

HUMAN RIGHTS ISSUES IN ISRAEL

As a democracy, the preservation of human rights is a primary concern for the State of Israel. As many countries throughout the world have discovered, fighting terrorism and maintaining basic fundamental rights is a difficult challenge. The United States and others have looked to Israel as an example of how to balance protecting its citizens from terrorism while maintaining human rights.

Israel also maintains the highest standard of rights for women and minorities in the Middle East. The following summary touches on a range of human rights issues in Israel, including: the Israeli Supreme Court, Women's rights, Israeli Arabs and other minorities as well as LGBT rights. However, this summary is in no way all inclusive.

Israeli Supreme Court & Human Rights Issues

The State of Israel has developed a legal system based on Jewish and democratic values. Over the years, the Supreme Court has developed the idea of fundamental rights through its case law, reviewing the administrative activity of the branches of government to ensure that basic human rights were not unnecessarily infringed upon by security needs.

The Supreme Court rules as a court of first instance, primarily in matters regarding the legality of decisions of State authorities: Government decisions, those of local authorities and other bodies and persons performing public functions under the law. Palestinians have access to the Supreme Court through a number of Israeli NGOs.

For example, on two occasions the Israeli government has been instructed by the Supreme Court of Israel to alter the route of the barrier to ensure that negative impacts on Palestinians would be minimized and proportional. The first was in February 2004, and then again in 2005, the Israeli Supreme Court ruled that the government must find an alternative route to lessen the impact of the barrier on the lives of Palestinians.

In 1999, nine Israeli Supreme Court justices unanimously ruled that interrogation methods which involve the use of physical force are not legal. The General Security Service (GSS) does not have the authority, for example, to shake a suspect, to hold him in painful positions for a lengthy period, or to deprive him of sleep. Israeli Supreme Court President Barak noted that this decision does not ease the task of coping with the difficult security reality prevailing in Israel.

As the U.S. Supreme Court prepared to hear an argument on how the nation should deal with suspected terrorists in 2007, Justice Ruth Bader Ginsburg expressed admiration toward how her counterparts in Israel dealt with the issue. Ginsburg said that when the Israeli justices were asked if authorities could torture someone who knew when and where a bomb would go off, "The answer of the Supreme Court of Israel was unequivocal: torture never."

In October of 2008, after the U.S. congress enacted the Military Commissions Act, Gabriella Blum and Martha Minow, both professors at Harvard Law, stated in the *Boston Globe*, "Compared with Israel's security measures during a long and difficult experience with terrorism, the US Congress has gone too far in its willingness to compromise human rights and civil liberties. Security considerations, as legitimate and forceful as they are, do not justify such excessive measures, as the Israeli practice demonstrates."

Women's Rights

Unlike in most other countries in the Middle East, women enjoy equal rights including the right to vote and to be elected to local and national office. In March 1998, marking International Women's Day, the Knesset (the Israeli Parliament) voted unanimously to establish the Authority for the Advancement of the Status of Women. The functions of the Authority for the Advancement of the Status of Women include formulation of policy regarding gender equality and the elimination of discrimination against women; coordination and promotion of cooperation between state government, municipalities, and other formal institutions; advising the ministries on the

implementation of equality laws; establishment of special programs and services for women which promote gender equality; promotion of legislative measures for the advancement of women and the elimination of discrimination; and provision of information and tools necessary for the achievement of these goals to the government, as well as sponsorship of a series of literacy projects for women in the Arab and Bedouin sectors.

Israeli Arabs and Other Minorities

Of its 7.4 million citizens, nearly 20 percent of Israel's population is Arab Israeli. 81% of Arab Israelis are Muslim. 146,000 Christian Arabs and 100,000 Arabic-speaking Druze live in Israel. In addition, there are 3,000 Circassian Sunni Muslims in Israel.

Arab Israelis are citizens of Israel with equal rights. In 1948, Israel's Declaration of Independence called upon the Arab inhabitants of Israel to "participate in the building of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions."

The Arab sector is politically involved in both national and municipal elections. Arab citizens run the political and administrative affairs of their municipalities and advance Arab interests through their elected representatives in the Knesset, Israel's parliament. Arab Israelis have held various government positions, including that of deputy minister and Supreme Court judge. Some Arab Israelis are members of larger Israeli parties with wider platforms others are members of one of three Arab parties. Arab-Israeli politicians are free to advocate for policies that in effect would put an end to Israel as a Jewish state. Currently there are eight Arab Israelis and three Druze in the Knesset.

Israel has extensive anti-discrimination laws. The only legal distinction between Arab and Jewish citizens is that Arab citizens are exempted from compulsory service in the Israel Defense Forces. This is out of consideration for family, religious and cultural affiliations with the Palestinians and the rest of the Arab world, given the ongoing conflict. Voluntary service is encouraged. IDF service was made mandatory for Druze and Circassian men at the request of their community leaders. Because Arab Israelis do not serve in the IDF, they do not enjoy certain economic and social benefits. There are still significant gaps in economic development. Average Arab family size is higher, and very few women are in the work force. Education levels are lower than in the Jewish community, leading to lower income. Arab communities are smaller and have limited economic infrastructure, contributing to employment in unskilled or semiskilled fields and higher overall rates of unemployment. Lack of easy access to employment due to security measures is also a contributing factor.

Lesbian, Gay, Bisexual, Transgender Rights in Israel (LGBT)

Israel is considered the most open country in the Middle East in terms of protection of LGBT rights. In November 2005, a groundbreaking court decision in Israel ruled that a lesbian spouse could officially adopt a child born to her current partner. Same-sex marriage has not yet been legalized but same-sex marriages performed elsewhere are recognized.

