

# ISRAEL 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Israel is a multiparty, parliamentary democracy. Although it has no formal constitution, its parliament, the unicameral 120-member Knesset, has enacted a series of “Basic Laws” that enumerate certain rights and freedoms. Certain fundamental laws, orders, and regulations legally depend on the existence of a “state of emergency,” which has been in effect since Israel’s founding in 1948. In 2018, the Knesset passed the “Nation-State Law,” which asserted the right to national self-determination in Israel is “unique to the Jewish people” despite the presence of many non-Jewish Israeli citizens. Under the Basic Laws, the Knesset has the power to dissolve itself and mandate elections. On November 1, the country held legislative elections for the fifth time in three years. The elections were considered free and fair.

Under the authority of the prime minister, the Israeli Security Agency is charged with combating terrorism and espionage in Israel and the West Bank and Gaza Strip. The national police, including the border police and the immigration police, are under the authority of the Ministry of Public Security. The Israel Defense Forces are primarily responsible for external security, but they also have some domestic security responsibilities and report to the Ministry of Defense. Israeli Security Agency forces operating in the West Bank fall under the Israel Defense Forces for operations and operational debriefing. Civilian authorities maintained effective control over the security services. There were reports that members of the security forces committed abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; arbitrary or unjust detention, including of Palestinians in Israel and the occupied territories; restrictions on Palestinians residing in Jerusalem including arbitrary or unlawful interference with privacy, family, and home; substantial interference with the freedom of peaceful assembly and association; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; restrictions on freedom of expression and media including censorship; harassment of nongovernmental organizations; violence against asylum

seekers and migrants; violence or threats of violence against Palestinians and members of national, racial, or ethnic minority groups; and labor rights abuses against foreign workers and Palestinian workers.

The Israeli military and civilian justice systems have rarely found members of the security forces to have committed abuses. The government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses, engaged in corruption, or both within Israel.

This section of the report covers Israel within the 1949 Armistice Agreement lines as well as the Golan Heights and East Jerusalem territories that Israel occupied during the June 1967 war and where it later extended its domestic law, jurisdiction, and administration. The United States recognized Jerusalem as the capital of Israel in 2017 and Israel's sovereignty over the Golan Heights in 2019. Language in this report is not meant to convey a position on any final status issues to be negotiated between the parties to the conflict, including the specific boundaries of Israeli sovereignty in Jerusalem or the borders between Israel and any future Palestinian state.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were several reports that the government or its agents committed arbitrary or unlawful killings. The Ministry of Justice's Department for Investigations of Police Officers (DIPO) is responsible for investigating alleged unlawful actions involving police, and the Ministry of Justice's State Attorney's Office is responsible for investigating alleged unlawful actions involving the prosecution service. The Military Police Criminal Investigation Division is responsible for investigating alleged unlawful actions involving the Israel Defense Forces (IDF) in conjunction with the Military Advocate General's Corps.

According to the government, 23 Israelis were killed in terror attacks during the year, including six members of the security forces. According to the Israeli Security Agency (Shin Bet), 134 Israelis were injured in attacks from Gaza, in the

West Bank, in Jerusalem, and along the Green Line. There was a total of 2,692 terror attacks, including rockets and mortars, of which 326 occurred in October, according to the Shin Bet.

On March 15, media reported that an undercover Border Police officer shot and killed Arab Bedouin citizen Sanad Salem al-Harbed in the city of Rahat. Police claimed they opened fire when al-Harbed aimed a gun at them at point-blank range during a firefight in the city, but according to reports paramedics said he was struck by two bullets, one in the upper back and another in the buttocks, indicating he was facing away from the police officer when he was shot, which contradicts police claims about the incident. DIPO's investigation was continuing at year's end.

On November 1, police shot Issa Hani al-Talkat, a 16-year-old from the southern Bedouin town of Arara, and on November 30 he died from his injuries. According to police, they shot al-Talkat, who was walking nearby when motorists drove wildly through Arara and reportedly endangered a police officer. DIPO questioned three police officers in connection with the event, and its investigation was continuing at year's end.

A study published by a group of academic researchers in September 2021 concluded citizens with mental disabilities were at greater risk of being subjected to violence when interacting with police, and that four of the five cases in 2019-2020 that ended in civilian death due to a confrontation with police officers involved victims with mental disabilities, with all four belonging to a minority group. On April 10, a Jewish man snatched a weapon from a woman soldier in Ashkelon, and IDF Binyamin Brigade Commander Eliav Elbaz shot and killed him. The man had a history of mental illness and had been hospitalized in psychiatric institutions during different periods of his life. According to media reports, Elbaz was cleared of any wrongdoing following an internal IDF investigation.

On November 13, in the central city of Raanana, a soldier shot and killed a man who tried to stab two individuals with a knife. According to media reports, the man was mentally ill. A police investigation into the incident had not concluded at year's end.

The Jerusalem District Court held the first hearing February 27 in the criminal trial of a border police officer accused of shooting and killing a Palestinian resident of Jerusalem with autism, Iyad Halak, in 2020. According to media reports, the officer accused of shooting Halak was not charged with first-degree murder because the officer believed he was pursuing a potential terrorist per a recent alert in the area. The trial was continuing at year's end.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

Israeli law does not include a specific prohibition on torture, although Israel signed the UN Convention against Torture in 1986 and ratified it in 1991; according to the Public Committee against Torture in Israel (PCATI), the government committed in 2020 to introduce a law explicitly criminalizing torture but has not yet done so.

Israeli domestic law prohibits the application of physical force, assault, or pressure by a public official. The state's attorney has argued that Israeli law exempts from prosecution Shin Bet interrogators who use what are termed "exceptional methods" in cases that are determined by the Ministry of Justice after the fact to have involved an imminent threat. The government determined in 2018 that the rules, procedures, and methods of interrogation were confidential for security reasons.

Authorities continued to claim Shin Bet held detainees in isolation only in extreme cases and when it deemed there was no alternative and claimed Shin Bet did not use isolation as a means of augmenting interrogation, forcing a confession, or punishment. An independent Office of the Inspector for Complaints against Shin Bet Interrogators in the Ministry of Justice handled complaints of misconduct and abuse in interrogations. The decision to open an investigation against a Shin Bet employee required the approval of the attorney general.

In criminal cases investigated by police involving crimes with a maximum imprisonment for conviction of 10 years or more, regulations require recording the interrogations; however, an extended temporary 2016 law exempts Shin Bet from

the recording requirement for interrogations of suspects related to “security offenses.” In nonsecurity-related cases, Shin Bet interrogation rooms are equipped with closed-circuit cameras, and only supervisors appointed by the Ministry of Justice have access to real-time audiovisual feeds. Supervisors are required to report to the comptroller any irregularities they observe during interrogations. PCATI criticized this mechanism as insufficient to prevent and identify abuses, arguing that the absence of a recording of an interrogation impedes later accountability and judicial review.

The government acknowledged it used “exceptional measures” during interrogation in some cases, but the Ministry of Justice refused to provide information regarding the number of such “necessity” interrogations or which “exceptional measures” were used. According to PCATI, if confirmed, these measures might constitute torture or cruel, inhuman, or degrading treatment or punishment, as they included beatings, forcing an individual to hold a stress position for long periods, incommunicado detention, sexual harassment, threats of rape and physical harm, painful pressure from shackles or restraints applied to the forearms, religion-based humiliation, sleep deprivation, exposure to extreme heat and cold, and threats against families of detainees. In addition, PCATI argues one prevailing form of torture and ill treatment is Shin Bet’s holding of detainees in interrogation facilities with poor living conditions, in cells reported as filthy, insect-infested, lacking adequate food and water, unsanitary, lighting on 24/7, and extreme hot or cold temperatures applied.

PCATI reported a continuous upward trend in the number of cases in which Shin Bet is alleged to have used “exceptional measures,” including 75 cases of alleged physical torture during interrogations, based on data compiled by PCATI for 2021 through interviews and examination of Palestinians incarcerated or formerly held in detention for suspected security offenses. PCATI identified persistent and systemic shortcomings in the government’s investigations of allegations of mistreatment of detainees. According to PCATI, the average time for authorities to address complaints was 44 months, with the longest pending case standing at 97 months of preliminary examination. The Ministry of Justice stated internal reviews had led to the opening of two investigations since 2018. PCATI found that of the more than 1,400 complaints of Shin Bet torture submitted to the Ministry of

Justice since 2001, only three resulted in a criminal investigation and none in an indictment.

The government reported that requests from prisoners for independent medical examination at the prisoner's expense are reviewed by an Israel Prison Service (IPS) medical team. According to PCATI and Physicians for Human Rights Israel (PHRI), IPS medics and doctors ignored bruises and injuries resulting from violent arrests and interrogations. In its 2016 review of the country's compliance with the UN Convention against Torture, the UN Committee against Torture recommended (among 50 other recommendations) that the government provide for independent medical examinations for all detainees.

On February 13, a Palestinian woman filed an appeal with the State Prosecutor's Office challenging the decision to close an investigation into her alleged sexual assault by Shin Bet and the IDF in 2015. The victim alleged officers carried out a nonconsensual and intrusive vaginal and anal search. According to PCATI, because the suspect objected to the search, the incident constituted a serious sexual assault. In September the Ministry of Justice informed PCATI that the appeal had been dismissed. Media reported in September that no charges were brought against any Israeli security forces involved and that the Shin Bet officer who gave the order to conduct the physical search had been promoted to a higher rank.

On September 1, the Supreme Court rejected an appeal from Amiram Ben Uliel, convicted of murder in 2020, ruling that the confessions obtained in "special measures (pressure techniques)" are not admissible, but that several confessions obtained 36 hours after such acts were admissible in court.

## **Prison and Detention Center Conditions**

The law provides that prisoners and detainees have the right to conditions that do not harm their health or dignity, but there were numerous reports that some prisoners nonetheless were held in such conditions.

**Abusive Physical Conditions:** Local human rights organizations reported Palestinian security prisoners (those convicted or suspected of nationalistically motivated violence) often faced more restrictive conditions than prisoners characterized as criminals. Restrictive conditions included increased incidences of

administrative detention, restricted family visits, ineligibility for temporary furloughs, and solitary confinement. On March 8, the IPS revised visit guidelines to allow Palestinians from the West Bank to visit immediate relatives without a vaccination requirement.

The nongovernmental organization (NGO) Ma'avarim – Israeli Trans Community, noted that Israeli prisons continued to hold transgender women in solitary confinement due to their gender identity. In April a transgender woman who reported to the police that she had been attacked by her partner was arrested and held in solitary confinement for four days, according to Ma'avarim. During the arrest, she was exposed to harsh treatment, including physical violence and verbal humiliation by the police. After four days she was sent to house arrest.

On September 22, the Association for Civil Rights (ACRI) and PCATI withdrew a petition demanding police immediately install cameras in all police entry checkpoint posts at the Jerusalem Old City's Damascus Gate following publicly released social media footage of alleged severe police violence against Palestinian detainees. According to ACRI, the justices made it clear the court would not interfere with the discretion of the police to install cameras.

The Public Defender's Office publishes a detailed annual report reviewing the conditions of detention and imprisonment in the country, based on official visits made by representatives of the Public Defender's Office to the various detention centers and facilities under the responsibility of the IPS, Israel Police, and the courts. In its most recent 2021 report, the Public Defender's Office continued to warn of severe overcrowding in Israeli detention facilities, violating the inmates' rights, including their right to "respect, privacy, and health."

On September 8, ACRI petitioned the Supreme Court demanding an end to the violation of the rights of detainees, who in recent months had been frequently held overnight in police stations throughout the country and were forced to sleep on the floor in overcrowded conditions with only periodic access to the bathroom, without a shower, and without medical treatment. Following a series of prison visits, the Public Defender's Office confirmed an "alarming phenomenon" in which detainees were detained in police stations for many days in violation of the law in "disgraceful and poor conditions while severely infringing their rights."

A 2017 Supreme Court ruling required government prisons and detention centers to provide a minimum living space of 48 square feet (including toilet and shower) per prisoner and mandated a deadline for compliance of 18 months. The court has extended the deadline several times, most recently until December 31, 2027, mandating the state to respond with an annual update on December 1. The government notified the Supreme Court that at year's end only 40 percent of detention facilities met the minimum living space requirement.

A 2018 temporary law, since extended, provides for the early release of prisoners (excluding Palestinian "security prisoners"), in an effort to facilitate compliance with the court's ruling. According to the Public Defender's Office, the state must also investigate possible alternative approaches to arrests and imprisonments for minor infractions. In June 2021, the court ruled that the deadline applied to Shin Bet security facilities as well. On December 21, the Knesset passed a law that decreased the number of prisoners eligible for early administrative release based on certain offenses, for instance sex offenses.

As of December 2021, the government had not implemented a 2015 law authorizing force-feeding under specific conditions of prisoners on hunger strikes. The Israel Medical Association declared the law unethical and urged doctors to refuse to implement it. Regulations stipulate that medical treatment must be provided in reasonable quality and time, based on medical considerations, and within the resources and funding available for the IPS. Regulations also allow the IPS to deny medical treatment if there are budgetary concerns, according to the PHRI.

The state comptroller recommended in a May 10 report on medical service for prisoners that the Ministry of Finance help fund additional specialist physicians for the IPS, which only had three specialists out of 43 physicians. In addition, the comptroller recommended the prison service provide specialized incarceration and medical facilities for elderly prisoners, work to identify women and youth prisoners who needed psychiatric hospitalization, develop a telemedicine system, and renovate medical buildings to provide appropriate physical and sanitary conditions and ensure accessibility to persons with disabilities in accordance with the law.



**Administration:** Authorities conducted investigations of some credible allegations of mistreatment but at other times did not. The government granted visitation permits to family members of prisoners from the West Bank only on a limited basis and restricted those entering from Gaza more severely.

**Independent Monitoring:** The International Committee of the Red Cross (ICRC) maintained its visits to detention facilities (including interrogation centers) to monitor conditions of detention, detainee treatment, and detainee access to family contacts, progressively going back to pre-COVID-19 visiting procedures. The ICRC's family visit program, through which families of Palestinian detainees may visit their relatives in Israeli custody, was likewise reinstated in May, although partial restrictions remain for some families from Gaza.

#### **d. Arbitrary Arrest or Detention**

Israeli civil law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements, although NGOs identified cases where the requirements were not followed, and Israeli authorities also did not always apply the same laws to all residents of Jerusalem, regardless of their Israeli citizenship status.

NGOs and Palestinian residents of East Jerusalem alleged that Israeli security forces disproportionately devoted enforcement actions to Palestinian neighborhoods, particularly Issawiya and Sheikh Jarrah, with higher numbers of temporary checkpoints and raids than in West Jerusalem.

In March a Jerusalem court sentenced Sheikh Jarrah resident and activist Murad Ateah to one year in prison for “organizing activities that disturbed the peace in the neighborhood.” Authorities had arrested him in 2021 and repeatedly extended his detention several times before he was released May 10.

The Ministry of Defense has the authority to administratively detain a person for a period of up to six months – without an indictment, arrest warrant, judicial order, or finding of criminal culpability – if it decides there is a likelihood he or she is harming the security of the state. The minister of defense has the authority to extend this administrative detention order repeatedly. According to the NGO

HaMoked, as of December 31, Israel held 870 persons in administrative detention: 11 are from East Jerusalem, seven are citizens of Israel, and the remainder are Palestinians from the West Bank. The arrests are brought before a judge and can be appealed to the Supreme Court.

The government may detain without trial and for an indefinite period asylum seekers who were “implicated in criminal proceedings.” According to the NGO Hotline for Refugees and Migrants (HRM), this policy enabled indefinite detention either without a trial or following the completion of time served. Between January and October (the period for which data were available at year’s end), 57 asylum seekers were detained in Givon in administrative detention after completing their criminal sentence, the majority of whom were released after several months, according to the HRM.

According to a July 27 state comptroller report, the police and Shin Bet arrested approximately 3,200 Arab citizens and Palestinian residents of Jerusalem and 240 Jewish Israelis on suspicion of participating in the riots and the violent incidents during intercommunal violence in May 2021. The prosecution charged only 18 percent of those arrested. Arab politicians and civil society organizations criticized the severe indictments using terrorism charges against Arab citizens leading to extensive imprisonment sentences compared with lenient charges against Jewish Israelis. For example, on July 17, the Beer Sheva District Court sentenced Bedouin citizen Abd el Aziz Amrani to nine years in prison for severely attacking a Jewish driver on racial and nationalist grounds during the May 2021 events.

### **Arrest Procedures and Treatment of Detainees**

Police must have a warrant based on sufficient evidence and issued by an authorized official to arrest a suspect. Excluding those in administrative detention, authorities generally informed defendants promptly of charges against them. The law allows authorities to detain criminal suspects without charge for 24 hours prior to appearing before a judge, with limited exceptions allowing for up to 48 hours; the judge then has the authority to extend the detention for a period of up to 15 days at a time to a total of 30 days. Authorities generally respected these rights for persons arrested on criminal charges. There is a functioning bail system, and detainees may appeal decisions denying bail. Authorities allow detainees to

consult with an attorney in a timely manner, including one provided by the government for the indigent, and to contact family members promptly.

Authorities detained most Palestinian prisoners within Israel. Some human rights groups, including Military Court Watch, claimed the country's detention of the majority of convicted Palestinians from the West Bank or Gaza in prisons inside Israel was a violation of the Fourth Geneva Convention. According to the circumstances of each case, such as the severity of the alleged offense, status as a minor, risk of escape, or other factors, authorities either granted or denied bail to Palestinians detained for security violations. Authorities prosecuted Palestinians held in Israel who were not citizens under Israeli military law, a practice the government has applied since 1967. Israel does not prosecute Israeli citizens who commit similar crimes in the West Bank under Israeli military law. The government has asserted in domestic court proceedings that this practice is consistent with international obligations related to military occupation.

Authorities may prosecute persons detained on "security" grounds criminally or hold them as administrative detainees or illegal combatants, according to one of three legal regimes.

First, under a temporary law on criminal procedures, repeatedly renewed since 2006, the IPS may hold persons suspected of a security offense for 48 hours and, with limited exceptions, detain a suspect for up to 96 hours prior to bringing them before a judge. In security-related cases, authorities may hold a person for up to 35 days without an indictment (versus 30 days for nonsecurity cases). The law allows the court to extend detentions on security grounds for an initial period of up to 20 days for interrogation without an indictment (versus 15 days for nonsecurity cases). Authorities may deny security detainees access to an attorney for up to 21 days under civilian procedures.

Second, the Emergency Powers Law allows the Ministry of Defense to detain persons administratively without charge for up to six months, renewable indefinitely.

Third, the Illegal Combatant Law permits authorities to hold detainees for 14 days before review by a district court judge, deny them access to counsel for up to 21

days with the attorney general's approval, and detain them indefinitely, subject to semiannual district court reviews and appeals to the Supreme Court.

The government stated it used solitary confinement only when a detainee threatened himself or others and authorities had exhausted other options or, in some cases, during interrogation to prevent disclosure of information. In such cases, authorities maintained the detainee had the right to meet with International Committee of the Red Cross representatives, IPS personnel, and medical personnel, if necessary. According to the government, the IPS did not hold Palestinian detainees in separate detention punitively or to induce confessions. NGOs, including Military Court Watch, HaMoked, and B'Tselem, accused authorities of using isolation to punish or silence politically prominent Palestinian detainees.

Palestinian sources reported the IPS placed in isolation, without a full medical evaluation, Palestinian detainees with mental disabilities or who were a threat to themselves or others, including prisoners on hunger strike who in most cases were protesting their repeated administrative detention. According to the PHRI, isolation of Palestinian prisoners with mental disabilities was common.

In a report published on June 9 that covered 2020 findings, DIPO stated it had filed 64 indictments against police officers accused of various crimes; 34 ended in a settlement and DIPO transferred 204 cases to the disciplinary department of the Israel Police. Approximately half the indictments were for violent crimes, 16 percent for crimes against morals and public order (including bribery, breach of trust, and obstructing justice), and 14 percent for sex offenses. Of the 63 cases in which judicial proceedings ended in 2020, approximately 70 percent ended with a full or partial conviction. The District Attorney's Office claimed they presented fewer plea agreements compared to the other districts and hence the length of time for case management is generally relatively long. In 2020, 2,941 cases were closed without criminal prosecution. In most cases (approximately 57 percent) the decision to close the case was made after a criminal investigation (with a warning) or a preliminary criminal investigation.

According to a Public Defender's report published November 20, DIPO had a poor record handling complaints of police violence in 2021, with police shelving 122

out of the 177 complaints filed. By contrast, the report noted, every year police opened thousands of cases against citizens for assaulting police officers, a significant portion of which involve disadvantaged citizens.

**Arbitrary Arrest:** There were allegations authorities arbitrarily arrested Israeli citizens and Palestinians who participated in protests.

According to civil rights groups Adalah and the Negev Coexistence Forum for Civil Equality (NCF), following Bedouin demonstrations in January against afforestation projects in the south, police arrested 396 individuals, 60 of whom were minors, including a 10-year-old boy. Shin Bet detained and investigated six to eight persons for purported terror-related offenses that civil rights groups reject. According to the civil rights groups, as of December 13, the prosecution indicted 38 individuals while eight remain in custody or under home arrest.

**Pretrial Detention:** Administrative detention continued to result in lengthy detention for security detainees, some of whom were not brought to formal trial (see above). According to HaMoked, as of December 31 Israel held 870 detainees under administrative detention. *Haaretz* reported that as of August 22, Israel was holding 723 detainees in prison without trial, the highest number since 2008 and a significant rise from the 671 held at the beginning of August. Of the detainees, 11 were Israeli citizens, none were Jewish, and the rest were Palestinians, according to the report.

## **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right with exceptions, including for individuals deemed national security concerns, cases involving protection of the interest of a minor or an individual requiring special protection, and cases involving protection of the identity of an accuser or defendant in a sex-offense case. The law permits publishing the identity of a survivor of a sex offense, provided the survivor gives

written consent for publication.

The state comptroller examined and found in a May 2021 report that the appointment of a state attorney during the preliminary stages of an investigation blurs the delineation between the responsibilities of investigative units and the prosecution. The report noted the powers of state attorneys are not based in legislation and guidelines and there is no uniformity in the way state attorneys are assigned. According to the state comptroller, a basic rule of criminal procedure is separation between the investigating body and the prosecuting body and to maintain the independence of the prosecutor's legal discretion.

The prosecution is under a general obligation following an indictment to provide all evidence to the defense. The government may on security grounds withhold from defense lawyers evidence it has gathered that is not for use in its case against the accused. The Supreme Court may scrutinize the decision to withhold such evidence in civilian courts, while the Court of Appeals has jurisdiction for military courts. The rules of evidence in espionage cases tried in criminal court do not differ from the normal rules of evidence, and no use of secret evidence is permissible, although trials and hearings may be held behind closed doors under gag order restrictions.

On July 5, the Knesset passed a law forbidding criminal courts from admitting evidence obtained unlawfully, including a statement made by a defendant or witness or any piece of evidence, if the court believes it may significantly infringe the defendant's right to a fair trial.

On May 31, the Knesset passed a law instructing police officers to inform a judge about a detainee or prisoner cuffed/shackled in the court. A 1971 law states that detainees and prisoners shall not be cuffed/shackled in a public place so as not to humiliate or harm their dignity except in exceptional cases.

In 2020 the Knesset passed a temporary law, extended in 2021 through December 31, 2023, that permitted virtual hearings with prisoners and detainees following the practice begun during the COVID-19 pandemic crisis. While authorities usually allowed visits from lawyers and claimed every inmate who requested to meet with an attorney was able to do so, this was not always the case. Inmates protested the

lack of attorney access with hunger strikes, and their families demonstrated in front of the house of the minister of public security. NGOs monitoring prison conditions reported that adult and juvenile Palestinian detainees were denied access to a lawyer during their initial arrests.

The government tried Palestinian residents of the West Bank accused of security offenses in Israeli military courts.

### **Political Prisoners and Detainees**

Some human rights organizations claimed Palestinian security prisoners held in Israel should be considered political prisoners. The government described security prisoners as those convicted or suspected of nationalistically motivated violence.

Some Israeli legal scholars argued that Israel holds Palestinian prisoners in Israeli facilities in violation of international law. The practice of holding Palestinian prisoners in Israel has been challenged twice in the Supreme Court, and in both cases the court ruled that the practice was permitted based on the country's emergency defense regulations, which have been in place continuously since 1967.

### **Civil Judicial Procedures and Remedies**

An independent and impartial judiciary adjudicates lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies exist, and court orders usually were enforced. Palestinian residents of Jerusalem may file suit against the government of Israel under the same rules that govern access to judicial and administrative remedies by Israeli citizens. By law nonresident Palestinians may file suit in civil courts to obtain compensation in some cases, even when a criminal suit is unsuccessful and the actions against them are considered legal.

### **Property Seizure and Restitution**

During the year Israeli authorities carried out 14 punitive demolitions in the West Bank and East Jerusalem, forcibly displacing 71 persons, including 29 children, according to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), compared to three identified in 2021. Several human rights groups and the United Nations stated that these punitive demolitions were a form of

collective punishment that violated the Fourth Geneva Convention. On February 1, according to HaMoked, following a Supreme Court ruling, the military demolished the home of Fadi Abu Shkheidam's family in the Shuafat Refugee Camp of East Jerusalem. Abu Shkheidam allegedly carried out a shooting attack in the Old City of Jerusalem in November 2021, killing one Israeli and injuring several others before Israeli police shot and killed him. IDF demolished the homes of Youssef Sameeh Assi and Yahya Marei in the West Bank town of Qarawat Bani Hassan on July 26, while Assi and Marei were on trial in an IDF military court for killing a guard at the nearby settlement of Ariel but had not yet been convicted.

Israeli civil authorities ordered demolitions of private property in East Jerusalem. UNOCHA reported authorities demolished 143 structures in East Jerusalem during the year, 86 of which were residential units, 55 of which were inhabited. Almost half of the structures demolished in East Jerusalem were self-demolitions, or were destroyed by their respective owners to comply with Israeli orders, compared with 35 percent in the previous five years. Legal experts pointed to laws that reduced administrative processing times for demolitions, blocked courts from intervening in many cases, and increased administrative fines for those failing to demolish their own buildings as a key factor in the increased number of demolitions in East Jerusalem.

Authorities issued approximately 1,708 administrative and judicial demolition orders during the year, overwhelmingly against Arab/Palestinian-owned structures. In cases of demolitions with no agreement from the residents to relocate, the government levied monetary fines against residents to cover the costs of demolitions.

NGOs asserted there was a continuing policy intended to limit construction to prevent the creation or maintenance of contiguous neighborhoods between the West Bank and Jerusalem. Israeli official policy historically had been to maintain an ethnic balance between Jews and non-Jews in Jerusalem at a 70-30 ratio; however, the *Jerusalem Local Outline Plan 2000 Report No. 4* stated that goal was unattainable. The Israeli Ministry of Foreign Affairs stated the Jerusalem Municipality did not have any such policy. Israeli law does not prevent non-Jews from purchasing housing units, although cultural, religious, and economic barriers as well as segregated homeowners' associations remained obstacles to integrating



existing neighborhoods or establishing new integrated neighborhoods, according to civil society representatives.

There were credible claims that municipal authorities in Jerusalem often placed insurmountable obstacles against Palestinian residents who applied for construction permits, including by failing to incorporate community needs into zoning decisions, requiring that they document land ownership despite the absence of a uniform post-1967 land registration process, imposing high application fees, and requiring residents to connect housing to municipal infrastructure that was often unavailable or inaccessible.

Construction remained illegal in towns that did not have an authorized plan for development. Some NGOs criticized the lack of Arab/Palestinian representation on regional planning and zoning approval committees and stated that planning for Arab/Palestinian areas was much slower than for Jewish municipalities, leading Arab/Palestinian citizens to build or expand their homes without legal authorization, thus risking a government-issued demolition order. Arab/Palestinian members of the Knesset and human rights organizations condemned the law for increasing enforcement and demolitions without addressing the systemic housing shortages in Arab communities that led to unpermitted construction. According to human rights organizations, approximately 50,000 Arab families lived in unpermitted houses.

A development plan for the Bedouin village of al-Fura'a was not completed as of the end of the year, despite government recognition of the village in 2006. As a result, the village lacked basic electricity and water infrastructure, and NGOs reported frequent house demolitions. The government stated in 2019, following a national outline plan for mining and quarrying, approved by the government in March 2018, it will not be possible to recognize the locality in its current location.

The government stated it used both incentives and punishments to compel Bedouin Israeli citizens to move from 35 unrecognized Bedouin villages in the Negev inhabited by approximately 90,000 persons into government-recognized villages, including by demolishing unpermitted structures and offering monetary compensation to move to Bedouin towns. According to a state comptroller report and information from NGOs, Bedouins often refused to move because they

asserted either that they owned the land or that the government had given them prior permission to settle in their existing locations. Bedouins also feared losing their traditional livelihoods and way of life, as well as moving onto land claimed by a rival Bedouin clan. The seven Bedouin townships in the Negev were all crowded and had low-quality infrastructure and inadequate access to services for health, education, welfare, public transportation, mail, and garbage disposal, especially in comparison with the Jewish towns and cities in the area, according to the state comptroller. According to the NCF, Bedouins accounted for 34 percent of the population of the Negev, but only 12.5 percent of the residential-zoned land was designated for the Bedouin population.

As of 2019, approximately 31 percent of the 191,965 acres of Arab Bedouin land in the south of the country that was previously under disputed ownership was no longer in dispute as a result of either settlement agreements or following legal proceedings, according to the government. In addition, the government stated an additional 51,676 acres of disputed land were registered as state lands while the process to determine ownership remained open.

The NCF reported a new high of 3,004 demolitions of Bedouin citizen structures in 2021, citing information gained through freedom of information requests to the government during the year. According to the NCF, self-demolition represented 86 percent of all the demolitions carried out in 2021, which reflects the immense effect the state's eviction policy has on the Bedouin indigenous citizens. Other civil society contacts stated the demolitions ignored traditional Bedouin seminomadic lifestyles predating the modern state of Israel.

In addition to the Negev, authorities ordered demolition of private property elsewhere, including in Arab towns and villages and in East Jerusalem, stating some structures were built without permits. B'Tselem reported that as of year's end, authorities demolished 121 housing units in East Jerusalem, and owners demolished 81 additional units to avoid government-imposed fines. This represented a decrease of 28 percent and an increase of 92 percent, respectively, with owner-initiated demolitions at the highest level since B'Tselem began compiling data in 2008. The overall number of home demolition orders in 2021 was 10 percent higher (from 1,662 in 2020 to 1,844 in 2021) and 190 percent higher than prior to the Planning and Construction Amendment 116 (also known as

the Kaminitz Law) enacted in 2017. Legal experts pointed to the Kaminitz Law, which reduced administrative processing times for demolitions, blocked courts from intervening in many cases, and increased administrative fines for those failing to demolish their own buildings, as a key factor in the increased number of demolitions in East Jerusalem.

The government has laws and mechanisms in place regarding claims for the return of or compensation for Holocaust-era assets. Relevant laws refer to assets imported during World War II whose owners did not survive the war. Unclaimed assets were held in trust and not transferred to legal inheritors, who in most cases were not aware that their late relatives had property in Israel.

For additional information regarding Holocaust-era property restitution and related issues, please see the Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly in July 2020, at <https://www.state.gov/reports/just-act-report-to-congress/>.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected those prohibitions for Israeli citizens.

The Knesset passed a new citizenship and entry law on March 10, replacing and adding restrictions to a previous law that had expired in 2021. The law prohibits Palestinians from the West Bank or Gaza, Iranians, Iraqis, Syrians, and Lebanese, including those who are Palestinian spouses of Israeli residents or citizens, from obtaining resident status unless the minister of interior made a special determination, usually on humanitarian grounds. The law allows only 58 humanitarian cases per year, a figure based on the total cases approved in 2018. Civil rights organizations, including Adalah, ACRI, PHRI, HaMoked, and Society of St. Yves, petitioned to the Supreme Court on behalf of families affected by the law demanding its revocation, calling it discriminatory, racist, and contrary to the constitution and international law and, and arguing it labeled all Palestinians as a security risk. The court held a hearing on the petition December 1, but did not issue a ruling by year's end.

In 2020 the Population and Immigration Authority received 1,354 family unification requests. In 2021 the Population and Immigration Authority received 1,680 family unification requests. According to the Israeli Ministry of Foreign Affairs, during the year the minister of defense authorized the Israeli Population Registry office to register as a one-time “political gesture” 9,000 Gaza residents and 7,000 West Bank residents in the Palestinian Population Registry to facilitate family unification. According to the ministry, through mid-November, the Ministry of Interior had approved 401 applications from the West Bank and Gaza and had denied 269 applications. In East Jerusalem, the Ministry of Interior revoked 66 permanent residents’ status.

HaMoked reported most of the reunification requests filed in the previous two years were for West Bank Palestinians married to Israelis or East Jerusalemites.

According to press reports, as of 2020 there were approximately 13,000 Palestinians from the West Bank or Gaza living in Israel, including Jerusalem, on temporary stay permits because of the Citizenship and Entry law, with no legal provision that they would be able to continue living with their families. The application of this law also created cases of Palestinian spouses living in East Jerusalem without legal status. Authorities did not permit permanent residence in Jerusalem for any Palestinians who were abroad during the 1967 war or whose residency permits the government had withdrawn. Human rights organizations called on the government to repeal the law and resume processing family unification applications. The law allows for the entry of spouses of Israelis on a “staying permit” if the male spouse is 35 or older and the female spouse is 25 or older, for children up to age 14, and for a special permit for children ages 14 to 18, but they may not receive residency and have no path to citizenship.

The law allowed Shin Bet to collect data of all users of telecom services in Israel without a court order. On May 31, ACRI submitted a petition to the Supreme Court demanding to cancel or amend a clause of the law that allowed Shin Bet to search and process personal information without supervision, which potentially included individuals’ location data, sexual orientation, participation in protests, and political views. On October 20, the state argued in its response to the court that Shin Bet data collection is critical for saving lives and added that Shin Bet collects data on individuals with professional immunity only when this is required for state

security and with special approval from senior officials. The state admitted, however, that Shin Bet collected data from several journalists without such approval. The petition was pending at year's end.

In July 2021, ACRI submitted a petition to the Supreme Court demanding the cancellation of government resolutions that allowed the government to expand Shin Bet's role without amending the relevant law. The petition stated that since 2004, the government had added four roles to Shin Bet's functions and authorities, the last of which was the tracking of mobile phones in the context of the COVID-19 pandemic. On October 19, the court issued an interim injunction, ordering the state to explain why it would not use the clause only in urgent circumstances under periodical review. The state must respond to the court by January 2023.

On January 18, business newspaper *Calcalist* released a report accusing police of using spyware of the company NSO Group against activists and criminal suspects. Police denied the allegations that NSO's Pegasus spyware was used arbitrarily against citizens but stated they had been using the spyware under court orders to fight violent crime. On January 20, the attorney general announced a probe into police use of NSO spyware. On August 1, the investigative team submitted its final report, finding no indication police used NSO spyware without a court order to hack citizens' telephones. The team found, however, that when using the spyware police incidentally collected data beyond their authority in a high number of cases, as NSO's Pegasus was not adapted to provide only data police are authorized to obtain based on the wiretapping law. This included data created prior to the issuance of a court order, contact lists, notes, and calendar information; the investigation found police did not use this data.

On December 5, the Public Defender's Office submitted a petition to the Supreme Court, demanding to cancel clauses in state attorney directives and police procedures allowing police to search mobile phones of suspects without a court order and on the basis of the suspect's consent. The petition remained pending at the year's end.

Police used automatic license plate recognition technology and footage of car occupants to collect data pertaining to in-country travel of persons. According to police, the technology served as a significant and irreplaceable tool to prevent

criminal activity, but privacy rights NGOs viewed it as an extreme surveillance measure infringing on civilians' rights. On January 11, following a 2021 petition by ACRI and Privacy Israel, the Supreme Court issued an interim injunction ordering police to explain why they needed to continue using the technology despite it not yet being regulated through legislation. On May 15, the state told the court the petition should be rejected due to the unique significance of the technology to achieving police missions and due to preparation work for legislation on the matter. The petition was pending at year's end.

## **g. Conflict-related Abuses**

**Killings:** During the August 5-7 escalation in violence, the IDF stated Palestinian Islamic Jihad (PIJ) militants in Gaza launched 1,175 rockets and mortars toward Israel; 96 percent were intercepted by the Iron Dome aerial defense system, according to the Meir Amit Intelligence and Terrorism Information Center. According to the IDF, more than 990 rockets crossed into Israel while more than 200 misfired and fell inside Gaza, causing Palestinian casualties. The IDF struck 170 targets in Gaza during the August escalation. According to the Israeli government, NGOs, and media, the PIJ fired rockets from civilian locations toward civilian targets in Israel, including large salvos toward dense population centers. Israeli airstrikes damaged 1,700 housing units and displaced 535 Gaza residents. According to UNOCHA, during the August escalation, 49 Palestinians were killed, including 17 children. An estimated 37 fatalities were civilians and 12 were members of armed groups. UNOCHA reported that, according to the *de facto* Ministry of Health, 360 Palestinians were injured, including 151 children and 58 women. There were no Israeli fatalities. UNOCHA reported that according to Israeli authorities a total of 70 Israelis were injured, including 47 who were taken to hospitals.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law generally provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An

independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media. NGOs and Palestinian journalists, however, reported Israeli authorities restricted press coverage and placed limits on certain forms of expression, particularly for Palestinians. These included restricting Palestinian journalists' movement as well as using violence, arrests, closure of media outlets, and intimidation, according to media reports and the Palestinian Center for Development and Media Freedoms.

**Freedom of Expression:** The law prohibits hate speech and content liable to incite violence or discrimination on grounds of race, origin, religion, nationality, and gender. In cases of speech that are defined as incitement to violence or hate speech, the law empowers police to limit freedom of expression.

The law restricts freedom of expression by imposing tort liability on any person who knowingly issues a public call for an economic, cultural, or academic boycott of the State of Israel, Israeli institutions or entities, including those in Israeli settlements in the West Bank. Plaintiffs must prove direct economic harm to claim damages under the law. The law also permits the finance minister to impose administrative sanctions on those calling for such a boycott, including restrictions on participating in tenders for contracts with the government and denial of government benefits, but required regulations were pending at year's end. The law bars entry to the country of visitors who are actively, consistently, and persistently calling for such boycotts.

On March 29, the Supreme Court ruled that Minister of Education Yifat Shasha-Biton must grant professor Oded Goldreich the Israel Prize, the state's highest cultural honor, after she refused to do so due to Goldreich's previous call for EU noncooperation with Ariel University, which is located inside a settlement. This followed two petitions to the Supreme Court by the Israel Prize Judges Committee for Math and Science, demanding the ministers accept their recommendation and grant Goldreich the prestigious award. The court ruled that Goldreich's statements did not constitute a highly extreme and rare consideration that would merit a denial of the professional committee's recommendation.

Conviction of desecrating the Israeli flag carries a maximum penalty of three years

in prison and a fine. Waving a Palestinian flag is a criminal offense, but according to a 2014 attorney general legal opinion it should only be enforced in cases of a credible suspicion that the flag-waving represents support for a terrorist organization or when there is a high likelihood that flag-waving will lead to a serious disturbance of the peace. During the year there was an increase in cases of police officers removing Palestinian flags, including during peaceful demonstrations, and in certain cases assaulting and arresting civilians for waving it in contradiction to the 2014 attorney general legal opinion, according to multiple NGOs. On March 23, ACRI submitted a petition to the Supreme Court demanding authorities stop harassing protesters carrying Palestinian flags, order a halt to the confiscation of Palestinian flags in the Jerusalem district, including during the Sheikh Jarrah weekly protests, and announce that an investigation into an incident related to the waving of a Palestinian flag would require the state attorney's approval. On September 22, the government responded to the petition, arguing it acts in accordance with the attorney general's legal opinion. On November 11, the Supreme Court rejected the petition, while noting a statement by police that they are working to remind police officers in the field of the legal opinion.

The law prohibits individuals or organizations that initiate political or legal action abroad against IDF soldiers or the State of Israel from holding activities in schools, but the Ministry of Education had not issued regulations necessary to implement the law as of year's end. Both supporters and opponents of the law stated it was intended to target the NGO Breaking the Silence (BTS), a group of military veterans whose goal is to end the Israeli occupation of the West Bank. BTS criticized the law as a violation of freedom of political expression.

The Human Rights Defenders Fund (HRDF) reported that Shin Bet summoned and intimidated some individuals, mainly Arab/Palestinian citizens of Israel, for their political activism. For example, on August 14, a woman from Umm-al-Fahm who is an activist in the struggles against crime and violence in Arab society and against evictions of Palestinians in Sheikh Jarrah was summoned to a Shin Bet interrogation, according to the HRDF. During the interrogation, she was asked about her participation in demonstrations and was presented with a recording of herself while organizing a demonstration. She was released following the interrogation. In another case, the HRDF alleged that Shin Bet used such



harassment, especially against Palestinian women, as a way to deter them from their activism.

During the year, on several occasions, Arab/Palestinian citizens of Israel were arrested on or near university campuses for their political activity. For example, on March 28, police officers studying in the Hebrew University detained two students, Palestinian residents of Jerusalem, for singing a song in Arabic, which the officers claimed included words that supported terrorism, but which the students indicated was a Palestinian folk song. Other police officers later interrogated the students for alleged charges of threats and disturbing the peace, eventually releasing them after eight hours on bail with a six-day ban from the university. On March 31, the Jerusalem Magistrate's Court denied the students' appeal, arguing their detention was legal.

The Journalist Support Committee reported that 20 Palestinian journalists were detained in Israeli prisons, either serving their sentences or awaiting the conclusion of their trials as of year's end. Reporters Without Borders (RWB) stated Israeli forces often subjected Palestinian journalists to arrest, interrogation, and administrative detention without any clear grounds. On September 12, an Israeli court indicted East Jerusalem-based journalist Lama Ghosheh for identifying with a terrorist organization and incitement to violence, based on 11 posts she made on her personal Facebook account. The indictment followed her arrest on September 4 and alleged she praised the activities of Palestinian militants in the West Bank and Gaza, after they were killed by the Israeli army, according to media reports.

**Violence and Harassment:** During the year, 25 incidents of physical attacks by security forces, and four incidents of threats and incitements against journalists were reported to the Union of Journalists in Israel (UJI).

On May 11, Palestinian-American journalist Shireen Abu Akleh was shot and killed while reporting on an IDF raid in Jenin. In the same incident, Palestinian journalist Ali Samoudi was shot and injured in the shoulder. On September 5, the IDF reported it had concluded its investigation into the circumstances surrounding Abu Akleh's death and stated there is a high possibility she was accidentally hit by IDF gunfire. According to media, the military advocate general stated there was no suspicion of a criminal offense and declined to open a criminal investigation

into the incident. Some human rights NGOs criticized the IDF's inquiry, stating it could not replace a criminal investigation.

On January 10, police officers pushed, detained, and conducted a physical search of journalist Yasser Okbi while he was covering a protest against afforestation activity in an area of the Negev for which local Bedouins claim ownership, despite Okbi's identifying himself as a journalist, according to UJI. Okbi was released after several hours.

On October 19, a police officer beat *Yediot Aharonot* reporter Hassan Sha'alan, confiscated his mobile phone, and deleted videos from it while Sha'alan was reporting in Jisr al-Zarqa and despite Sha'alan presenting identification showing he was a journalist.

On August 4, the UJI sent a letter calling on the state attorney to examine DIPO's lack of action on complaints filed by journalists who faced police violence due to their reporting. According to the letter, the UJI documented 27 cases of police violence toward journalists since 2020. The UJI requested information on the handling of complaints and stated the lack of action by DIPO had created a chilling effect that stopped the submission of new complaints.

Palestinian journalists who were able to obtain permits to enter Israel as well as Jerusalem-based Arab/Palestinian journalists reported incidents of harassment, racism, and occasional violence when they sought to cover news in Jerusalem, especially in the Old City and its vicinity. According to the RWB, on August 7, Israeli authorities prevented three Palestinian reporters from reporting on activities in Jerusalem and near Haram al-Sharif/Temple Mount. Israeli police detained Agence France-Presse photographer Ahmad Gharabli and al-Mayadeen reporter Mohammed Ashu after an Israeli settler attacked Gharabli and stole his camera. An Israeli police officer who was present during an Israeli settler attack on J-Media photojournalist Ghassan Abou Eid in East Jerusalem allowed the attack to take place and did not intervene. According to the RWB, the video shows the settler grabbing the journalist's camera and then damaging it. Palestinian journalists also alleged Israeli security forces detained Palestinian journalists and forced them to delete images and videos under threat of violence, arrest, or administrative detention.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Police regulations grant broad authorities to prevent journalists’ access to violent incidents but also require authorities to minimize the violation of media freedom to cover those incidents.

All media organizations must submit to the Israeli Military Censor, a unit within the IDF’s Directorate of Military Intelligence, any material relating to specific security matters or strategic infrastructure matters such as oil and water supplies. Organizations may appeal the censor’s decisions to the Supreme Court, and the censor may not appeal a court judgment.

News printed or broadcast abroad is subject to security censorship. The government regularly enacted restrictive orders on what it deemed to constitute sensitive security information and continuing investigations, and it required foreign correspondents and local media to abide by these orders. According to IDF data provided in response to a Freedom of Information Act request by *+972 Magazine* and published on June 15, in 2021 the censor interfered with the content of 1,313 articles of 7,413 articles submitted to it and banned 129 articles.

According to the media watchdog Seventh Eye, police continued a policy of automatically requesting gag orders during investigations of certain crimes and complex cases to prevent public discourse of active investigations.

While the Israeli government retained the authority in East Jerusalem to censor the printing of publications for security concerns, anecdotal evidence suggested authorities did not actively review the Jerusalem-based *al-Quds* newspaper or other Jerusalem-based Arabic publications. Editors and journalists from those publications, however, reported they engaged in self-censorship due to fear of retribution by Israeli authorities.

On April 8, the spokespersons of the IDF, the police, and Shin Bet sent a letter to the Israeli press saying their coverage of the April 7 terror attack in Tel Aviv put security forces at risk and lacked “censorship and self-criticism.” It further stated that while the agencies understood the importance of the media in a democratic country, media outlets should limit the content of their live coverage at the scene of a security incident.

**Libel/Slander Laws:** Israeli law allows for both civil suits for damages and private criminal complaints alleging libel and slander. The maximum sentence in criminal libel or slander cases is one year imprisonment. According to the HRDF, individuals, state authorities, and right-wing NGOs abused civil suits, including allegations of defamation, violation of privacy, and copyright infringement, to discourage public criticism of the Israeli occupation of the West Bank and East Jerusalem. For example, the City of David Foundation, also known as Elad, a right-wing organization that settles Jewish persons in Palestinian areas of East Jerusalem, sued NGOs Emek Shaveh, Ir Amim, and Mehazkim, and three human rights defenders for defamation, seeking more than four million shekels (\$1.16 million) in compensation, according to the HRDF, which is representing the human rights defenders. The suit alleged the NGOs' campaign protesting musical performances held on contested land in Jerusalem was defamatory.

A defamation lawsuit to discourage public criticism of Israel's occupation of the West Bank filed in 2020 by the settler regional council of "Samaria" against former member of the Knesset and head of the Zulat Institute Zehava Galon for her criticism of two settlers who allegedly shot and killed a Palestinian attacker, was pending as of year's end.

**National Security:** The law criminalizes as "terrorist acts" speech supporting terrorism, including public praise of a terrorist organization, the display of symbols, expression of slogans, and "incitement." The law authorizes restrictions on the release of bodies of terrorists and their funerals to prevent "incitement to terror or identification with a terrorist organization or an act of terror."

On May 12, undercover police officers arrested Maryam Abu Qweder, a Bedouin student from Ben Gurion University, during a vigil for journalist Shireen Abu Akleh, under suspicion of incitement to disobedience with intent to harm the state and incitement to insurrection, due to her posts on social media. Abu Qweder was previously questioned by Shin Bet for the same reason. According to the NCF, Abu Qweder was released from arrest with restrictions regarding her communications means, including a ban from using a computer or phone without approval, and a ban from leaving her house alone.

## **Internet Freedom**

The government regularly monitored electronic communications for what it said were security purposes and routinely censored online content it suspected as illegal according to domestic law. The law authorizes district court judges to restrict access to internet sites to prevent the commission of crimes. The Cyber Unit of the State Attorney's Office further requested that content intermediary companies remove or restrict access to, on a voluntary basis, content and accounts suspected of violating domestic law.

According to data released during the year, the number of requests for content removal submitted to the Cyber Unit by law enforcement and security services increased from 4,830 in 2020 to 8,287 in 2021; 72 percent of the cases resulted in a Cyber Unit request to content providers for voluntary removal or limitation. Of the requests, 2,177 were submitted to the unit during Operation Guardian of the Walls and the civil unrest in the country. During the year, the Cyber Unit reported a significant increase in content removal submissions from security agencies during the wave of terror attacks in the country between March 22 and April 30. This included more than 14,000 requests to remove social media posts, of which the Cyber Unit requested that social media platforms remove more than 10,000 of them, arguing they violated Israeli law and the terms and conditions of the intermediary. On April 15, the Tel Aviv District Court issued an order to block a Facebook page, which according to the Israeli government was affiliated with Hamas, after Meta turned down a request from the Cyber Unit to remove the page.

## **Restrictions on Academic Freedom and Cultural Events**

There were few government restrictions on academic freedom or cultural events.

The law allows the minister of finance to reduce government funding for organizations that engage in commemoration of the *Nakba*, or “catastrophe,” as a day of mourning, referring to the displacement of Palestinians during Israel's 1948 War of Independence; reject the existence of Israel as a “Jewish and democratic state”; support an armed struggle or an act of terror against Israel; or deface state symbols.

On March 7, the Education Ministry published a tender meant to create a database

of providers of educational programs for schools, which included a clause requiring providers to declare they will not “deny the existence of Israel as a Jewish and democratic state” or “mark Israel’s official Independence Day as a day of mourning.” On April 13, Adalah filed a petition to the Jerusalem District Court demanding the Education Ministry cancel the clause as it applied the Nakba Law incorrectly. According to Adalah, the tender violates freedom of expression and the right of Arab students to an education that respects and recognizes their history, culture, and heritage. On August 22, the Ministry of Education reopened the tender to require only that the educational programs not include content that “denies the existence of Israel as a Jewish and democratic state” or “marks Israel’s official Independence Day as a day of mourning,” without requiring a pledge from program providers. Adalah withdrew its petition but reserved the right to challenge the amended requirements, arguing they wrongfully prohibited educational content recognizing Palestinian history, culture, and heritage.

The Fringe Theater in Beer Sheva canceled on June 16 a performance of the play *Basic Instinct*, which included testimonies of soldiers given to BTS, ostensibly citing low ticket sales, after a letter from a right-wing group had urged the municipality to cancel the event and a senior municipality official put pressure on the theater to cancel the play. Actors’ and directors’ associations condemned the decision and on July 6, a group of 67 prominent actors and writers sent a letter calling on the minister of culture to prevent this violation of freedom of expression. The minister dismissed the call and replied that, “the best way to maintain freedom of expression is through minimal intervention of politicians in decisions of cultural institutions.”

Authorities continued to delete certain information on Palestinian history and culture from the Palestinian Authority (PA) curriculum. Authorities sought to tie funding for schools to the use of the Israeli curriculum (see the *West Bank and Gaza Human Rights Report* for concerns regarding incitement and antisemitism in PA textbooks) and took actions against noncompliant schools. For example, on July 28, Minister of Education Yifat Shasha-Biton instructed the ministry to revoke licenses of six schools in East Jerusalem whose curricula allegedly included inciteful material against the Israeli government and army. The six schools were granted a conditional one-year license to amend their curricula or lose their

licenses entirely. On September 19, the Palestinian Unified Parents Council, in cooperation with the General Union of Teachers and the PA Jerusalem Governorate, went on strike, keeping their children home from several East Jerusalem schools, to protest perceived efforts by the government to censor and edit Palestinian textbooks, and imposition of an Israeli curriculum in Palestinian classrooms.

The government maintained prohibitions on numerous prominent Jerusalem-based Palestinian institutions, such as the Jerusalem Chamber of Commerce and the Orient House, which had been the de facto Palestine Liberation Organization office. The government renewed a closure order for these and other institutions under a 1994 law passed after the Oslo Accords that requires the PA to obtain Israeli permission to open a representative office or hold a meeting in areas Israel recognizes as under its sovereignty. In the past, the Israeli government shut down Palestinian institutions and cultural events in Jerusalem that the government stated had PA participation or support, incited violence against Israel, or had anti-Israel or other objectionable content; however, no such closure occurred during the year.

Israeli authorities stated they would also detain and ban PA-affiliated officials in Jerusalem from conducting PA-related activities. Israeli forces arrested three persons on the grounds of violating the ban. PA officials publicly pointed to the 1993 letter sent by then Israeli Foreign Minister Shimon Peres to his Norwegian counterpart Johan Holst as proof of an agreement to allow Palestinian institutions and activities in East Jerusalem.

NGOs reported that on August 1, Israeli police raided al-Quds University's library in Jerusalem's Old City and confiscated documents and equipment. During the raid, Israeli police confiscated documents and laptops from employees of Iban al-Quds Society, a Palestinian organization, who were present; police summoned these individuals to the police station the next day, where they were questioned about their sources for funds and were warned not to engage in any political activity.

## **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the

government generally respected these rights except for Palestinian residents of Jerusalem, for whom the government limited and restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law provides for this right, and the government generally respected it except for Palestinian residents of Jerusalem.

There were reports police used excessive force in response to protests throughout the country and in East Jerusalem.

Human rights NGOs reported police officers used chokeholds as a means of restraint. On February 27, police issued a directive stating the technique should be avoided as much as possible, following a 2021 appeal by NGOs to the minister of public security and the police. On March 31 and June 27, NGOs called for a complete halt of the use of the chokehold, providing six examples of its use against ultra-Orthodox individuals and Palestinian residents of Jerusalem since the police directive was issued.

On June 13, Adalah appealed the decision not to open investigation into the violent police dispersal of a protest in Umm al-Fahem in February 2021, which led to the injury of dozens of protesters, including Knesset member Yousef Jabareen and Umm al-Fahem Mayor Samir Sobhi.

On February 9, ACRI and the Movement for Freedom of Information in Israel submitted a Freedom of Information petition demanding police make public their standard policies, procedures, and methods for dispersing protesters, such as water cannons, soft bullets, and chemical irritants. On October 2, the court granted the petition and ordered police to publish their policies. The publication of the policies on December 1 illustrated that police previously had violated their own policies, according to ACRI.

On February 21, the prosecution decided to cancel an indictment from March 2021 against Sisat Fante, an Ethiopian-Israeli activist accused of threatening and insulting a police officer during a demonstration against police violence and racial profiling. According to the HRDF, which provided legal defense for Fante,



Ethiopian-Israeli activists were frequently mistreated by police. Fante previously stated the indictment against him had been filed in order to deter his activism.

On June 23, a magistrate court convicted Israel National Police Chief Superintendent Niso Guetta of assaulting a protester and a photographer in 2020 during demonstrations against Prime Minister Benjamin Netanyahu. On August 9, the court sentenced Guetta to five months' probation.

On August 8, ACRI and Adalah submitted a petition to the Supreme Court arguing that Shin Bet had no authority to send threatening text messages to civilians. The petition referred to reports from May 2021 that many Arab citizens and Palestinian residents of Jerusalem had received text messages to their cell phones in Arabic, signed by Shin Bet, with the message, "You have been identified as a person who participated in violent acts in the al-Aqsa mosque. You will be held accountable." According to the petitioners, the messages created a chilling effect on participation in demonstrations. The petition was pending as of year's end.

There were reports Israeli authorities used excessive force against protesters in East Jerusalem, at the Damascus Gate, and at Haram al-Sharif/Temple Mount throughout the year. For example, on February 18, police officers used batons and rode horses into the crowd during a peaceful demonstration against home evictions in Sheikh Jarrah. Police also installed roadblocks to prevent protesters from arriving to the protest area but eventually took them down. According to media reporting, on April 15, Israeli police entered the al-Aqsa compound, as thousands of worshippers were gathered. Videos showed police firing tear gas and stun grenades, and the Islamic Waqf, which has custody over the compound, stated a police officer shot one mosque guard in the eye with a rubber-coated bullet. Police said they entered the compound to respond to Palestinians hurling firecrackers and stones at their force and at the nearby Jewish prayer area by the Western Wall. Media reported that police allegedly beat mosque staff, elderly persons, young persons, and paramedics. According to the Palestinian Red Crescent, Israeli forces hindered the arrival of ambulances and paramedics to the mosque, and Palestinian media reported dozens of injured worshippers remained trapped inside the compound. Medics reported at least 158 Palestinians injured in the ensuing violence, and an estimated 300 to 400 persons were detained.

On May 29, as part of Jerusalem Day celebrations, a “flags march” took place in Jerusalem, in which at least 20,000 Israeli marchers entered the Old City of Jerusalem through the Damascus Gate, the main entry to the Muslim Quarter, according to press reports. Crowds danced and chanted “the nation of Israel lives” and “death to Arabs,” according to reports. Israeli police in riot gear blocked surrounding streets and forcibly removed Palestinian protesters from the route. The Palestinian Red Crescent reported 79 Palestinians were injured and 28 hospitalized by Israeli security forces using rubber bullets, sound grenades, and pepper spray, as well as by one instance of Israeli live fire. The clashes leading to these injuries occurred in other parts of East Jerusalem as well, such as Sheikh Jarrah. Police detained more than 60 suspects and remanded 35, including arresting on May 30 two Jewish men for allegedly assaulting Iyad Harb, an Arab/Palestinian journalist for the Israeli broadcaster KAN, while he was covering clashes in Sheikh Jarrah.

NGOs assessed that Israeli authorities used excessive and disproportionate force against pallbearers carrying journalist Shireen Abu Akleh’s coffin and mourners attending her funeral on May 13. Prior to the funeral procession, Israeli National Police (INP) officers in riot gear rushed the crowd gathered at the hospital, hitting and shoving persons inside with batons and deploying tear gas and concussive grenades, according to Israeli media and footage released by the hospital. A police officer told the crowd the funeral procession would not commence until the crowd stopped nationalistic chants, according to Israeli media. Video during the funeral procession documented police beating pallbearers with batons, nearly resulting in Abu Akleh’s casket being dropped to the ground, and showed police confiscating Palestinian flags from Abu Akleh’s casket, the hearse, and mourners. Israeli public security officials investigated the use of force by police during the Abu Akleh funeral, but according to reports authorities did not penalize any of the police officers or commanders involved. Following the investigation, Israeli Police Commissioner Kobi Shabtai stated Abu Akleh’s funeral had been a “complex event,” and “it is impossible to remain indifferent to the harsh images,” but he did not release any of the formal findings.

At the May 16 funeral of Walid Sharif, who died on May 14 from injuries sustained during clashes at Haram al-Sharif/Temple Mount on April 22, police

reportedly hit Palestinian pallbearers and mourners with stun grenades, rubber-coated steel bullets, tear gas canisters, and wastewater. Police reportedly entered the Mujahideen cemetery as well, and physically assaulted the mourners inside. The Palestinian Red Crescent reported a total of 71 injuries. There has been no report of an INP investigation into the use of force during Sharif's funeral.

According to the HRDF, Jerusalem police forces regularly confiscated, physically assaulted, and arrested peaceful protesters who waved the Palestinian flag, despite Public Security Minister Omer Bar-Lev's explicit order to the police commissioner and high-ranking officers that the Palestinian flag may only be confiscated during demonstrations under exceptional circumstances.

### **Freedom of Association**

The law provides for this right, and the government generally respected it.

The law prohibits registration of an association or a party if its goals include denial of the existence of the State of Israel or of the democratic character of the state.

The law requires NGOs receiving more than one-half of their funding from foreign governments to state this fact in their official publications, applications to attend Knesset meetings, websites, public campaigns, and any communication with the public. The law allows fines for NGOs that violate these rules. The government had not taken legal action against any NGO for failing to comply with the law as of year's end. Local NGOs critical of the government asserted the law sought to intimidate them, delegitimize them in the public eye, and prevent them from receiving foreign government funding (see section 5).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights for citizens. Citing security concerns and frequent attempted terrorist attacks, Israel imposed

significant restrictions on Palestinian movement in East Jerusalem and between the West Bank and Israel.

**In-country Movement:** The barrier that divides the majority of the West Bank from Israel, including communities within Jerusalem, and some parts of the West Bank, significantly impeded freedom of movement for Palestinians, affecting residents' access to their extended families, places of worship, employment, agricultural lands, schools, and hospitals as well as the conduct of commerce, journalism, and humanitarian and NGO activities. For example, restrictions on access in Jerusalem had negative effects, including delays at checkpoints lasting hours, on Palestinian patients and medical staff trying to reach the six Palestinian hospitals in East Jerusalem that offered specialized care. Authorities sometimes restricted internal movement in Palestinian neighborhoods of Jerusalem and Jerusalem's Old City and periodically blocked entrances to the East Jerusalem neighborhoods of Issawiya, Silwan, and Jabal Mukabber. The government stated the barrier was needed for security reasons and that restrictions on movement in Jerusalem were temporary and implemented only when necessary for investigative operations, public safety, or public order, and when there was no viable alternative.

**Foreign Travel:** Citizens generally were free to travel abroad, provided they had no outstanding military obligations and no administrative restrictions. Israeli law permits the government to bar citizens from leaving the country based on security considerations, unpaid debts, or unresolved divorce proceedings. Authorities do not permit any citizen to travel to any state officially at war with Israel without government permission. This restriction includes travel to Iran, Iraq, Lebanon, Syria, and Yemen.

On May 11, the Supreme Court rejected for the 16th time a petition by Mordechai Vanunu demanding Israel cancel administrative orders that prohibited his foreign travel, among other limitations. Vanunu was convicted in 1986 of treason and espionage for revealing the secrets of the Dimona nuclear plant to a British newspaper and sentenced to 18 years' imprisonment. Orders limiting his movement have been renewed annually since his release in 2004. The Supreme Court rejected Vanunu's request for an additional hearing on August 9.

The government began loosening pandemic-era foreign travel restrictions,

including lifting restrictions on international flights on January 7. Beginning in March, the government opened the country's borders to tourists.

The government was authorized to revoke residency permits of Palestinian residents of Jerusalem who had lived in another country, the West Bank, or Gaza for more than seven years. According to the government, as of mid-November Israeli authorities had revoked 66 residency permits in Jerusalem on these grounds. Some Palestinians who were born in Jerusalem but studied abroad reported losing their Jerusalem residency status, although the government denied revoking the residency status of anyone who left for the sole purpose of studying abroad. The government stated it would not revoke the residency status of individuals who maintained an "affinity to Israel" and that former residents who wished to return to Israel could receive renewed residency status under certain conditions.

Palestinian residents of Jerusalem possessing residency permits issued by the Israeli government, but not PA or Jordanian identity documents, needed special travel documents to leave the country.

The government generally prohibited Druze citizens and residents from visiting Syria. The government has prevented family visits to Syria for noncitizen Druze since 1982.

**Citizenship:** The law allows administrative courts to approve, under certain criteria, the minister of interior's request for revocation of citizenship of a person on grounds of "breach of trust to the State of Israel" or following a conviction for an act of terror. On July 29, the Supreme Court ruled this procedure was constitutional even if the revocation renders an individual stateless, as long as the interior minister grants the individual permanent residency or another designated status that preserves the right to social services. The ruling came following an appeal to the Supreme Court by Adalah and ACRI on the revocation of citizenship of Alaa Ziad and Mahmoud Mafarja, two individuals convicted of committing an act of terror. The petitioners argued the law was unconstitutional as it granted an extreme and vague authority, aimed to punish or deter, and targeted Arab/Palestinian citizens. The court overturned the citizenship revocation of Ziad and Mafarja on procedural grounds and stated the minister of interior could resubmit the revocation applications, something the minister did not do as of year's

end.

The Israeli government continued selective revocations of residency permits of some Palestinian residents of Jerusalem. This meant those residents could not return to reside in Jerusalem. Reasons for revocation included holding residency or citizenship of another country; living in another country, the West Bank, or Gaza for more than seven years; or, most commonly, being unable to prove a “center of life” (interpreted as full-time residency) in Jerusalem. On September 20, an appeals tribunal for the first time rejected an appeal of the Israeli minister of interior’s 2020 revocation of the stay permits and temporary residency status of seven East Jerusalem Palestinian residents who are relatives of Fadi al-Qanbar, who killed four Israeli soldiers in 2017. The family members are East Jerusalem residents who had received permits through family unification and child registration. Previously, the tribunal canceled Interior Minister Ayelet Shaked’s revocation decisions. In the recent ruling, the tribunal determined that although the Citizenship and Entry into Israel Law does not provide legal authorization to revoke family unification “based on a consideration of deterrence,” the court can broadly interpret the law, given the threat of terrorism. On September 29, Israeli media reported that Minister Shaked informed the seven relatives they must leave the country within the coming week. On October 18, HaMoked appealed the decision to the Jerusalem Administrative Court, stating there was no legal basis for deporting the relatives as a deterrent against terrorism, and challenging the proportionality of the measure. The relatives had not been forced to leave the country as of year’s end.

#### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers as well as to other persons of concern, except as noted below. The government did not allow UNHCR regular access to monitor the detention facility at Ben Gurion Airport.

**Access to Asylum:** The law provides for granting asylum or refugee status. The government has established a system for providing protection to refugees, but it has rarely granted refugee status, and the government often kept applications of

asylum seekers under temporary protection pending for years. NGOs alleged the government did this purposely. According to the government, as of October 27, the Population and Immigration Authority (PIBA) closed a total of 5,023 asylum applications, which were either rejected or abandoned, and accepted a total of three applications. Most asylum seekers received a “conditional release visa” that requires frequent renewal and is only available in two locations in the country. The government provided these individuals with a limited form of group protection regarding freedom of movement, protection against refoulement, and limited access to the labor market. Advocacy groups asserted that most government policies were geared toward deterring the arrival of future asylum seekers by pressuring those already in the country to depart, either by restricting their access to work, social and medical services, or by not examining their asylum requests.

As of September 30, there were 25,450 adult asylum seekers in the country, of whom 22,952 were from Eritrea or Sudan, according to PIBA. In addition, as of October, 8,430 children of asylum seekers resided in the country, the majority of whom were born in Israel, according to PIBA.

Since a 2019 government announcement that it would re-examine all asylum requests from Eritrea, including 10,000 pending applications and 3,000 applications that were previously denied, PIBA accepted 24 applications, three of them in 2022, and closed 3,815 applications, some being rejected and others abandoned for reasons such as departure, as of October 27.

According to the HRM, of the 2,426 Sudanese asylum seekers from Darfur, Nuba Mountains, and Blue Nile to whom PIBA committed in December 2021 to grant temporary residency status, at least 120 Darfuris had still not received their status as of year’s end. The temporary residency status grants asylum seekers the right to social benefits, but it can be revoked if an asylum request is denied. On November 30, the Hebrew Immigrant Aid Society (HIAS) submitted an administrative petition to a district court calling for the issuance of temporary residency visas to Sudanese asylum seekers from Darfur, Nuba Mountains, and Blue Nile whose asylum requests came after the cutoff date of previous petitions. The petition was pending as of year’s end.

Irregular migrants subject to deportation, including those claiming but unable to

prove citizenship in countries included in Israel's nonrefoulement policy, were subjected to indefinite detention if they refused to depart after receiving a deportation order. According to the government, as of November there were five migrants with undetermined or disputed citizenship in detention, compared with 165 in 2018 and 5,000 in 2015.

The government did not accept initial asylum claims at airports. Israeli authorities did not grant UNHCR access to the detention facility at Ben Gurion Airport.

**Safe Country of Origin/Transit:** PIBA applied a fast-track procedure to reject asylum applications of applicants from Georgia and Russia, which the Ministry of Interior determined were "safe" countries, and whose citizens sought work in Israel until their asylum applications were examined. According to the HRM, the fast-track procedure prevented the examination of cases in which there was a legitimate claim for asylum.

**Refoulement:** The government provided some protection against deportation or return of refugees to countries where their lives or freedom could be threatened, including Eritrea, Sudan, the Democratic Republic of the Congo (DRC), and the Tigray Region in Ethiopia, and stated its commitment to the principle of nonrefoulement. On February 27, the government began providing group protection to Ukrainian citizens. On April 6, Interior Minister Shaked announced the cancellation of protection for citizens of the DRC starting from May 4, stating decisions on applications of asylum seekers from the DRC would be examined on an individual basis only. On May 3, the Jerusalem District Court issued an interim order preventing the removal of group protection from citizens of the DRC following a petition by asylum seeker rights NGOs. On July 21, the state told the court it would remove the protection gradually, beginning with adults without accompanying children. On September 9, the court eased the petition with the agreement of the petitioners after the state agreed to postpone the lifting of the group protection to December 8, carefully postpone individual asylum requests of individuals from conflict areas, and not deport individuals to conflict areas.

The government offered incentives to irregular migrants to depart the country for Uganda, including a paid ticket and a stipend. The government claimed Uganda provided for full rights under agreements with Israel, but NGOs and UNHCR



confirmed that migrants who arrived at the destination did not receive residency or employment rights. From January to September, a total of 1,903 irregular migrants departed the country under pressure, compared with 1,688 in 2020. NGOs claimed many of those who departed to other countries faced abuse at their destination and that this transfer could amount to refoulement.

**Abuse of Migrants and Refugees:** Communities with large concentrations of African migrants were occasionally targets of violence. Additionally, government policies on the legality of work forced many refugees to work in “unofficial” positions, making them more susceptible to poor treatment and questionable work practices by their employers. PIBA, unlike police or the IPS, did not have an external body to which migrants could file complaints if subjected to violence, according to the HRM.

In March, following an HRM letter regarding instances of detained irregular migrants shackled prior to their deportation, Minister of Internal Security Omer Bar Lev replied to the HRM, stating women detainee migrants would not be shackled under any circumstances and men detainees would only be shackled outside of their ward if they are at risk of fleeing. The HRM did not report additional instances of shackling during the year.

On June 2, a magistrate court convicted an IPS employee on several counts of indecent acts and sexual harassment toward an asylum seeker in a detention facility following the rejection of his asylum request in 2019.

**Freedom of Movement:** Israeli law permits the government to detain asylum seekers from countries to which government policy prohibits deportation upon entry for two months, but no such arrivals were recorded during the year. The law also permits the government to detain without trial and for an indefinite period irregular migrants who were “implicated in criminal proceedings” (see section 1.d.).

Authorities prohibited asylum seekers released from detention after arrival in the country from residing in Eilat, Tel Aviv, Jerusalem, Petah Tikva, Netanya, Ashdod, and Bnei Brak – cities that already had a high concentration of asylum seekers.

**Employment:** There were credible reports the government restricted employment of asylum seekers. While conditional release visas for Eritrean and Sudanese asylum seekers do not include a work permit, making their employment an offense, the government continued its practice of not enforcing this offense against employers following a 2011 commitment to the Supreme Court. According to UNHCR, asylum seekers from countries not listed under Israel's nonrefoulement policy were restricted from working for three to six months after submitting their requests if they did not have a visa before applying. Asylum seekers are prohibited from working on government contracts, including local government contracts for cleaning and maintenance, which often employed irregular migrants.

In May the government announced it would no longer take enforcement actions against the employment of Ukrainian citizens on tourist visas who arrived following Russia's attack on Ukraine, provided that 90 days had passed since their entry and that they entered before October 1.

On June 30, PIBA published a new procedure prohibiting asylum seekers and Ukrainian citizens between the ages of 18 and 60 without minor children from working outside of the fields of construction, agriculture, institutional caregiving, and hotels in 17 cities across the country, and allowing them to work in restaurants only if already employed there. Following a letter from NGOs and a court petition, PIBA postponed the start date of the procedure from October to February 2023. On September 7, NGOs submitted a petition against the procedure to the Jerusalem District Court, which was pending at year's end. According to NGOs, the procedure would especially harm disadvantaged communities and young persons in the Israeli education system who will soon begin their adult life in the country.

**Access to Basic Services:** Legally recognized refugees received social services, including access to the national health-care system, but the government for the most part did not provide asylum seekers with public social benefits. According to the NGO Aid Organization for Refugees and Asylum Seekers in Israel (ASSAF), women victims of domestic violence, persons with disabilities and homeless persons among the asylum seeker community were eligible to limited social services but did not always have access to these rights. According to ASSAF, most asylum seekers in need of welfare and social services received them from aid organizations.

Asylum seekers were able to enroll in a health-insurance program only through their employers. Ukrainian citizens older than 60 became eligible for health insurance as of April.

Without insurance through employers, or when employers did not arrange a private insurance policy for them as required by law, asylum seekers had access only to emergency care. The Ministry of Health offered medical insurance for minor children of asylum seekers for 120 shekels (\$35) per month, but children of undocumented migrants were excluded from this program. On July 14, the government committed to extend the medical insurance scheme to undocumented minors, in response to a petition to the Supreme Court by the PHRI. On July 26, the court canceled the petition, but according to the PHRI, some undocumented minors were still refused access to the insurance scheme. The government sponsored a mobile clinic and mother and infant health-care stations in south Tel Aviv that were accessible to migrants and asylum seekers. Hospitals provided emergency care to migrants but often denied follow-up treatment to those who failed to pay, according to the PHRI. Mental-health services for the asylum seeker and refugee population remained limited to one clinic in Tel Aviv only treating 200 patients that had lengthy waitlists, according to the PHRI. Asylum seekers who were recognized as victims of trafficking were eligible for rehabilitation and care. The same eligibilities did not apply for some 4,000 refugees and asylum seekers who were victims of torture.

The law provides for mandatory education for any child from age three regardless of citizenship status. According to civil society organizations, several municipalities illegally segregated children of African asylum seekers from Israeli children in schools and kindergartens. On July 26, the Tel Aviv District Court rejected a petition from asylum seekers and NGOs that demanded an end to school segregation between Israeli and non-Israeli children in Tel Aviv. The court ruled that placement of children was mostly based on proximity to their homes and that there was no proof the municipality's actions were illegal. On November 20, ASSAF and ACRI appealed the ruling to the Supreme Court. The appeal was pending at year's end. Only 10 percent of children who arrived in Israel from Ukraine during the year were registered in Israeli schools, according to media reports.

**Durable Solutions:** There is no procedure for recognized refugees to naturalize. According to the Tel Aviv University Refugee Rights Clinic, only under exceptional humanitarian circumstances may a recognized refugee receive permanent residency.

**Temporary Protection:** The government provided temporary protection to individuals whom it did not recognize as refugees or who may not qualify as refugees, primarily Eritrean and Sudanese irregular migrants as described above.

Palestinian residents of the West Bank who claimed to be in a life-threatening situation due to their sexual orientation or for other reasons, such as women suffering from domestic violence, did not have access to the asylum system due to Israel's claim that the 1951 Refugee Convention does not apply to Palestinians because they receive assistance from the UN Relief and Works Agency. Many Palestinians in life-threatening situations therefore resided in Israel without legal status. NGOs stated this situation left persons who claimed they could not return to the West Bank due to fear of persecution vulnerable to human trafficking, violence, and exploitation. Some lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) Palestinians were able to obtain from the coordinator of government activities in the territories (COGAT) a temporary permit, renewed annually, allowing them to stay in Israel without authorization to work or to access social services. According to UNHCR, prior to the issuance of permits, COGAT requested proof of efforts to resettle in a third country. On June 19, the state told the Supreme Court it would grant work permits to Palestinians with a COGAT permit who fled the West Bank due to their LGBTQI+ identity or domestic violence, following a petition by asylum seeker rights groups. On July 7, the court dismissed the petition, welcoming the new government position. According to the Tel Aviv University Refugee Rights Clinic, individuals with a COGAT permit lived under threat that their permits would not be renewed.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

Despite being eligible for Israeli citizenship since 1981, an estimated 23,600 Druze living in territory captured from Syria in 1967 largely refused to accept it, and their status as Syrian citizens was unclear. They held Israeli “laissez passer” travel documents, which listed their nationality as “undefined.”

There were reports of some stateless third-generation members of the Hebrew Israelites community whom the government judged ineligible for Israeli citizenship.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Palestinian residents of Jerusalem and Druze of the Golan Heights who have permanent residency status may vote in municipal elections and seek some municipal offices, except that of mayor, but are denied the right to vote in general elections or serve in the Knesset.

### **Elections and Political Participation**

**Recent Elections:** Observers considered the November 1 parliamentary elections free and fair; they noted only minimal irregularities that had no impact on the outcome. More than 67 percent of eligible voters cast ballots.

**Political Parties and Political Participation:** The Basic Laws prohibit the candidacy of any party or individual that denies the existence of the State of Israel as the state of the Jewish people or the democratic character of the state, or that incites racism. A political party may not be registered if its goals or actions include support of an armed struggle, enemy state, or terror organization against Israel. Otherwise, political parties operated without restriction or interference.

On November 1, the Supreme Court overturned a Central Election Committee decision to disqualify the Arab/Palestinian political party Balad from the November 1 parliamentary election for denying the Jewish and democratic character of Israel.

The Northern Islamic Movement, banned in 2015, continued its practice of boycotting national elections.

The law restricts the funding of individuals and groups that engage in “election activity” during the period of a national election, which is typically three months.

The law allows dismissal of a member of the Knesset if 90 of 120 Knesset members vote for expulsion, following a request of 70 members, including at least 10 from the opposition. The party of an expelled member may replace the member with the next individual on its party list, and the expelled member may run in the next election. Arab parliamentarians and several NGOs asserted that the government intended the law to target Arab legislators and that the law harmed democratic principles such as electoral representation and freedom of expression.

In the period preceding the November elections, several NGOs requested that the Central Elections Committee and the Ministry of Interior set up polling stations for Arab Bedouin citizens in the unrecognized villages in the Negev. Authorities denied the request.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. The law provides an additional 15 percent in campaign funding to municipal party lists composed of at least one-third women. Women and minorities participated widely in politics, although their representation in the Knesset remained low. Of the 120-member Knesset, there were 35 women members and 14 members from ethnic or religious minorities (nine Muslims, three Druze, one Ethiopian-Israeli, and one Christian) before the November elections. After November elections there were 29 women in the Knesset and the government’s 35-member cabinet included six women. There were no Arabs in the cabinet. Six members of the 15-member Supreme Court were women, and one was Arab.

There are approximately 100,000 Arab Bedouin citizens who live in unrecognized villages in southern Israel who, because they do not have an official address (since their villages are unrecognized), cannot vote or run in municipal elections.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were reports of government corruption, although impunity was not a reported problem.

**Corruption:** The government continued to investigate and prosecute top political figures. The trial of Prime Minister Netanyahu continued at year's end on charges of bribetaking, fraud, and breach of trust, originally filed in 2019 during his previous term of office. The indictment also covered an alleged attempt to direct authorities to suppress media coverage in exchange for favorable press, and the alleged receipt of inappropriate gifts.

On February 7, the court accepted a plea deal with former Minister of Labor Haim Katz and sentenced him to a six-month suspended sentence and a fine of 75,000 shekels (\$21,900) for “conspiring to achieve a legitimate target via illegitimate means” but ruled his actions did not constitute corruption. On February 1, the court accepted a plea deal with former Interior Minister Aryeh Deri and sentenced him to a 12-month suspended prison sentence and a fine of 180,000 shekels (\$52,500) for tax offenses. On May 31, the court convicted Nathan Forman, a former Egged bus company official, for requesting bribes in the amount of 250,000 shekels (\$73,100) from the German company EvoBus. On August 8, the court sentenced former Health Minister Yaakov Litzman to an eight-month suspended sentence and a fine of 3,000 shekels (\$876) after he was convicted of breach of trust as part of a plea deal for trying to prevent the extradition of Malka Leifer, who was accused of pedophilia, to Australia.

The law prohibits police from offering a recommendation on whether to indict a public official when transferring an investigation to prosecutors. The attorney general or state prosecutor may ask police for a recommendation, however. Detectives or prosecutors convicted of leaking a police recommendation or an investigation summary may be sentenced to up to three years' imprisonment. The law does not apply to investigations in process at the time of the law's passage.

## **Section 5. Governmental Posture Towards International and**

## **Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of Israeli human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, and parliamentarians routinely invited NGOs critical of the government to participate in Knesset hearings on proposed legislation. Human rights NGOs have standing to petition the Supreme Court directly regarding governmental policies and may appeal individual cases to the Supreme Court.

Human rights NGOs alleged Israeli authorities cited laws against terrorism or protecting national security to arrest or punish critics of the government or deter criticism of government policies or officials. On August 18, the IDF raided and barred entry to the offices of seven Palestinian NGOs that work on human rights issues in and around Ramallah (Area A of the West Bank). According to the NGOs and media, during the raids, Israeli soldiers shot tear gas, prevented employees from approaching the offices, vandalized the spaces, and sealed with large iron plates the doors of all seven organizations. Video footage showed Israeli forces loading equipment and materials belonging to the organizations into their vehicles. During the raids, the IDF reportedly damaged the Anglican church in Ramallah, which houses the office of al-Haq, one of the organizations, during a related search. In October 2021, then-Israeli Minister of Defense Benny Gantz had designated six of the organizations (al-Haq, Addameer Prisoner Support and Human Rights Association, Defense for Children International-Palestine, the Bisan Center for Research and Development, the Union of Palestinian Women Committees, and the Union of Agricultural Work Committees) as terrorist organizations, alleging these organizations had connections to the Popular Front for the Liberation of Palestine, which has been designated a terrorist organization both by Israel and the United States. Israel previously had designated the seventh NGO, the Union of Health Work Committees, in 2020. The designated groups are based in the West Bank, but the designation applies both within the West Bank under IDF military order, and in Israel under the law.

On July 14, the deputy legal advisor for the Ministry of Defense sent letters to



attorneys representing three of the Palestinian NGOs designated as terrorist organizations by the Ministry of Defense in 2021. The letters cited provisions of the counterterrorism law and recommended the attorneys seek a governmental permit to provide legal representation to the organizations to avoid criminal liability for performing a transaction in support of a terrorist organization. The letters were received six days before a hearing to challenge the NGOs' designation. The attorneys argued that the challenging of the designation itself is excluded from the counterterrorism law, froze proceedings regarding the appeals, and on July 24, demanded the attorney general instruct the Ministry of Defense to remove the demand for the permit to represent their clients. On August 22, 53 Israeli NGOs issued a statement of solidarity with the designated NGOs, despite the possible implications for themselves under the country's Counter-Terrorism Law. The NGOs called on the international community to pressure the Israeli government to reverse the designation and alleged the designation was done to criminalize and prevent documentation of human rights abuses and prevent legal advocacy and aid for human rights work. Domestic NGOs, particularly those focused on human rights abuses, continued to view the law requiring disclosure of support from foreign entities on formal publications as an attempt to stigmatize, delegitimize, and silence NGOs critical of the country's occupation of the West Bank and Gaza.

The staff of domestic NGOs, particularly those calling for an end to the country's military occupation of the West Bank, stated they received death threats from nongovernmental sources.

**The United Nations or Other International Bodies:** The government generally cooperated with the United Nations and other international bodies aside from several high-profile cases. The country withdrew from UNESCO in 2019. The government continued its policy of nonengagement with the UN Human Rights Council's "special rapporteur on the situation in the Palestinian territories occupied since 1967" and May 2021 "Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel." The government suspended relations with the Office of the UN High Commissioner for Human Rights and has stopped granting visas to its staff since the 2020 publication of a UN Human Rights Council database of companies and "business activities related to settlements in the Occupied Palestinian Territory."

**Government Human Rights Bodies:** The state comptroller served as ombudsman for human rights problems. The ombudsman investigated complaints against statutory bodies subject to audit by the state comptroller, including government ministries, local authorities, government enterprises and institutions, government corporations, and their employees. The ombudsman is entitled to use any relevant means of inquiry and has the authority to order any person or body to assist in the inquiry.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is a felony for which conviction is punishable by 16 years' imprisonment. Conviction of rape under aggravated circumstances or rape committed against a relative is punishable by 20 years' imprisonment. Killing a spouse following abuse is chargeable as murder under aggravated circumstances, with a sentence of life imprisonment if convicted. Authorities generally enforced the law.

In 2021 the number of requests for assistance involving rape to the Association for Rape Crisis Centers was 9 percent higher than in 2020. Police opened 1,532 investigations of suspected rape in 2021, compared with 1,456 in 2020.

On July 5, Minister of Public Security Omer Bar-Lev approved the dismissal of IPS intelligence officer Rani Basha, following the reopening of an investigation into allegations that he forced women guards into sexual situations with Palestinian prisoner Muhammad Atallah from 2015 to 2017 in exchange for intelligence information. The prosecution closed the case against Basha in 2018 for lack of evidence, but the state attorney reopened the case in 2021 following the discovery of new evidence. The investigation was pending as of the end of the year.

During the year, there were 24 killings of women and girls by their partners or other family members, according to Israel Observatory on Femicide. According to the Israel Women's Network, more than 200,000 women lived in situations of domestic violence. According to a report by Women's International Zionist Organization, in 2021 police opened 24,695 investigations on offenses between

partners, a decrease of 3.3 percent from 2020. According to the report, during 2021, the prosecution filed 7,852 indictments in cases of domestic violence, a 52 percent increase from 2020. The Ministry of Welfare and Social Affairs' hotline received 5,712 calls regarding domestic violence cases between January and October, compared to 7,977 in the same period during 2021.

According to the government, the Ministry of Welfare and Social Affairs operated 16 shelters for survivors of domestic abuse, including two for the Arab community, two mixed Jewish-Arab shelters, two for the ultra-Orthodox community, and eight for non-ultra-Orthodox Jewish communities. The ministry also operated a hotline to report domestic abuse, including a text-message-based hotline. One hundred social workers collaborated with police for immediate intervention after a complaint to the police. The Ministry of Justice Legal Aid Department represented women seeking restraining and safety orders and defended them in domestic violence cases.

On July 30, a magistrate court ordered a woman at risk of being killed by her husband to move to a shelter despite her resistance, based on a police request. Following an appeal to a district court, the order was reversed by the magistrate court on August 1, acknowledging that while police sought to maintain the woman's safety, there was no authority to limit the freedom of the woman, who had not committed an offense. On July 31, women's rights groups called on the police commissioner to instruct officers to protect women survivors of domestic violence without limiting their freedom and to devote resources to arresting and indicting those threatening their lives.

**Sexual Harassment:** Sexual harassment is illegal. Penalties for sexual harassment depend on the severity of the act and whether the harassment involved blackmail. The law provides that victims may follow the progress on their cases through a computerized system and information call center. In 2021, the prosecution filed 198 indictments for sexual harassment, compared to 47 indictments in 2020. According to a Civil Service Commission report, in 2021 there were 314 sexual harassment complaints submitted to its Department of Discipline, compared with 230 complaints in 2020. During 2021, the commission submitted 18 lawsuits to its disciplinary tribunal, compared with 20 in 2020.

On November 28, a state comptroller's report published data from a 2022 IDF investigation, according to which one-third of women soldiers experienced sexual harassment.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The country has maintained pronatalist policies, offering financial incentives to childbirth and funding many reproductive health-care services, while not funding contraceptives. Women were able to safely go through pregnancy and childbirth.

Individuals were able to be informed and have access to safe, effective, and affordable methods of family planning/contraception. Emergency contraception was available as part of method mix. Traditional practices in Orthodox Jewish communities often led women to seek approval from a rabbi to use contraception.

According to NGOs, Arab/Palestinian women citizens of Israel, particularly from the Bedouin population, women asylum seekers, women without legal status, and Palestinian women from East Jerusalem, had limited access to health-care services.

Women had access to emergency health care, including services for the management of complications arising from abortion. Abortions can only take place following approval of an application to a medical committee.

The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of clinical management of rape.

**Discrimination:** The law provides generally for the same legal status and rights for women as for men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing business property. The government generally enforced the law effectively, but a wage gap between women and men persisted (see section 7.d.). Women experienced discrimination in religious courts responsible for the adjudication of family law, including marriage and divorce.

The law allows a Jewish woman or man to initiate divorce proceedings, but both the husband and wife must give consent to make the divorce final. Sometimes a husband makes divorce contingent on his wife acceding to demands, such as those relating to property ownership or child custody. Jewish women in this situation cannot remarry, and any children born to them from another man would be deemed illegitimate by the rabbinate without a writ of divorce. Rabbinical courts sometimes punished a husband who refused to grant his wife a divorce, while also stating they lacked the authority under Jewish religious law to grant the divorce without a husband's consent.

A Muslim man may divorce his wife without her consent and without petitioning the court. A Muslim woman may petition for and receive a divorce through the sharia courts without her husband's consent under certain conditions. A marriage contract may provide for other circumstances in which she may obtain a divorce without his consent. Through ecclesiastical courts, Christians may seek official separations or divorces, depending on their denomination.

In some ultra-Orthodox neighborhoods, private organizations posted "modesty signs" demanding women obscure themselves from public view to avoid distracting devout men. Such signs remained in place in Beit Shemesh despite a 2018 court order for their removal.

Publicly displayed photographs of women were regularly defaced in cities with large ultra-Orthodox populations. According to media reports, due to failed enforcement against vandalism, some companies preferred to self-censor and not show women in their ads. On December 2, ultra-Orthodox news website *Behadrei Haredim* issued an apology and provided monetary compensation to five women leaders of progressive Judaism movements, who sued it after the website published a photo from a meeting they held with President Herzog, blurring out women participants.

Women's rights organizations reported a continuing trend of gender segregation and women's exclusion, including in public spaces and events, in the IDF, and in academia. For example, in March a Rahat municipality requirement for Bedouin women to sit in the back of the city's cultural center during a music event led to a protest by Bedouin women. The Tel Aviv municipality held some 25 gender-

segregated events during the summer vacation, including for three-year-old children, despite its stated policy not to allow gender segregation in public spaces.

## **Systemic Racial or Ethnic Violence and Discrimination**

Several laws provided protection of members of racial or ethnic minority groups against discrimination in employment and products and services. Supreme Court rulings have affirmed that the right to equality is derived from the basic law: Human Dignity and Liberty. The government generally enforced these laws, but institutional and societal discrimination persisted.

There were numerous reports of discrimination against Mizrahi Jewish citizens (Jews with roots in the Middle East and North Africa), Ethiopian Jewish citizens, Arab and Druze Israeli citizens, as well as migrant workers from Asia, and African migrants. Persons presenting as Asian reported experiencing harassment. Some immigrant laborers experienced poor and sometimes life-threatening working and living conditions (see section 7.e.).

The State Attorney's Office published on May 18 a summary of the cases filed in relation to the May 2021 escalation of intercommunal violence across the country, including Jerusalem. The summary indicated the vast majority of the 616 defendants were Arab citizens and Palestinian residents of Jerusalem, and more than 26 percent of cases were against minors.

On July 28, the state comptroller released a special audit report on policing and law enforcement in mixed Jewish-Arab cities during the May 2021 escalation of the Israeli-Palestinian conflict. The audit indicated deficiencies in police response before and during the clashes as well as in police preparedness for multifront civil disorders particularly in mixed cities. For example, the audit revealed that at the height of the events in the city of Lod, approximately 2,800 calls from residents between May 11 and 13 to the police were not even answered, while another 4,000 were answered but did not receive an appropriate police response. The report also highlighted gaps between local government services provided to Jewish residents and those provided to Arab residents such as property allocations, support for addressing religious services, welfare, youth, and cultural issues. The NGO Abraham Initiative called on authorities urgently to reduce such gaps between

Arab and Jewish residents.

Arab Muslims, Christians, Druze, and Ethiopian citizens faced persistent institutional and societal discrimination. Arab/Palestinian communities in Israel continued to experience high levels of crime and violence, especially due to organized crime and high numbers of illegal weapons, according to government data and NGOs. Causes included a low level of police enforcement surrounding violence and organized crime within Arab communities; limited financial services and access to credit in Arab localities; easy access to illegal weapons; and socioeconomic factors, such as poverty, unemployment (especially among youth), limited housing, and the breakdown of traditional family and authority structures, according to the Abraham Initiatives and other NGOs. Israeli authorities investigated reported attacks against Palestinians and Arab/Palestinian citizens of Israel, primarily in Jerusalem, by members of organizations that made anti-Christian and anti-Muslim statements and objected to social relationships between Jews and non-Jews.

Although the law provides that all residents of Jerusalem are fully and equally eligible for public services provided by the municipality and other authorities, the Jerusalem municipality and other authorities failed to provide sufficient social services, education, infrastructure, and emergency planning for Palestinian neighborhoods, especially in the areas between the barrier and the municipal boundary. Approximately 117,000 Palestinians lived in that area, of whom approximately 61,000 were registered as Jerusalem residents, according to government data. According to the Jerusalem Institute for Policy Research, 78 percent of East Jerusalem's Arab residents and 86 percent of Arab children in East Jerusalem lived in poverty in 2017, the most recent year for which data were available.

There were multiple instances of security services or citizens racially profiling Arab/Palestinian citizens. Some Arab/Palestinian civil society leaders described the government's attitude toward the Arab/Palestinian minority as ambivalent; others cited examples in which Israeli political leaders incited racism against the Arab/Palestinian community or portrayed it as an enemy.

Throughout the year, there were reports of nationalistic hate crimes by Jewish

individuals and groups against Palestinians and Arab/Palestinian citizens of Israel and property, often with the stated purpose of exacting a “price” for actions taken by the government against the attackers’ interest. The government classifies any association using the phrase “price tag” as an illegal association. The government further classifies a price-tag attack as a security (as opposed to criminal) offense. According to police, the most common offenses were attacks on vehicles, defacement of real estate, harm to Muslim and Christian holy sites, assault, and damage to agricultural lands. For example, on November 25, Jewish individuals burned five vehicles in the villages of Abu Gosh and Ein Nakuba near Jerusalem and sprayed discriminatory graffiti saying “enough with the terror attacks. Deportation to the Arabs.” On November 26, police arrested three suspects in association with this incident, one adult and two minors. On November 29, the minister of defense issued an administrative detention order against the adult, who was previously in administrative detention and was previously convicted for violence against Palestinians.

On April 27, the Jerusalem Magistrate Court convicted seven individuals who participated in a 2015 “hate wedding,” during which they stabbed photos of Ali Dawabshe, a victim of a Jewish attack against a Palestinian family, sang hateful songs and chants against Palestinians, and waved rifles and bottles in the air. Six of the individuals were convicted of incitement to violence and terror, one of whom also was convicted of incitement to racism, and one individual was acquitted.

On August 4, approximately 50 Palestinian workers in Israel were ordered off an Israeli bus heading to the West Bank on the account of their ethnicity/nationality following a request by Jewish passengers, according to media reports.

The government maintained an “appropriate representation” policy for non-Jewish minorities in the civil service. Arab citizens comprised 12.2 percent of public-sector employees (61.5 percent of whom were entry-level employees), according to the Civil Service Commission. Approximately 2.5 percent of employees in the 62 government-owned companies were Arab citizens. Both of these figures were significantly lower than the 21 percent of the Israeli population composed of Arab citizens.



Separate school systems within the public and semipublic domains produced a large variance in education quality. Arab, Druze, and ultra-Orthodox students passed the matriculation examination at lower rates than their non-ultra-Orthodox Jewish counterparts. The government continued operating educational and scholarship programs to benefit Arab students. There are more than 60,000 Arab students in higher education representing 18 percent of all students in Israel, whereas they are 21 percent of the population (including Palestinian residents of Jerusalem), according to the Council for Higher Education, an increase of 133 percent since the beginning of the last decade.

Approximately 93 percent of land is in the public domain. This includes approximately 12.5 percent of all land in the country that is owned by the Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews. Arab/Palestinian citizens of Israel are allowed to participate in bids for JNF land, but the Israel Lands Administration grants the JNF another parcel of land whenever an Arab/Palestinian citizen of Israel wins a bid. While the Supreme Court ruled in 2018 that the Lands Administration Executive Council must have representation of an Arab, Druze, or Circassian member to prevent discrimination against non-Jews, there were no members from these groups on the executive council at year's end.

The Bedouin segment of the Arab population continued to be the most socioeconomically disadvantaged. More than one-half of the estimated 268,000 Bedouin citizens in the Negev lived in seven government-planned towns. In nine of 11 recognized villages, none of the residences were connected to the electrical grid or the water infrastructure system, according to the NCF. Nearly all public buildings in the recognized Bedouin villages were connected to the electrical grid and water infrastructure, as were residences that had received a building permit, but most residences did not have a building permit, according to the government. Each recognized village had at least one elementary school, and eight recognized villages had high schools.

Approximately 90,000 Bedouins lived in 35 unrecognized tent or shack villages without access to any government services (see section 1.e. regarding demolition and restitution for Bedouin property). Residents of unrecognized villages have no shelters or safe rooms from rockets, and the Iron Dome Missile Defense System

did not provide coverage for many of the Bedouin villages since the government considers them to be “open spaces.”

On November 14, the Supreme Court ordered the government – after the new government was sworn in – to reconsider including Arab local authorities in the Northern Triangle area in its National Priority Area Plan, which establishes certain areas eligible for housing, construction, and land development benefits.

An estimated population of 164,000 Ethiopian Jews experienced persistent societal discrimination, although officials and citizens quickly and publicly criticized discriminatory acts against them.

Pursuant to a 2021 Supreme Court ruling on a petition by rights groups seeking to prevent racial profiling and discrimination in law enforcement activities, police were banned effective January 28 from questioning or reviewing records of individuals without a reasonable suspicion of their having committed a crime.

On July 10, the Supreme Court rejected a petition submitted by the family of Yehuda Biadga demanding a criminal investigation against the police officer who shot Biadga, an Ethiopian-Israeli who suffered from a mental disability and was deemed a threat by police after approaching them with a knife.

The Anti-Racism Coordinating Government Unit is tasked with combating institutional racism by receiving complaints and referring them to the relevant government authorities and by raising public awareness, but NGOs have criticized the agency as lacking significant authority. A team at the Prime Minister’s Office was responsible for supervising a program to promote the assimilation of Ethiopian-Israelis.

## **Children**

**Birth Registration:** Regardless of whether they are born inside or outside of the country, children derive citizenship at birth if at least one parent is a citizen, provided the child resides with the parent who is a citizen or permanent resident. Births should be registered within 10 days of delivery. Births are registered in the country only if the parents are citizens or permanent residents. Any child born in an Israeli hospital receives an official document from the hospital that affirms the

birth.

For children of nonresident parents, including those who lack legal status in the country, the Ministry of Interior issues a confirmation of birth document, which is not a birth certificate.

The government registers the births of Palestinians born in Jerusalem, although administrative delays reportedly can last for years. The St. Yves Society estimated that more than 10,000 children in East Jerusalem remained undocumented.

**Education:** Primary and secondary education is free and universal through age 17 and compulsory through grade 12.

The government did not enforce compulsory education in unrecognized Bedouin villages in the Negev. Bedouin children, particularly girls, continued to have the highest illiteracy rate in the country, and more than 5,000 kindergarten-age children were not enrolled in school, according to the NCF. The government did not grant construction permits in unrecognized villages, including for schools.

There were reportedly insufficient classrooms to accommodate schoolchildren in Jerusalem. Based on population data from the Central Bureau of Statistics, the NGO Ir Amim estimated that in the 2020-2021 school year, there was a shortage of 2,840 classrooms for Palestinian children who were residents in East Jerusalem. Ir Amim reported that following a freedom of information request, Jerusalem Municipality stated it did not know where an estimated 37,233 Palestinian children in Jerusalem were enrolled in school. According to Ir Amim, this figure constituted 26.9 percent of East Jerusalem children of compulsory school age. The government operated public schools for Jewish children in which classes were conducted in Hebrew that were separate from schools for Arab children, whose classes were conducted in Arabic. For Jewish children, separate public schools were available for religious and secular families. Individual families could choose a public school system for their children to attend regardless of ethnicity or religious observance.

Jewish girls continued to be denied admission to ultra-Orthodox schools based on Mizrahi ethnicity (those with ancestry from North Africa or the Middle East) despite a 2009 court ruling prohibiting ethnic segregation of Mizrahi and

Ashkenazi schoolgirls, according to the NGO Noar Kahalacha. Several municipalities segregated children of African asylum seekers and other children in schools (see section 2.f.).

**Child Abuse:** The law requires mandatory reporting of any suspicion of child abuse. It also requires social service employees, medical and education professionals, and other officials to report indications that minors were survivors of, engaged in, or coerced into commercial sexual exploitation, sexual offenses, abandonment, neglect, assault, abuse, or human trafficking. The Ministry of Education operated a special unit for sexuality and for prevention of abuse of children and youth that assisted the education system in prevention and appropriate intervention in cases of suspected abuse of minors.

In a February 7 report, the state comptroller found that one out of 10 teenagers experienced cyberbullying, in one-third of the cases opened for sexual offenses in the online space there was a minor victim, and a quarter of the victims in the cases concerning the violation of the video law were minors.

According to local government officials and human rights organizations, rocket attacks and air-raid sirens led to psychological distress among children living near Gaza, including nightmares and posttraumatic stress disorder.

**Child, Early, and Forced Marriage:** The law sets the minimum age of marriage at 18, with some exceptions for minors due to pregnancy and for couples older than 16 if the court permitted it due to unique circumstances. Some Palestinian girls were coerced by their families into marrying older men who were Arab/Palestinian citizens of Israel, according to government and NGO sources.

**Sexual Exploitation of Children:** The law prohibits sexual exploitation of a minor and sets a penalty for conviction of seven to 20 years in prison. The law prohibits the possession of child pornography (by downloading) and accessing such material (by streaming). Authorities enforced the law. The Ministry of Public Security operated a hotline to receive complaints of activities that seek to harm children online, such as bullying, dissemination of hurtful materials, extortion, sexual abuse, and pressure to commit suicide.

The minimum age for consensual sex is 16. Consensual sexual relations with a

child between the age of 14 and 16 constitutes statutory rape for which conviction is punishable by five years' imprisonment.

## **Antisemitism**

Jews constituted close to 74 percent of the population, according to the Central Bureau of Statistics. The government often treated crimes targeting Jews as nationalistic crimes relating to the Israeli-Palestinian conflict rather than as resulting from antisemitism.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristic**

**Criminalization:** No laws criminalize consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** The law specifies that violent crimes motivated by sexual orientation should be considered hate crimes.

In 2021, Israel's umbrella LGBTQI+ organization The Aguda (Israel's LGBT Task Force) received 2,971 reports of homophobic incidents, 22 of which included physical violence against members of the LGBTQI+ community.

On February 27, two minors harassed a transgender woman activist and then assaulted her with pepper spray. A police officer arrested the two following the incident, but the charges were later dismissed. The two submitted counterclaims against the activist, which were dismissed without charge.

**Discrimination:** The law prohibits discrimination based on sexual orientation in providing goods and services and prohibits discrimination based on sexual orientation and gender identity in employment. The government generally

enforced the law, although some discrimination persisted against LGBTQI+ persons. The law did not allow for same-sex marriage, and LGBTQI+ couples experienced discrimination in matters related to parenthood, including adoption.

On March 16, following a petition by LGBTQI+ NGOs, the government told the Supreme Court it supported the prohibition of discrimination against LGBTQI+ couples in adoption, but was unable to obtain a majority to pass such a law in the Knesset. The petition was pending at year's end.

On July 25, an expanded panel of the Supreme Court rejected a petition to make lesbian couples' parental registration equal to that of heterosexual couples, thereby maintaining a requirement that nonbiological mothers obtain a parenting order to legalize their status as a mother.

According to the NGO Ma'avirim, transgender individuals continued to experience discrimination in health services due to their gender identity or expression, including refusal to respect patients' pronouns, intrusive and irrelevant questions, and offensive remarks.

**Availability of Legal Gender Recognition:** Transgender persons were able to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity following sex reassignment surgery or following approval by a medical committee. The option of identifying as "nonbinary/intersex/gender nonconforming" was not available.

Changing one's name was possible under Israeli law, but a clause in the law stating previous names must remain on the ID's addendum for seven years forced some transgender persons to come out before third parties such as employers or landlords, according to Ma'avirim. A petition seeking to challenge this was submitted to the Supreme Court in May and was pending at year's end.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Conversion therapy took place mainly within Jewish and Muslim religious communities. The law does not prohibit conversion therapy, but on February 14 the Ministry of Health issued a directive prohibiting all health professionals from providing conversion therapy. The minister of health said the ministry would sanction any ministry-certified professionals offering

conversion therapy, including license revocation. The directive does not address conversion therapy conducted by religious officials and uncertified individuals, who continued the practice.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

On June 26, police prohibited a Pride march in Mitzpe Ramon city center due to threats against marchers encouraged by a Yeshiva's anti-LGBTQI+ campaign. After diverting the march's route to a less central location, police approved a counter demonstration in the city center. Following a petition to the Supreme Court and criticism against police from the court, on June 29, police retracted their restriction. On July 1, the march took place in the city center as originally planned.

### **Persons with Disabilities**

The law protects the rights of persons with disabilities, including their access to education, employment, health services, information, communications, buildings, transportation, the judicial system, and government services. The government generally enforced these laws. On June 6, the Knesset passed a law allowing the Commission for Equal Rights of Persons with Disabilities to impose financial sanctions on public and private bodies that violate accessibility or adequate representation laws, beginning July 13, 2023. In 2021, the Knesset postponed until 2023 the deadline for making all government buildings accessible to persons with disabilities, five years past the original deadline.

The law requires that at least 5 percent of employees of every government agency with more than 100 workers be persons with disabilities. According to the NGO Bizchut, 18 percent of government agencies met the requirement, while 41 percent employed persons with disabilities at a rate of 3.5 to 5 percent, 33 percent employed persons with disabilities at a rate of 2 to 3.5 percent, and 8 percent employed persons with disabilities at a rate of less than 2 percent. According to rights groups, Arab/Palestinian persons with disabilities continued to suffer disproportionally from a lack of access to housing, public buildings, transportation, higher education, and information in Arabic from the government regarding their rights.

On February 27, a trial began for a border police officer who allegedly shot and

killed a Palestinian man with autism in Jerusalem after the man failed to heed the officer's calls to stop. The officer was indicted for reckless homicide in 2021, and his trial was pending at year's end (see section 1.a.).

In February and July, the prosecution indicted 13 workers at the Bnei Zion facility for persons with disabilities in Rosh Ha'Ayin for physically and mentally abusing residents in 600 incidents. The Ministry of Welfare and Social Services terminated the contract of the facility's operator.

Despite a 2020 reform seeking to encourage parents of students with disabilities to enroll them in classes with peers without disabilities rather than segregated classes, Ministry of Education data show that 63 percent of the students studied in segregated programs in the 2021/2022 school year. According to disability rights NGOs the 2020 law amendment did not include sufficient support and assistance to students for proper integration in the general education system.

## **Other Societal Violence or Discrimination**

Discrimination against persons with HIV is illegal. According to the Israel AIDS Task Force, institutional discrimination was rare, but persons with HIV continued to experience societal discrimination and stigmatization.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination. A labor court has discretionary authority to order the reinstatement of a worker fired for union activity.

The government effectively enforced all applicable laws protecting freedom of association, collective bargaining, and the right to strike, including prohibitions on antiunion discrimination. Penalties for violations were commensurate with other laws related to civil rights. Worker unions reported that during the year some employers actively discouraged union participation, delayed or refused to engage in collective bargaining, or harassed workers attempting to form a union.



According to the worker's rights NGO Kav LaOved, a growing number of workers in education, social work, security, cleaning, and caregiving were employed as contract workers, which infringed on their right to associate, as it reduced their bargaining power and their right to equality.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor, but the government did not effectively enforce the law with regard to migrant workers.

Migrant and Palestinian workers in agriculture and construction and women migrant domestic workers were among the most vulnerable to conditions of forced labor, including bonded labor, domestic servitude, and slavery. NGOs reported some vulnerable workers experienced forced labor, including the unlawful withholding of passports, restrictions on freedom of movement, limited ability to change employers, nonpayment of wages, exceedingly long working hours, threats, sexual assault, and physical intimidation, partly due to inadequate government oversight and monitoring.

To prevent forced labor, the country has bilateral work agreements (BWAs) with Bulgaria, Moldova, Romania, Ukraine, and China to employ migrants in the construction sector; with Thailand in the agricultural sector; with the Philippines, Sri Lanka and Uzbekistan in the caregiving sector; and with Georgia and Nepal for institutional caregiving. BWAs provided foreign workers with information regarding their labor rights as well as a translated copy of their labor contract prior to arrival in the country. The government continued to help fund a hotline for migrant workers to report violations and the government's enforcement bodies claimed all complaints were investigated. Migrant workers not covered by BWAs suffered from continuing widespread abuses and exploitative working conditions, including exorbitant recruitment fees, fraudulent employment contracts, and they lacked legal protection for housing, nonpayment of wages, physical and sexual violence and harassment.

Gray market manpower agencies engaged in forced labor by exploiting visa waiver agreements between Israel and former Soviet Union and Eastern European countries. Traffickers illegally recruited laborers to work in construction and

caregiving and charged them exorbitant recruitment fees and sold them extremely expensive documentation creating situations of debt bondage.

Chinese and Turkish construction companies in the country compelled workers to work under the threat of debt bondage or coercive promissory notes. In February Kav LaOved and the HRM submitted a petition to the Supreme Court demanding the government stop foreign construction companies' operation in the county or rule that such companies could only employ workers through BWAs in order to protect their rights. On July 20, the court rejected the petition in light of the state's efforts to combat modern slavery, including through the establishment of an inter-ministerial team on the subject. A request for an additional hearing on the case was rejected on October 2.

There were reports some employers in the agriculture sector circumvented the BWAs by recruiting "volunteers" from developing countries to earn money and learn Israeli agriculture methods. Volunteers worked eight to 10 hours per day at a salary equal to half the minimum wage and without social benefits. The individuals received volunteer visas, which did not permit them to work. Other firms employed foreign students registered for work-study programs that consisted of long hours of manual labor and paid less than the minimum wage. Some employers circumvented BWAs by recruiting low-skilled foreign workers under the guise of being "experts" in their field. PIBA guidelines prohibited experts from performing low-skilled jobs from countries with a lower GDP than Israel's, were listed on the *Department of State's Trafficking in Persons Report* as Tier 3 or Tier 2 Watch List, or from countries without a BWA.

PIBA did not succeed in preventing illegal trade permits and the payment of high brokerage fees by Palestinian workers employed in Israel by issuing work permits directly to Palestinian construction and industry workers. COGAT took down a mobile application meant to help to connect workers and employers after realizing it was being abused by brokers. The government continued to issue work permits to Israeli employers rather than to Palestinian workers in other sectors. The work permits linked the employee to a specific employer, creating a dependence that some employers and employment agencies exploited by charging employees recruitment fees, including monthly commissions. In many cases the employer of record hired out employees to other workplaces.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation based on race, religion, national origin, ethnicity, sex, pregnancy, disability, age, and sexual orientation. The law does not explicitly prohibit discrimination based on gender identity, HIV or AIDS status, or refugee or stateless status.

The government generally enforced applicable laws, and penalties for abuses were commensurate with other laws on civil rights, but civil society organizations reported that discrimination in the employment or pay of women, Arab/Palestinian citizens, Ethiopian-Israelis, and transgender persons persisted. The law charges the Commission for Equal Employment Opportunities with the implementation and civil enforcement of the Equal Employment Opportunities Law. According to the commission's annual report, in 2021 it received 973 complaints, compared to 1,094 in 2020, the second highest figure since the commission's establishment.

The law provides for equal pay for equal work of male and female employees. According to the Central Bureau of Statistics, in 2018 the average monthly salary for men was significantly higher than women's earnings. According to the most recent available statistics, a government report showed a 32 percent pay gap between men and women in the public sector during 2019. A part of the pay gap reportedly resulted from a differential between the average number of hours men and women worked each week. On June 1, companies with more than 518 employees for the first time presented reports on gender pay gaps within the company, as mandated by a 2020 law amendment.

Regulations on women's employment restrict women younger than 45, pregnant women, and women who are nursing from working in jobs that have the possibility of exposure to certain chemicals.

In March following a series of terror attacks in the country, media reported that several municipalities limited work opportunities for Arab citizens and Palestinians. On March 30, ACRI wrote a letter to the minister of interior and attorney general demanding their intervention and stating the municipalities' actions constituted unlawful discrimination.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a national minimum wage for all sectors of the economy. The minimum wage was above the poverty income level for individuals. The law allows a maximum 42-hour workweek at regular pay and provides for paid annual holidays. According to Kav LaOved, violations of wage, hour and overtime laws were common in the fields of agriculture, construction, caregiving and cleaning. A law specifying rights regarding hours of work and rest does not apply to noncitizen domestic caregivers.

**Occupational Safety and Health:** Occupational safety and health (OSH) regulations were insufficient for some industries in the country, particularly construction and agriculture. The law does not specifically provide for the right of workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

During the year, 72 workers died in work accidents, according to Kav LaOved, and another 102 were seriously injured.

A dedicated police unit responsible for investigating workplace accidents that resulted in death or severe injuries, mainly at construction sites, only had the resources to work on high-profile cases.

On January 23, ACRI and Kav LaOved called on the government to cover initial medical treatment of Palestinian workers injured in work accidents in Israel. In 2021 the Supreme Court rejected a similar petition by the organizations against the National Insurance Institute, stating the issue was under the responsibility of the government.

**Wage, Hour, and OSH Enforcement:** The government did not effectively enforce minimum wage, overtime, and OSH law. Penalties for violators were

rarely enforced and were not commensurate with those for similar crimes such as fraud or negligence. The Administration for the Regulation and Enforcement of Labor Laws was responsible for enforcing wage and hour laws, and the number of labor inspectors was insufficient to enforce compliance. Inspectors had the authority to make unannounced inspections and initiate sanctions. The Occupational Health and Safety Administration of the Ministry of Economy was responsible for enforcing OSH laws. Penalties for violations were sometimes enforced.

According to Kav LaOved, the OSH Administration employed approximately 100 labor inspectors for a market of 4.1 million workers. According to the OSH Administration, during 2021, 70 inspectors conducted 12,300 inspections in construction, 7,633 inspections in industry, and 403 inspections in agriculture, alongside local authorities and the police. According to the government, between January and August authorities issued 318 administrative warnings and 44 financial sanctions totaling 7.2 million shekels (\$2.1 million) for violations against migrant workers.

According to Kav LaOved, PIBA enforcement efforts focused on sanctioning employers of irregular migrants rather than on the protection of Palestinians and workers' rights.

**Informal Sector:** According to the Taub Center for Social Policy Studies in Israel, the informal sector constituted 10 percent of Israel's GDP in 2018, the most recent year for which data were available. Government policies on the legality of work forced many asylum seekers to work in "unofficial" positions, making them more susceptible to abuse, poor treatment, and exploitative employment practices. PIBA did not have an external body to which asylum seekers could file complaints if subjected to violence, according to the HRM. An estimated 31,000 Palestinians worked in the country informally. Informal sector workers, and those working part time, were covered by wage, hour, OSH, and other labor laws and inspections.