



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2004/NGO/184
10 March 2004

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by Pax Christi International, International Catholic Peace
Movement, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[10 February 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

The status of Palestinian citizens in Israel

Pax Christi International wishes to draw attention to the situation of Palestinian citizens inside Israel within the borders of 1948. The focus of the Arab- Israeli conflict is mostly on Palestinians of the Occupied Territories and to a lesser degree on those Palestinians who live inside Israel. In essence, their situation has many similarities with the situation of Palestinians in the Occupied Territories¹.

Pax Christi has submitted numerous interventions regarding the deteriorating human rights situation in the Occupied Palestinian Territories since the beginning of the Al-Aqsa Intifada. The Intifada and Israel's reaction to it have also had a great impact on the situation of Palestinian citizens in Israel, as the world witnessed during the suppression of demonstrations in Israel in October 2000, leaving 13 people dead; the Israeli public discourse on "transfer"; the "demographic threat" and the public perception of Palestinians inside Israel as being a "fifth column"².

Equality under the law and freedom from discrimination are basic human rights that are enshrined in international law and the various human rights treaties of which Israel is signatory.³

Pax Christi believes that *any* solution for the Arab –Israeli conflict can only succeed if the human rights, including civil and political rights, of *all* inhabitants are secured and guaranteed, whether in an Israeli state or a future Palestinian state.

Background

The Palestinians in Israel are descendants of the people that did not leave during the years of the establishment of the state of Israel and during the 1948 war between Israel and its Arab neighbours.⁴ Palestinian citizens of Israel comprise approximately one million persons, about 20% of Israel's total population of about 6 million⁵. They numbered at that time approximately 150.000, of which about 25% became internal refugees (Internally Displaced Persons). This group now numbers about 250.000. Geographically the Palestinian Israelis live in Arab villages and cities in Galilee, in the so-called "Arab Triangle", in the Negev Desert and in mixed Arab-Jewish cities such as Haifa, Akka, Lydda, Ramla and Jaffa.

¹ See also Amnesty International: *Racism and the Administration of Justice* AI Index: Act 40/020/2001 p.10

² See for example an interview with Benny Morris by Ari Shavit: *Survival of the fittest* In Ha'aretz January 9 2004 <http://www.haaretz.com/hasen/spages/380986.html>

³ "All Persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status." Article 26: International Covenant on Civil and Political Rights (ICCPR)

⁴ Between 1947-49 about 750.000 Palestinians fled to the West Bank, Gaza and to neighbouring countries.

⁵ CIA Worldfactbook: <http://www.cia.gov/cia/publications/factbook/geos/is.html#Intro>

The majority of Palestinian citizens are Sunni Muslims; about 10% are Christian and 10% are members of the Druze community. The Bedouin, Sunni Muslims for the most part, account for about 12% of Palestinians in Israel.⁶

The cultural and political identity of Palestinian citizens put under major pressure by the Israeli state, and expressions of collective identity are regarded as subversive. At the same time Palestinian citizens, Arabs living in Israel have often met with distrust within the Arab world.

Occasionally the Israeli state plays on the religious and ethnic differences of its Palestinian citizens. A well-known case is that of the Druze, who are the only non-Jewish group that can enlist in the army and thus enjoy far more privileges than other groups⁷, though still less than Jews on the average. Druze recruits most often perform combat duties in the Occupied Palestinian Territories.

Inequality under the law

The status of Palestinians in Israel as a Jewish state is problematic. From 1948 until 1966 the Palestinians in Israel lived under military rule and in fact under military occupation. Palestinians faced restrictions on the freedom of movement, restrictions on the freedom of press and opinion and legal confiscation of land and property. Under military law Palestinians faced the possibility of deportations, illegal detentions without trial, curfews, house arrests etc. The end of military rule in 1966 did not end this legal and institutional discrimination.

The inequality under the law is felt in almost all aspects of social, political and economic life, including a discriminatory educational system where curriculum is routinely biased in favour of Jewish customs and norms at the expense of Arab culture⁸. The notion of collective rights and protection of the Palestinian minority are absent from the *Basic Law*⁹.

An example of an explicit discriminatory law is the “Law of Return” which grants every Jew, wherever he or she resides, automatic Israeli citizenship if desired, at the expense of refugees and stateless persons who have lived on the land for generations.

The fact that non-Jews (with the exception of the Druze) cannot perform military service bars them from a broad spectrum of services and benefits and effectively diminishes the opportunity for social mobility that any Jewish Israeli would have.

This inequality is also evident in the fact that only a fraction of government budgets allocated funds for the maintenance and building of infrastructure in Palestinian towns in Israel. Palestinian citizens face similar building restrictions that are known in the Occupied Territories.

⁶ As a traditionally nomadic and tribal group in a state organized society, Bedouin typically face repressive measures such as forced settlement in comparison to other groups.

⁷ In order to enjoy public benefits such as housing loans, public employment and student financial aid one has to have fulfilled military service.

⁸ See: Human Rights Watch: *SECOND CLASS Discrimination Against Palestinian Arab Children in Israel's Schools* (2001)

⁹ Ittijah: Fact sheet *Legal Discrimination*

This active policy of under-development also becomes clear in the case of the “unrecognised villages”. About 100.000 people live in these villages, mostly in the Negev and in the North, which officially do not exist. This means that even the most basic services are not made available to their inhabitants, such as running water, health services, sanitation, electricity, safe roads, adequate education facilities or postal and other communication services.¹⁰

Recently the Knesset adopted the “Nationality and Entry into Israel (Temporary Order)” law that bars Palestinians married to Israelis from living with their spouses in Israel. Since the outbreak of the Intifada the issuing of residence permits for Palestinian spouses has been frozen “in light of the security situation and because of the implication(s) of the immigration and the establishment in Israel of foreigners of Palestinian decent”.¹¹

The intifada and Palestinian citizens in Israel

As stated earlier the demonstrations in 2000 were suppressed with the same means that are used against Palestinians in the Occupied Territories. Palestinian citizens in Israel are faced with house demolitions, illegal detentions, deportations and police brutality.¹²

Political parties are more closely being monitored and controlled, as was seen in the case of the lifting of the immunity of Israeli Palestinian MK Azmi Bishara in November 2001 after he visited Syria.¹³

In the September 2000 Herzliyya Conference, which hosted the political, academic, media and business elite, the concept of transfer came out as a serious option for the solution to the “demographic threat”, that is, the faster growing non-Jewish minority in a Jewish state. Palestinian citizens in Israel would be given the option to either continue to live as second-class citizens or to give up their Israeli citizenship and move¹⁴. Similar remarks were made at the 2003 Herzliyya Conference.

More than three years of Intifada, radicalisation and numerous deaths of Israeli and Palestinian civilians have all refuelled the discourse on the idea of transfer. This discussion was active during the Iraq war.

Political parties as Moledet publicly advocate the concept of transfer. The radicalised mood is also reflected in the appearance in public places of signs, posters, graffiti and banners that promote the expulsion of Palestinian citizens. The insecurity of Palestinian citizens regarding their future is growing as Israel’s position hardens.

¹⁰ Ittijah Fact sheet: *Unrecognised villages*

¹¹ Human Rights Watch: *Don’t Outlaw Family Life*, Press Release July 28

<http://www.hrw.org/press/2003/07/israel072803.htm>

¹² Amnesty International: *Racism and the Administration of Justice* AI Index: Act 40/020 (pages!!!)

¹³ Gad Barzilai: *The Case of Azmi Bishara Political Immunity and Freedom in Israel* in Middle East Report Online, January 9, 2001 <http://www.merip.org/mero/mero010902.html>

¹⁴ Middle East Report *Living on the Edge; the threat of transfer in Israel and Palestine* (Middle East Report 225, winter 2002)

Conclusion

Given the continuing attacks against Israeli citizens and its consequent public insecurity and uncertainty, the radicalisation of public opinion is to a certain extent understandable.

However, exploiting this mood and imposing more restrictive measures against Palestinians both within Israel and in the occupied Territories will only add to the cycle of death and the loss of human dignity. It will also in the long term preclude a peaceful and just solution in the region.

The long history of relations between the Israeli state and its Palestinian citizens reveals the deep roots and complex causes of the conflict. Nonetheless it is clear that fundamental questions remain that must be addressed. A solution for the Arab –Israeli conflict can only succeed if the human rights, including civil and political rights, of *all* inhabitants in the region are secured.

Acknowledging the chronic difficulty of the parties to come to a just and sustainable solution to the conflict, the international community has a particular responsibility to defend universally accepted moral and legal principles in respect to the ongoing struggle in the Middle East.

Pax Christi International therefore calls upon the international community and on the UN Commission on Human Rights to intensify efforts to bring all parties to a just and sustainable solution to the present conflict that ensures the security and fundamental rights of all inhabitants in the region.

Furthermore, Pax Christi International specifically, with regard to the Arab Palestinians living in Israel, urges the State of Israel to:

1. Appoint an independent commission to investigate and make recommendations concerning the legal status of Palestinian citizens in Israel with the intent to end any inequalities that exist in respect to said group;
2. Take clear and decisive action to ensure and protect the political, economic, social and cultural rights of Palestinian citizens and of all persons that reside within its borders;
3. Take measures to provide the infrastructure and basic services that are necessary to the health, safety and overall well-being of Palestinian citizens in Israel.
