

Legal Discrimination against Palestinians Is Intrinsic to a Racist Regime



Courtesy of Adalah,
The Legal Center for Arab
Minority Rights in Israel

Throughout the years, Adalah – The Legal Center for Arab Minority Rights in Israel has gathered over 65 Israeli laws that violate the rights of Palestinian citizens in Israel and Palestinians in the Occupied Palestinian Territory (OPT) based on their national belonging. These laws limit their rights in all areas of life, from citizenship and residency rights to the right to political participation, land and housing, education, culture and language, religious rights, and due process rights during detention, especially on alleged security-related charges. Adalah has catalogued these laws in its Discriminatory Laws Database that is available as an accessible online resource on its website. This database is very frequently referred to by journalists and in individuals' social media posts. It is also well-acknowledged by international human rights experts and mechanisms, such as the UN Special Rapporteur on the OPT and the recently established UN Independent Commission of Inquiry, which have both cited it in their reports.

These laws do not demonstrate mere flaws in Israel's legal system that, at best, need to be amended but rather reflect the core, racist ideology and values of the state. They are part of the constitutional definition of Israel as a "Jewish" state. The State of Israel was established based on this concept, and the codification of these discriminatory policies and practices makes evident how Israel has been systematically practicing segregation and domination over the Palestinian people in every aspect of their lives, wherever they live, since day one.



A boy sits on a television outside an evacuated home in Umm al-Hiran. Photo courtesy of Adalah.

Possibly the clearest demonstration of this fact is the 2018 Jewish Nation-State Basic Law that explicitly states that the right to self-determination is a *sole* right of the Jewish people. This law – which has distinct apartheid characteristics – constitutionally entrenches Jewish supremacy and the privileges enjoyed by Jewish citizens, while simultaneously anchoring discrimination against Palestinian citizens and legitimizing exclusion, racism, and systemic inequality.

A sharp illustration of the two separate legal tracks enforced in Israeli law, based on ethno-national identity, is the 2003 Citizenship and Entry into Israel Law (Temporary Order), also known as the Ban on Family Unification Law. It bars Palestinian citizens of Israel and Palestinian residents of East Jerusalem from extending their citizenship or residency status to their spouses from the West Bank or Gaza. This means that Palestinians are stripped of the

basic right to exercise family life in the places where they were born and have lived all their lives. Since the law's initial enactment, the Knesset has always justified this measure under the pretext of "security reasons." However, the newly legislated 2022 version of the law can be read as explicitly stating that the main aim of the law is demographic – to maintain a Jewish majority in Israel. Lawmakers now claim that this racist purpose is protected under the Jewish Nation-State Law and that it supersedes the right to equality, which was never constitutionally protected, as it is not enumerated in Israel's Basic Laws that serve as its constitution.

Recently, the Israeli Supreme Court has in effect approved the prohibition of any attempt to amend Israeli constitutional laws to provide for an equal democracy. While cancelling the Central Elections Committee's decision to disqualify the Palestinian party Tajammu (Balad) from running in the 2022 Israeli elections,

the Supreme Court made clear that if Tajammu attempts again to propose a bill that would render the constitution as a foundation for “a state for all its citizens,” it would be in violation of the

elections’ laws. With this decision, the Israeli Supreme Court has made illegal the mere idea of imagining a future of equal citizenship for all.



Human rights march in Haifa. Photo courtesy of Adalah.

Key discriminatory laws

- **The Law of Return (1950)** grants every Jewish person in the world the right to obtain citizenship in Israel; by contrast, Israel denies the Right of Return to Palestinian refugees.
- **The Absentees’ Property Law (1950)** defines all Palestinians who were expelled or who fled in 1947 as absentees and their property as absentee property. The law was used to confiscate millions of dunams of land later used solely for Jewish settlement.
- **The Citizenship and Entry Law (2003)** and its subsequent amendments ban family unification in Israel between Palestinian citizens of Israel (PCI) and their spouses from the OPT, as well as from Iran, Syria, Lebanon, or Iraq.

- **The Benefits for Discharged Soldiers Law (2008)** allows all institutions of higher education to consider military service – from which PCI are exempt for historical and political reasons – when determining applicants’ eligibility for financial assistance.

- **The Economic Efficiency Law (2009)** gives the government sweeping discretion to designate “National Priority Areas” and to allocate vast resources for their development, which it does in a way that systematically excludes Arab communities in Israel.

- **The Admissions Committees Law (2011)** allows hundreds of small towns built on state land to select applicants based on their “social suitability.” The law is used in practice to filter out PCI and members of other marginalized groups.

- **The Nakba Law (2011)** strips state funding from any public entity, including educational institutions, which commemorates the Nakba or Israel’s Independence Day as a day of mourning.

- **The Expulsion Law (2016)** allows for the expulsion of Arab Knesset Members by their peers on ideological grounds, based on majority claims that they incite racism or support terror.

- **The Kaminitz Law (2017)** increases the enforcement and penalization of planning and building offenses. The law has a disparate impact on PCI, many of whom are forced to build illegally due to decades of discrimination by the planning and building system.

- **The Jewish Nation-State Law (2018)** guarantees the ethnic-religious character of Israel as exclusively Jewish, denies the right to self-determination of PCI, and entrenches the privileges enjoyed by Jewish citizens, while simultaneously anchoring systemic inequality, discrimination, and racism against PCI.



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