



## **Discriminatory Bills in the 19<sup>th</sup> Israeli Knesset**

Update: October 2013

This document contains a short list of the most dangerous discriminatory new bills tabled so far by Israeli parliamentarians during the 19<sup>th</sup> Knesset, which was sworn in on 5 February 2013. Directly and indirectly, these bills threaten the basic rights of Palestinian citizens of Israel and Palestinian residents of the Occupied Palestinian Territory (OPT). Adalah is closely monitoring the progress of this legislation and wishes to bring it to your urgent attention.

### **Land and Planning Rights**

#### **1. The Praver-Begin Plan Bill (Bill for the Regulation of the Settlement of the Bedouin in the Negev (2012))<sup>1</sup>**

This governmental bill is the implementing arm of the Praver Plan and was drafted following the approval of the report of the government-appointed Praver Committee. If passed, it will lead to the forced displacement of tens of thousands of Palestinian Bedouin citizens of Israel from their homes and land in the unrecognized villages in the Naqab/Negev. In some cases, the Bedouin have been living in these villages since before the State of Israel existed; in other cases the villages were established following the expulsion and relocation of the Bedouin by the military government whose rule was imposed on them after Israel's establishment. The Bedouin citizens affected by this latest bill will be concentrated in government-planned townships, which are totally unsuited to their traditional way of life, and offered meagre compensation. The bill, originally submitted on 3 January 2012, was re-tabled on 27 May 2013, after the incorporation of a number of harmful amendments made by the Ministerial Committee on Legislation. These changes include reducing the available area to be used in the land compensation scheme and reducing the timeframe for implementation of the plan from five to three years.

***Status: The bill passed a first reading in the Knesset on 24 June 2013. It will be discussed in committee when the Knesset starts its new term in mid-October 2013.***

[The bill in Hebrew](#) | [English summary of the bill](#) | [Adalah's position paper](#)

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<sup>1</sup> Government bill no. 761, tabled on 27 May 2013.

## **Economic, Social, and Cultural Rights**

### **2. Contributors to the State Bill – 2013<sup>2</sup>**

This government-supported private member's bill seeks to institute preferential treatment to citizens who contribute to the state (i.e. serving in the military or the civil service). It discriminates against Arab citizens of Israel since the vast majority of them are exempted from military service in the Israeli army for historical and political reasons. It includes preference in hiring, in job salaries and in receiving services such as student housing, higher education and allocation of land for housing. The bill states that such preferential treatment shall not be considered discrimination as prohibited by Israeli law. The bill also includes consequential amendments to other laws designed to fulfill the purpose of this bill, including preference in hiring for civil service positions that are currently allocated to members of specific population groups, including the Arab minority.

***Status: The Ministerial Committee for Legislation approved this bill on 16 June 2013. Modifications were subsequently made and the bill re-submitted on 29 July 2013.***

[The bill in Hebrew](#) | [Adalah's letter to the Ministerial Committee against the bill](#)

In addition, a series of further bills seek to provide a range of extra financial privileges to persons who perform military service, including a four-year exemption from national insurance contributions, reductions in income tax payments for reservists, and a waiver from television license fees, as well as assistance in studying engineering and technology.<sup>3</sup> One of these bills, The Encouragement of the Study of Engineering and Technology: Bill to amend the Absorption of Discharged Soldiers Law – 2013, is a private member's bill that passed a preliminary reading in the Knesset on 12 June 2013.<sup>4</sup>

## **Civil and Political Rights**

3. A series of bills seek to raise the threshold percentage of votes required for political parties in order to obtain seats in the Israeli parliament.<sup>5</sup> These bills will primarily affect the Arab political parties, some or all of which would be expected to fall below the new thresholds if introduced. The bills variously propose to raise the current threshold from the current 2% to between 3% and 5% in elections to future Knessets. The Palestinian political parties in Israel reflect the spectrum of political views held by Palestinian citizens of Israel, from Communist/Jewish-Arab (Hadash/al-Jabha), Islamist (Ra'am-

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<sup>2</sup> Legislative bill no. P/19/1596, tabled on 29 July 2013.

<sup>3</sup> See legislative bill no. [P/19/381](#), tabled on 13 March 2013; legislative bill no. [P/19/458](#), tabled on 13 March 2013; legislative bill no. [P/19/493](#), tabled on 13 March 2013; legislative bill no. [P/19/868](#), tabled on 18 March 2013; legislative bill no. [P/19/964](#), tabled on 18 March 2013.

<sup>4</sup> Legislative bill no. [P/19/868](#), tabled on 18 March 2013.

<sup>5</sup> See legislative bill no. [P/19/844](#), tabled on 13 March 2013; legislative bill no. [P/19/956](#), tabled on 18 March 2013; legislative bill no. [P/19/1131](#), tabled on 29 April 2013; legislative bill no. [P/19/1160](#), tabled on 29 April 2013; legislative bill no. [P/19/1402](#), tabled on 17 June 2013.

Ta'al), to secular/Arab nationalist (Balad/Tajammaa'). Currently, Hadash/al-Jabha has 4 seats (3.3%), Ra'am-Ta'al has 4 Knesset seats (3.3%), and Balad/Tajammaa' has 3 seats (2.5%). The bills therefore represent a direct threat to all the Arab political parties in the Knesset and to the political participation of Palestinian citizens in national affairs.

**Status: One of these bills – The Governance and Raising the Qualifying Election Threshold, Bill to Amend Basic Law: The Government – 2013,<sup>6</sup> which seeks to raise the qualifying threshold to 4%, has won the government's support and passed a first reading in the Knesset on 31 July 2013.**

[The bill in Hebrew](#)

#### **4. "Jenin, Jenin Bill": Bill to amend the Defamation Prohibition Law –2013<sup>7</sup>**

This private member's bill adds a new provision to the existing law that allows Israeli soldiers to file class-action lawsuits against a film director, journalist, or any other individual alleged for defamation regarding information about any military action conducted in the OPT. According to the existing law, if the defamatory remarks were made against a group of people rather than a single person, they cannot file a lawsuit for defamation as a group without the approval of the Attorney General (AG). The amendment proposed in the bill seeks to annul the AG's discretion. The bill threatens the rights of Palestinian residents of the OPT by further consolidating the existing impunity and non-accountability enjoyed by the Israeli military.

**Status: The Ministerial Committee on Legislation approved the bill and it passed a preliminary reading in the Knesset on 22 April 2013.**

[The bill in Hebrew](#) | [Adalah's letter to the Knesset's Constitution, Law and Justice Committee against the bill](#)

#### **5. Basic Law: Israel, Nation State of the Jewish People Bill – 2013<sup>8</sup>**

The purpose of this private member's bill is to constitutionally determine the identity of the State of Israel as the nation state of the Jewish people. In practice, the bill will change the 'Jewish and democratic' definition of the state by subordinating the democratic component and making it secondary to the Jewish component. The bill states that the right to national self-determination in Israel belongs exclusively to the Jewish people. Because the proposed legislation has the status of a basic law, its enactment could be used to justify widespread discrimination against Arab citizens of Israel, as non-Jews.

**Status: The bill has yet to be brought before the Knesset.**

[The bill in Hebrew](#)

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<sup>6</sup> Legislative bill no. [P/19/1160](#), tabled on 29 April 2013.

<sup>7</sup> Legislative bill no. P/19/1133, tabled on 29 April 2013.

<sup>8</sup> Legislative bill no. P/19/1550, tabled on 22 July 2013.

## **Prisoners and Detainees' Rights**

### **6. Counter-Terrorism Bill – 2011<sup>9</sup>**

This expansive governmental bill, spanning over 105 pages of provisions and explanatory notes, threatens to enact into law various existing procedures, and to authorize new ones, which are applied discriminatorily against Palestinians from the OPT and Palestinian citizens of Israel, allegedly in the name of fighting terrorism. The bill contains troublingly vague definitions of terrorism and terrorist organizations, which are likely to be exploited in order to criminalize legitimate political action by Palestinian citizens of Israel and Palestinian residents of the OPT. It seeks to entrench many emergency regulations currently in effect in Israeli law, some of which date back to the British Mandatory period, in a move that will significantly undermine the rights of 'security detainees'. The bill includes additional draconian measures for investigating detainees accused of security offenses; provides for the extensive use of secret evidence in court; limits detainees' access to judicial review; lowers the evidentiary requirements of the state in such cases; creates new criminal offenses, including for any public expression of support for or sympathy with a terrorist group; and sharply increases the maximum sentences for people convicted of security offenses. The complete bill was first introduced on 37 July 2011 before the 18<sup>th</sup> Knesset, and was re-tabled in the same form in accordance with the "continuation procedure" on 9 June 2013 by Justice Minister Tzipi Livni.

***Status: The Ministerial Committee on Legislation approved the bill on 9 June 2013.***

[The bill in Hebrew](#) | [ACRI's position paper on the bill](#) | [IDI's critique of the bill](#)

## **The Occupied Palestinian Territory**

### **7. Bill to amend the Civil Wrongs Law (Liability of the State) (Amendment No. 7) (Amendment of the Beginning of Article 5b) – 2013<sup>10</sup>**

The proposed amendment adopts the minority ruling in the Israeli Supreme Court case of *Derani v. The State of Israel*. According to this private member's bill, a person from a defined 'enemy state' does not have the right to sue for damages retroactively in Israeli courts. In contrast, people from 'conflict zones', meaning the West Bank and Gaza Strip, can file lawsuits for damages that occurred only before 2000 (the beginning of the Second Intifada).

***Status: The bill passed a preliminary reading in the Knesset on 1 May 2013.***

[The bill in Hebrew](#)

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<sup>9</sup> Governmental bill no. 611, tabled on 9 June 2013.

<sup>10</sup> Legislative bill no. P/19/818, tabled on 13 March 2013.