



UN Human Rights Committee – Information Sheet #4

Discrimination Against Palestinian Citizens of Israel: No Fair Representation in Governmental Bodies

22 July 2003

ICCPR, Article 2, para. 1 and Article 26 (Principle of Non-Discrimination); Article 27 (Non-Discrimination Against Minorities)

List of Issues, Question 17:

In July 2001, the High Court ruled on a petition from the Association for Civil Rights in Israel, that Israeli Arabs were entitled to fair and proportionate representation in governmental bodies. The Court held that the principle of affirmative action should apply to the Lands Council, which is responsible for supervising the Israeli Lands Administration and whose 24 members included only one Arab. What changes have taken place since the ruling was made in terms of representation of Israeli Arab citizens on governmental bodies? Please provide details.

The Israel Lands Administration Council Case

In July 2001, the Supreme Court of Israel issued a decision endorsing the application of fair representation standards on the Israel Lands Administration Council (ILAC). As a result of the petition, the Council agreed to reinstate a previous Arab appointment, and the Court in its ruling, suggested that the government ask the Council to consider appointing an additional Arab representative.¹ Currently there are two Arab members on the ILAC.

Note, however, there are structural problems with the composition of the ILAC that place a natural ceiling on the change promised by the judgment. For example, 49% of the 13 ILAC posts (6 seats) are still appointed by the Jewish National Fund. Most importantly, however, the Supreme Court held, for the first time, that the state has a positive obligation – albeit not a statutorily recognized one – to guarantee fair representation of Palestinian citizens of Israel in public bodies, especially those vested with decision-making powers.

Under-Representation of Palestinian Citizens of Israel in the Civil Service

2002 - Palestinian citizens of Israel comprise close to 20% of the population. Yet, Palestinian citizens - women and men - amount to only 6.1% of the civil service workforce. Palestinian women citizens of Israel comprise only 2%.

Civil Service Law (Appointments) (1959), as amended December 2000:

"Fair representation will be granted among all ranks and professions of all civil service employees, in every ministry and affiliated institutions and in accordance with the circumstances, to both sexes, people with disabilities, and of the Arab population including Druze and Circassian."

Despite this new law, Palestinian citizens of Israel in general, and Palestinian women in particular still remain sorely under-represented in civil service positions.

Palestinian Citizens of Israel Employed in the Civil Service, 1992-2002²

| Year | Total # of Workers | # of Palestinian Citizen Workers | % of Total |
|------|--------------------|----------------------------------|------------|
| 1992 | 53,549 | 1,117 | 2.1 |
| 1993 | 53,914 | 1,369 | 2.5 |
| 1994 | 55,278 | 1,679 | 3 |
| 1995 | 56,183 | 1,997 | 3.5 |
| 1996 | 56,809 | 2,231 | 4 |
| 1997 | 57,286 | 2,340 | 4.1 |
| 1998 | 57,580 | 2,537 | 4.4 |
| 1999 | 58,115 | 2,818 | 4.8 |
| 2001 | 55,886 | 3,176 | 5.7 |
| 2002 | 56,362 | 3,440 | 6.1 |

Observations:

- Over the last decade the number of Palestinian citizens of Israel who work in the civil service has increased only 4% - from 2.1% in 1992 to 6.1% in 2002. At the current rate, it will take some 30 years until the percentage of Palestinians working in the civil service will reflect their actual percentage of the population.³
- Since the enactment of the new law, in 2001 and 2002, the percentage increase in Palestinian citizen workers in the civil service amounts to only .4%.

Palestinian and Jewish Women Citizens of Israel Employed in the Civil Service, 2001-2002:⁴

| | Total No. of Employees in the Civil Service | Total No. of Pal. and Jewish Women in the Civil Service | Total No. of Pal. Women Citizens in Civil Service |
|---------------|---|---|---|
| May 2001 | 55,802 (100%) | 34,786 (62%) | 1,150 (2%) |
| November 2002 | 56,362 (100%) | 34,938 (62%) | 1,078 (2%) |

Under-Representation of Palestinian Citizens of Israel on Boards of Government Companies

2003 - Palestinian citizens of Israel comprise less than 5.9% of the total number of directors on the boards of government companies. Palestinian citizen women comprise only 1%.

Despite legislative amendments in 1993 and 2000 that create an obligation on the state to ensure that women in general and Palestinian citizens of Israel in particular are fairly represented in government bodies, Israel has failed to take significant steps towards implementing these laws. Despite a growing percentage of Jewish women in these positions, the position of Palestinian citizens, both men and women, has not improved significantly. There exists a significant number of Palestinian citizens - women and men - university graduates and holders of advanced degrees who are qualified for these positions, however, they remain underrepresented on the boards of directors of Government Companies.

Governmental Companies Law (1975), Amendment 6 (1993):

"Fair representation will be granted to both sexes in the composition of government companies' boards of directors."

Despite this law and Supreme Court litigation by the Israel Women's Network in 1994,⁵ only 1% of sitting board members are Palestinian women citizens of Israel. While Jewish women's representation increased from 7% to almost 37% between 1994-2002, there was no increase in the representation of Palestinian women.⁶

Government Companies Law (1975), Amendment 11 (2000):
“On the board of directors of governmental companies, fair representation will be given to the Arab population.”

Number of Government Companies with Palestinian Citizens of Israel on Board of Directors - 2003⁷

| Total # of Gov't Companies | # of Gov't Companies with Pal. Citizens on the Board | # of Gov't Companies with No Pal. Citizens on the Board |
|----------------------------|--|---|
| 116 | 33 | 83 |

Palestinian Citizens of Israel on the Boards of Directors of Government Companies, 2002-2003⁸

| Year | Total # of Directors | Total # of Pal. Citizen Directors | % of Total | # of Pal. Citizen Women Directors | % of Total Pal. Citizen Women Dir. |
|---------------|----------------------|-----------------------------------|------------|-----------------------------------|------------------------------------|
| March 2002 | 622 | 31 | 5 | 6 | 1 |
| December 2002 | 671 | 37 | 5.5 | n/a | n/a |
| March 2003 | 641 | 38 | 5.9 | 6 | 1 |

Palestinian and Jewish Women Citizens of Israel on the Boards of Directors of Government Companies, 2001 & 2003⁹

| Year | Total # of Directors | Total # of Women Directors | # of Jewish Women Directors | # of Pal. Citizen Women Directors |
|------|----------------------|----------------------------|-----------------------------|-----------------------------------|
| 2001 | 668 | 247 | 242 | 5 (<1% of total) |
| 2003 | 641 | 220 | 214 | 6 (1% of total) |

Supreme Court Dismisses Adalah's Petition Seeking Equal Representation for Palestinian Citizens of Israel on Boards of Directors of Government Companies

In April 2003, the Supreme Court dismissed a petition filed by Adalah in December 2001 against Prime Minister Sharon and several other government ministers demanding equal representation for Palestinian citizens of Israel, both women and men, on the boards of directors of government companies, in accordance with the 1993 and 2000 amendments to the Government Companies Law (1975). Adalah argued that the state had failed to fully implement the laws, and that the Court should recognize Palestinian women citizens of Israel as a distinct, protected sub-group, realizing that Palestinian women are subject to compound discrimination on the basis of nationality/race and sex. The Court accepted as sufficient the state's commitment to improve efforts to appoint Palestinian citizens of Israel to the boards of directors of government companies.¹⁰ The Court also accepted the state's argument that this process would require considerable time and effort, but failed to provide any time-line. Moreover, although Adalah provided a list of 70 qualified professionals, the Court agreed with the state's contention that it is difficult to

find suitable Arab candidates for board positions. The Court decided that it remains the responsibility of government companies to find qualified Arab candidates for appointments to boards of directors, and further added that the Court remains open to further petitions on the matter of fair representation if the state does not fulfill its promises.¹¹

Proposed Questions to Israel

(1) What concrete steps has and will the state of Israel take to ensure fair representation of Palestinian citizens of Israel in the civil service, pursuant to the 2000 amendment to the Civil Service Law? Did Israel establish any specific entity or authority to monitor the implementation of this Law?

(2) In Adalah's litigation before the Supreme Court, the state committed to improve efforts to appoint Palestinian citizens of Israel to the boards of directors of government companies. Since the Court's ruling in April 2003, what concrete steps has the state of Israel taken to ensure that Amendments 6 and 11 of the Government Companies Law are implemented? Did Israel establish any specific entity or authority to ensure that Palestinian citizens of Israel, both men and women, are fairly represented on the boards of government companies?

Notes:

¹ See (High Court) H.C. 6924/98, *The Association for Civil Rights in Israel v. The Government of Israel*, decision delivered July 2001.

² Civil Service Commission, "Summary Report – The Integration of Arab and Druze in the Civil Service in 2002," as cited in Ali Hedar, "Representation of Arab Citizens in Civil Service, Government Companies and the Court System," Sikkuy Report, 2003, p. 37 (Hebrew).

³ Id.

⁴ Ali Hedar, "The Arab Citizens in the Civil Service," Sikkuy Report, Equality and the Integration of the Arab Citizens of Israel 2000-2001, June 2001 citing to an April 2001 report of the Governmental Companies Authority, p. 21; Ali Hedar, Sikkuy Report, 2003, p. 41.

⁵ H.C. 453/94, *Israel Women's Network v. The Government of Israel*, PD 48 (5) 501.

⁶ The Office of the Prime Minister, "Report on Government Companies Activities in 2000," 2001, p. 16.

⁷ Statistical Report of the Government Company Authorities about Government Companies, Daughter Companies and Joint Companies, 9 March 2003, as cited in Ali Hedar, Sikkuy Report, 2003, p. 42.

⁸ March 2002: State response, dated 26 March 2002, to H.C. 10026/01, *Adalah v. The Prime Minister, et. al.*, decision delivered 2 April 2003; December 2002/March 2003: Id.

⁹ 2001: Ali Hedar, Sikkuy Report, 2001; 2003: Ali Hedar, Sikkuy Report, 2003, p. 42.

¹⁰ In response to Adalah's request for additional information regarding the question of what measures the state is taking to fulfill its duty under the Law, the State responded on 1 July 2002 that: "The ministers work in different ways in order to find and appoint Arab candidates, *inter alia*, by getting proposals [recommendations] from different people, personal or professional friendships for example from field visits and meeting with Arab representatives, and direct approach to representative bodies related to "non-Jewish" candidates.

¹¹ H.C. 10026/01, *Adalah v. The Prime Minister, et. al.*, decision delivered 2 April 2003.