

# Do non-Jewish citizens of Israel have the same rights as Jewish citizens of Israel ?

## Jews

### Immigration Laws<sup>1</sup>

Any Jew anywhere in the world is automatically allowed to immigrate to Israel under Israel's Law of Return (1950). This applies to Jews that have no familial ties to Israel. The law therefore allows relatives of Jewish citizens to come to Israel and join their families.

### Political Participation Rights.<sup>2</sup>

Jews can run for office and advocate for a state of their own Jewish people under Section 7A(1) of the Basic Law passed in 1985

### Right to Settle land<sup>3</sup>

Jews have an organization with governmental status (Jewish National Fund and Jewish Agency) whose aim is to settle land with Jewish residents.

### Rights to live with spouse

Jews who marry Israeli citizens are entitled to automatic citizenship under the Law of Return.

### Education

The State Education Law<sup>5</sup>, says that the purpose of elementary education for all citizens, including non-Jewish citizens, is to teach 'the values of Jewish culture' and 'loyalty to the State and the Jewish people.'

References on back

## Non-Jews

### Immigration Laws

Non-Jews are *not* automatically allowed to immigrate to Israel. As a result, Israel's Law of Return blocks many relatives of Palestinian citizens from joining their families. In addition Palestinian refugees (displaced in 1947 and 1948) are unable to return to their land of origin.

### Political Participation Rights.

Non-Jews *cannot* run for office while advocating for a state that is a state of all of its people; in order to participate, they are forced to advocate for a Jewish state.

### Right to Settle land

Non-Jews have *no* organization with governmental status whose aim is to settle land with Christian, Muslim or other non-Jewish residents.

### Rights to live with spouse

Non-Jewish Palestinians who marry Israeli citizens cannot obtain automatic citizenship. Instead, non-Jewish Palestinian citizens who marry Palestinians have to leave Israel or accept living apart from their spouses.

### Education

The State Education Law does not recognize the religions or cultures of people who are not Jewish.



## Day-to-day discrimination and the official registration of religion / background

Under the Population Registry Law (1965) all residents of Israel must register their nationality—Jewish, Arab, Druze—with the Population Registry and to obtain an identity card carrying this information. Under the Identity Card (Possession and Presentation) Law (1982) all citizens must carry identity cards at all times and present them to "senior police officers, to the heads of local authorities, or to police officers or soldiers on duty when requested to do so." Since people can be identified by religion, the law allows for unequal treatment of different citizens, on a daily basis. For example, non-Jews are stopped at checkpoints regularly while Jews are allowed to pass.

**United Nations blocks membership of JNF citing racial discrimination. (see back)**

Israel is often cited as a "democracy".

A real democracy has more than a voting system. It has laws that give

## Equal Rights for all of its citizens

The Mass Residents for International Human Rights, mhihr@yahoo.com, 617 566-9637 or 617 230-2835  
"Equal rights for all, including Palestinians"

Continued on back—>>

## United Nations blocks membership of JNF in 1998 citing racial discrimination

The United Nations Committee on Economic Social and Cultural Rights in 1998 said "The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively... A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies, constitute an institutionalized form of discrimination ..."



### References

1. The **Law of Return** Grants right of immigration to Jews born anywhere in the world. Amended in 1970 to extend this right to "a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew." A "Jew" is defined as "a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion." Non-Jewish native-born Palestinians—most importantly those who became refugees in 1947 and '48—are in most cases prevented from returning. In addition, under the **Nationality (/Citizenship) Law (1952)** automatic citizenship is granted to all who immigrate under the Law of Return.
2. **Section 7A(1) of the Basic Law:** The Knesset (1958), passed in 1985 bars a list of candidates from participation in elections to the Knesset "if its aims or actions, expressly or by implication" deny "the existence of the State of Israel as the state of the Jewish people." The **Law of Political Parties (1992)** prevents a political party from registering if it denies "the existence of the State of Israel as a Jewish and democratic State."
3. For details of the relationship between the state of Israel and the Jewish National Fund see Adalah: The legal center for Arab minority rights in Israel ([www.adalah.org](http://www.adalah.org)) The **Development Authority (Transfer of Property Law) (1950)** transfers confiscated Palestinian villages and private property to the Development Authority, which is empowered to dispose of it in the interests of the State, giving priority to the Jewish National Fund (JNF) —a Zionist organization aimed at settling Jewish immigrants to Israel. Both the JNF and the Jewish Agency—organizations that act exclusively in the interest of Jews—take on the status of quasi-governmental organizations within the framework of the Development Authority Law. **The World Zionist Organization—Jewish Agency (Status) Law (1952)** establishes the World Zionist Organization and the Jewish Agency as organizations with governmental status in fulfilling Zionist objectives—the immigration and settlement of Jews in Palestine.
4. In July of 2003 Israel passed the **Nationality and Entry into Israel Law (Temporary Order), 5763 – 2003** that prevents non-Jews in the occupied territories from entering Israel to be with their Israeli citizen spouses. The law makes reference to several terms which are defined in the law: "region" – each of these: Judea and Samaria and the Gaza Strip; "Nationality Law" –Nationality Law, 5712 – 1952; "Entry into Israel Law" –Entry into Israel Law, 5712- 1952; "regional commander" – the commander of forces of the Israel Defense Force in the region; "resident of the region" – including a person who lives in the region but is not registered in the region's Population Registry, excluding a resident of an Israeli community in the region. The laws states that during the period in which this Law shall be in effect, notwithstanding the provisions of any law, including section 7 of the Nationality Law, the Minister of Interior shall not grant a resident of the region nationality pursuant to the Nationality Law and shall not give a resident of the region a permit to reside in Israel pursuant to the Entry into Israel Law. The regional commander shall not give such resident a permit to stay in Israel pursuant to the defense legislation in the region.
5. The **State Education Law, Articles 2, 4, Laws of the State of Israel, vol. 7, p. 113 (1953)**, which says that the purpose of elementary education is to teach 'the values of Jewish culture' and 'loyalty to the State and the Jewish people.'