

Freedom in the World 2019

POLITICAL RIGHTS: 35 / 40 (-1)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

A largely ceremonial president is elected by the Knesset for one seven-year term. In 2014, Reuven Rivlin of the right-leaning Likud party was elected to replace outgoing president Shimon Peres, receiving 63 votes in a runoff against Meir Sheerit of the centrist Hatnuah party.

The prime minister is usually the leader of the largest faction in the Knesset. In 2014, in a bid to create more stable governing coalitions, the electoral threshold for parties to win representation was raised from 2 percent to 3.25 percent, and the no-confidence procedure was revised so that opponents hoping to oust a sitting government must simultaneously vote in a new one. The incumbent prime minister in 2018, Benjamin Netanyahu of the conservative party Likud, had been in office since 2009, most recently securing reelection after the 2015 parliamentary polls.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 120-seat Knesset are elected by party-list proportional representation for four-year terms, and elections are typically free and fair. In the 2015 contest, Likud secured 30 seats, followed by the center-left Zionist Union with 24. The Joint List—a coalition of parties representing Arab citizens of Israel, who often identify as Palestinian—earned 13 seats; the centrist Yesh Atid (There Is a Future), 11; Kulanu, also centrist, 10; Habayit Hayehudi (Jewish Home), 8; the ultra-Orthodox parties Shas and United Torah Judaism, 7 and 6, respectively; the right-wing Yisrael Beiteinu, 6; and the left-wing Meretz party, 5.

The governing coalition led by Likud collapsed in December 2018, after Yisrael Beiteinu withdrew its support in November. Early elections were scheduled for April 2019.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The fairness and integrity of elections are guaranteed by the Central Elections Committee, composed of delegations representing the various political groups in the Knesset and chaired by a Supreme Court judge. Elections are generally conducted in a peaceful and orderly manner, and all parties usually accept the results.

B. POLITICAL PLURALISM AND PARTICIPATION: 13 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Israel hosts a diverse and competitive multiparty system. However, parties or candidates that deny Israel's Jewish character, oppose democracy, or incite racism are prohibited. Under a 2016 law, the Knesset can remove any members who incite racism or support armed struggle against the state of Israel with a three-quarters majority vote; critics allege that the law is aimed at silencing Arab representatives.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Israel has undergone multiple, peaceful rotations of power among rival political groups during its history. Opposition parties control several major cities, including Tel Aviv, and many Arab-majority towns are run by mayors from the Joint List parties.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Israeli voters are generally free from coercion or undue influence from interest groups outside the political sphere. A 2017 law imposes funding restrictions on organizations that are not political parties but seek to influence elections. While it was aimed at limiting political interference by outside groups and wealthy donors, critics of the law said its provisions could affect civil society activism surrounding elections and infringe on freedoms of association and expression.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (-1)

Women generally enjoy full political rights in law and in practice, though they remain somewhat underrepresented in leadership positions and can encounter additional obstacles in parties and communities—both Jewish and Arab—that are associated with religious or cultural conservatism.

In July 2018, the Knesset adopted a new “basic law” known as the nation-state law, which introduced the principle that the right to exercise self-determination in the State of Israel belongs uniquely to the Jewish people, among other discriminatory provisions. The basic laws of Israel are considered equivalent to a constitution, and critics of the nation-state law said it created a framework for the erosion of non-Jewish citizens' political and civil rights.

Arab or Palestinian citizens of Israel already faced some discrimination in practice, both legally and informally. The Joint List's representation in the Knesset falls short of Arabs' roughly one-fifth share of Israel's population, though some vote or run as

candidates for other parties. No Arab party has ever been formally included in a governing coalition, and Arabs generally do not serve in senior positions in government.

The roughly 600,000 Jewish settlers in the West Bank and East Jerusalem are Israeli citizens and can participate in Israeli elections. Arab residents of East Jerusalem have the option of obtaining Israeli citizenship, though most decline for political reasons. While these noncitizens are entitled to vote in municipal as well as Palestinian Authority (PA) elections, most have traditionally boycotted Israeli municipal balloting, and Israel has restricted PA election activity in the city. A Palestinian Jerusalem resident who is not a citizen cannot become mayor under current Israeli law. Israeli law strips noncitizens of their Jerusalem residency if they are away for extended periods, and a new law adopted in March 2018 empowers the interior minister to revoke such residency for those deemed to be involved in terrorism or treason-related offenses. Citizenship and residency status are denied to Palestinian residents of the West Bank or Gaza Strip who are married to Israeli citizens.

Courts can revoke the citizenship of any Israeli convicted of spying, treason, or aiding the enemy. It was reported during 2017 that the Interior Ministry had revoked the citizenship of dozens and possibly thousands of Bedouins in recent years, citing decades-old registration errors.

Jewish immigrants and their immediate families are granted Israeli citizenship and residence rights; other immigrants must apply for these rights.

Score Change: The score declined from 3 to 2 because the parliament adopted a law with constitutional status that explicitly discriminates against the non-Jewish citizen population.

C. FUNCTIONING OF GOVERNMENT: 10 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

The government and parliament are free to set and implement policies and laws without undue interference from unelected entities. Military service plays an important role in both political and civilian life, with many top officers entering politics at the end of their careers, but elected civilian institutions remain in firm control of the military.

C2. Are safeguards against official corruption strong and effective? 3 / 4

High-level corruption investigations are relatively frequent, with senior officials implicated in several scandals and criminal cases in recent years. In February and December 2018, police recommended the indictment of Prime Minister Netanyahu on charges stemming from three investigations into alleged fraud, breach of trust, and bribery; they pertained to his acceptance of expensive gifts, an apparent attempt to collude with the owner of the newspaper *Yedioth Ahronoth* to secure positive

coverage, and the granting of regulatory favors to telecommunications operator and media conglomerate Bezeq in return for positive coverage. At year's end the attorney general was considering whether to proceed with the recommended indictments. Separately in June, Netanyahu's wife was indicted on charges of aggravated fraud and breach of trust related to inflated spending at the prime minister's residences. In November, police recommended charges against Netanyahu's former personal attorney and other suspects for alleged bribery related to a contract to purchase naval vessels.

A law passed in 2017 limits the circumstances under which the police can file indictment recommendations when investigating elected officials and senior civil servants, and increases the penalties for leaking a police recommendation or other investigative materials. While the law does not apply to existing investigations, the parliamentary opposition accused the majority of trying to weaken law enforcement agencies to protect its political leadership.

C3. Does the government operate with openness and transparency? 3 / 4

Israel's laws, political practices, civil society groups, and independent media generally ensure a substantial level of governmental transparency. Recent corruption cases have illustrated persistent shortcomings, though they also suggest that the system is eventually able to expose wrongdoing. The Freedom of Information Law grants every citizen and resident of Israel the right to receive information from a public authority. However, the law includes blanket exemptions that allow officials to withhold information on the armed forces, intelligence services, the Atomic Energy Agency, and the prison system, potentially enabling the concealment of abuses.

CIVIL LIBERTIES: 43 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 12 / 16

D1. Are there free and independent media? 3 / 4

The Israeli media sector as a whole is vibrant and free to criticize government policy. While the scope of permissible reporting is generally broad, print articles on security matters are subject to a military censor. According to the results of a freedom of information request, in 2017 the military partially or fully redacted a total of 2,358 news items, or 21 percent of the articles submitted to it by media outlets for prior review. The Government Press Office has occasionally withheld press cards from journalists to restrict them from entering Israel, citing security considerations.

A 2017 law allows police and prosecutors to obtain court orders that require the blocking of websites found to publish criminal or offensive content. Freedom of expression advocates warned that the measure could lead to the suppression of legitimate speech.

Netanyahu's dual role as prime minister and communications minister between 2014 and 2017 raised questions about conflicts of interest involving the ministry's regulatory functions. He was forced to resign as communications minister in light of

the police investigations into his alleged attempts to arrange favorable coverage from certain private media outlets. Ayoub Kara, his replacement, was considered a close ally.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

While Israel defines itself as a Jewish state, freedom of religion is largely respected. Christian, Muslim, and Baha'i communities have jurisdiction over their own members in matters of marriage, divorce, and burial. The Orthodox establishment governs personal status matters among Jews, drawing objections from many non-Orthodox and secular Israelis. Most ultra-Orthodox Jews, or Haredim, have been excused from compulsory military service under a decades-old exemption for those engaged in full-time Torah study. In July 2018 the Knesset gave initial approval to a draft law that would regulate the conscription of Haredim, setting gradually rising recruitment targets for each year. However, the governing coalition's lack of agreement on a final bill contributed to its collapse in December 2018 and the calling of early elections, meaning debate on the conscription issue would be postponed until the new Knesset convened in 2019.

Although the law protects the religious sites of non-Jewish minorities, they face discrimination in the allocation of state resources as well as persistent cases of vandalism, which usually go unsolved.

Citing security concerns, Israeli authorities have set varying limits on access to the Temple Mount/Haram al-Sharif in East Jerusalem in recent years, affecting worshippers across the broader area. However, in August 2018 the government lifted restrictions on Jewish lawmakers visiting the site that had been in place for nearly three years.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 3 / 4

Primary and secondary education is universal, though divided into multiple public school systems (state, state-religious, Haredi, and Arabic). School quality and resources are generally lower in mostly non-Jewish communities. In July 2018, the Knesset approved a law to ban groups that are in favor of legal actions abroad against Israeli soldiers, or that otherwise undermine state educational goals by criticizing the military, from entering Israeli schools or interacting with students.

Israel's universities have long been centers for dissent and are open to all students, though security-related restrictions on movement limit access for West Bank and Gaza residents in practice. Universities have come under pressure from right-leaning groups and politicians in recent years.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

While private discussion in Israel is generally open and free, there are some restrictions on political expression. For example, the 2011 Boycott Law exposes Israeli individuals and groups to civil lawsuits if they advocate an economic, cultural,

or academic boycott of the state of Israel or West Bank settlements.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 9 / 12

E1. Is there freedom of assembly? 3 / 4

Israel has an active civil society, and demonstrations are widely permitted and typically peaceful. However, some protest activities—such as desecration of the flag of Israel or a friendly country—can draw serious criminal penalties, and police have sometimes attempted to restrict peaceful demonstrations.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 2 / 4

In recent years the environment for nongovernmental organizations (NGOs) has gradually deteriorated. A law that took effect in 2012 requires NGOs to submit financial reports four times a year on support received from foreign government sources. Under a 2016 law, NGOs that receive more than half of their funding from foreign governments must disclose this fact publicly and in any written or oral communications with elected officials. The measure mainly affected groups associated with the political left that oppose Israel's policies toward the Palestinians; foreign funding for right-leaning groups that support Jewish settlements in the West Bank, for example, more often comes from private sources.

A 2017 law bars access to the country for any foreign individuals or groups that publicly support a boycott of Israel or its West Bank settlements. The measure was criticized by civil society organizations as an obstacle to the activity of many pro-Palestinian and human rights groups. In May 2018, the authorities ordered the deportation of Human Rights Watch's regional director, Omar Shakir, for allegedly supporting the boycott of Israel. However, action on the order was suspended after being challenged in court, and the case remained unresolved at year's end. In a separate case, authorities sought to bar entry to a US student pursuing a graduate degree in Israel on the grounds that she had been involved with a proboycott organization in the past. The Supreme Court ruled in October that the 2017 law did not apply to the student, in part because it was meant to be preventive rather than punitive.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers may join unions and have the right to strike and bargain collectively. Most of the workforce either belongs to Histadrut, the national labor federation, or is covered by its social programs and bargaining agreements.

F. RULE OF LAW: 11 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is independent and regularly rules against the government. Over the

years, the Supreme Court has played an increasingly central role in protecting minorities and overturning decisions by the government and the parliament when they threaten human rights. The Supreme Court hears direct petitions from both Israeli citizens and Palestinian residents of the West Bank and Gaza Strip, and the state generally adheres to court rulings.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Although due process is largely guaranteed in ordinary cases, those suspected of security-related offenses are subject to special legal provisions. Individuals can be held in administrative detention without trial for renewable six-month terms. According to the human rights group B'Tselem, there were a total of 5,370 Palestinians from the occupied territories in Israeli Prison Service facilities at the end of 2018, including 494 in administrative detention. Under criminal law, individuals suspected of security offenses can be held for up to 96 hours without judicial review under certain circumstances, and be denied access to an attorney for up to 21 days.

According to Defense for Children International (DCI) Palestine, 203 Palestinian children (aged 12–17) from the occupied territories were being held in Israeli military detention as of December 2018. Although Israeli law prohibits the detention of children younger than 12, some are occasionally held. Most Palestinian child detainees are serving sentences—handed down by a special military court for minors created in 2009—for throwing stones or other projectiles at Israeli troops in the West Bank; acquittals on such charges are very rare, and the military courts have been criticized for a lack of due process protections. East Jerusalem Palestinian minors are tried in Israeli civilian juvenile courts.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 2 / 4

Israeli border communities receive occasional rocket and artillery fire from Syria and the Gaza Strip. Israeli security forces and civilians also face the ongoing threat of small-scale terrorist attacks, most often involving stabbings or vehicular assaults.

The authorities adopted a series of measures in 2015 to crack down on violent protests. A law that expired in 2018 established a three-year minimum prison sentence for stone throwers and the suspension of social benefits for the parents of juvenile offenders. Another law increased the maximum penalties for such crimes, with sentences of up to 20 years in prison for adults in Israel who throw objects at a vehicle with intent to harm the occupants. New regulations also authorized police to fire small-caliber bullets at stone throwers if a third party's life is threatened, not just when the officer's own life is in danger. Human rights groups have sometimes accused police of using deadly force against stone throwers or perpetrators of stabbing and vehicular attacks when they did not pose a lethal threat.

The Supreme Court banned torture in a 1999 ruling, but said physical coercion might be permissible during interrogations in cases involving an imminent threat. Human rights organizations accuse the authorities of continuing to use some forms of physical abuse and other measures such as isolation, sleep deprivation, psychological threats and pressure, painful binding, and humiliation.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

Arab or Palestinian citizens of Israel face de facto discrimination in education, social services, and access to housing and related permits. Aside from the Druze minority, they are exempted from military conscription, though they may volunteer. Those who do not serve are ineligible for the associated benefits, including scholarships and housing loans. The 2018 nation-state law downgraded Arabic from an official language of the country to a language with “special status,” though another clause said the change would not “affect the status given to the Arabic language before this law came into force,” suggesting that it would be a largely symbolic demotion.

The nation-state law also declares that the state “views the development of Jewish settlement as a national value, and shall act to encourage and promote its establishment and strengthening.” The Jewish National Fund (JNF-KKL), which owns about 13 percent of the land in Israel, has effectively maintained a Jewish-only land-leasing policy thanks to a land-swap arrangement with the Israel Land Authority, which grants the JNF replacement property whenever an Arab bidder obtains a parcel of its land.

Many of Israel’s roughly 230,000 Bedouin citizens live in towns and villages that are not recognized by the state. Those in unrecognized villages cannot claim social services, are in some cases off the electricity grid, and have no official land rights, and the government routinely demolishes their unlicensed structures.

Israelis of Ethiopian origin, numbering around 130,000, suffer from discrimination—including in the criminal justice system—and lag behind the general population economically despite government integration efforts. During 2018, members of the Ethiopian Israeli community criticized the government for raising obstacles to the immigration of family members still residing in Ethiopia.

Women are treated equally in criminal and civil courts and have achieved substantial parity within Israeli society, though economic and other forms of discrimination persist, particularly among Arab and religious Jewish communities. Arab women are far less likely to be employed than either Arab men or Jewish women.

Discrimination based on sexual orientation is illegal, though LGBT (lesbian, gay, bisexual, and transgender) people continue to face bias in some communities. Gay and transgender Israelis are permitted to serve openly in the military.

Individuals who enter the country irregularly, including asylum seekers, can be detained for up to a year without charges. Asylum applications, when fully processed, are nearly always rejected. In recent years the authorities have pressured thousands of African migrants and asylum seekers who entered the country irregularly—mostly from Eritrea and Sudan—to agree to be repatriated or deported to a third country, such as Rwanda or Uganda. There have been few new irregular entries since a barrier along the border with Egypt was completed in 2013, though there were still between 30,000 and 40,000 African asylum seekers in the country as of 2018.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 11 /

16**G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Security measures can sometimes present obstacles to freedom of movement, though military checkpoints are restricted to the West Bank. Informal local rules that prevent driving on the Sabbath and Jewish holidays can also hamper free movement.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights within Israel are effectively protected, and business activity is generally free of undue interference. Businesses face a low risk of expropriation or criminal activity, and corruption is not a major obstacle for private investors. However, Israel's general commitment to property rights has been called into question given its handling of unrecognized Bedouin villages and its settlement policies in the West Bank.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally guaranteed. However, since religious courts oversee personal status issues, women face some disadvantages in divorce and other matters. Many ultra-Orthodox Jewish communities attempt to enforce unofficial rules on gender separation and personal attire. Marriages between Jews and non-Jews are not recognized by the state unless conducted abroad, nor are marriages involving a Muslim woman and a non-Muslim man. Israel recognizes same-sex marriages conducted abroad. Nonbiological parents in same-sex partnerships are eligible for guardianship rights. A law adopted in July 2018 extended surrogacy rights to women without a male partner but not to men without a female partner, effectively excluding gay men.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Israel remains a destination for human-trafficking victims, and African migrants and asylum seekers residing in the country are especially vulnerable to forced labor and sex trafficking. The government works actively to combat trafficking and protect victims. Israel's roughly 88,000 legal foreign workers are formally protected from exploitation by employers, but these guarantees are poorly enforced. About 18,000 foreigners work in the country illegally. Histadrut has opened membership to foreign workers and called on employers to grant them equal rights. Discrimination against and exploitation of Palestinians from the occupied territories working in Israel remains commonplace.