



Representing, connecting and supporting Jewish people in Scotland

# Political Affairs Digest

A daily summary of political events affecting the Jewish Community

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## Israel

### United Nations

**In dialogue with Israel, Committee on the Elimination of Racial Discrimination urges greater inclusion and protection of minorities and all those under Israeli jurisdiction, including in the Occupied Territories**

... **Aviva Raz Shechter, Permanent Representative of Israel** to the United Nations Office at Geneva, said that Israel placed great importance on respect for human rights. Israel's society was a unique mosaic of cultures and religions where a range of ethnic and religious communities coexisted and interacted in a vibrant and open democracy. The Jewish majority in Israel itself was made up of a wide array of ethnic, religious and cultural communities due to the great Jewish immigration to the State of Israel.

As President Rivlin had said in 2015, Israel had shifted from a country with a clear majority, the secular Jewish population, to a country of four distinct minority groups: secular Jews, the modern-Orthodox society, the ultra-Orthodox society and the Arab population, without one clear majority. Those four groups were the tribes of the people of Israel, the President had said. He had also emphasized the need to build a partnership between the different populations that made up Israeli society, which should be based on a feeling of security within each population, a joint responsibility for the fate and future of the State of Israel, and justice and equality in creating a common Israeli identity.

Israel's longstanding commitment to the rule of law and to the principles of democracy and equality before the law were enshrined in the Declaration of Independence. ... It would ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex, safeguard the holy places of all religions, and be faithful to the principles of the Charter of the United Nations.

The catastrophe of the Holocaust and the Jewish people's tragic history had shaped Israel's fundamental values and respect for human rights and human life and the obligation to protect minorities. ...

Israel was confronted with ongoing security challenges, amidst a volatile and often hostile Middle East, including devastating attacks on Israeli citizens, originating from Gaza and the West Bank ... The country ... had put a lot of effort in finding the delicate and proper balance between the commitment to the rule of law and the obligation to defend its citizens against terrorism and the spread of violence.

It was Israel's principled position that the International Convention on the Elimination of All Forms of Racial Discrimination was not applicable beyond a State's national territory and did not apply with respect to the West Bank and the Gaza Strip. ...

**Noam Neuman, Senior Director, Office of the Deputy Attorney General of Israel**, said that Israel had taken many steps to advance the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and address some of the Committee's recommendations. Those included the adoption of the legislation on racially motivated crimes as aggravating circumstances and on legal aid. ...

In January 2016, the Ministerial Committee for the Advancement of Integration into Israel of Israeli Citizens of Ethiopian Origins had adopted an action plan to address racism against this population group. As a result, a unit for the coordination of the fight against racism and discrimination had been set up in the Ministry of Justice. ... To date, the unit had received 737 complaints, 40 per cent of which were from people of Ethiopian descent, but also from Arabs and Orthodox Jews. ...

**Rita Izsák-Ndiaye, Committee Rapporteur for Israel**, remarked that the report in front of the Committee, which had been submitted in March 2017, lacked some important developments that had occurred since then and regrettably left many of the Committee's concerns unanswered. ...

The Rapporteur welcomed the efforts of Israel to improve the situation of disadvantaged groups ...

Jews made up 75 per cent of the total population of 8.8 million, Arabs comprised about 20 per cent, and the rest were made up of non-Arab Christians and persons without religious affiliation. It was not clear, however, who were the minorities in Israel and who needed the protection of the State from discrimination. The report mentioned Arab, Druze, Circassians and Bedouin groups, but also referred to ultra-orthodox Jews as minorities. ... The issue of Palestinians and the situation in Palestinian territories had, once again, been omitted from the report, noted Ms. Izsák-Ndiaye with regret. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, Israel was bound to respect the obligations imposed by the Convention with respect to any person and territory over which it exercised jurisdiction. This obligation applied equally to its own territory and that which it occupied, stressed the Rapporteur. ...

The 2018 Basic Law was a subject of concern and criticism ... because it stipulated that the right to national self-determination in Israel was "unique to the Jewish people" ... The law established Hebrew as an official language and downgraded Arabic from an official language to a "special status" language, thus carrying a symbolic and negative message to all Arabic-speaking communities. The law also constitutionally elevated "Jewish settlement as a national value", although they were prohibited under international law. The law declared Jerusalem, "complete and united" as the capital of Israel.

The Committee was deeply concerned about the fragmentation along ethnic, linguistic and religious lines in any society, and about any steps that could increase tensions and hamper peaceful coexistence of various communities. ...

The Committee remained concerned about problematic and discriminatory laws, including the 1950 Law of Return, which ... conferred automatic Israeli citizenship to any Jewish person who entered Israel under the Law of Return, however, Palestinian refugees were not afforded the same right and status. ...

The Rapporteur ... welcomed the increase of Arab employees holding senior positions. ... Bedouins had the worst socio-economic indicators from all population groups, particularly in the area of housing ...

The Domari Gypsy people, who were today Muslims and spoke Arabic, numbered between 1,200 and 1,500 people. They suffered historic discrimination, neglect, poverty and adult illiteracy. Was Israel aware of the situation of the Dom people and were there any policies and laws to protect and promote their identity and human rights? ...

It was regrettable that Palestinians were mentioned only once in Israel's report, which remained silent on discriminatory practices, Ms. Izsák-Ndiaye said. ...

The Committee remained concerned about the consequences of the legislation, policies and practices which amounted to *de facto* segregation, and which weakened the Palestinian community as a whole and their sense of a shared national identity.

Some 1.9 million Palestinian citizens of Israel were designated non-Jewish citizens. They were accorded second-class legal status, received inferior services, suffered from discriminatory and restrictive zoning laws, and faced restrictions in access to jobs and opportunities. The Palestinians living in East Jerusalem faced onerous requirements to constantly prove that their so-called "centre of life" was Jerusalem. They lived under a constant threat of forced evictions, house demolitions, or residency revocation. ...

In the West Bank, Israeli domestic law was applied extraterritorially to Israeli settlers, while the Palestinians were subjected to the military law, which resulted in lower human rights standards ...

Settler violence was increasing too, causing the death of 19 Palestinians in 2019. Many Palestinians were forced to leave the areas as a result of violence, while Israeli settlements continued to expand. Israel continued to occupy the Syrian Golan, where Syrian citizens continued to suffer from discriminatory policies, particularly related to land and water allocation. ...

**Gun Kut, Committee Rapporteur for Follow-up to Concluding Observations**, recalled that ... in 2012, the Committee had asked Israel to ensure equal access to work and social welfare benefits to non-Jewish populations and decouple them from the obligation to serve in the Israeli military; revoke the 2003 temporary law on return and facilitate family reunification of all citizens irrespective of their ethnicity or national origin ...

Israel reported that it had put in place affirmative action policies and programmes to significantly increase the number of minority employees in the civil service and had greatly expanded access to work for Druze and Jews of Ethiopian origin. At the same time, Israel was swiping away core citizen rights of non-Jews, including the right to self-determination, and wiping away the fundamental rights of large parts of the population. Each move was a part of the large strategic plan to fragment the non-Jewish population ...

**Aviva Raz Shechter** ... [said] Israel attached the greatest importance to pursuing peace with its neighbours, including the Palestinians ... It had repeatedly proven its willingness to go to great lengths in that pursuit, provided that there were real guarantees to its security. ...

The delegation was also disturbed by the untruth that Israel supposedly treated human rights defenders as terrorists. There were 20,000 active non-governmental organizations that operated freely in Israel on a wide array of issues. ...

Minority groups within Israel enjoyed religious, cultural and linguistic freedoms. Israel remained committed to those goals, despite living in a region where the commitment to the principles of equality, human rights and democracy were lacking.

**Another delegate, an Israeli Arab member of the Israeli Police and a Muslim**, said that the Arabs in Israel today had better chances at quality education than previous generations. The Israeli police force was a decent institution, he said. Its doors were open before every citizen in the country, regardless of their background or religion. Today, Arab citizens of Israel were directors of medical wards in hospitals, university lecturers, and police commanders, and thousands of Arab students were enrolled in universities. ...

In May 2002, following a wave of terrorist attacks against the Israeli population, the Government had suspended the issuing of residence permits for purposes of family reunification for individuals living in enemy States or in areas from which terrorist attacks were launched against Israel. ... Nevertheless, the law continued to provide for the issuing of residence permits for family reunification for certain categories of the population and under certain conditions.

In 2010, the Government had made a formal decision to eliminate all forms of racism, discrimination and inequity in the Israeli medical system. In cooperation with many stakeholders, including civil society organizations, guidelines had been developed to prescribe or proscribe actions that could be considered racist and discriminatory. ... The unit for the coordination of the fight against racism in the Ministry of Justice had replaced the hotline against racial discrimination. The unit was accessible by telephone and email.

As for the criminal prosecution of racism and incitement to violence, hatred and racism, the delegation said that in the 2014-2015 period, there had been 60 indictments for racial motives, 31 had been registered in 2016-2017, and 13 cases in 2018. ...

The delegation expressed concern about hate speech, incitement to violence and expressions of hatred towards Jews and Israel in the West Bank and Hamas-controlled areas, and about the brainwashing of Palestinian teenagers into committing terrorist attacks against Jews. ...

**Rita Izsák-Ndiaye** ... reiterated the concern about the lack of a general provision on equality and the prohibition of racial discrimination, and the fact that the definition of racial discrimination was not in line with the Convention. ...

The Committee remained deeply concerned about the fragmentation of the Israeli society in its Jewish and non-Jewish sectors and hugely different outcomes they had: school dropout rates of Arab children were double those of Jewish children, life expectancy for Jewish men was 81 years and for Arab men it was 77, infant mortality rate for Jewish children was 2.2 per 100,000 live births, while for Arabs it stood at 6 per 100,000. What strategic approaches were being taken to close the gaps in opportunities and life chances? Responding, the delegation said that equality before the law, including for minorities, was the basic principle of the Israeli laws. ...

**Rita Izsák-Ndiaye** ... said that ... the Committee's concluding observations would reflect the concerns about racism and racial discrimination in Israeli society in line with its international legal obligations. ... Israel's society was a fragmented one, a society in which laws, policies and institutions reflected the dominance of the Jewish population. The challenge for the Israeli democracy was to protect those of different origin, those who were numerically weaker and those on the opposite end of the power balance, but who still belonged and wanted to belong. ...

**To read the full press release see**

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25400&LangID=E>

**Consideration of reports submitted by States parties under article 9 of the Convention: Seventeenth to nineteenth periodic reports of States parties due in 2016: Israel**

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsaedJ0JqbAvx1268MgR6ZECupUOuvbocVrIEC1V3EYwChfzfjHqigM0RfB5eoVyscVqzhKLdBASmNyL7V30108qpG75be1eDGDYAyTo10Ct%2b>

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## **Relevant Legislation** \*\* new or updated today

### **Scottish Parliament**

#### **Civil Partnership (Scotland) Bill**

<https://www.parliament.scot/parliamentarybusiness/Bills/112997.aspx>

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## Consultations

\*\* new or updated today

**\*\* closes in 3 days**

**Draft content of the Human Tissue (Authorisation) (Specified Type A Procedures) (Scotland) Regulations** (closing date 11 December 2019)

<https://consult.gov.scot/population-health/human-tissue-regulations-2019/>

**Equality Act 2010: Commencing the socio-economic duty (Welsh Government)**

(closing date 17 January 2020)

<https://gov.wales/equality-act-2010-commencing-socio-economic-duty>

**Civil Partnership (Scotland) Bill** (closing date 31 January 2020)

<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/113449.aspx>

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