

# The Racism Monitor

## Tracking Israeli Discrimination Against Palestinian Citizens of Israel

The Racism Monitor is a joint project of the Institute for Palestine Studies USA and Mada al-Carmel—Arab Center for Applied Social Research that was established to monitor Israeli prejudice against the Palestinian citizens of Israel. The Racism Monitor aims to document the different manifestations of racism: direct and indirect, official and unofficial discriminatory policies; discriminatory legislation in the Knesset; and statements by political, religious, and academic elites. The report also monitors popular expressions of racism in Israeli society toward Palestinian citizens of Israel.

## February 2016: Institutional Racism

### Introduction

The February Monitor surveys the official and unofficial racism toward Palestinian citizens of Israel, starting with the prime minister, the members of his cabinet, the police, and the courts—who are entrusted with the enforcement of the law—through to the military establishment. In addition to that, members of the Knesset (MKs) continue to prepare discriminatory bills, tailored to exclude the Palestinian citizens of Israel regarding their civil-society institutions and parliamentary lists. Everyday racism is evident also in the private and services sectors, as well as in governmental policies directed at education, employment, and housing.

### Racist / Discriminatory Legislation

#### 1. The “Body Search Law”

The “[Body Search Law](#)”—officially, the Authorities for Protecting Public Safety (Amendment No. 5 and Temporary Provision) Law, 2016—was approved by the Knesset on 2 February 2016. This amendment authorizes policemen to conduct body searches based on “reasonable suspicion” that a person or a group of persons is about to commit a violent offense against another person. MK [Jamal Zahalka](#) (Joint List) attacked this legislation, pointing out that “we all know that this law targets Arabs [Palestinians] and may also affect Jews of Arab origin. The goal is to give a legal cover to the police. According to the law, any police officer is allowed to search any person whenever and wherever he sees fit. A similar law was legislated in England, and the European Court of Justice cancelled it as it was implemented on racial grounds.”

#### 2. Approving the “Loyalty in Culture” Bill

Attorney general of Israel, Avichai Mandelblit, approved on 24 February 2016 the “[Loyalty in Culture](#)” bill, which was proposed by Minister of Education Miri Regev. Under this law, funding of cultural institutions is conditioned on a patriotic evaluation of the content of their projects. Funding institutions that “deny Israel as a Jewish and democratic state; instigate racism, violence, and terrorism; and support armed resistance of an enemy state or a terrorist organization against Israel” will be prohibited. In addition, the proposed law prohibits funding of institutions that do not celebrate the Israeli day of independence or those that consider it to be a day of mourning. Therefore, the law would indirectly target the Palestinian institutions in Israel that do not consider the day of the declaration of Israel’s independence to be a holiday. The approval of the attorney general means that the Ministerial Committee for Legislation should discuss the bill within twenty-one days. If it is approved there, it will be presented for a vote in the Knesset.

### 3. Approving Parliamentary Expulsion Bill

The Constitution, Law, and Justice Committee of the Knesset approved on 29 February 2016 the [Parliamentary Expulsion Bill](#), which means it will be presented for first reading in the Knesset. The law allows the expulsion from the Knesset of any MK for an unlimited time by three-quarters' majority vote of MKs. Members of the governing coalition have proposed this law to expel parliamentarians "who behave inappropriately." This law has been promoted after Balad MKs (Hanin Zoabi, Jamal Jahalka and Basel Ghattas) met with families of Jerusalemites who carried out operations against Israel. The meeting was held in solidarity with the families because Israel held the bodies of their sons and refused to allow their burial.

One of the amendments to the law, presented by Minister Zeev Elkin (Likud), calls for the expulsion of those who "support armed resistance of an enemy state or a terror organization against Israel." In a [later development](#), a more extreme amendment was proposed by the head of the Constitution, Law, and Justice Committee, Nissan Slomiansky (The Jewish Home, Habayit Hayehudi), that would allow the Knesset to expel a member if he/she "has verbally expressed solidarity with a single terrorist."

The proposed law, in its [different drafts](#), does not specify the duration of the expulsion. Israeli Minister of Justice Ayelet Shaked argued that the measure does not adequately address the problem of Palestinian MKs properly. She proposed to expel or outlaw Palestinian parties altogether, instead of expelling single members who would be replaced by others holding the same views. This opinion is expressed also in the amendment to Article 7A of the Basic Law: The Knesset, which specifies the reasons to disqualify a candidate or a list from participating in the general elections. [The proposed amendment](#) would make it possible to disqualify a candidate or a list of people based on their opinions, as well as on their declared objectives or their behavior. The [editors of Haaretz](#) say that the suspension law "crosses a red line with regard to the status of the right to vote and to be elected. . . . The bill emits a McCarthyite stench. Its sponsors' goals are clear and well-known: to harass Arab Knesset members."

### 4. NGO Bill

On 8 February 2016, the Knesset approved the first reading the [NGO Bill](#) (50 voted in support of the vote, 43 against), initiated by Ayelet Shaked, the Israeli justice minister. This bill requires those receiving funds from foreign entities to submit a list of providers to the government. Per the approved version, NGOs that meet the definition of the law, in addition to revealing their sources of their funding, would be required to publicly indicate that this funding comes from "foreign agents."<sup>1</sup> This law aims to criminalize any cultural and legal activities that oppose discrimination in Israel. MK Abdallah Abu Maaruf (Joint List) [said](#) in a speech that "the tagging of NGOs and the delegitimizing of them is an undemocratic law that violates freedom of expression, aims to limit the democratic space, and cannot be labeled but as a discriminatory law. . . . This law paves the way toward a dictatorship, and the beginning of a fascist regime."

## Racist / Discriminatory Policies

### 1. The 2016 Revised Civics Book, Ignoring the Palestinian Evaluator

The January Monitor addressed the government's [revised civics textbook](#) and the issues of the revision process to its content, which include the emphasis put on the Jewishness of the state, implying the racist attitude toward Palestinians.<sup>2</sup> It has been reported that, in February 2016, the Ministry of Education sent the book to the printers before receiving the review of the Palestinian evaluator. It is customary that the Ministry send books to professional reviewers, after which it decides whether to accept or reject their comments; then the books are sent to press.

<sup>1</sup> <http://www.palestine-studies.org/sites/default/files/January%202016%20Racism%20Monitor.pdf>

<sup>2</sup> <http://www.palestine-studies.org/sites/default/files/January%202016%20Racism%20Monitor.pdf>

However, it seems that the Ministry was not interested in the comments of a Palestinian citizen on a book that all high-school students in the country, both Jewish Israelis and Palestinian citizens of Israel, will use. In spite of the media attention this has caused, the Ministry continues to marginalize Palestinian participation in the revision of the book.

## 2. No Educational Infrastructure for Palestinian Bedouin Children

The Israeli news site *Walla* reported on 12 February 2016, that nearly 3,400 Palestinian Bedouin children between three and five years old have [no access to educational facilities](#) in the regional councils of al-Qasum and Neveh Midbar. According to the [report](#), the Ministry of Education cannot build schools or kindergartens in these areas because of land ownership issues. MK Ayman Odeh (Joint List) laid the responsibility on the state, saying that "these children . . . grow up without running water or an electricity grid or health services, and in constant fear that their homes might be demolished. They struggle for their right to an education. Some children are forced to [walk for kilometers](#) to get to their schools."

## 3. Unemployment

A 2 February 2016 *Haaretz* report revealed that hundreds of unemployed Palestinian citizens of Israel do not receive unemployment benefits because they have no transportation to get to the jobs that Employment Services has assigned them, leading them to reject the offered jobs. Palestinians residing in Rahat area in the Naqab [Negev], as well as Palestinian residents of the Karneil and Nazareth areas in the Galilee, suffer most from this situation, though the problem exists in all major areas of Israel with concentrations of Palestinians. As a result, a bill was presented to the Knesset: Employment Service Law (Amendment: Access to Public Transportation), 2016. Under the [proposed bill](#), "an employment service bureau shall not send any employee to work unless public transportation were available from the worker's place of residence such that it would allow him to get to and from work within a reasonable time."

## 4. Housing

[The Arab Center for Alternative Planning \(ACAP\)](#) revealed that in 2015 the Israel Land Authority (ILA) sold only 24 parcels to Palestinian citizens of Israel, designated for 50 housing units. These figures are similar to the [2014](#) numbers, where 21 parcels were sold to Palestinian citizens of Israel, designated for building 69 housing units, which make up a tiny fraction (0.13%) of the 50,551 housing units that the ILA sold in 2014. According to ACAP, Palestinian citizens of Israel need "approximately ten thousand housing units annually." MK Ayman Odeh (Joint List) commented that "this government threatens to demolish our homes because of unlicensed building while the government itself forces us to [build illegally]. The marketing of the housing units this way widens and deepens the gap, and strangles our villages more."

A further item on [housing](#): The Magistrates Court in Beir al-Sabei' (Beir Sheva) issued a ruling that revealed a discriminatory practice in the monitoring of unlicensed construction in the Naqab (Negev). The court decided not to indict a Jewish Israeli in the settlement of Azuz for illegal construction on the grounds of "abuse of process," which means "the use of legal processes to accomplish an unlawful purpose." The court reasoned that since entire settlement of Azuz is built illegally, and the district planning committee has not prosecuted anyone else building in the settlement, it would be unfair to proceed with an indictment.

This ruling highlights two issues: First, those enforcing government planning and building laws typically ignore Jewish Israeli violations of the law while applying stricter penalties on Palestinian citizens of Israel, who have their homes and villages demolished. Second, this court ruling effectively legitimizes the Jewish-Israeli illegal settlement in the Naqab. The planning committee does not exercise its authority against an entire settlement in proximity to the defendant's land even though all the houses in it are unlicensed and have been used for residence, commerce, and tourism for many years without permits, "and it seems that the district planning committee has decided deliberately to avoid

enforcing the law in the Azuz settlement, and to ignore the violations in it in a way that gives theoretical immunity to any building violations in the future."<sup>3</sup>

## Racist Discourse

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### Predators, Criminals, or Terrorists?

During a tour on 9 February 2016 along a security fence being erected on the Jordanian border, Israeli Prime Minister Benjamin Netanyahu expressed his opinion toward Arabs in general and Palestinians in particular, describing them as "[predators](#)." Another vilification of the Palestinians came from Roni Alsheikh, [chief of Israeli police](#), who said that "[i]t seems that while we have chosen to sanctify life, to give it importance, to elevate the contribution the victims left to Israeli society, the legacy they left you for eternity, our enemies chose to sanctify death. Their hidden message: There is no importance whatsoever to life and at the push of a button or drawing of a knife, it is possible to move on to a better world. . . . That is, in fact, in my view, the antithesis of the values of Israeli society." According to the [February 2016 Peace Index](#) by the Israel Democracy Institute, 77% of Jewish-Israeli respondents agreed with the Alsheikh statement. Others expressed similar opinions in Israeli security and political leadership, including Defense Minister Moshe Ya'alon, Minister of Public Security Gilad Erdan, and Minister of Education Naftali Bennett.

MK Jamal Zahalka (Joint List) [wrote](#) : "Israeli racism is based on dehumanizing the Palestinians; and it aims, based on this, to displace them and to take over their lands and properties because somebody else is more 'entitled' to them. It is only normal that the Palestinians reject this approach and naturally try to defend themselves and their properties. The colonizers, therefore, need to justify their actions against the colonized, including killing them, by claiming that the colonized have no right to life in the first place. . . . [T]his is an implicit way to say that the Israeli leadership does not care how many Palestinians it kills in order to achieve its military objectives. This is deadly racism, paving the way for future killing."

Additionally, a report concerning crime in a Palestinian community in Israel, presented by [Chief of Israeli Police](#) Roni Alsheikh on 9 February 2016 to the Knesset Internal Affairs and Environment Committee, states: "According to the police data, while the Arabs [Palestinian citizens of Israel] constitute 21% of the population, they represent 59% of convicted murders. . . . [A]lso according to the police data, 27% of drugs crimes are carried out by [Palestinian citizens of Israel] as are 32% of property crimes, 47% of thefts, 55% of attempted murder, and 48% of arson crimes."

These data lack a political-historical context to address the reasons that brought about such a reality. The deterioration of the Palestinian community in Israel is linked to institutional neglect that is reflected in police failure to fulfill its law-enforcement duties, even turning a blind eye to the increasing crime in Palestinian communities. MK Yousef Jabareen (Joint List) in a session of the Knesset Internal Affairs Committee concerning illegal weapons within the Palestinian community in Israel [stated](#), "The average citizen cannot confront crime and violence, and is incapable of collecting weapons. According to the law, this is the duty of the police, who have the authority to investigate, arrest, collect weapons, and prevent their dissemination. Since the police failed to fulfill their duties over the years, I accuse them of having an interest in not fighting crime in the Arab [Palestinian] community [in Israel]. This is a severe indictment of the police, until they prove otherwise by fighting violence and crime in our villages."

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<sup>3</sup> Yaakov Danino, State of Israel - District of Planning and Building Committee vs Etay Ram, TP 12-05-61006 (Be'er Sheva Magistrates Court 2016).

Moreover, the high crime rates in the Palestinian community in Israel can be linked to the [higher rates of conviction of Palestinians in Israeli courts in comparison to Jewish-Israeli defendants](#). A research paper funded by the Israeli Courts Administration covering 1,500 cases between 1996 and 2005 concluded that "when Arabs wind up in court, they are more likely to be convicted; when convicted, they are more likely to receive a stiffer sentence than a Jew normally would." Although this study is older than the police report presented by Alsheikh, it sheds some light on the structural discrimination toward Palestinian citizens of Israel.

The institutionalized discrimination against Palestinians in Israel is also evident in a [questionnaire](#) prepared by the Israeli army and distributed among reserve soldiers in the Naqab [Negev]. One survey question states:

The Bedouins in the country are:

1. Part of the military dispersal, and they are authorized to move into the firing zone in order to clear the garbage;
2. Trespassers who steal the military equipment and should be treated with suspicion;
3. Innocent passersby;
4. Terrorists.

The following question regarded the regulations regarding shooting toward Bedouins who reside in the firing zone:

1. All Bedouins should be shot on the spot.
2. If they approach, fire should be opened in the direction of their vehicles or their legs below the knee.
3. If they have a device, intention and capability, forces should open fire in order to [sentence incomplete].
4. If they only walk past the soldiers and the equipment, nothing should be done with them.
5. Answers 3 and 4 are correct.

In sum, racism and discrimination are manifested in both discourse and practice alike in Israeli institutions. It starts with the political leadership, as reflected in the statements of the prime minister; the police and the courts entrusted with enforcing law and justice; and on down to the military and its attitude toward citizens of the state, even toward the population of Bedouins that serve in the army.

## Everyday Racism

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### 1. A Factory Looks for Jewish Workers to Replace Palestinians

A Jewish-Israeli-owned factory, located in the Atarot industrial zone north of Jerusalem, published an ad looking for Jewish-Israeli workers to replace its Palestinian staff. In a [Ynet report](#), the journalist pretended to be interested in working in the factory, and was told: "I will explain the issue to you: We have Arabs [Palestinians], and we want to hire 'our guys.' We understand that there would be some implications for such a decision because Arabs are paid half the wage [of Jewish Israelis]." Discrimination is evident, therefore, on two levels: discrimination in the workplace based on national origin and discrimination in wages earned by Jewish Israelis vis-à-vis Palestinians workers.

### 2. No Branches of Israeli Banks in Palestinian Villages

Four Palestinian citizens of Israel filed a [class-action suit](#) for NIS700m (approximately \$180m) against five Israeli banks for their discrimination against Palestinians in Israel. According to the suit, the ratio of bank branches in Palestinian

villages in Israel to the size of the population is approximately half that of Jewish-Israeli villages of the same size. Moreover, four of the five banks have no branches in any Palestinian village; the fifth bank has only three branches of its 201 branches in Palestinian villages.