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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. Labor and One Israel party leader Ehud Barak was elected Prime Minister in May and took office in July at the head of a broad centrist coalition Government. The judiciary is independent, but in the past, frequently has acquiesced with the Government's position in security cases; however during the year it ruled against the Government in several major security-related 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, with Jordan in 1994, and a series of agreements with the Palestinians beginning in 1993. 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 Palestinian-populated areas of Hebron, and set out a road map for mutual implementation of other Interim Agreement commitments. In October 1998, Israel and the PLO signed the Wye River Memorandum, which, among other things, called for the

continuation of the process of Israeli further redeployments in the West Bank. The implementation of the Wye River Memorandum was frozen by Prime Minister Binyamin Netanyahu's Government in December 1998. Following Ehud Barak's election as Prime Minister, and the formation of a broad, centrist, coalition Government, Israel and the PLO signed the Sharm el-Sheikh Memorandum on September 4. The Sharm el-Sheikh Memorandum laid out a comprehensive roadmap for the implementation of Israel's further redeployments in the West Bank, the release of Palestinian prisoners, and the resumption of permanent status negotiations.

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.

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 9.1 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 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 (JNF), 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 JNF's statute prohibits the sale or lease of land to non-Jews, although exceptions sometimes are made. Foreigners and citizens of all religions 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 individual 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, reduced significantly the scope of these problems. Moreover, the overall human rights situation continued to improve during the year, in part due to the lack of major terrorist attacks, which reduced the overall level of tension as well as the number of security-related arrests. Israeli security forces abused

Palestinians suspected of security offenses. However, a landmark decision by the High Court of Justice in September prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Following the ruling, there were no credible reports of such abuse by the security forces. However, the Government continued to detain without charge 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, improved, but do not meet minimum international standards in some cases. In September the Government acknowledged that it trains, debriefs, and pays the salaries of the Lebanese administrators and staff of the Al-Khiam prison in Israel's self-declared "security zone" in southern Lebanon where guards allegedly committed abuses. Under the terms of the September Sharm el-Sheikh Memorandum, the Government released 350 Palestinian security prisoners.

In previous years, 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 (i.e., closure, which has been in effect to varying extents since 1993). The overall improvement in the security situation led to a significant reduction in such arrests and there were fewer prolonged security-related closures. However, the Government imposed closure on Hebron after settlers were shot and injured in separate shooting attacks in January and August.

The Government took few tangible steps to address violence and discrimination against women, although several court cases have set important precedents regarding certain types of discrimination. The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Muslim, 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. As part of their efforts to address the problem, some government officials publicly acknowledged significant discrimination against Israel's non-Jewish citizens; however, no specific steps were taken by year's end.

Trafficking in women for the purpose of prostitution is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

One Palestinian, Sadi Sager, died in custody during the year (see Section 1.c.).

During the year, one Israeli was killed and over 52 were wounded in terrorist attacks carried out by Palestinian groups or individuals seeking to halt the Middle East Peace Process.

b. Disappearance

There were no reports of politically motivated disappearances.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Laws and administrative regulations prohibit the physical abuse of detainees; however, security forces abused, and in some cases, tortured Palestinians suspected of security offenses, and lawyers for security prisoners continued to file numerous challenges to the use of torture. However, a landmark decision by the High Court of Justice in September prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Following the ruling, there were no credible reports of such abuse by the security forces. The High Court categorically rejected the Government's contention that these practices were "moderate physical pressure," and therefore permissible under the law, though the Court left open the possibility that such practices might be acceptable if specifically authorized by new legislation.

Prior to the High Court's decision, laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases. The head of the GSS was 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).

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 in 1998 because it gave the GSS too broad a role in "preserving democracy." That proposed legislation made no reference to the use of physical pressure in interrogations. Following the High Court's decision in September, some government officials called for the passage of legislation that would authorize the use of the methods banned by the court. At year's end, no action appeared likely. In November the Attorney General issued revised guidelines that denied blanket immunity from prosecution for interrogators. These guidelines left open the possibility that the State might decline to prosecute interrogators who used prohibited methods in cases of extreme urgency.

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. During the year, security detainees 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 2,233 at the beginning of the year, fell to 1,354 by year's end. The number of administrative detainees (held without charge or trial) varied between 77 and 16 during the year, and stood at 18 at year's end. One of these detainees has been held without charge or trial since 1994. Under the terms of the September Sharm el-Sheikh Memorandum, the Government released 350 Palestinian security prisoners.

In September terrorists placed bombs in neighborhoods in Haifa and Tiberias causing minimal civilian injuries and killing the perpetrators. In November a bombing in Netanya injured 33 persons.

In June a demonstration against the demolition of an Israeli Arab-owned house in Lod led to a confrontation between protesters and police, who reacted with excessive force. Between 8 and 20 persons were injured, including Arab Israeli Member of Knesset, Azmi Bishara, who was hospitalized briefly after being hit in the shoulder by a rubber bullet (see Section 2.b.). There were no further incidents of this kind during the year.

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 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. The Government took steps towards implementing this legislation during the year, though problems remain.

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.

One Palestinian, Sadi Sager, died in custody after having been detained with neither charges nor trial for three months; human rights organizations alleged that the 21-year-old was denied proper medical care for a pre-existing heart condition, which was exacerbated by poor prison conditions (see Section 1.c.). 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).

In September the Government acknowledged that it trains, debriefs, and pays the salaries of the Lebanese administrators and staff of the Al-Khiam prison in Israel's self-declared "security zone" in southern Lebanon where guards allegedly committed abuses.

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 more narrowly defined 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 1,354 Palestinians in custody. 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 1998 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 still may 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. At year's end, the Government detained 16 other Lebanese citizens; eleven have completed prison sentences of up to 10 years but still are being held without charge.

Six Iraqis, held since they attempted to enter Israel illegally from Jordan, were released from detention by order of the High Court in November (though their movement was restricted to a kibbutz, which agreed to be responsible for their conduct).

The law prohibits forced exile of citizens, and the Government does not use it.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision. However, in the past, the judiciary routinely acquiesced to the Government's position in security cases. The landmark High Court of Justice ruling in September (see Section 1.c.) marked a major change in this practice. 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).

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.

Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the home generally are protected by law; however, 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.

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 50 Hizballah guerrillas, 13 Israeli soldiers, 27 Lebanese civilians, and 2 Israeli civilians were killed in south Lebanon and northern Israel during the year, as Hizballah, Amal, and Palestinian guerrillas on one hand, and Israeli forces and the SLA on the other, engaged in attacks. For example, on June 22 Hizballah launched rocket attacks against northern Israel in retaliation for IDF shelling of a Lebanese village, killing 2 Israeli civilians. Israeli forces conducted repeated air strikes and artillery barrages on Hizballah, Amal, and Palestinian guerrilla targets. Israeli forces also sometimes targeted civilian infrastructure inside Lebanon. On June 24, 9 Lebanese were killed and 50 to 80 wounded in Israeli air raids, which also targeted civilian infrastructure, including electric power transformer stations and power lines in the Beirut area, Baalbek, and Bint Jubayl, and bridges along the main coastal highway at Damour, Sidon, and Tyre.

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

The Israeli-Lebanese Monitoring Group continued to deal with violations of the April 1996 understanding between Israel, Lebanon, and Syria, which precludes the targeting of civilians or the use of civilian-populated areas from which to launch attacks.

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 censorship agreement signed in 1996 between the Government and media representatives continued the trend of liberalization of the Government'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 the country'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 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, and there were public discussions about the scrapping of emergency regulations.

Individuals, groups, and the press freely address public issues and criticize government officials and policies. Laws prohibit hate speech and incitement to violence; however, the Attorney General has concluded that such speech, for the most part, is nearly impossible to prosecute successfully. Nevertheless, during the year, police vigorously investigated individuals under anti-incitement codes.

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. Nineteen daily newspapers are published in Israel. There are about 90 weekly local newspapers and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority (IBA) controls television Channel 1 and Kol Israel (The Voice of Israel) radio, both major sources of news and information. 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 country's 14 privately owned regional radio stations. Five cable television companies operate under franchises granted by government councils. The cable systems carry both domestic and international television networks, including some from Europe and countries throughout the Arab world.

In May the Government set up a task force to attempt to close down the estimated 150 pirate radio stations operating out of Israel and the West Bank.

Many international publications are available.

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.

In June a demonstration against the demolition of an Israeli Arab-owned house in Lod led to a confrontation between protesters and police, who reacted with excessive force. Between 8 and 20 persons were injured, including Arab Israeli Member of Knesset, Azmi Bishara, who was hospitalized briefly after being hit in the shoulder by a rubber bullet (see Section 1.c.). There were no further incidents of this kind during the year.

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 only may 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 rabbinical courts to sanction either party who is not willing to grant a divorce.

Many Jews object to the Orthodox Jewish religious authorities' exclusive control over Jewish marriage, divorce, and burial. 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 serious controversy 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.

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

During the year, the High Court issued two important rulings on religious issues. Until a January High Court ruling, Reform and Conservative rabbis could not hold seats on the powerful municipal religious councils. In January the High Court ordered the Haifa and Jerusalem Religious Councils to meet with their Conservative and Reform members. In February the High Court ordered the Knesset to legislate a solution to a suit challenging military draft exemptions for yeshiva students. Large peaceful demonstrations followed the rulings.

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. In 1998 the High Court of Justice ruled that the budget allocation constituted "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 voluntarily refrains from proselytizing under an agreement with the Government. A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits

as an inducement to conversion; however, there have been no reports of its enforcement.

Bills that would have further restricted proselytizing were introduced and passed their preliminary readings in 1997 and 1998 with the support of some government ministers; however, no further action was taken before the dissolution of the Knesset following the May elections. They are not expected to be enacted if reintroduced in the Knesset. Christian and other evangelical groups assert that the draft bills were discriminatory and served to intimidate Christian groups.

Evangelical Christian and other religious groups complained that the police have been slow to investigate incidents of harassment, threats, and vandalism directed against their meetings, churches, and other facilities apparently by two ultraorthodox groups known as Yad L'achim and Lev L'achim. For example, Jehovah's Witnesses assert that police did not adequately investigate a series of violent attacks on their members and facilities; members of this religious group filed over 75 complaints with police during the year for incidents ranging from assault to verbal harassment. The police have increased their level of attention to these matters during the latter half of the year, and there was a marked decline in the number of incidents. Nonetheless, despite the large number of outstanding complaints, many accompanied by considerable details concerning the identity of the alleged attackers, there were no arrests or indictments of the perpetrators.

On July 20, the Baptist House Center in Jerusalem was vandalized by unknown assailants who spread tar on the front and along the sides of the building, as well as defacing the entrance to the sanctuary.

The Government has recognized Jewish holy places under the 1967 Protection of Holy Sites Law. The Government states that it also protects the holy sites of other faiths, and that it has provided funds for some holy sites of other faiths.

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 site of the First and Second Jewish temples.

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. During the year, the Government generally continued to permit Muslim citizens to make the Hajj. However, for security reasons, the Government imposes some restrictions on its Muslim citizens who perform the Hajj, including requiring that they be over the age of 30. The Government does not allow persons to return if they leave the country without formal permission. The Government justifies these restrictions on the grounds that Saudi Arabia

remains officially at war with Israel and that travel to Saudi Arabia therefore is considered subject to security considerations.

Christian, Muslim, or Druze women who have married men from Arab states or the West Bank or Gaza 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 the country, or for political asylum or refugee status. The law does allow individuals to live in Israel as permanent residents.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not provide asylum to refugees from states with which Israel remains in a state of war. The issue of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they fear persecution. Six Iraqis were released from detention by order of the High Court in November (see Section 1.d.).

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.

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 15 of 120 Knesset seats, compared with 9 female members in the previous Knesset. There are 11 Arabs and 2 Druze in the Knesset; 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 are two women in the Cabinet, and one Arab Deputy Minister. Three women, and one Arab serve on the 14-member High Court of Justice.

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.

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 nongovernmental 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, sometimes are 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 17 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 in 1998, an estimated 60,000 women were assaulted sexually or abused in 1997. Only a small percentage of victims complained to the police. An estimated 60 percent of victims were age 18 or under.

Arab human rights advocates also have formed a coalition to raise public awareness of so-called family "honor killings," a term commonly used for the murder of a female by a male relative for alleged misconduct. At least 3 of the 17 women killed during the year by male relatives were killed in family "honor" cases.

The Government supports 10 shelters for battered women, including 1 exclusively for Christian, Muslim, and Druze women and 1 for both non-Jewish and Jewish women. Women's rights advocates consider this number inadequate.

According to the 1991 Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property. Women's groups cooperate with legal and social service institutions to provide women's rights education. While sentences handed down to men convicted of rape have increased in recent years, women's rights activists argue that the penalties are not sufficiently harsh.

Civil rights groups also expressed concern about the occurrence of physical attacks by religious Jews, particularly in Jerusalem, against women whom they consider to be dressed immodestly in public. On July 20, several women were attacked by religious Jews in Jerusalem; police arrested three persons in connection with this assault.

Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. Trafficking in women is a significant problem (see Section 6.f.). Women's advocacy groups report that women routinely receive lower wages for comparable work, are promoted less often, and have fewer career opportunities than their male counterparts. Despite 1996 legislation that provides for class action suits and

requires employers to provide equal pay for equal work, including important side benefits and allowances, women's rights advocates charged that deep gaps remained.

Legislation in 1993, reinforced by a 1994 ruling of the High Court of Justice, has increased the percentage of women on the boards of two-thirds of government-owned companies. However, their numbers remain low overall. One study reported that in 1996 women made up more than 30 percent of the boards in only 39 of 118 government-owned companies.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, where Jewish and Muslim women are subject to restrictive interpretations of their rights (see Section 2.c.). Under personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are hundreds of so-called "agunot" in the country who cannot remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

Legislation passed in 1995 broadened the civil sanctions made available to rabbinical courts in cases where a wife has ample grounds for divorce--such as abuse--but the husband refuses to agree. However, in some cases rabbinical courts have failed to invoke these sanctions. In addition, there have been cases in which a wife has failed to agree to a divorce, but a husband has been allowed to remarry; this permission is not given to wives. Such imbalances have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over and issue sanctions against Jewish non-Israeli persons present in Israel.

Religious law can be even more restrictive for Muslims: some Islamic law courts have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Jewish women are subject to the military draft, but have been barred from combat positions. In response to a High Court of Justice ruling, the Israeli Air Force (IAF) since 1996 has permitted women to enter pilot training. At year's end, two women had completed initial training and were progressing through the IAF advanced flight training program. This would qualify women for combat aviation positions. A recent IAF ruling allows female flight surgeons to participate in combat rescue missions. In addition, the IAF permitted women to begin serving as flight mechanics for combat helicopter patrols in November.

Children

The Government is committed to the rights and welfare of children. However, in practice resources sometimes are insufficient, particularly with respect to low-income families. Education is compulsory to age 15, or until the child reaches the 10th grade, whichever comes first. Government ministries, children's rights groups, and members of the legislature often cooperate on children's rights issues. The Government provides an extensive health care program for children. There is a broad network of mother and child clinics, which provide prenatal care as well as postnatal follow-up.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements. Although there has

been a sharp increase in reported cases of child abuse in recent years, activists believe that this is largely due to increased awareness of the issue rather than a growing pattern of abuse. There are five shelters for children at risk. The Ministry of Justice formed a committee with police and NGO representatives that is attempting to assess the scope of child prostitution. Children's rights activists estimate that there may be several hundred prostitutes among the nation's children, and they warn that the phenomenon is unlikely to be eradicated until the social problems that give rise to it--including child abuse and schools that give up too readily on dropouts--are addressed.

NGO's in the field of children's welfare concentrate their efforts on public education, on promoting the concept of children's rights as citizens, on improving legal representation for minors, and on combating the problems of poverty, which are most notable for the Bedouin children of the south. There has been concern about the children of the country's growing population of foreign workers, many of whom reside in the country illegally. Children of such families, believed to number in the thousands, exist in a legal and social limbo, without access to schools or adequate health services.

Privately funded children's rights information centers have been established in some communities, and the Government assists in funding additional centers in other cities.

People With Disabilities

The Government provides a range of benefits, including income maintenance, housing subsidies, and transportation support for disabled persons, who constitute about 10 percent of the population. Existing antidiscrimination laws do not prohibit discrimination based on disability, and these citizens continue to encounter difficulties in areas such as employment and housing. A law requiring access for the disabled to public buildings is not widely enforced. There is no law providing for access to public transportation for the disabled. A 1996 law extended disability assistance for deaf children from the age of 14 to maturity. An extended strike/demonstration this year led to a significant increase in government spending in support of the disabled.

Religious Minorities

Tensions between secular and religious elements of Israeli society continued to grow during the year. The non-Orthodox Jewish community in particular has complained of discrimination and intolerance (see Section 2.c.).

Evangelical Christian and other religious groups also suffered verbal abuse, assaults, and vandalism apparently by two ultraorthodox Jewish groups known as Yad L'achim and Lev L'achim (see Section 2.c.). In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts. The status of a number of Christian organizations with representation in Israel heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations seek to negotiate with the Government in an attempt to formalize their status.

National/Racial/Ethnic Minorities

The Government does not provide Israeli Arabs, who constitute 20 percent of the

population, with the same quality of education, housing, employment, and social services as Jews. In addition, government spending is proportionally far lower in predominantly Arab areas than in Jewish areas. As part of their efforts to address the problem, some government officials publicly acknowledged significant discrimination against Israel's non-Jewish citizens. The Government appointed an Arab citizen to the board of the Israel Land Authority in November. This marks the first representation of non-Jews on this body. Israeli-Arab organizations have challenged the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminates against Arab citizens; the current Government continues to use this document for planning in the Galilee.

Relative to their numbers, Israeli Arabs are underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. Well-educated Arabs often are unable to find jobs commensurate with their level of education. Arab Ph.D.'s suffer the greatest problems in this regard. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In 1994 a civil service commission began a 3-year affirmative action program to expand that number, but it had only modest results. Arab citizens comprise only 6.2 percent of the civil service and less than one percent of the positions in the four senior-most civil service grades. The Government has allocated only very limited resources to enforce landmark 1995 legislation prohibiting discrimination in employment. Several ministers publicly called for increased Arab representation in the civil service in August, as well as for the reduction of employment discrimination in the private sector. In June an Israeli contractor was denied permission to hire four Bedouin workers. The contractor was instructed to hire foreign workers who received the required permits within an hour. Late in the year, after publicity revealed that El Al, the Israeli national airline, employed no Arab Israeli cabin crew members, in spite of numerous applications, the airline hired its first Arab Israeli flight attendant and committed to hiring more.

In practice, Israeli Arabs are not allowed to work in companies with defense contracts or in security-related fields. The Israeli Druze and Circassian communities are subject to the military draft, and although some have refused to serve, the overwhelming majority accepts service willingly. Some Bedouin and other Arab citizens who are not subject to the draft serve voluntarily. Those who do not serve in the army have less access than other Israelis to those social and economic benefits for which military service is a prerequisite or an advantage, such as housing, new-household subsidies, and government or security-related industrial employment. Under a 1994 government policy decision, the social security child allowance for parents who did not serve in the military and did not attend a yeshiva (including Arabs) was increased to equal the allowance of those who had done so.

Israeli Arab groups allege that many employers use the prerequisite of military service to avoid hiring non-Jews. For example, in 1997 a Haifa employment agency ran ads seeking Arabic-speaking telephone operators and listed military service as a prerequisite. An Israeli Arab group noted that there was no clear justification for this requirement, and it threatened to file a civil suit under a law prohibiting employment discrimination, and defining requirements unrelated to actual work as discriminatory. The employment agency eventually agreed to change the advertisement and run it again.

The Government has yet to fulfill its commitment to resolve the legal status of

unrecognized Arab villages. Eight villages have been recognized officially since 1994, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remain in limbo. Such villages have none of the infrastructure, such as electricity, water, and sewers, provided to recognized communities. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. Of the eight villages that have been recognized, the Government has yet to actually update the regional master plans or provide infrastructure such as water and electricity. In 1998 the High Court of Justice ordered the Ministry of Education to provide electricity to schools in several unrecognized villages in the Negev.

Arab children make up about a quarter of the public school population, but government resources for them are less than proportionate to those for Jewish children. Many schools in Arab communities are dilapidated and overcrowded, lack special education services and counselors, have poor libraries, and have no sports facilities. Arab groups also note that the public school curriculum stresses the country's Jewish culture and heritage.

Israeli-Arab students also are not eligible to participate in a special education program to provide academic assistance to students from disadvantaged backgrounds. A petition was filed with the High Court of Justice in May 1997 charging that the Ministry of Education's refusal to provide this program to Israeli-Arab students was discriminatory. The Attorney General's office agreed that the policy constituted impermissible discrimination but asked for 5 years to expand the program to Israeli-Arab students. The petitioners rejected this proposal as being too slow. The court held hearings on the case twice during 1998.

Unresolved problems of many years' standing also include claims by Arab groups that land expropriation for public use has affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been expropriated unjustly for public use; and that successive governments have blocked the return to their homes of persons displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-time demand to be allowed to rebuild their houses; in the meantime, permission has been given to Jewish settlements to increase their land holdings in the disputed areas.

In 1991 the Government launched Operation Solomon, which airlifted 14,000 Ethiopian immigrants to Israel. Due to language and educational barriers and cultural differences, many immigrants have had a difficult time adjusting to life in their new home and many immigrants from Ethiopia currently live in poverty. There were occasional reports of societal discrimination during the year; however, there were far fewer reports than in previous years.

Section 6. Worker Rights

a. The Right of Association

Workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel), or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations are independent of the Government. Histadrut members democratically

elect national and local officers, and officials of its affiliated women's organization Na'amat, from political party lists of those already in the union. Plant or enterprise committee members are elected individually.

During the year, the Histadrut administration continued its drastic reshaping of the labor federation, including further reductions in staff and services, as Histadrut shifted its concentration to those areas directly related to employment. At year's end, membership -- which once reached 1.65 million persons -- stood at about 650,000.

The right to strike is exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occur. Strike leaders--even those organizing illegal strikes--are protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements were often the central issues of dispute.

Palestinians from the West Bank and Gaza Strip who work in Israel may not join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories are not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector are entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees is minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

Israeli workers fully exercise their legal rights to organize and bargain collectively. While there is no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination has been reported.

Nonresident workers may not organize their own unions or engage in collective bargaining, but they are entitled to be represented by the bargaining agent and protected by collective bargaining agreements. They do not pay union membership fees, but are required to pay a 1 percent agency fee, which entitles them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor may extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversees personal contracts in the unorganized sectors of the economy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, specifically including child forced labor, and neither citizens nor nonresident Palestinians working in Israel generally are subject to this practice; however, women are trafficked for the purpose of prostitution, including forced prostitution (see Section 6.f.). Civil rights groups charge that unscrupulous employers often take advantage of illegal workers' lack of status to hold them in conditions amounting to involuntary servitude (see Section 6.e.).

Status of Child Labor Practices and Minimum Age for Employment

Children who have attained the age of 15 years, and who are liable to compulsory education under the Compulsory Education Law, may not be employed unless they work as apprentices under the Apprenticeship Law. Notwithstanding these provisions, children who are at least 14 years old may be employed during official school holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education.

There are no reliable data on illegal child workers. They are concentrated among Israel's Arab population and its most recent Jewish immigrants. Illegal employment is found primarily in urban, light-industrial areas. Children's rights groups have called for more vigorous enforcement of child labor laws, combined with a parallel effort to deal with the causes of illegal child labor. The Government specifically prohibits forced child labor, and it generally does not occur (see Section 6.f.).

e. Acceptable Conditions of Work

Legislation in 1987 established a minimum wage at 45 percent of the average wage, calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was about \$700 (roughly 2,800 new Israeli shekels) per month. The minimum wage often is supplemented by special allowances and is generally sufficient to provide a worker and family with a decent standard of living. Union officials have expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes pay less than the minimum wage.

By law the maximum hours of work at regular pay are 47 hours a week, 8 hours per day, and 7 hours on the day before the weekly rest, which must be at least 36 consecutive hours and include the Sabbath. By national collective agreements, the private sector established a maximum 45-hour workweek in 1988. The public sector moved to a 5-day, 42 1/2 hour workweek in 1989, while the military adopted it in 1993.

Employers must receive a government permit to hire nonresident workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories are employed on a daily basis and, unless they are employed on shift work, are not authorized to spend the night in Israel. At the end of 1998, the Government was considering a change in this provision to allow Palestinian workers to remain overnight for a week at a time. Palestinians without valid work permits are subject to arrest.

Nonresident workers are paid through the Employment Service of the Ministry of Labor, which disburses wages and benefits collected from employers. The Ministry deducts a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administers the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers are not eligible for all NII benefits. They continue to be insured for injuries occurring in Israel and the bankruptcy of a worker's employer. They do not have access to unemployment insurance, general disability payments, low-income supplements, or child allotments. By contrast, Israeli settlers in the occupied territories who work in Israel have the same benefits as other Israeli workers. The International Labor Organization (ILO) has long criticized this inequality in entitlements. The Government agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel. Implementation of this change is still under way.

There was increased public debate over the role in the workplace and society of foreign workers, who are estimated to number 200,000 or more, perhaps half of them undocumented and employed illegally. The majority of such workers come from Eastern Europe and Southeast Asia, and most are employed in the construction and agricultural sectors. The law does not allow such workers citizenship or permanent residence. As a result, they and their families live in a legal and social limbo. Government deportations of such workers take place without benefit of due process.

Along with union representatives, the Labor Inspection Service enforces labor, health, and safety standards in the workplace, although resource constraints affect overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates are responsible for safety and health in the workplace.

Workers do not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provide some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

f. Trafficking in Persons

Trafficking in women for the purpose of prostitution has become a significant problem in recent years. According to a study by the Israel Women's Network, every year hundreds of women from the former Soviet Union are brought to Israel by well-organized mafia networks and forced through violence and threats to work illegally as prostitutes.

There are no laws against trafficking in persons. Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed. According to press reports, brothels are ubiquitous despite being illegal, and police officials estimate that there are 25,000 paid sexual transactions every day.

¹ The human rights situation in the occupied territories is discussed in the annex appended to this report.

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