

Israel

NGO Progress Report on the Follow-up to the Concluding Observations (CCPR/C/ISR/CO/3)

Report prepared by

Negev Coexistence Forum for Civil Equality

Be'er Sheva, Israel and 30 August 2011



Paragraph 24

The Committee notes that school enrolment rates have increased and that infant mortality has declined among the Bedouin population. Nevertheless, the Committee is concerned at allegations of forced evictions of the Bedouin population on the basis of the Public Land Law (Expulsion of Invaders) of 1981 as amended in 2005, and of inadequate consideration of traditional needs of the population in the State party's planning efforts for the development of the Negev, in particular the fact that agriculture is part of the livelihood and tradition of the Bedouin population. The Committee is further concerned at difficulties of access to health structures, education, water and electricity for the Bedouin population living in towns which the State party has not recognized (arts. 26 and 27).

Committee Recommendation	Actions taken by the State	Further action needed	Other comments from the NGOs
<p>In its planning efforts in the Negev area, the State party should respect the Bedouin population's right to their ancestral land and their traditional livelihood based on agriculture.</p>	<p>The State has wholly failed to implement this recommendation. Since the NCF's Supplementary Report to the Committee of 12 June 2010, it has recorded a dramatic rise in the number of home demolitions. As a result of the intensification of the state's home demolition policy, the village of Al Arakib with 300 people has been completely demolished a total of 25 times. In July 2011 the state filed a law suit against the residents to cover the sum of 1.8 NIS million (more than \$500,000 USD) to recover the costs of part of the demolitions from the residents.</p> <p>Other home demolitions have occurred in Sawawin, Al Forah, Wadi Al-Na'am, Al-Bcheira, Al-Zarnog, Al-Rara, Umm-Ratam, Rachama, Sa'awa and Al-Sar. Additionally there were demolitions in the recognised and government-planned towns of Al-Grein, Shqeb-A-Salam, Kuseifa and Bir Hadaj.</p> <p>In April 2011, 1,500 dunams of crops were deep ploughed between Bir Al-Chamam and Umm-Batin.</p> <p>In June 2011, the state released its so-called Prayer Plan to resolve land issues in the Negev. Many civil society actors, including the NCF, hold that it contradicts the findings and recommendations of the Goldberg Commission. The plan involves forcibly relocating between 20,000 and 30,000 Bedouin citizens and recognising</p>	<ol style="list-style-type: none"> 1. With respect to the village of Al Arakib, the state must cease all demolitions and the Jewish National Fund must stop its afforestation activities until the determination of court proceedings regarding the ownership of the land and all legal avenues for recognition by the residents have been exhausted. 2. The state ought to abandon its legal action to recover the cost of the demolitions in principle and Al Arakib in particular. 3. The review of the so-called Prayer Plan, intended to deal with land issues and the Bedouin population in the Negev, must be done in full consultation with the affected population and in a fair and transparent manner. The state must respect the principle that no relocation of indigenous peoples should take place without their free, prior, and informed consent and only after prior agreement on just and fair compensation. 	<p>Some of these home demolitions have been accompanied by the heavy use of police force resulting in arrests, injuries and criminal charges against both residents and activists. The NCF believes that this is a deliberate tactic to intimidate the Bedouin population and their supporters to minimise resistance. Several serious criminal charges which appear baseless have been laid against activists (including the Executive Director of the NCF) and residents alike.</p> <p>In January 2011, the residents of Umm al-Hiran submitted an objection to the National Council for Planning and Building (NCPB) against the development of an exclusively Jewish town to be named "Hiran" on the land on which the present village sits. In July 2010, the NCPB decided to recognise the village, however, the Prime Minister's Office intervened and the decision was subsequently reversed. In February 2011, the District Court rejected the residents' re appeal to evacuate the village and ordered their evacuation. In April 2011, Adalah requested the Supreme Court for the right to appeal the decision following the issuance of</p>

	<p>less than a third of the land claimed by the Bedouin the Negev. The displaced residents will have no option than to settle in failed government-planned towns like Hura, Rahat and Kuseifa which are overcrowded, rife with crime and suffer high unemployment levels. Thus the plan will only serve to perpetuate the vicious cycle of poverty that plagues the Bedouin communities. Due to right-wing political pressure this plan is under review today and no opportunity for the most affected citizens to be involved in the review has been announced.</p> <p>On June 15, the Supreme Court rejected a petition by the residents of a number of unrecognised villages to move the proposed route of National Highway 6. Its extension will result in the destruction of hundreds of Bedouin homes.</p>		<p>demolition orders to some of the residents.</p>
<p>The State party should also guarantee the Bedouin population's access to health structures, education, water and electricity, irrespective of their whereabouts on the territory of the State party.</p>	<p><u>Health & education structures</u> – The NCF notes that as many as 25 villages remain without the opportunity to seek clinics and schools or other essential community structures since they are not mentioned in the regional plan 4/14 (or version 40/2) regarding temporary structures for vital services. The village of Tel al Malach sought an order for the establishment of a clinic in the village and applied to the Supreme Court, however, the state argued that they will have an opportunity to do so in the above mentioned plan. The residents later discovered the name of their village was not included in the plan when it was published in April 2011. They submitted,</p>	<ol style="list-style-type: none"> 1. The state must immediately establish permanent health clinics in all villages in the Negev (regardless of their status) which have more than 500 people and introduce mobile medicinal clinics providing specialised care for infants and prenatal examinations. 2. In the event that the state resorts to demolishing the homes of Bedouin in unrecognised villages, it must provide an alternative housing solution and avoid destroying the residents means to generate electricity 	

	<p>therefore, an objection in May together with other excluded villages.</p> <p><u>Health</u> (provided by our colleagues at Physicians for Human Rights) - Though the State of Israel has recently announced a decrease in infant mortality among the general Israeli population, among Bedouin newborns, the rate of infant mortality has actually risen. According to an Israeli Ministry of Health (MOH) report issued in December 2010, the rate of infant mortality in 2009 within the general Israeli population stood at 4/1000, while among Bedouin Israelis, infant mortality rates reached 12.2/1000. The Bedouin population has less access to health services. Only 90% of infants born to Bedouin families are vaccinated as part of the MOH's vaccination program, compared to 99% of babies born to Jewish parents.¹ Local health services are also less readily available. In December 2009, the MOH announced closing 3 of the 8 mother- child stations. After a joint appeal lodged by Adalah, the Regional Council for the Bedouin Villages (RCUV) and PHR-Israel, the MOH partially re-opened two of the stations.² It should be noted that in March 2010, the State announced a new program to increase the rate of vaccination among Bedouin infants by offering special incentives to nurses to work in clinics in the Negev that serve the Bedouin population.³</p> <p><u>Water</u> – The Supreme Court ruled in June 2011 (9535/06) that it is the duty of the</p>	<p>independently of the main power grid, such as generators and solar panels or their means for storing water such as water tanks and containers.</p>	
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¹ Health Inequities and How to Confront Them. MOH, December 2010

² HCJ 10059/09

³ <http://www.phr.org.il/default.asp?PageID=44&ItemID=1053>

	<p>state to secure the basic right to water and that the residents of certain villages are entitled to reasonable access to water. The court failed to define “reasonable access”. <u>Electricity</u> – The NCF notes that the state has wholly failed to adopt this recommendation as all Bedouin in the unrecognized villages have resorted to installing their own power systems (typically either diesel generators or solar panels).</p>		
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