



منتدى التعايش السلمي في النقب من أجل المساواة المدنية
פורום דו קיום בנגב לשוויון אזרחי
Negev Coexistence Forum for Civil Equality



Violations of Human Rights of the Arab Bedouin Community in the Negev/Naqab

International Day of Human Rights 2019

Negev Coexistence Forum for Civil Equality | NCF was established in 1997 to provide a place for Arab-Jewish collaborative efforts in the struggle for civil equality and the advancement of a shared society, mutual tolerance and coexistence in the Negev/Naqab. NCF is unique in being the only Arab-Jewish organization that remains focused solely on the problems confronting the Negev/Naqab. NCF considers that the State of Israel fails to respect, protect and fulfill its human rights obligations, without discrimination, towards the Arab Bedouin citizens in the Negev/Naqab. As a result, NCF has set as one of its goals the achievement of full civil rights and equality for all people who make the Negev/Naqab their home.

December 10, 2019

This report is a result of joint work with Adalah – The Legal Center for Arab Minority Rights in Israel. Most of the material in the report was formally presented to the United Nations Human Rights Committees. If you wish to view the full reports submitted to the UN Committees, please see the following links:

[Joint NGO Report: UN Committee on Economic, Social and Cultural Rights, Re: List of Issues for the State of Israel](#)

[Joint NGO Report: UN Committee on Economic, Social and Cultural Rights, Re: Reply to List of Issues by the State of Israel](#)

[Joint NGO Report: UN Committee on the Elimination of Racial Discrimination, Re: List of Themes for the State of Israel](#)

[NGO Report: UN Committee on the Elimination of Racial Discrimination, Re: Review of Israel \(NCF\)](#)

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Front-page photo: A women standing on the rubble of her home in the unrecognized village of al-‘Arāgīb. Eve Tandler, 30.05.2019

Back-page photo: Hundreds of Bedouin children protesting in Be’er Sheva for their right to education. Sabreen Abu Kaf, 05.09.2019

NCF invests much effort in documenting the Negev/Naqab through various visual projects. Majority of the photos are a product of these projects, where NCF provides video and still cameras to Arab Bedouin women and children who document their everyday lives, as well as human rights violations. The particular products of the various projects are used to raise awareness of the situation of the Bedouin population in the Negev/Naqab, through participation in film festivals, exhibitions in Israel and around the world, photo-albums, position papers and reports – such as this one.

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1. Introduction

“Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Universal Declaration of Human Rights).

Over the years, the United Nations has produced a number of human rights declarations and conventions, some of which Israel signed and ratified into law. Israel also embedded some of the international human rights in the State’s Basic Laws, such as The Basic Law: Human Dignity and Liberty, which protects a person from violations of his right to life, body or dignity. The Israeli courts also acknowledged human rights in its verdicts, such as the Right to Work.¹

Human rights are guaranteed to every person by virtue of their being human, irrespective of their ethnic identity, political status, religion or gender. However, the State of Israel does not guarantee or respect the human rights of the Negev/Naqab Bedouin people, but rather violates them on a daily basis.

On the occasion of International Day of Human Rights on December 10, 2019, NCF has chosen to publish a report focused on the violation of the various rights of the Bedouin community in the Negev/Naqab: rights to an adequate standard of living, water, sanitation, housing, development, health, education, and work. This report brings forth the various forms in which Israel violates the above rights.



The unrecognized village of Tal 'Arād. Photo by: Alia Al-Nabari, 2019

¹ Labor Appeal 359/99, Le'a Levin v. Broadcasting Authority. Verdict delivered 28.2.2011

2. The Arab Bedouin Society in the Negev/Naqab

The Bedouin residents of the Negev/Naqab are an indigenous minority with a distinct way of life and other special characteristics. Members of the Bedouin community in the Negev/Naqab are also an integral part of the Arab Palestinian minority, as well as citizens of the State of Israel.

The Negev/Naqab's Bedouin consists of 255,000 citizens, residing in three forms of settlements: seven government-planned townships, eleven villages recognized by the State, and 35 villages that the State refuses to recognize. All Bedouin residents suffer from widespread discrimination and violations of their human rights and are, in fact, marginalized from mainstream Israeli society.

According to Israel's Central Bureau of Statistics (CBS), by 2030, the Bedouin population in the Negev/Naqab is expected to number about 400,000.² As of 2017, more than 28% of the Bedouin population (around 86,000 people)³ live in unrecognized villages, although civil society organizations estimate that the number is closer to 90,000-92,000 people. These villages do not appear on any official maps and the State of Israel does not provide most of them with basic services such as healthcare and educational facilities. All of the unrecognized villages lack infrastructure including connection to the national electricity grid, running water, paved roads and sewage disposal systems. Their residents have no representation in the various local governmental bodies and some cannot register to participate in municipal elections. Furthermore, as a result of non-recognition, the building of permanent structures in these villages is illegal and can lead to heavy fines and demolitions.

In addition to non-recognition, since the 1950s the State of Israel has executed plans to forcibly displace the Negev/Naqab Bedouin and concentrate them into limited geographic spaces. These plans were implemented by establishing seven government-planned Bedouin townships in the Siyāj area during the 1970s and 1980s. In addition to the inadequate provision of services, all the Bedouin townships are afflicted with poverty, deprivation, high unemployment, crime and social tension. These townships continue to be part of an ongoing, non-consensual and non-participatory process of forced urbanization.

Since 1999, the State has, in addition to the seven townships, recognized 11 Bedouin villages, hailing their recognition as a fundamental shift in governmental policy, which previously had been focused exclusively on forced urbanization. However, more than two decades later, there is no significant difference between the recognized and the unrecognized villages. The residents of most recognized villages continue to be denied access to basic services and are under constant threat of house demolitions.

Although today the Bedouin community accounts for about 34% of the total population of the Negev/Naqab, only 12.5% of the land in the region is designated for the Bedouin population.

² Michal Lerer, 'Issues of land regulation among the Bedouin population in the Negev' (2017), Knesset Research and Information Center, p.2 (in Hebrew) <https://tinyurl.com/y9pcfs1t>

³ CBS, Total population estimations in localities, their population and other information, 2017.

Despite the shortage in housing solutions for the community, the Israeli government continues to ignore the plight of the Bedouin community and acts to dispossess them from their lands and force a change in lifestyle and livelihood on their traditional and agricultural communities.

Bedouin villages are being dislocated to make room for Jewish communities to be established on their lands, military use, afforestation, national infrastructure projects, intercity highways, railroads and so forth. Today, many of the Bedouin living in the unrecognized villages continue to resist state-led dispossession and are advocating for recognition of their villages and the fulfillment of their human and civil rights. NCF's main goal is to support and join them in their rightful struggle.

3. Right to an Adequate Standard of Living | High Incidence of Poverty

The right to an adequate standard of living encompasses several specific rights, including the right to food, the right to health, the right to water, the right to necessary social services, the right to clothing, and the right to housing. The right to an adequate standard of living requires governments to consistently improve these rights. It is protected by Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁴ and Article 25 in the Universal Declaration of Human Rights.⁵

The Bedouin community in the Negev/Naqab is one of the most impoverished communities in Israel. A staggering two-thirds of Bedouin citizens of Israel residing in the Negev/Naqab live below the poverty line, three times more than Jewish Israelis. However, Israel has no concrete and targeted plan to alleviate poverty among the Bedouin.

According to the CBS, the Bedouin Regional Councils of Neve Midbar and al-Qassoum are ranked at the bottom of its ten-point socio-economic index, scoring the lowest possible ranking of one.⁶ All seven government-planned Bedouin townships also received a ranking of one.⁷

In 2017, the Israeli National Insurance Institute (NII) published data on Bedouin in the Negev/Naqab in its yearly report on poverty for the first time in four years.⁸ It reports that the poverty rate among Bedouin families was 58.5% in 2016, compared to 13.3% among Israeli Jewish families and 48.7% among non-Bedouin Arab families. Among Bedouin individuals, the poverty rate stood at 63.4%, and among Bedouin children at 68.2%. These figures compare to rates of 17.4% and 23.9% among Jewish Israelis living in the south, respectively.⁹

⁴ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 July 1976) GA. Resolution 2200A (XXI) art 11; The State of Israel became a party to the ICESCR in 1991.

⁵ Universal Declaration of Human Rights (adopted 10 December 1948) GA. Resolution 217A, art 25; Israel never became a party to the Declaration, however, Israel's Supreme Court of Justice mentions the Declaration and adopted its principals in some of its judgments.

⁶ CBS, "Local Authorities in Ascending Order of the Socio-Economic Index, 2015," Table 1.

⁷ Ibid. Tal as-Saba' (Tel-Sheva), Šgīb as-Salām (Shegev Shalom), Ar'arah Ba-Negev (Ar'ara), Hūrah (Hura), Ksīfih (Kuseife), Lagiyyih (Lakiya), and Rahat.

⁸ NII, "Report on Social Gaps in Israel – 2016," December 2017, p. 18 (in Hebrew): <https://tinyurl.com/y7nw65tr>

⁹ Ibid.

However, these alarming figures significantly underestimate poverty levels among the Bedouin, since the most impoverished group, the 90,000 people living in unrecognized villages, were not included in the NII's survey, as a matter of policy.

In 2018, the NII published the latest edition of its poverty report, in which it reverted to its practice of omitting specific data on the Bedouin, even those living in the recognized townships and villages.¹⁰ The only disaggregated data on the Bedouin appears in an indicative graph in the annexes from which it is not possible to extract specific numbers, under the category of "recognized Bedouin",¹¹ and in an annex that provides statistics about poverty among Palestinian citizens of Israel with/without the Bedouin.¹²

In its 2019 Concluding Observations, the CESCR expressed its concern about the high and growing incidence of poverty in Israel, especially among Bedouin families. The Committee recommended that "the State party combat poverty, including through undertaking a comprehensive analysis of the underlying causes of poverty amongst particularly affected groups, and the adoption of concrete and targeted measures to address the incidence of poverty amongst these groups."¹³



Kids warming-up during the winter in the unrecognized village of az-Zarnūg. Photo by: Māhir Abū Quwaydir, 29.12.2016

¹⁰ NII, "Report on Social Gaps in Israel – 2017," December 2018, (in Hebrew): <https://tinyurl.com/ycp6mzjr>

¹¹ Ibid., p. 69.

¹² Ibid., p. 73.

¹³ CESCR, "Concluding observations on the fourth periodic report of Israel", 18.10.2019, art 42-43, p.7.

4. Right to Water and Sanitation | Denial of Access to Safe Drinking Water and Adequate Sanitation

The right to water and sanitation was recognized as a human right by the United Nations General Assembly in 2010.¹⁴ The right to water and sanitation has also been widely recognized in other international human rights conventions, such as: ICESCR,¹⁵ the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹⁶ and the Convention on the Rights of the Child (CRC).¹⁷ The most articulated definition of the right to water and sanitation is in a general comment by the CESCR, adopted in 2003.¹⁸ The General Comment stipulates a right to sufficient, safe, physically accessible and affordable water. The CESCR links the right to water to the right to adequate standards of living and the right to enjoy physical and mental health of the highest quality.

Access to water in the Bedouin villages is minimal to nonexistent, as residents are largely provided with insufficient, poor quality and over-priced water. Quality, quantity and price – constitute the basis of the internationally recognized human right to water. Based on these criteria, residents of unrecognized villages and some of the recognized villages are being denied the right to water. None of the unrecognized Bedouin villages are connected directly to the national water network. In the past – and in many of the unrecognized villages today – residents have been compelled to purchase and transport water from private suppliers, in what is an extremely expensive and time-consuming process.

The State of Israel is bound by a 2011 ruling by the Israeli Supreme Court that all citizens of Israel, regardless of their legal status, possess the right to “minimal access” to water (though the court did not clarify what constituted minimal access).¹⁹ As a result, villages have been allocated a Mekorot (Israel’s National Water Company) water access node and are connected via the main transportation routes throughout the Negev/Naqab. In February 2013, however, the court rejected a petition to connect the unrecognized village of Umm al-Ḥirān to the national water network, ruling that the village’s current source of water – bought from a private supplier and at exorbitantly high prices – constituted “sufficient access”.²⁰ In effect, the court did not recognize the petitioners’ right to be provided with water by the State, due to their residence in an unrecognized Bedouin village, thereby sanctioning the violation of their basic rights.

¹⁴ The Human Right to Water and Sanitation (adopted 28 July 2010), GA. Resolution 64/292.

¹⁵ See supra note 4, art 11.1.

¹⁶ Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) GA. Resolution 34/180, art 14(h).

¹⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) GA. Resolution 44/25, art 24.

¹⁸ CESCR, General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), adopted 20 January 2003.

¹⁹ (Supreme Court, Civil Appeal) C.A. 9535/06, Abdullah Abu Musa’ed, et al. v. The Water Commissioner and the Israel Lands Administration (decision delivered 5 June 2011) (petition brought by Adalah on behalf of the villagers).

²⁰ (Supreme Court, Civil Appeal) CA 2541/12 Salim Abu al-Qian v. The Government Authority for Water and Sewage (decision delivered 20 February 2013). See also Adalah, “Supreme Court refuses water to unrecognized Bedouin village Umm el-Hieran,” 25 February 2013: <https://tinyurl.com/y9qpntqn>

Residents of unrecognized villages are liable for all expenses pertaining to all infrastructural construction of the water system and its upkeep, including the treatment of water leaks and other failures in infrastructure. Moreover, water quality is unregulated by the State, and residents are exposed to diseases and other threats to their health that may accumulate in their unsupervised water system. However, the full ramifications of poor water quality on residents' health have yet to be thoroughly researched.

Despite these shortcomings, the billing rate for domestic use of water in the unrecognized villages is one of the highest in Israel, far exceeding rates in proximate townships and local councils, and does not include sewage services (unlike in surrounding localities). Residents of unrecognized villages pay the water rate of a 'non-supplier user' directly to Mekorot. Adding to the problem, residents report large differences between the readings of their private water meters and those in their water bills from Mekorot. In the unrecognized village of az-Zarnūg, for instance, it was reported that there were discrepancies of up to 1,000 cubic meters per month. High rates and low accessibility generally preclude the use of water for agricultural purposes, a traditional occupation in the Bedouin villages.



Using insufficiently safe water in the unrecognized village of 'Atir. Photo by: Miyaser Abu al-Qian, 29.02.2016

Majority of Bedouin villages, both recognized and unrecognized alike, are not connected to the national sewage system and have hardly any waste management facilities available to them. Government Resolution No. 546, which was accepted in 2013 and allocated ILS 40 Million to a waste management program in the Bedouin communities,²¹ was meant to improve access to sanitation for the Bedouin society in the Negev/Naqab. However, it has failed to fulfil the needs of the population on the ground. For example, in the recognized village of Umm Batīn,

²¹ Government Resolution No. 546 of 14 July 2013, Adoption of the inter-ministerial staff's recommendations for updating the Negev National Development Program in light of the implementation of the move to transfer the IDF camps to the Negev.

only a few households have received refuse bins for waste disposal, leaving the rest to dispose of their waste in the nearest dry riverbed, Wadi al Khalil, or along the roadside. Moreover, residents who did receive a bin reported that there was no regular collection or removal of waste from the villages and as a result, they are forced to burn their rubbish inside the containers. In addition, the program was budgeted for only several years and, as of 2019, local and regional authorities will need to provide the funding for the continuation of the program, which is likely to be seriously compromised or made impossible by the impoverished state of the Bedouin local authorities. Furthermore, this program dealt only with household waste management, while ignoring other issues such as sewage disposal and appropriating disposal sites for building materials.



An outdoor toilet in the unrecognized village of al-Bāṭil. Photo by: NCF's Staff,

5. Right to Adequate Housing | Home Demolitions in Arab Bedouin Communities

The right to adequate housing was recognized as part of the right to an adequate standard of living in the Universal Declaration of Human Rights in 1948,²² and in the ICESCR in 1966.²³ Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it. The right to adequate housing also includes protection from forced evictions and the arbitrary demolition of homes, the right to choose where to live, and the right to participate in related decision-making.

Israel's use of demolitions as a mechanism for forced displacement of the Bedouin population in the Negev/Naqab systematically violates their right to adequate housing, even in its most narrow interpretation. Tens of thousands of Bedouin in the Negev/Naqab currently live in

²² See supra note 5, art 25.

²³ See supra note 4, art 11.

homes that are subject to demolition orders, in large part due to the lack of approved Urban Building Schemes for their villages, both recognized and unrecognized. In the case of the dozens of Bedouin villages in the Negev/Naqab that are unrecognized, they remain without approved building schemes, and without the possibility of applying for or receiving building permits, for as long as the Israeli Government continues to define them as illegal villages.

Israel's Southern Administration for the Coordination of Enforcement of Land Laws (hereinafter: Southern Administration) classifies demolitions into three types: "initiated demolitions", which are executed by enforcement authorities accompanied by the police; "self-demolitions", which are executed by the structure's owners; and demolitions "performed in procedure", which are done by owners while the administrative processes of obtaining a demolition order is still in progress.²⁴

Since 2013, the annual number of home demolitions in Bedouin communities in the Negev/Naqab has tripled from 697 in 2013 to 2,326 in 2018 – an increase of 333%. For instance, the unrecognized village of al-ʿArāgīb has been demolished over 165 times since 2010. In the summer of 2019, enforcement authority inspectors and police from the special "Yoav" unit carried out multiple arrests and demolitions in the village, almost on a daily basis, for more than three months. Among the detainees were men, women, minors and Jewish and Arab activists expressing their solidarity with the people of the village.

The number of "initiated" demolitions (those carried out by the enforcement authorities) increased between 2013 and 2017 from 321 to 641 demolitions, but there was also a dramatic decline of initiated demolitions between 2017 and 2018, from 641 to 262 demolitions. Thus, in only one year (2017–2018), the number of demolitions carried out by the authorities decreased by 244%, although the total number of demolitions in those years increased from 2,200 to 2,326 at the end of 2018. Notably, in 2018, 89% of all demolitions were "self-demolitions".²⁵ In 2015 and 2016, some 417 houses were demolished; in 2016 and 2017, the number rose to 536 houses (an increase of more than 28%), and then rose again in 2018 to 604 (another increase of approximately 13%).²⁶

These statistics reflect a harsh official policy of increased pressure on Bedouin residents to destroy their own homes through a constant presence of law enforcement officials and demolition teams; distribution of demolition orders; threats of heavy financial fines; aerial photography of villages by drones; and threats that are vaguely disguised as "negotiations" on the part of representatives of the Authority for the Development and Settlement of the Bedouin in the Negev (hereinafter: Bedouin Authority).

One example is the unrecognized village of Umm al-Ḥīrān, where after a 15-year legal struggle against their eviction of their village, in April 2018, under extreme pressure from the authorities, most residents signed an agreement to abandon their village and to relocate to the

²⁴ See NCF's report: "Mechanisms for dispossession and intimidation: Demolition policy in the Arab Bedouin communities in the Negev/Naqab", June 2019, pp.22–24 <https://tinyurl.com/yxibtzfw>

²⁵ See supra note 24, p.13.

²⁶ See supra note 24, p.14.

township of Ḥūrah. The negotiations took place in an extremely coercive environment: either sign an agreement or have your house demolished anyways and in the presence of police forces in and around the village, and against the background of 2017's brutal police killing of a local man, Ya'aqub Abu al-Qian, during a demolition operation in the village.²⁷

According to a report published in the major daily Maariv newspaper,²⁸ the State of Israel continues to disregard its own agreements with the Bedouin people. As of now, the standing of the residents, some of whom have already destroyed their homes in Umm al-Ḥīrān and have started building their new homes in Ḥūrah, remains unknown.



Home demolitions in the unrecognized village of Umm al-Ḥīrān. Photo by: Sulaiman, 24.02.2017

In the past few years, the State of Israel has been promoting various changes in the planning and building laws legislation to restrict construction in Arab communities and enforce violations of the laws. One of the main results of this policy is the Kaminitz Law, what is now known as Amendment No. 116 of the Planning and Building Law.²⁹

Amendment No. 116 of the Planning and Building Law, was passed by the Knesset and went into force on October 25, 2017. This amendment addresses methods of increasing enforcement of planning and building offenses and economic sanctions by imposing fines via administrative bodies so as to avoid the need to conduct legal proceedings and shorten enforcement procedures.³⁰ At the same time, the powers of the administrative enforcement authorities,

²⁷ See NCF's 2018 Report to the US State Department, pp.10-11: <https://tinyurl.com/szomwz8>

²⁸ Kalman Libeskind, "The Attorney General's Office Presents: Lies, Hiding Evidence From the High Court and Agreements That Need Not Be Honored", *Maariv*, 6 July 2019 (in Hebrew): <https://tinyurl.com/y2s8bz2g>

²⁹ Planning and Building Law (Amendment no. 116), 2017 (in Hebrew): <https://tinyurl.com/y7evr4ow>

³⁰ The Association for Civil Rights in Israel and others. The Kaminitz Law (Proposed Planning and Building Law (Amendment 109), 5766 - 2016: Position Paper, 2017, (in Hebrew): <https://tinyurl.com/y88zumnu>

first and foremost those of the National Unit for Enforcement of Planning and Building Laws, were expanded, and they were afforded extensive judgmental discretion.³¹

In addition, significantly harsher penalties were proposed for planning and building violations, including higher fines and extended terms of imprisonment. In a further intensification of enforcement efforts, the bounds of responsibility for planning and building offenses were redrawn to include persons who do not necessarily have the ability to influence or prevent illegal construction, such as business owners that sell construction materials intended for construction in the unrecognized villages, and building contractors.³² The transformation of these individuals into accomplices to a crime is a serious aggravation which is liable to lead to the incrimination of innocent people on a large scale.³³

A complementary step to amending the Planning and Building Law was the adoption of regulations to implement harsher economic and administrative penalties. In June 2018, Israeli former Justice Minister Ayelet Shaked approved the Administrative Offenses Regulations, which set new administrative fines for violations of the Law. The decision to impose the fine is vested in an administrative body, thus eliminating the requirement of judicial oversight. The increased fines set in the new regulations are unprecedented, draconian, and may amount to up to ILS 300,000 as a one-time fine attached to a daily fine of up to ILS 1,500 per day for an unlimited time in the event of an ongoing offense.³⁴ These fines have the power to reduce almost any and every Bedouin family to a state of abject poverty and to seriously violate their right to live in dignity.

6. Right to Development | Development-Induced Displacement

The right to development was first recognized as an individual and collective right in the 1981 African Charter on Human and People's Rights.³⁵ In 1986 the United Nations also recognized the right to development in its Declaration on the Right to Development.³⁶ It states that "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom."³⁷ In 2007, the Declaration on the Rights of Indigenous Peoples recognized the right to development as an indigenous right.³⁸

³¹ See supra note 30.

³² See supra note 29, article 253-254.

³³ See supra note 30.

³⁴ Ministry of Justice, Administrative Offenses Regulations (Administrative Fines – Planning and Building), 2018 (in Hebrew): <https://tinyurl.com/yakjuhw>

³⁵ African Charter on Human and Peoples Rights (adopted on 27 June 1981, entered into force 21 October 1986) art 22, <https://tinyurl.com/kooxt68>

³⁶ Declaration on the Right to Development (adopted 4 December 1986), GA. Resolution 41/128.

³⁷ Ibid.

³⁸ Declaration on the Rights of Indigenous Peoples (adopted 13 September 2007) GA. Resolution 61/295.

Israel has been attempting to forcibly evict the Bedouin population from the unrecognized villages to the recognized communities without their consent for decades by using “development” as a reasoning for the displacement of an entire indigenous population.

One of the main mechanisms for forced displacement is the Israeli Government Resolution No. 2397 (Government Plan for the Empowerment and Socio-Economic Strengthening of the Bedouin Localities in the Negev for the Years 2017–2021)³⁹ (hereinafter: Five-Year Plan). The plan ostensibly allocates ILS 3.12 billion (US \$855 million) for the development of Bedouin townships and villages. However, in fact, a major portion of the plan is dedicated to the execution of evictions and home demolitions in the 35 unrecognized Bedouin villages, which are almost entirely excluded from the benefits of the plan. The issue of “enforcement” takes up no less than two full pages in the Five-Year Plan and is excluded from oversight by both the Head Steering Committee and the Public Monitoring Committee of the plan, guaranteeing that the mechanisms of oppression will remain hidden from the eyes of the public as much as possible.

The Five-Year Plan includes a section on “law enforcement” that was added after several government ministers refused to approve the plan without including measures to ensure the evacuation and demolition of the unrecognized villages. The resolution thus effectively conditions economic development on the implementation of policies of forced displacement, allocating part of its budget to this purpose, which includes: ILS 30,000,000 per year for planting trees on “lands that were evacuated” so as to prevent the return of the expelled residents;⁴⁰ another ILS 32,000,000 for the reinforcement of the various enforcement forces;⁴¹ and ILS 10,500,000 for additional staffing for the National Unit for Planning and Building Law Enforcement⁴² and for local planning committees in order to enable them to deal with the “illegal construction” in the Bedouin communities.⁴³

As part of the State’s attempt to forcibly transfer the Bedouin population from the unrecognized villages, it is leveraging several national development programs such as the extension of the Trans-Israel Highway (Route 6) to the south; the expansion of a special weapons industrial zone in Ramat Beka; the establishment of a phosphate mine in Sdeh-Barir; and two new railway lines. All of these national “development” plans are planned mostly on land where Bedouin villages are situated (some of whom have claims to the land) and will eventually lead to the destruction of homes and the displacement of thousands of peoples. The Ramat

³⁹ Government Resolution No. 2397 of 12.02.2017, Program for Socio-Economic Development of the Bedouin Population in the Negev (in Hebrew).

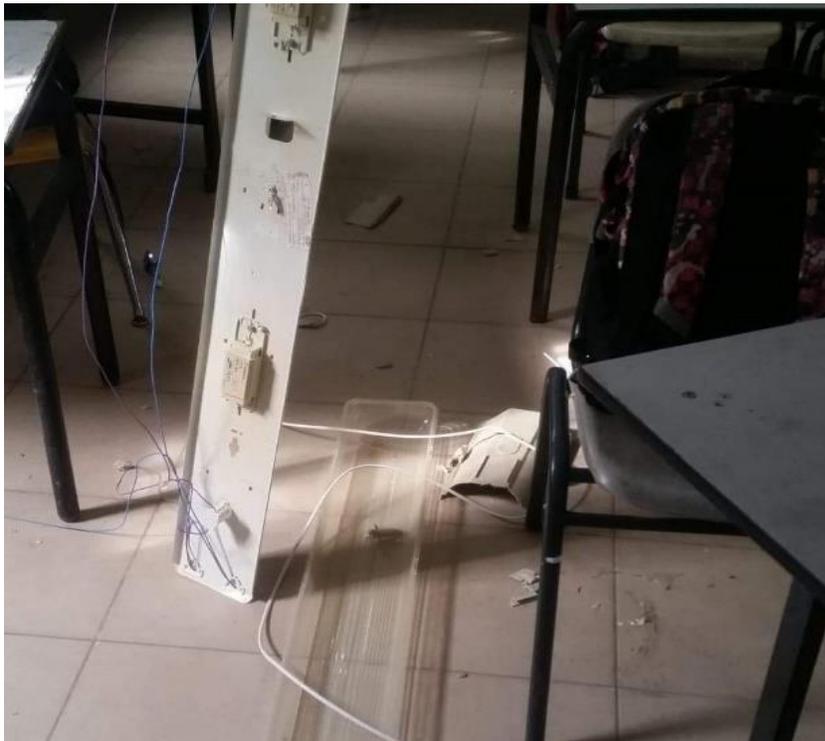
⁴⁰ Ibid, Clause 13. VI.1.

⁴¹ Ibid, Clause 13. VIII.

⁴² The National Unit for Enforcing Planning and Construction Laws of the Ministry of Finance operates in six districts as well as in the areas of the West Bank, based on the Planning and Construction Law, which enables the issuance of administrative and judicial demolition orders against structures built without a permit.

⁴³ See supra note 39, Clause 13. VIII– X.

Beka industrial zone and the Sdeh-Barir phosphate mine also entail great health risks to the Bedouin population as well as Jewish population residing in and around these areas.



Damage to the local school in the unrecognized village of Wādi an-Na‘am, caused by explosions from the Ramat Beka industrial zone. Photo by: Wādi an-Na‘am’s Parents Committee, 06.02.2019

In an attempt to expedite the forced displacement of Bedouin population and its concentration in the townships, the National Planning Authority is promoting plans for “Temporary Housing Solutions and Public Buildings for the Bedouin Population in the Negev”.⁴⁴ According to the official explanation, the purpose of the plan is “to provide temporary housing solutions for Bedouin populations presently living in unregulated communities, in cases where the population is urgently required to move from its present location prior to the erection of permanent buildings and in cases where it is necessary to regularize the settlement of the population in its current location in defined residential lots or in their proximity, in either temporary or permanent structures.”⁴⁵

This convoluted explanation is meant as cover for the real purpose behind these plans which is no more than another attempt by the Bedouin Authority to uproot a large part of the population of the unrecognized villages in the Negev/Naqab and concentrate it in dense, urban townships. The plans would apply to the entire planning area of the Eastern Negev/Naqab and two Regional Councils (al-Qassum and Neveh Midbar), and will enable the establishment of

⁴⁴ Planning Administration, Plan No. 624-0765792, “Temporary Housing Solutions and Public Buildings for the Bedouin Population in the Negev” (in Hebrew); and Plan No. 652-0767921 (in Hebrew):

⁴⁵ Ibid.

supposedly **transitional camps** that will host displaced Bedouin people who will be relocated within the limits (blue line) of currently recognized villages and townships. On the 10th of October 2019, the Committee accepted the general outline of the plans. The plans are currently undergoing regular planning processes.

7. Right to Education | Inadequate Investment in Education, Shortage of Classrooms, and Persistently High Drop-Out Rates

The right to education has been recognized as a human right in a number of international conventions, most notably the ICESCR. Article 13 of the Covenant⁴⁶ recognizes that the right to education includes free, compulsory primary education for all, an obligation by State parties to develop secondary education accessibly to all, introduction of free secondary education, as and an obligation to advance access to higher education. The Covenant also states that “education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms”.⁴⁷

Decades of inefficient investment or total lack of investment by the State in Bedouin education have taken a heavy toll. Despite lower levels of educational achievement among Arab students at all stages of education – Israel has the largest gaps in educational achievement of all OECD countries, with Arab children scoring on average 133 fewer points than Jewish student in the 2012 PISA tests⁴⁸ – investment in their schooling is less than that of higher-achieving Israeli Jewish children. In Israeli Jewish schools, students with lower levels of educational achievement receive extra funding; in Arab schools, however, students of different educational levels receive very similar amounts of funding. The gaps in investment between Arab and Jewish students increases over the course of their education, at 23.6% in favor of Israeli Jewish students among low-achieving elementary school children, rising to 48.5% at junior high school level, and 67.6% at high school level.⁴⁹ These gaps are even more pronounced in the case of Bedouin school children, though the State does not consistently publish disaggregated data about them.

Although this issue has improved in recent years, numerous obstacles remain in place that deny Bedouin children in the Negev/Naqab equal rights and access to education. In dozens of Bedouin villages, three and four-year-old children have no preschool frameworks, in violation of Israel’s Compulsory Education Law.⁵⁰ According to a Knesset report, 4,843 Bedouin children in the 3–5 year age bracket had no access to preschool education in the 2016/2017 academic year, which equates to 21% of all Bedouin children of age in the Negev/Naqab. Seventy percent

⁴⁶ See supra note 4, art 13.

⁴⁷ Ibid.

⁴⁸ Yarden Skop, “Israel Has Largest Gaps in Student Achievement of All OECD Countries, Study Shows”, Haaretz, 2 April 2014: <https://tinyurl.com/yd8x9sep>

⁴⁹ Knesset Research and Information Center, “Data on the allocation of the Ministry of Education’s budget to schools by sector”, 17 December 2015, pp. 7, 10, 13. Data excludes Jewish religious schools.

⁵⁰ Compulsory Education Law – 1949 (in Hebrew): <https://tinyurl.com/y32dezyz>

of those children without preschool education live in unrecognized villages.⁵¹ The denial of preschool education is likely to have lifelong detrimental effects on the children, and the State's failure to implement the Compulsory Education Law perpetuates inequality of opportunity for Bedouin children.

Instead of building more schools and kindergartens in the unrecognized villages, the Ministry of Education prefers to invest ILS 120 million (roughly \$ 34 million) a year on bus shuttles that transfer the children from the unrecognized villages to their education facilities.⁵² This huge sum of money put into transportation is equal to the cost of the construction of approximately 200 school and kindergarten classes a year.⁵³ The transportation can also be in unsafe conditions and often pose a danger to the children, which can lead parents to take them out of school. In addition, the drive back and forth can take more than an hour, which causes the children to arrive late and sometimes drop-out of school.



Children from the unrecognized village of az-Zarnūg walking to the main road to catch the bus to school.

Photo by: Sabrin, 23.12.2017

As a result of the structural discrimination that disadvantages Bedouin education from daycare to high school, the dropout rate among Bedouin children is a critical concern. A Knesset report found that the dropout rates among the Bedouin are far higher than among other population groups: at age 17 the Bedouin dropout rate in 2015 was 30%, compared to 13% among all Arab

⁵¹ Knesset Research and Information Center, "Report on Bedouin Education in the Negev," 30 October 2017, p. 17 (in Hebrew): <https://tinyurl.com/yxtk4mkq>

⁵² Preliminary response from the Ministry of Education, in accordance with the District Court Decision of 03.09.2019 (in Hebrew): <https://tinyurl.com/y6dtqnd7>

⁵³ Knesset Research and Information Center, "Construction of New Classrooms in the Various Sectors in the Educational System", November 21, 2011: <https://tinyurl.com/KnessetInfo-Classes2011>

children and 5% among all pupils in Israel in this age group.⁵⁴ In the 2015–2016 academic year, 11% of all Bedouin children aged 3–17 in the Negev/Naqab were not in any Ministry of Education’s school.⁵⁵ This is an alarmingly high figure which shows the ineffectiveness of the State’s efforts to improve education for Bedouin citizens. Despite the severity and disproportionality of the problem in Bedouin communities, only 25 out of 679 attendance officers in Israel charged with preventing dropout rates operate in Bedouin localities.⁵⁶

While an increasing percentage of students in Israel have successfully completed the matriculation requirements at the end of secondary education (12th grade) in recent years, the percentage of Bedouin school children who achieved this level of educational attainment remains low, and the gap between Bedouin and other children has grown over time. In the 2016–2017 academic year, only 31.3% of Bedouin pupils in the Negev/Naqab who completed 12th grade achieved the matriculation results needed to meet university entrance requirements, compared to 62.8% among the general population, i.e. half the latter rate.⁵⁷

8. Right to Work | Obstacles to Employment of Arab Bedouin Women

The right to work is enshrined as a basic human right in Article 23 of the Universal Declaration of Human Rights,⁵⁸ and is recognized in the ICESCR, where the right to work emphasizes economic, social and cultural development. It encompasses the rights to choose your employment, to receive just and favorable conditions of work, protection against unemployment, equal pay, fair wages and forming of trade unions. In addition, the covenants recognize the State’s obligation to take measures that will promote full employment to its entire population.⁵⁹

The Bedouin community in the Negev/Naqab suffers from economic hardship and severe poverty. A major difficulty is reflected in the labor market, where many members of the community face marked inferiority when competing for a job, in part due to exclusion and discrimination.

In 2010, the Israeli government set national goals for the OECD to promote employment among the Arab population based on the recommendations of the Eckstein Committee. A goal was set to raise the employment rate of Arab women in Israel to 41% by 2020.⁶⁰ No special objective has been set for Bedouin women from the Negev/Naqab, although they face additional barriers and are amongst the most disadvantaged populations in Israel. According to official statistics,

⁵⁴ Knesset Research and Information Center, “The Bedouin education in the Negev 2018: Chosen figures”, 18 December 2018, p.15 (in Hebrew): <https://tinyurl.com/yg9pwzuyu>

⁵⁵ Ibid, p.30.

⁵⁶ State of Israel report to the Committee on the Elimination of Racial Discrimination, 15 October 2018, p. 27, para. 245: <https://tinyurl.com/y2wxuvoe>

⁵⁷ See supra note 51, p. 25.

⁵⁸ See supra note 5, art 23.

⁵⁹ See supra note 4, art 6–7.

⁶⁰ Government Resolution No. 1994 15.07.2010, Setting employment targets for 2010 – 2020 (in Hebrew): <https://tinyurl.com/ybk9mmh6>

the employment rate of Bedouin women in the Negev/Naqab (ages 25–64) was approximately 32% in 2016, lower than the employment rate of other Arabic women.⁶¹

The plans to increase employment among Bedouin women in the Negev/Naqab excludes nearly all women from unrecognized Bedouin villages. These women are regularly denied access to basic State services, which makes it almost impossible for them to take significant part in the labor force. During a discussion in the Knesset's Committee on the Status of Women and Gender Equality (October 2017), Member of Knesset and Chair of the Committee Aida Touma-Suleiman stated that the Five-Year Plan for the Bedouin society in the Negev/Naqab has failed to increase women's employment. It was noted that while the target set for the program was an 18% increase by 2020, the employment rate at the time of the discussion increased by only 1%. The MK urged the government and its officials to examine the causes of the failure, given that millions of shekels have been invested without any substantial results.⁶²

As women in an ethnic minority, Bedouin women in the Negev/Naqab are subject to discrimination and double exclusion, which forces them into poverty, unemployment or low-wage jobs and inappropriate working conditions. The urbanization of the Bedouin society in the Negev/Naqab, which began in the 1970's, was an enforced move by the Israeli government which did not take into consideration the delicate social and cultural fabric of the traditional Bedouin society, as well as the negative impact this process might have on Bedouin women. Since the Bedouin society was (and remains) dependent on the Jewish labor market, Bedouin women lost most of their employment opportunities. The women were left at home because many of them have a very basic education, if any, and do not have a command of the Hebrew language.

Some of the main barriers to the integration of women into the labor market include a severe shortage of frameworks for children and toddlers. Israel's national expenditure on children aged 0–3 is one of the lowest in the OECD countries and is about 5% of the average for developed countries.⁶³ In Israel, only about a third of preschoolers are in state-controlled and subsidized institutions.⁶⁴ This means that most of the spending on early childhood education is funded by parents. In the Arab society, the situation is even worse when, as of 2016, only 16% of children in Arab localities of the above age range were placed in state-controlled facilities.⁶⁵ Regarding Bedouin communities in the Negev/Naqab, only about 2% of all children ages 0–3 are in State-controlled daycare centers.⁶⁶ As of 2019, there are only 8 active daycare centers in the Bedouin communities and 11 centers that have been constructed but are not currently active and remain empty due to barriers that impede their opening.

⁶¹ Ministry of Finance, Weekly economic review, 03.11.2019

⁶² Minutes of Session No. 192 of Committee on the Status of Women and Gender Equality, Knesset 20,31 October 2017 (in Hebrew): <https://tinyurl.com/y5jpp4c5>

⁶³ OECD, 2019. "Providing Quality Early Childhood Education and Care", pp.234–236: <https://tinyurl.com/y46wqr8e>

⁶⁴ Ibid.

⁶⁵ Ministry of Justice, "Concluding report: The interagency team for coping with the negative implications of polygamy," July 2018, pp. 130–131.

⁶⁶ Ibid.

The short supply of job opportunities in Bedouin localities and the severe shortage of local commerce, craft and industrial parks is one of the major barriers to the integration of Bedouin women in the labor market. In spite of the numerous obligations of the government, with the exception of the "Idan Ha-Negev" industrial park near the Bedouin city of Rahat, none of the other industrial zones set to be developed met their goals and are left empty. This failure has caused significant harm to the advancement of employment among Bedouin in general, and Bedouin women in particular that are in need of workplaces in close proximity to their communities.

The operation of accessible public transportation to industrial zones and employment areas is also integral to promoting Bedouin women's participation in the labor market. Although there has been some positive improvement in public transportation in general over the last decade, as of today, only seven townships and four of the eleven recognized villages have relatively sufficient public transportation services. For example, in Umm Batīn, a village that was recognized by the State in 1999, there is no public transportation. In Bīr Haddāj, a village of more than 6,000 people, buses only enter as far as the school. The same applies to other recognized villages such as Abu Grīnāt, and Sa'wah/Mūlada'h.



Women picking hubeze in the unrecognized village of Umm al-Ḥīrān. Photo by: Rimal Abu al-Qian, 27.04.2016

In the other 35 unrecognized villages, there are no regular public transportation services.⁶⁷ In the absence of local public transportation services, residents of the Bedouin villages (recognized and unrecognized alike) are forced to rely on buses that stop alongside intercity highways where many stations lack shelter and even pavements, thus presenting obvious

⁶⁷ Sikkuy and RCUV, The obstacles to accessible public transportation in dispersed communities in the Negev, at: <https://tinyurl.com/y93t2goe>

safety hazards. In many cases, there is no safe passage to and from the station and passengers are forced to risk their lives to cross intercity highways.⁶⁸

9. Right to Health | Infant Mortality Rates and Insufficient Access to Healthcare

The right to health was first recognized in the Universal Declaration of Human Rights.⁶⁹ It was later incorporated into the ICESCR, which states that all persons are entitled to the highest attainable standard of health, both physical and mental.⁷⁰ The right to health is also a fundamental part of the right to dignity and is an inclusive as it is associated with other rights such as: safe drinking water and adequate sanitation, safe food, adequate nutrition, healthy working environment and conditions, gender equality and more.⁷¹

The State of Israel continuously violates the Bedouin people's right to the highest attainable standard of health. In most of the Bedouin villages there are no medical clinics that provide basic health services. In the villages that do have medical clinics or mother and child clinics (specializing in pre- and post-natal healthcare), they are usually arbitrarily closed and opened only after repeated legal interventions.⁷² Neither emergency medical services nor public transport connects to or accesses the unrecognized villages, and Bedouin families must often travel long distances for basic healthcare. These structural barriers, among other factors, are major contributors to the very high infant mortality rate that continues to plague the Bedouin in the Negev/Naqab.

The infant mortality rate among Bedouin was 8.7 per 1,000 live births in 2017.⁷³ While there has been a significant decline in the rate of infant mortality among the Bedouin (from 15.3 per 1,000 live births in 2001), it is still much higher than that of other groups of the population, as the national rate was 5.5 per 1,000 live births in 2001 and 3.0 per 1,000 live births in 2017.⁷⁴

Israel claims it is placing much effort into reducing infant mortality rates. It notes that additional screening tests for pregnant women have been added to the State healthcare basket, however, the lack of accessible healthcare means that this testing remains out of the reach of many women.⁷⁵ The frequency of pregnancy checks varies significantly between recognized and unrecognized localities. In the latter, pregnant women reportedly have their first prenatal check only during the second trimester (avg. 17 weeks' gestation). In the recognized townships and villages, the first check on average takes place during the critical first trimester.⁷⁶

⁶⁸ See supra note 67.

⁶⁹ See supra note 5, art 25.

⁷⁰ See supra note 4, art 12.

⁷¹ The Right to Health, Fact Sheet No. 31, pp.3-4: <https://tinyurl.com/y5wzkc8q>

⁷² See for example, Adalah, "Health Ministry Reopens Mother & Child Clinic in Unrecognized Village of Wadi al-Nam," 24 Nov 2011: <https://tinyurl.com/yasuc8ma>

⁷³ Israel National Council for the Child, "The statistical yearbook: Children in Israel 2018, selected data", 2018, p. 11: <https://tinyurl.com/yxuc2nxx>

⁷⁴ Ibid.

⁷⁵ Annex I to the State of Israel's 4th Periodic Report to the CESCR, p. 83.

⁷⁶ Diana Bahor-Nir, "The first Bedouin gynecologist begins a revolution", Calcalist, 11 November 2016 (in Hebrew): <https://tinyurl.com/ycxzgp5l>



A 'Clalit' health clinic in the recognized village of Bīr Haddāj. Photo by: NCF's staff, 13.02.2014

10. Conclusions

At the heart of the ongoing conflict between the Arab Bedouin citizens in the Negev/Naqab desert and the State of Israel is the State's ongoing denial of Bedouin ownership rights over their lands and the policy of dispossession. Most of the State's plans for the area have ignored the needs of the Bedouin population and violated their most basic rights. They were planned without consultation with the community and executed, at times, without their knowledge. The purpose of these plans, both in the past and present, is to concentrate the Bedouin population in urban and semi-urban townships and villages, on least amount of land.

As a result of this, since the establishment of the State of Israel in 1948 and up to the present time, the pronounced inequality between members of the Bedouin community and other residents of the Negev/Naqab has been interminable: high rates of infant mortality, inefficient investment in education and employment, continuing home demolitions, denial of recognition of the Bedouin villages, denial of basic services; and the relentless attempt of the State of Israel to forcefully urbanize and dispossess the Bedouin people of their land. Moreover, under cover of either declared or covert claims that the Bedouin are unfit to manage their own lives and future, they have been persistently excluded from any significant participation in policy-making and implementation of programs that have very direct and immediate effects on them as individuals and as a community, thus adding the injustice of civil and political inequality to the aforementioned material inequality.

The various violations of rights presented in this report are contrary to and in violation of numerous human rights covenants and conventions that should be ensured for every human being, regardless of their color, religion, citizenship, ethnicity and gender. Instead of fulfilling its obligations to its own citizens, the State of Israel continues to violate the Bedouins' rights, pushing them to the margins of society.

The Bedouin people of the Negev/Naqab are resilient in fighting for the respect of their human and civil rights through various non-violent means. As citizens of Israel and more importantly, as human beings, they are entitled to have these rights protected and respected.

On the occasion of the International Day of Human Rights, the Government of Israel and the various State authorities should reexamine their treatment of the Negev/Naqab Bedouin people. There is no doubt that ensuring the rights of all residents of the region, the provision of services, as well as the promotion of development for everyone in the area that focuses on those most in need, will reduce the profound inequality between the Bedouin and the Jewish people and contribute to a viable, equal and sustainable Negev/Naqab for all of its residents.

"We will not enjoy security without development, we will not enjoy development without security, and we will not enjoy either without respect for human rights."

(Former UN Secretary General, Koffi Annan)



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