Haredi attacks on buses where the practice is not observed, along with attacks against women and girls deemed to be dressed immodestly. Marriages between Jews and non-Jews are not recognized by the state unless conducted abroad. A law passed in 2010 permits nonreligious civil unions, but they are restricted to cases where the individuals have no religion, and they are seldom used. A more comprehensive bill on civil unions was introduced by the Yesh Atid party in October 2013. It is opposed by the Jewish Home party, and by year's end the legislation had not advanced.

Since 2006, Israel has recognized same-sex marriages conducted abroad, and a Tel Aviv family court granted the first same-sex divorce in December 2012. Nonbiological parents in same-sex partnerships are eligible for guardianship rights, and openly gay Israelis are permitted to serve in the military. As of July 2013, the Israel prison service permits same-sex conjugal visits.

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

About 100,000 legal foreign workers enjoy wage protections, medical insurance, and guarantees against employer exploitation, as long as they don't leave their original employers. A 2011

amendment to the Israel Entry Law restricts the number of times foreign workers can change employers and may limit them to working in a specific geographical area or field.

**Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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