

“Above all a democracy cannot exist without the protection of individual human rights – rights so essential that they must be insulated from the power of the majority.” (Supreme Court Justice Aharon Barak)



The Toughest Issues

From 1967 to 2005, Israel occupied both the West Bank and Gaza. Although Israel no longer physically occupies Gaza, it retains control of its borders, and on the West Bank the sectors nominally controlled by the Palestinian Authority are far from autonomous. The resolution of the long-term conflict is possibly the most difficult problem facing Israel—and the world—today.

The New Israel Fund does not work directly on the “peace process” or attempt to strategize Israel’s overall policies in the territories. NIF does, however, concern itself with human rights issues both inside and outside the Green Line as a critical strand of our values and goals. Since Palestinians in the occupied territories are not citizens of Israel and do not enjoy the rights of citizens, they face great difficulties in their attempt to access basic rights such as freedom of movement, education, health and the right to a livelihood. As such, one of Israel’s greatest challenges is upholding the human rights of Palestinians in the territories while maintaining Israel’s security; tensions between protecting Israel’s security and upholding human rights constantly come to the fore.

Challenges

Human Rights

The ongoing conflict and Israel’s military operations in the territories and other security measures severely impact the lives of civilians in the territories. They suffer injury, damage to property, and even death as a result, as well as the disruption of their daily lives. One example is an amendment to the Law of Citizenship and Entry into Israel, which prohibits Israeli citizen’s Palestinian spouses from the occupied territories from residing in the country. A provision that Palestinian men aged 35 and older and women aged 25 and older are eligible to apply for citizenship through family unification allows some families to live together. However, in many cases Israeli citizens are faced with a wretched choice between leaving the country of their birth and keeping their family together.

Freedom of Movement and the Separation Barrier between Israel and the Territories

External and internal closures in the territories contribute to dire unemployment and poverty and disrupt the day to day lives of Palestinians. Closures often prevent Palestinians from reaching their places of work, within the territories as well as in Israel and in settlements. Students from Gaza are often unable to obtain permits to study in the West Bank, preventing many from continuing their education. Delays at checkpoints and roadblocks affect all aspects of life, particularly emergency health care.

The separation barrier constructed between Israel and the territories has had a debilitating impact on hundreds of thousands of Palestinians by denying them access to their lands and livelihoods, educational institutions, commercial centers, public services, and communities and family members. On two occasions, after lawsuits brought by an alliance of NIF grantees, the Israeli High Court of Justice ruling stated that human rights must be taken into consideration along with security concerns, and that the barrier must be constructed along the least intrusive route so as to minimize the negative impact on Palestinians. Nevertheless, the barrier continues to severely impact the lives of many Palestinians. For example, thousands of Palestinian schoolchildren who reside on the eastern side of the separation barrier around Jerusalem must transit gated checkpoints to attend school in East Jerusalem, and West Bank teachers who work in East Jerusalem schools face difficulties in acquiring permits to reach their classrooms.

There is a need to:

- Monitor security checkpoints to facilitate movement and prevent abuse and humiliation of the Palestinian civilians who must pass through them to reach their work, schools, health care, relatives etc., and ensure that investigations—and disciplinary action—take place as necessary;
- Continue to protest the route of the security barrier where it disproportionately affects lives and access to livelihood, education and community and family. (Note: NIF has not taken a stand on the existence of the barrier, but is working to ensure the preservation of human rights in this context.)

Workers' Rights

Palestinians working in Israel or on Jewish settlements in the territories lack representation and access to institutional help. Due to their nationality, legal status, social-economic background, cultural-linguistic barriers, or gender, these workers are less likely to be familiar with their rights, and less capable of guaranteeing their implementation. There is a need to:

- Provide legal aid to workers who have suffered from withheld payment, under payment, confinement, and criminal abuse; and
- Act for a systemic change in labor policies to protect these workers.

NIF Activities and Achievements

With the aim of promoting a just and compassionate society in Israel, NIF aims to ensure the protection of human rights for everyone under Israel's jurisdiction.

NIF and its grantees work to advance laws protecting human rights; create awareness of human rights violations and mobilize support for the enforcement of relevant laws; make legal, legislative and administrative remedies available to victims of human rights abuses; and develop Israel's civil and human rights bar thus ensuring that this population will have a voice.

NIF has been at the vanguard of protection of human and civil rights in Israel, seeding and supporting the development of dozens of organizations that protect and promote the human and civil rights of disadvantaged groups. In addition:

- Through the Israel-U.S. Civil Liberties Law Program, NIF has trained a cadre of more than 50 lawyers who have gone on to build the human and civil rights legal community in Israel, and established civil rights as a distinct discipline in Israel's law schools.
- Over the past three decades, almost every judicial decision in Israel in the area of civil and human rights was achieved either by an NIF-supported advocacy organization or by attorneys whose careers and skills were shaped by their experience as NIF Law Fellows.

NIF and its grantees work to:

- Protect the rights of prisoners and detainees, including monitoring, preventing and investigating abuse;
- Ensure that human rights standards are upheld during military operations, such as preventing the use of Palestinians as "human shields";
- Address the issue of compensation for civilians who suffer death, injury or property damage at the hands of the IDF;
- Prevent the demolition of homes of Palestinians suspected of terrorism without judicial review, and ensure compensation for homes demolished for security operations; and
- Protect Palestinians from attacks by settlers.

Our grantees include:

- **Association for Civil Rights in Israel (ACRI)**, which addresses a full range of human rights issues, including the Palestinians' basic rights such as freedom of movement, education, health, and protection from abuse. www.acri.org.il;
- **Kav LaOved (Worker's Hotline)**, which supports legal and practical assistance to workers whose rights have been violated in the course of employment in Israel. www.kavlaoved.org.il;
- **Machsom Watch**, which monitors the behavior of soldiers and police at checkpoints and reports the results of observations to the general public, decision makers and others. www.machsomwatch.org;
- **Physicians for Human Rights**, which advances human rights, in particular the right to health, in Israel and the Territories. Their activities integrate advocacy and action toward changing harmful policies and direct action providing healthcare. www.phr.org.il;
- **The Public Committee Against Torture**, which monitors the implementation of the High Court ruling prohibiting the use of torture during interrogation, and continues the struggle against the use of torture through legal means, support of relevant legislation and public awareness. www.stoptorture.org.il;
- **Breaking the Silence**, which raises public awareness of the destructive consequences of serving in the occupied territories for IDF soldiers, by collecting and publishing soldiers' testimonies, public events and advocacy. www.breakingthesilence.org.il

Airport Watch

In January 2007, New Israel Fund joined forces with grantee **Machsom Watch** to initiate an innovative campaign against the humiliating treatment of Israeli Arab and other non-Jewish passengers on flights to and from Israel.

Maya Bailey, a senior **Machsom Watch** activist, told Israel TV Channel One news, "We understand the need for security at the airport. But when a woman sees security personnel tipping out her baggage and laughing at her lingerie this has nothing to do with security. I personally know people who have sworn that they will never enter Israel again because of the way they were treated."

The campaign was initiated following months of evidence collecting by NIF grantees, including the **Center Against Racism and Defamation**, which compiled a report on the harsh and discourteous treatment of non-Jewish passengers by security staff.

In response to the campaign, new technology is being introduced that will replace the need for intrusive personal checks on passengers.

In an open letter to the Israel Airports Authority, **Machsom Watch** stated: "We want to offer our services on a voluntary basis - so that our representatives can hold watches at the airport, including long-term training of staff at the transit points."

Protecting Human Rights

Machsom Watch (*machsom* means "checkpoint" in Hebrew) was founded in January 2001 in response to repeated reports in the press about human rights abuses of Palestinians crossing army and border police checkpoints. New Israel Fund has provided grant support to Machsom Watch since 2006 and through SHATIL also provides the organization with consulting and training.

Machsom Watch was founded by three women—Ronnee Jaeger, a long time activist with experience of human rights work in Guatemala and Mexico, Adi Kuntsman, a feminist scholar who emigrated from the former Soviet Union in 1990, and veteran activist Yehudit Keshet, an Orthodox Jew—Machsom Watch now involves 400 women all over the country.

The goals of the organization are:

- To monitor the behavior of soldiers and police at checkpoints
- To ensure that the human and civil rights of Palestinians in the Occupied Territories are protected
- To record and report the results of their observations to the widest possible audience, from the decision-making level to that of the general public

Activities Include:

- **Monitoring checkpoints:** Machsom Watch's main activity is being physically present at checkpoints. 200 volunteers are divided into approximately 70 teams of 2 to 5 women, each team visiting the checkpoints once every week or two.
- **Producing reports:** In 2005 and 2006, volunteers wrote approximately 3,000 daily reports, which are also summarized in monthly digests. These monthly digests are sent to senior IDF officers, Knesset members, Supreme Court justices, the State Comptroller, journalists, and other human rights organizations, and are also posted on the organization's website.
- **Engaging with the public:** In an effort to raise public consciousness, an exhibit of photographs documenting the organization's activities was displayed in Tel Aviv and Beer Sheva in 2006.

Involvement in Machsom Watch is open exclusively to women. Its members come from a wide spectrum of ages and backgrounds.

Questions for Discussion

General Discussion

1. What is your reaction to Dafna's perspective and activities?
2. What is Dafna's point in comparing an elderly Palestinian man with an Israeli soldier's grandfather? Do you agree with her? Does this comparison impact your view of Palestinians human rights in general?
3. Dafna expresses anger towards her friends who, according to her, call themselves leftists but don't take any action in support of their beliefs. What is your reaction? For you, what is the intersection between learning more about the issues you're concerned about, donating money, and donating time and effort to support your beliefs?

Going Deeper

1. Dafna describes inviting her friend Tagrid to an Israeli Independence Day celebration, not realizing that, as an Arab citizen of Israel, Tagrid observes the day as Nakba Day, a day of mourning commemorating the 1948 exodus of approximately 700,000 Arabs from their homes in Israel, and the destruction and abandonment of many Arab villages in Israel.
 - a. What do you think it's like for Dafna and Tagrid to, on the one hand, have a close friendship and share much of their lives with one another and, on the other hand, acknowledge the gulf between them in terms of national identification?
 - b. How do you feel about the fact that within one nation there are two such divergent narratives? How do you reconcile the fact that the cause of celebration for the majority—the establishment of the State of Israel—is at the same time a source of suffering for others?
 - c. What are the possibilities for each side to acknowledge the other's narrative? How should the majority deal with the existence of the minority's divergent narrative?

Further Resources

Association for Civil Rights in Israel (ACRI): www.acri.org.il/english-acri/engine/list.asp?topic=20

B'Tselem: the Israeli Information Center for Human Rights in the Occupied Territories:

www.btselem.org/English/Freedom%5Fof%5FMovement/

Israel Ministry of Foreign Affairs:

www.mfa.gov.il/mfa/mfaarchive/2000_2009/2003/11/israel-%20the%20conflict%20and%20peace-%20answers%20to%20frequen

US State Department Report on Human Rights Practices:

www.state.gov/g/drl/rls/hrrpt/2005/61690.htm