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Adalah's Database of Laws: Imagining Racism to Demonize Israel

Summary

- In March 2013, [Adalah](#) launched a “[Discriminatory Laws in Israel](#)” [database](#) on its website. Adalah's English Facebook page provides a link to the database with the more provocative name “[Racist Laws](#).” The database is a list of 101 laws and proposed legislation that never became law, which Adalah considers to “[discriminate against Palestinian citizens of Israel](#) in all areas of life, including their rights to political participation, access to land, education, state budget resources, and criminal procedures. Some of the laws also violate the rights of Palestinians living in the 1967 OPT and Palestinian refugees.”
- Adalah's database has been cited numerous times by pro-Palestinian activists as part of campaigns against Israel. It has also been cited as proof of Israeli discrimination in publications as diverse as [BET](#) and the [New York Times](#).
- Adalah's rejection of the legitimacy of the Jewish State and its attempt to portray Israel as racist are integral components of the [Durban Strategy that it helped formulate](#). Consistent with its political goal of [eliminating Israel's Jewish character](#), in 2007 Adalah drafted a “Democratic Constitution” that called for replacing the Jewish foundation of Israel with a “democratic, bilingual, and multicultural” framework.
- Adalah employs a loose definition of “discrimination,” and many of the laws and proposed laws are entirely unrelated to Israeli Arabs or other minorities. Laws promoting Zionism and the historic Jewish connection to Israel are labeled as discriminatory. This includes laws that relate to Israel as a “Jewish and democratic state,” as well as the use of Jewish symbols and the Hebrew calendar. Adalah uses the word “Zionist” in a pejorative manner throughout the database, indicating that it accepts the “Zionism is racism” canard.
- As noted by [Haaretz columnist Mira Sucharov \(June 3, 2014\)](#): “I took a closer look at the list. Consider these three: one refers to the use of the Menorah on the Israeli stamp; another mentions the use of the Hebrew date in government correspondence; and a third cites the Star of David on Israel's flag. By this reasoning, the flags of Denmark, Sweden and Iceland are ‘discriminatory’ against non-Christians, and I, as a Canadian Jew, should feel ‘discriminated against’ when the Gregorian calendar is used by my government.”
- Other examples of laws it deems discriminatory deal with the Jewish National Fund, benefits to those who have completed military or national service, interaction with enemy states, and security prisoners.

- Adalah does not define its selection methodology or describe systematically how each law is considered “discriminatory.” In addition, although the database is in English, Adalah does not provide English translations of the laws. Instead it offers descriptions that are occasionally inaccurate or misquote the law. Adalah also ignores the language in some laws that specifically promotes or protects ethnic minority groups in Israel.
- The database also misleadingly includes proposed legislation; out of the 101 laws listed, 44 did not actually become law. Such proposed legislation is indicative of a vibrant democratic system that includes diverse political parties and opinions, as well as an active judicial system to provide checks and balances against problematic legislation. In fact, Adalah has successfully utilized these democratic mechanisms.

Background

Adalah [describes itself](#) as “an independent human rights organization and legal center” that “promote[s] and defend[s] the rights of Palestinian Arab citizens of Israel.” At the same time, Adalah attempts to portray Israel as undemocratic and racist – a tactic it frequently employs at the UN and in other international platforms. For instance, in a July 2014 submission to the UN Human Rights Council, Adalah alleged “[increasing racism and rhetoric of incitement](#) against Palestinian citizens of Israel by Israeli government officials and members of Knesset.”

These statements are made with the aim of eradicating the Jewish character of Israel. With this aim in mind, in 2007 it drafted a “[Democratic Constitution](#)” that called for replacing the Jewish foundation of Israel with a “democratic, bilingual and multicultural” framework. The constitution demanded the Palestinian “right of return” and would not allow Jewish immigration except for “humanitarian reasons.”

Adalah’s Director Hassan Jabareen and several other Adalah officials also played an [active](#) role in the [NGO Forum of the 2001 UN World Conference Against Racism](#) held in Durban, South Africa. The Forum was organized in an effort to promote the demonization and delegitimization of Israel as racist, and crystalized a “policy of complete and total isolation of Israel as an apartheid state.” The NGO plan of action formulated at the conference, known as the “Durban Strategy,” serves as the foundation for boycotts, demonization, and sanctions (BDS) campaigns.

Funding

- In March 2014, Adalah received [funding](#) from the Human Rights and International Humanitarian Law Secretariat (a mechanism through which Denmark, Sweden, Switzerland, and the Netherlands jointly fund Israeli and Palestinian NGOs). This donor consortium previously distributed funds to NGOs through the NGO Development Center (NDC) of Ramallah.

- In accordance with the Israeli NGO transparency law, foreign funding to NGOs must be posted quarterly on the Israeli Registrar of Non-Profits website. As of November 9, 2014, latest available funding information for Adalah is from 2012. It is unknown whether Adalah did not receive foreign government funding during subsequent reporting periods, whether Adalah has failed to act in accordance with the law, or whether Adalah reports do not appear due to problems in the reporting system.
- Between 2008 and 2013, the New Israel Fund (NIF) authorized grants worth [\\$1,673,634](#) to Adalah.
- Based on previous reports to the Israeli Registrar of Non-Profits, Adalah's foreign donations in 2012 (amounts in NIS) were:

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| NGO Development Center (NDC) | 206,754 |
| Christian Aid | 193,640 |
| Oxfam Novib | 507,330 |
| UNDP | 229,380 |
| Broederlijk Delen (Belgium) | 132,854 |
| ACSUR (Spain) | 113,758 |
| Switzerland | 204,290 |
| EED (Germany) | 360,453 |
| Total | 1,948,459 |

“Discriminatory Laws”

The following laws of examples of “discrimination” in Israel, according to Adalah:

Jewish sovereignty, culture, and history

- Laws that stipulate Jewish symbols for the state are assumed to be discriminatory with no explanation. Regarding the State Stamp Law (1949), the database [states](#) only that the law “[p]rovides that the state stamp shall be placed on all official documents. The state stamp includes the Star of David and the candelabrum, the state emblem.” Regarding the Flag and Emblem Law (1949), it explains that the Israeli [flag](#) is “the flag of the First Zionist Congress and the Zionist Movement, a combination of a prayer shawl and the Shield of David, as the official flag of Israel. The emblem of the State of Israel is a candelabrum, one of the symbols of the Temple era in Jewish history. The law was amended in 1997 to include Article 2A(a), which requires all public buildings to raise the flag of Israel.”
- The word “Zionist” is used throughout the database, with no explanation as to why Zionism is racism or discrimination. For the World Zionist Organization-Jewish Agency (Status) Law (1952), which gives quasi-governmental status to

the World Zionist Organization and the Jewish Agency, Adalah [comments](#) that the law “further advance[s] the goals of the Zionist movement.”

- The Law of Yad Yitzhak Ben-Zvi (1969) established the institution that promotes, among other things, the history of Mizrahi Jews. The Law of Mikve Israel Agricultural School (1976) established an agricultural school that admits both Jews and non-Jews. Adalah [states](#) that these laws promote “developing and fulfilling Zionist goals to promote Jewish culture and education at the expense of minority goals.” Adalah does not indicate how these institutions discriminate against minority groups.
- The Second Authority for Television and Radio Law (1990) is listed because it broadcasts “‘for promoting understanding and peace with the neighboring states in accordance with the basic goals of the state,’ which include the preservation of Israel as a Jewish and democratic state.” Adalah does not describe how this is discriminatory.
- Laws regarding the annexation of Jerusalem and the Golan Heights are labeled discriminatory with no explanation. Israeli Arabs, Druze, and other minority groups are afforded equal rights in these regions.

Jewish National Fund (JNF)

- Adalah is opposed to the JNF, filing a petition against the Jewish National Fund Law (1953) in 2004 and claiming that most of the JNF’s land “belong[s] to the [Palestinian refugees](#).” As such, it categorizes “land and planning rights” laws, which cover the creation of the JNF, the involvement of the JNF in other organizations, and the transfer of land to or from the JNF as discriminatory.

Database Inaccuracies

Adalah’s law database includes extensive inaccuracies, such as misquotations, distortions, and false claims.

Misquoting the law

- The Income Tax Ordinance - Amendment No. 191 (2012) provides a tax exemption for “encouraging settlement.” There is no definition of this term in the amendment. Adalah [describes](#) the law as exempting “Zionist settlement” from tax and presumes that this tax exemption applies “to institutions that promote the establishment or expansion of settlements in the West Bank, including East Jerusalem.” This language does not appear in the law.
- The Broadcasting Authority Law (1965) deems the Authority responsible for, among other things, “Maintaining Broadcasts in the Arabic language for the needs of the Arabic-speaking population and Broadcasts for promoting understanding and peace with the neighboring states in accordance with the basic goals of the state.” Adalah [claims](#) that the “mandate includes broadcasting

programs ‘to reinforce the Zionist identity of the state of Israel as a Jewish and democratic state.’” However, the words “reinforce,” “Zionist,” “identity,” and “democratic” do not appear in the text of the law that [Adalah](#) provides. (The [Broadcasting Authority](#) is currently in the process of being dismantled due to reforms, and a new public broadcast body will take its place.)

Distorting the law

- The Knesset Law (1958) mandates that certain sections of Israel’s Declaration of the Independence be read aloud at the Knesset opening. Adalah [alleges](#) that the excerpts “emphasize the exclusive connection of the state to the Jewish people.” However, the [excerpts](#) do not include such language, but instead state:
 - “The State of Israel... will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.”
- The Use of Hebrew Date Law (1998) determines that the Hebrew calendar date must be placed on all correspondences and publications printed in the Hebrew language by state authorities and institutions of higher education. Adalah [comments](#) that the law “[m]andates use of the Hebrew calendar in all correspondence and publications issued by the state authorities. There is no such law regarding the use of the Islamic calendar.”
 - This law is in no way discriminatory and, in fact, contains language respective to the needs of minority groups in Israel, which Adalah does not mention. The law specifically does **not** apply in areas where the majority of the residents are not Jewish, or if the language of instruction of an accredited institution of higher education is not Hebrew.
- The Law and Government Ordinance, Article 18A (1948) created official State holidays. Adalah [objects](#) that besides Israeli Independence Day, the holidays are all “Jewish holy days.”
 - Adalah fails to mention that the law also specifies that non-Jews can set their own days of rest and holidays. Non-Jews are permitted to take holidays based on the State calendar or the days of their respective communities.
- Two laws grant benefits to discharged soldiers. Adalah claims that laws benefiting to those who completed military or national service discriminate against Arabs.
 - This claim ignores the fact that thousands of Arabs, including Bedouin and Druze, serve in the Israeli armed forces. The law allows the same benefits package to Arabs who volunteer for military or national service.

False claims that criminal offence laws target minorities

- The Israeli Prisons Ordinance - Amendment No. 40 “Meetings with Lawyers” (2011) law, [according](#) to Adalah, “Allows the Israel Prison Service (IPS) to prohibit prisoners involved in ‘security crimes’ from meeting their lawyers if the

IPS ‘suspects’ that such meetings may lead to the transfer of information relating to a terror organization.” Adalah’s description dismisses Israel’s security concerns that have become reality. In April 2014, “Israeli security service and police officers...announced that they arrested six East Jerusalem lawyers [on suspicion of relaying messages](#) between Palestinian terrorist groups in Gaza and security detainees in Israeli prisons.”

- A law to Strip Payments from a Current or Former Member of Knesset due to a Crime (2011) seeks to withhold Knesset salary/pension if an MK is suspected of a crime for which s/he would be imprisoned for at least 10 years if convicted, the offence was committed while the MK was in the Knesset, and the MK is not present for the investigation or trial. The law was created after former MK Azmi Bishara fled the country during an investigation into money laundering and his relationship with Hezbollah. However, like others on Adalah’s list, this law targets criminal behavior regardless of national origin, personal identity, or political affiliation, and is in no way discriminatory.
- Two Knesset-related laws include language that excludes parties/candidates who engage in “(1) denying the existence of Israel as a Jewish and democratic state; (2) incitement to racism; (3) support armed struggle of an enemy state or a terrorist organization against the State of Israel.”

Adalah claims these laws are intended to [prevent Arab candidates](#) and parties from participating in elections. However the only party that has been banned as a result of the law is the Jewish nationalist Kach party, banned from the Knesset in 1985.

Other misleading claims

- The [Citizenship and Entry Law](#) (2003) stipulates that Israel will not automatically naturalize family members of citizens. Dubbed "Ban on Family Unification," Adalah [claims](#) the law is “the most racist legislation in the State of Israel,” and in court [proceedings](#) “Adalah emphasized the racist character of the law, differentiating it from a discriminatory law and comparing it to apartheid-era laws in South Africa.”
 - Adalah misleadingly claims that the [law](#) “prevents Palestinian citizens of the state-- since it is overwhelmingly Palestinian citizens who marry Palestinians from the OPT--from realizing their right to a family life in Israel.” Nothing in the statute prevents an Arab citizen of Israel from marrying a Palestinian located in the Palestinian Authority, nor does the law prevent that citizen from living with his/her spouse in the Palestinian Authority.
 - The law is in accordance with policies established by the European Union, as well as international human rights norms. The law was expanded to include certain countries at war with Israel (Lebanon, Iran, Iraq, and Syria).
 - Adalah ignores the fact that 23 terrorist attacks, including a March 2002 suicide bombing in Haifa that killed 15, were carried out through the exploitation of “family entry” into Israel. More than 135 Israelis were killed and more than 700 injured. In [2012](#), “a West Bank Palestinian

naturalized through a family reunification procedure some 15 years ago” planted a bomb on a bus in Tel Aviv. The resulting explosion injured 28; there were no fatalities.

- The Trade with the Enemy Ordinance (1939) forbids trade with Israel’s enemies. Adalah argues that “all "enemy states' all of [sic] are Arab and/or Muslim states. As a result, the law restricts relations, including cultural and linguistic relations between the Arab Palestinians in Israel and the wider Arab and Muslim nations.”
- The Child Vaccinations and Child Allowances - Economic Efficiency Law (2009) conditions child allowances on children having received required vaccinations. Adalah [opposes](#) this law arguing that “This provision mainly affects Arab Bedouin children living in the Naqab (Negev), since most of the children who do not receive the vaccinations come from this group due to the inaccessibility of health care.”
 - In fact, as [noted by the Israeli Health Ministry](#), “Arab families are more likely than their Jewish counterparts to take their infants for vaccinations...98.5 percent of Arab babies were protected compared to 93.5% of Jewish ones.”
 - Adalah’s Sawsan Zaher, Director of Adalah's Social, Economic and Education Rights Unit, [acknowledged](#) that “certainly, similar welfare payment and school enrollment restrictions, labeled by some as ‘sanctions,’ in other countries like the United States have indeed been legitimate and strengthened the quality of public and child health.”
 - However, she did not acknowledge the same possibility of public and child health concerns in Israel, and instead concluding that the law was “yet another punitive step set by the State to intensify its pressure in evacuating the Bedouins.”
 - The "Foreign Government Funding Law" or [NGO Funding Transparency Law](#) (2011) - Law on Disclosure Requirements for Recipients of Support from a Foreign State Entity requires non-profit organizations (*amutot*) to issue quarterly reports on any foreign government donations in excess of NIS 20,000.
 - Adalah [condemns](#) the law, claiming that the “provisions are superfluous since every NGO in Israel is already required under Israeli law to list its donors and other financial information on its website and to report annually to the government.” However, in the past, Adalah’s financial reports were not made publically available to the Israeli Registrar of Non-Profits.
 - Information about its 2012 foreign government funding, due one week after the end of the relevant quarter, did not appear on the Registrar of Non-Profits’ website until after NGO Monitor’s initial [report](#) on this topic.
 - As of November 9, 2014, Adalah’s financial reports since 2012 were not publically available from the Israeli Registrar of Non-Profits.