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## U.S. Department of State

### Israel and the Occupied Territories Country Report on Human Rights Practices for 1998

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#### ISRAEL AND THE OCCUPIED TERRITORIES

Israel is a parliamentary democracy with a multiparty system and free elections. There is no constitution; a series of "basic laws" provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the authority of the executive branch. Likud party leader Binyamin Netanyahu is Prime Minister and heads a center-right coalition government. The judiciary is legally independent but, in practice, it usually acquiesces with the Government's position in security cases.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. It concluded a peace treaty with Egypt in 1979 and with Jordan in 1994. As a result of the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. The international community does not recognize Israel's sovereignty over any part of the occupied territories. Throughout its existence, Israel has experienced numerous terrorist attacks.

An historic process of reconciliation between Israel and its neighbors began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip, which provided for the election and establishment of a Palestinian self-governing authority, transfer of civil authority, Israeli redeployment from major Palestinian population centers in the West Bank, security arrangements, and cooperation in a variety of areas. In January 1997, Israel and the PLO concluded the Hebron Agreement, which established security arrangements for the withdrawal of Israeli forces from the Palestinian-populated

areas of Hebron, and set out a road map for mutual implementation of other Interim Agreement commitments. On October 23, Israel and the Palestinian Liberation Organization signed the Wye River Memorandum, which, among other things, calls for the continuation of the process of Israeli further redeployments from the West Bank.

Internal security is the responsibility of the General Security Service (GSS--also known as Shin Bet, or Shabak), which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status and plays a role in maintaining internal security. The Foreign Affairs and Defense Committee in the Knesset reviews the activities of the IDF and the GSS. Members of the security forces committed human rights abuses.

Israel has an advanced industrial economy, and citizens enjoy a high standard of living, with a per capita income of \$17,000. Unemployment among citizens rose to 8.7 percent by year's end, but was substantially higher in the country's peripheral regions and among lower-skilled workers. Along with rapid economic growth in recent years, there has been an increase in income inequality. The longstanding gap in levels of income between Jewish and non-Jewish citizens continues. Regional income disparities appear to be growing, with unemployment in some areas reaching more than double the national average. A heavy reliance on foreign workers, principally from Asia and Eastern Europe, is a source of economic and social problems. Such workers generally are employed in agriculture and the construction industry and constitute about 10 percent of the labor force. Since the implementation of an economic stabilization plan in 1985, Israel has moved gradually to reduce state intervention in the economy. The Government has been committed to market-oriented structural reforms, especially deregulation and rapid privatization of the economy. Despite the Government's continued dominant role in the economy, individuals generally are free to invest in private interests and own property. The Government owns and manages 77 percent of the country's land area, and as a matter of policy it does not sell land. The Jewish National Fund (an organization established in 1897 for the purchase and management of land for the Jewish people) owns 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and manages another 8 percent on behalf of the Government. The Jewish National Fund's statute prohibits the sale or lease of land to non-Jews, although exceptions sometimes are made. Foreigners are allowed freely to purchase or lease land in the remaining 7 percent of Israel.

The Government generally respects the human rights of its citizens, and the law and judiciary provide citizens with means of dealing with instances of abuse. Israel's main human rights problems have arisen from its policies and practices in the occupied territories, and from its fight against terrorism. The redeployment of the IDF from major Palestinian population areas in the West Bank in December 1995, and its previous withdrawal from Gaza and Jericho, have reduced significantly the scope of these problems. Israeli security forces abused Palestinians suspected of security offenses. The Government continues to detain without charge numerous Palestinians, some of them for lengthy periods, although the number decreased significantly during the year. Detention and prison conditions, particularly for Palestinian security detainees held in Israel, do not meet minimum international standards in some cases.

The Government responded to terrorist and security incidents by periodically detaining hundreds of Palestinians without charge and tightening existing restrictions on the movement of persons (and sometimes goods) across borders with the West Bank and Gaza and between PA-controlled areas inside the West Bank.

The Government took few tangible steps to address discrimination and violence against women, although several court cases set important precedents regarding certain types of discrimination.

Trafficking in women for prostitution, particularly from the former Soviet Union and Eastern Europe, is a problem. The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Arab, and Druze citizens, who constitute just over 20 percent of the population, but do not share fully the rights provided to, and obligations imposed on, the country's Jewish citizens. However, there was positive court action in this area as well.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

Israeli forces killed Amal faction leader Hussam Al Amin in Lebanon with fire from a helicopter gunship on August 24. Two Palestinian "security" detainees died in government custody, one from an alleged suicide attempt (see Section 1.a. of the annex).

During the year, 8 Israelis were killed and over 100 were wounded in terrorist attacks carried out by Palestinian groups or individuals seeking to halt the Middle East peace process (see Section 1.a. of the annex).

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Israeli security forces abuse, and in some cases torture, Palestinians suspected of security offenses. Although laws and administrative regulations prohibit the physical abuse of detainees, they frequently are not enforced in security cases. The General Security Service (GSS) was responsible for the widespread abuse of Palestinians suspected of security offenses. The head of the GSS is empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which includes violent shaking) while interrogating detainees. These practices often led to excesses (see Section 1.c. of the annex).

Despite repeated challenges, the High Court of Justice has avoided ruling on the legality of the practices of "shaking" and other forms of coercion. The Government claims that these practices are justified as "special measures" to be used in "special circumstances" in the fight against terrorism. During the year, the High Court of Justice continued to hear abuse-related cases (almost all asking for an injunction to halt the torture of a specific individual). In addition, the High Court dropped numerous cases before beginning formal hearings when the GSS announced that it no longer needed to use "special measures." Human rights groups believe that the great majority of cases alleged to involve torture do not reach the court. In some cases, the High Court of Justice issued injunctions prohibiting the use of certain forms of physical pressure after hearing evidence presented in secret by the GSS and not made available to defense attorneys. However, according to Israeli human rights advocates and legal experts, it routinely lifted such injunctions at the request of the GSS. In no case did the High Court overrule a GSS decision to use "moderate physical pressure."

Hashem Mufleh, arrested on August 18, claims to have been hooded and shackled in a painfully contorted position for periods of up to 24 hours. This treatment continued until he "confessed." He was subsequently sentenced to 18 months in prison for "membership in a banned organization."

Abdel Razek Khasib, detained on September 20, alleged that he was not permitted to sleep for a 12-day period, that he was shackled in a painfully contorted position for extended periods of time, and that he was hit by his interrogators. Mr. Khasib also claimed that his interrogation continued even after he had given his statement.

In 1996 the Government presented draft legislation to define the basis for and limits of GSS activities. This legislation was rejected by the Knesset's Law and Constitution Committee because it gave the GSS too broad a role in "preserving democracy." The latest proposed legislation made no reference to the use of physical pressure in interrogations. The Knesset Law and Constitution Committee rejected a draft bill that would have prohibited retroactively Palestinians from seeking redress for damages (including death or incapacitating injury) caused by Israeli military personnel in the occupied territories.

Government attempts to seize Israeli Arab land near Umm El Fahm sparked violent demonstrations on September 27, leading to close to 100 arrests and 90 injuries, including 25 injured police officers (see Section 2.b.).

Conditions vary in incarceration facilities in Israel and the occupied territories, which are administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally house Israeli citizens convicted of common crimes, usually meet minimum international standards. In general, IPS inmates are not subject to physical abuse by guards, food is adequate, and prisoners receive basic necessities. Inmates receive mail, have television sets in their cells, and receive regular visits. Prisoners receive wages for prison work and benefits for good behavior. Many IPS prisons have drug treatment, educational, and recreational programs. The IPS has established an investigatory committee to look into charges of violence by guards against inmates.

Since the closure in 1995 of the main IDF detention camps in the occupied territories, all security detainees (i.e., those detained and held without charge by security forces) from the occupied territories who are held for more than a few days are transferred to facilities within Israel. Security detainees during the year usually were held in IDF camps in Israel, but also in IPS facilities and in special sections of police detention facilities. Prisoners incarcerated for security reasons are subject to a different regimen, even in IPS facilities. They often are denied certain privileges given to prisoners convicted on criminal charges. Security detainees include some minors. Detention camps administered by the IDF are limited to male Palestinian detainees and are guarded by armed soldiers. The total number of Palestinian prisoners and administrative detainees held by Israel, approximately 3,565 at the beginning of the year, fell to 1,634 by year's end. The number of administrative detainees (held without charge or trial) varied between 354 and 51 during the year, and stood at 83 at year's end. One of these detainees has been held without charge or trial since 1994.

Conditions in IDF detention camps have been criticized repeatedly over the years. Conditions at the Russian Compound, which houses a combination of security and common prisoners and detainees in Jerusalem, were criticized in 1997 as "not fit to serve as lock-up" by High Court of Justice President Aharon Barak. Conditions in other IDF facilities have improved in some respects. For example, inmates are given more time for exercise outside their cells. Nevertheless, recreational facilities remain minimal, and there are strict limitations on family visits to detainees. Visits were prevented for long periods during closures of the borders with Gaza and the West Bank.

Conditions at some national police detention facilities can fall below minimum international standards. Such facilities are intended to hold criminal detainees prior to trial but often become de facto prisons. Those held include some security detainees and some persons who have been convicted and sentenced. Inmates in the national police detention facilities often are not accorded the same rights as prisoners in the IPS. Moreover, conditions are worse in the separate facilities for security detainees maintained both

in police facilities and in IPS prisons.

In 1996 the Government began a reform program for the country's detention facilities. Thus far, improvements in prison conditions have been limited in scope. Continued problems include dilapidation and overcrowding, which was aggravated by the closure of IDF detention facilities in the occupied territories in 1995. New legislation that took effect during 1997 provided for the right to live in conditions that would not harm the health or dignity of the detainee, access to adequate health care, the right to a bed for each detainee, and access to exercise and fresh air on a daily basis. While the legislation is a positive step, there has been little practical improvement to date.

Children's rights groups have expressed particular concern over the separate sections of holding facilities set aside for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents are among the key problems. In addition to some Israeli minors held in criminal cases, there are juveniles among Palestinian detainees. Children's rights activists have recommended the construction of a separate detention facility for children.

Two Palestinian prisoners died in custody during the year. One allegedly committed suicide, and the other died following heart surgery (see Section 2.c. of the annex).

All incarceration facilities are monitored by various branches of the Government, by members of the Knesset, by the International Committee of the Red Cross (ICRC), and by human rights groups. While monitoring is judged to be effective overall, in some instances human rights groups were denied timely access to specific detainees, usually Palestinians held without charge or trial for alleged security offenses (see Section 1.d. of the annex).

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest of citizens, and the Government generally observes this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. However, a 1979 law permits detention without charge or trial, which is used in security cases. The Minister of Defense may issue a detention order for a maximum of 1 year. Within 24 hours of issuance, detainees must appear before a district judge who may confirm, shorten, or overturn the order. If the order is confirmed, an automatic review takes place after 3 months. Detention orders were confirmed in all cases during the year. Detainees have the right to be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces may delay notification of counsel with the consent of a judge. According to human rights groups and legal experts, there were cases in which a judge denied the Government's request to delay notification of counsel. At detention hearings, the security forces may withhold evidence from defense lawyers on security grounds. The Government also may seek to renew administrative detention orders. However, the security services must "show cause" for continued detention, and, in some instances, individuals were released because the standard could not be met.

In felony cases, a district court judge may postpone for 48 hours the notification of arrest to the detainee's attorney. The postponement may be extended to 7 days by the Minister of Defense on national security grounds or by the police inspector general to conduct an investigation. Moreover, a judge may postpone notification for up to 15 days in national security cases.

New legislation took effect in 1997 that defined more narrowly the grounds for pretrial detention and reduced to 24 hours the length of time a person may be held without charge. Children's rights activists have recommended separate legislation to define when and how a child may be arrested and how long

children may be detained.

Most of the protections afforded by law are not extended to Palestinian detainees, who fall under the jurisdiction of military law even if they are detained in Israel. With IDF redeployment in the West Bank, detention centers there were closed in 1995. As a result, all Palestinian detainees held for longer than 1 or 2 days are incarcerated in Israel (see Section 1.d. of the annex).

At year's end, the Government held 101 non-Palestinian Arabs in detention. Those held were a mixture of common prisoners, administrative detainees, and security detainees. The Government continues to deny the ICRC access to two Lebanese citizens, Sheikh Mustafa Dirani (held without charge since 1994) and Sheikh Obeid (held without charge since 1989). The High Court of Justice ruled in May that the Government is entitled to continue holding them for use in a possible exchange of hostages to obtain the return of an Israeli who may still be held by hostile forces. The High Court's ruling stressed that national security needs take precedence over the detainees' individual rights under Israeli and international law. In addition, the Government detains 57 other Lebanese citizens, 21 without charge or trial. Eleven have completed prison sentences of up to 10 years but still are being held without charge. Twelve Lebanese detainees were released from Israeli prisons during the year, 10 in exchange for the remains of an Israeli soldier.

Government attempts to seize Arab Israeli land near Umm El Fahm sparked violent demonstrations, leading to nearly 100 arrests and 90 injuries, including 25 injured police (see Section 2.b.).

The law prohibits forced exile of citizens, and there is no indication that the Government engaged in such practices.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision. In practice, however, the judiciary routinely acquiesces to the Government's position in security cases. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). Each of the cited courts, including the High Court of Justice, have appellate courts or jurisdictions.

The law provides for the right to a hearing with representation by counsel, and authorities observe this right in practice. A planned regional and national system of public defenders operated by the Ministry of Justice was inaugurated in 1996 with the opening of a Tel Aviv office, although that office has suffered serious budget shortages. A substantial percentage of criminal cases are tried with no legal representation for the defendant.

All nonsecurity trials are public except those in which the interests of the parties are deemed best served by privacy. Cases involving national security may be tried in either military or civil courts and may be partly or wholly closed to the public. The Attorney General determines the venue in such cases. The prosecution must justify closing the proceedings to the public. Adult defendants have the right to be represented by counsel even in closed proceedings but may be denied access to some evidence on security grounds. Under the law, convictions may not be based on any evidence denied to the defense. In addition, convictions may not be based solely on a confession by the accused, although in practice

security prisoners have been sentenced on the basis of the coerced confessions of both themselves and others.

The legal system often imposes far stiffer punishments on Christian, Muslim, and Druze persons than on Jewish citizens. For example, human rights advocates claim that Palestinians and Arab Israelis convicted of murder usually receive life sentences, while Jewish Israelis often receive significantly shorter sentences. To the extent that Palestinians are tried in Israeli courts, they receive harsher punishments than Jewish Israelis.

There were no reports of political prisoners during the year.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Although privacy of the individual and the home generally are protected by law, authorities interfere with mail and monitor telephone conversations. In criminal cases, the law permits wiretapping under court order; in security cases, the order must be issued by the Ministry of Defense. Under emergency regulations, authorities may open and destroy mail on security grounds.

#### g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

Violence continued in northern Israel, related to attacks in southern Lebanon. According to various reports, an estimated 37 Hizballah guerrillas, 20 Israeli soldiers and 22 Lebanese civilians were killed in south Lebanon during the year, as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in attacks. Hizballah attacked SLA and Israeli troops deployed on Lebanese soil. For example, Hizballah forces killed Israeli soldiers in bomb attacks in July, August, and October. In August Hizballah launched rocket attacks against northern Israel, ostensibly in retaliation for SLA shelling of Lebanese villages. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets inside Lebanon. For example, in August Israeli planes fired rockets at suspected Hizballah positions in the south. In December an Israeli jet bombed a home in eastern Lebanon, killing a woman and her six children. In retaliation, Hizballah fired dozens of rockets into northern Israel, wounding 12 civilians. Also in December, Israeli air raids in Janta resulted in the deaths of seven civilians. Hizballah retaliated with rocket attacks on northern Israel, wounding several Israelis.

In south Lebanon, there is an average of two or three attacks daily against IDF/SLA military positions and a similar number of IDF/SLA counterattacks.

The Israeli-Lebanese Monitoring Group continued to deal with alleged violations of the April 1996 understanding between Israel and Hizballah not to target civilians or to launch attacks from civilian-populated areas.

## **Section 2 Respect for Civil Liberties, Including:**

### a. Freedom of Speech and Press

The law provides for freedom of the press, and the Government generally respects this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories regarded as sensitive on national security grounds. A new censorship agreement signed in 1996 between the Government and media representatives continues the trend of liberalization of Israel's censorship regime. The agreement provides that military censorship is to be applied only in cases

involving national security issues that have a near certainty of harming Israel's defense interests, and it now applies to all media organizations in Israel, including all newspapers. All media organizations can appeal the censor's decision to the High Court of Justice. Moreover, a clause abolishes the authority of the censor to shut down a newspaper for a censorship violation and eliminates the ability of the office of the censor to appeal a decision against it. News printed or broadcast abroad may be reported without censorship, which permits the Israeli media to run censored stories that have appeared in foreign sources.

Emergency regulations prohibit anyone from expressing support for illegal organizations. On occasion in the past, the Government has prosecuted persons for speaking or writing on behalf of terrorist groups. No such cases were filed during the year. Settler Baruch Marzel was investigated for verbally abusing President Ezer Weizman in August under a law prohibiting "incitement" to violence.

Individuals, organizations, the press, and the electronic media freely debate public issues and criticize government officials and policies. The Attorney General, while condemning hate speech, has concluded that such speech, for the most part, cannot be prosecuted.

All newspapers are privately owned and managed. Newspaper licenses are valid only for Israel; separate licenses are required to distribute publications in areas in the occupied territories still under Israel's authority.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority (IBA) controls television Channel 1 and Kol Israel radio, both major sources of news and information. Six cable companies operate under franchises granted by government councils. Privately-owned Channel 2 Television, the first commercial television channel, is operated by three franchise companies. There are 13 private radio outlets. The Second Television and Radio Authority, a public body, supervises both Channel 2 and the regional radio stations.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the right of assembly, and the Government generally respects this provision in practice. On September 27, government attempts to seize land near Umm El Fahm sparked violent demonstrations, leading to close to 100 arrests and 90 injuries, including injuries to 25 police. The violence began when a large police force arrived at the village of Maawiya to tear down "protest tents" that were erected after the seizure order was issued. Police allegedly roughed up and arrested some high school students, who were the first to arrive at the demonstrations, and the violence ensued.

The law provides for the right of association, and the Government generally respects this provision in practice. After the Hebron massacre in 1994, the Cabinet invoked the 1948 Ordinance for the Prevention of Terror to ban the ultranationalist Kach and Kahane Chai organizations, a ban that remains in effect. The decision provides for imprisonment for anyone belonging to, or expressing support for, either organization.

#### c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respects this right. Approximately 80 percent of citizens are Jewish. Muslims, Christians, Druze, and members of other religions make up the remaining 20 percent. Each recognized religious community has legal authority

over its members in matters of marriage and divorce. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians may only ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Muslims have no recourse to civil courts in family-status matters. Legislation passed in 1996 allows the courts to sanction either party who is not willing to grant a divorce.

Many citizens object to the Orthodox Jewish religious authorities' exclusive control over marriage, divorce, and burial, even for non-Orthodox Jews. These authorities do not recognize marriages or conversions to Judaism performed in Israel by Conservative or Reform rabbis. These issues have been a source of sharp division within society, particularly in recent years, as thousands of Jewish immigrants from the former Soviet Union have brought with them family members not recognized as Jewish by Orthodox authorities.

A large number of Jews who wish to be married in secular or non-Orthodox religious ceremonies do so abroad. The Ministry of Interior recognizes such marriages.

The Government provides proportionally greater financial support to institutions in the Jewish sector compared with those in the non-Jewish sector, i.e., Muslim, Christian, and Druze. For example, only 2 percent of the Ministry of Religious Affairs budget goes to the non-Jewish sector, despite the fact that Muslims, Christians, and Druze constitute 20 percent of the population. The Ministry's 1998 budget actually reduced the percentage. After three hearings during the year, the Court ruled that the budget allocation did in fact constitute "prima facie discrimination" but that the plaintiff's petition did not provide adequate information about the religious needs of the various communities. The Court refused to intervene in the budgetary process on the grounds that such action would invade the proper sphere of the legislature.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-Day Saints has agreed not to do so under an agreement with the Government. A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits as an inducement to conversion, but the law has not been applied for several years. In 1997 a bill was introduced to impose restrictions on proselytizing including a ban on the distribution of written materials encouraging conversions. A more restrictive bill that would ban virtually all forms of proselytizing passed a preliminary reading in the Knesset in April with significant government support.

Neither bill is expected to be enacted. Christian and other evangelical groups assert that the draft bills are discriminatory and serve to intimidate Christian groups.

Jehovah's Witnesses suffered verbal abuse, assaults, theft, and vandalism during the year, apparently by ultra-Orthodox Jewish groups. Jehovah's Witnesses assert that police did not adequately investigate two break-ins at a meeting house in Lod in February.

The Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law, therefore denying government funding for the preservation and protection of Christian, Druze, Muslim, Baha'i, and other religious sites. Following a 1997 challenge to this practice, the Ministry of Religious Affairs agreed to consider funding requests for non-Jewish sites, although none were approved during the year.

A 1995 High Court of Justice ruling allows small numbers of Jews under police escort to pray on the

Temple Mount, which is the location of two Muslim holy places and also the former site of the First and Second Jewish temples.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice for citizens, except with regard to military or security zones or in instances where citizens may be confined by administrative order to their neighborhoods or villages. The Government continued to restrict the movements of two Jewish settlers living in the occupied territories who belonged to extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command (see Section 2.d. of the annex).

Citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations and are not restricted by administrative order. In 1998 the Government again permitted Muslim citizens over 30 years of age to perform the religious pilgrimage to Mecca, but it denied permission to other Muslims on security grounds. The Government asserts that travel to Saudi Arabia, which is still in a state of war with Israel, is a privilege and not a right. Christian, Muslim, or Druze women who have married men from Arab states or areas controlled by the Palestinian authority have complained about losing their Israeli citizenship and right to reenter Israel.

The Government welcomes Jewish immigrants, their families, and Jewish refugees, on whom it confers automatic citizenship and residence rights under the Law of Return. This law does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Other than the Law of Return and the family reunification statutes, which mainly apply to non-Jews who fled Israel in 1948-49, Israel has no immigration law that provides for immigration to Israel, or for political asylum or refugee status. The law does allow individuals to live in Israel as permanent residents.

The issue of first asylum did not arise in 1998. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they fear persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. The last national elections were held in May 1996, when voters elected the Prime Minister by direct ballot for the first time. New elections are scheduled for May 1999.

Israel is a parliamentary democracy with an active multiparty system in which a wide range of political views are represented. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

While there are no legal impediments to the participation of women and minorities in government, they are underrepresented. Women hold 9 of 120 Knesset seats, compared with 11 female members in the previous Knesset. There are 11 Arabs and 1 Druze in the Knesset, compared with 7 and 2 prior to the May 1996 election; most represent parties deriving their support largely or entirely from the Arab community. Of the Knesset's 12 committees, 2 (including the Committee on the Status of Women) are chaired by a woman. There is one woman in the Cabinet, and no Christian, Muslim, or Druze ministers or deputy ministers. Three women, but no Arab or Druze citizens, serve on the 14-member High Court of Justice. Abdul Rahman Zuabi was appointed to a temporary seat on the High Court and would be the

first non-Jewish justice when he officially takes office.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with investigations. However, the Government withheld its cooperation from the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the occupied territories. The Special Committee reported in October that the Government did not respond to its communications.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both Government and non-governmental entities on the basis of race, religion, political beliefs, and age. Local human rights groups are concerned that these laws often are not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, are sometimes lacking.

##### Women

Violence against women is a problem. There continued to be action, both in and out of government, to reduce violence against women in Jewish and Arab communities. The Government has allocated minimal funds for a special campaign to combat such violence. Groups that focus on domestic violence include a committee established by the Ministry of Labor and Social Affairs that includes Jewish and Arab nongovernmental organizations (NGO's) as well as government representatives, and a coalition of human rights organizations. Approximately 13 women were killed by their husbands or other male relatives during the year. According to the most recent estimates, some 200,000 women suffer from domestic violence each year, and some 7 percent of these are abused on a regular basis. According to press reports that appeared during the year, an estimated 60,000 women were sexually assaulted or abused in 1997. Only a small percentage of victim