

# **STATE OF ISRAEL**

**Ministry of Justice**

**Ministry of Foreign Affairs**

**List of Issues to be taken up in Connection with the Consideration of  
Israel's Fourth and Fifth Periodic Reports of Israel  
(CEDAW/C/ISR/4 and CEDAW/C/ISR/5)**

**November 2010**

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## General

### Question 1.

*Please describe how representatives of civil society organizations, in particular women's and human rights organizations, participated in the preparation of the reports. Please also inform the Committee if the reports were presented to the Knesset (Parliament) or any designated high-level authority.*

### **Reply:**

Prior to commencing the actual writing, the previous report, session, concluding observations and general comments issued by the Committee since the last report was submitted, are studied. In addition to letters that are sent out to all the relevant Ministries and Governmental bodies, letters are also sent out to the relevant and the leading NGOs, inviting them to submit comments prior to the compilation of the report, both through direct application, and a general invitation to submit remarks posted on the Ministry of Justice web site. Their contributions are given substantial consideration. In addition to this invitation to submit comments, data and information are also actively sought on the relevant NGOs' websites, such information may include legal action taken by these NGOs and also opinions and reports on various issues.

In the compilation of the Fifth periodic report, direct applications were sent to the 26 NGOs, for example:

- The Association of Rape Crisis Centers in Israel.
- Women's International Zionist Organization (WIZO).
- Toda'a Institution for Research the World Phenomena of Prostitution and Trafficking in Women.
- My Sister (Ah'oti) Movement for Women in Israel.
- Emunah – National Religious Women Organization.
- NA`AMAT- Movement of Working Women and Volunteers.
- Women Industrialists Forum in the Manufacturers Association of Israel.
- Amnesty International – Israel.
- Kayan – Feminist Organization for Promotion of Arab Women.
- Isha L'Isha—Haifa Feminist Center.
- The Association for Civil Rights in Israel.
- El'nuhood – the Association for the promotion of the Bedouin Women Education in the Negev.
- The Association for Promotion of Women Health in Israel.

After their compilation and prior to presenting the reports to the Committee, the reports are presented to high level officials, including the Director General of the Ministry of Justice, the Attorney General and its Deputies, the State's Attorney, legal advisors of the relevant Government Ministries and more.

### Question 2

*In its previous concluding observations (CEDAW/C/ISR/CO/3, paras. 23-24), the*

*Committee expressed its regret at the State party's position that the Convention did not apply beyond its own territory and, for that reason, the State party's refusal to report on the status of implementation of the Convention in the Occupied Palestinian Territories, including the situation of women in the Occupied Palestinian Territories. Please indicate whether the Convention has been implemented throughout the territory under the State party's jurisdiction, if it is directly applicable, and if it has been invoked before the courts. Please provide information on the enjoyment by women of their human rights under the Convention, including equal access to basic services, by women in the Occupied Palestinian Territories.*

**Reply:**

The *International Convention on the Elimination of All Forms of Discrimination against Women* (hereinafter: "CEDAW" or "the Convention") is implemented by the Government throughout the State of Israel. According to the Israeli legal system, international conventions do not apply directly, but through national legislation. Such is the case with the CEDAW which is implemented through a wide range of legal instruments, such as basic laws, laws, orders and regulations, municipal bylaws, and court rulings.

The applicability of the Convention to the West Bank or to the Gaza Strip has been the subject of considerable debate in recent years. In its Fourth and Fifth Periodic Reports, Israel did not refer to the implementation of the Convention in these areas for several reasons, ranging from legal considerations to the practical reality.

Critical to assessing and interpreting Israel's obligations pursuant to the Convention, is the changing reality and the recent dramatic developments on the ground since Israel's last appearance before the Committee in 2005. These include Israel's disengagement initiative in August 2005, involving the full withdrawal of all Israeli forces, the dismantling of its military administration and the evacuation of over 8,500 civilians from the Gaza Strip, and the rise of a Hamas-led terrorist administration, committed to violence and to the destruction of Israel. In these circumstances Israel can clearly not be said to have *effective control* in the Gaza Strip, in the sense envisaged by the Hague Regulations.

It is against this background that Israel is called-on to consider the relationship between different legal spheres, primarily the Law of Armed Conflict and Warfare and Human Rights Law. This relationship remains a subject of serious academic and practical debate. For its part, Israel recognizes that there is a profound connection between human rights and the Law of Armed Conflict, and that there may well be a convergence between these two bodies-of-law in some respects. However, in the current state of international law and state-practice worldwide, it is Israel's view that these two systems-of-law, which are codified in separate instruments, nevertheless remain distinct and apply in different circumstances.

Furthermore, Israel has never made a specific declaration in which it reserved the right to extend the applicability of the Convention with respect to the West Bank or the Gaza Strip. Clearly, in line with basic principles of interpretation of treaty law, and in the absence of such a voluntarily-made declaration, the Convention, which is a territorially bound Convention, does not apply, nor was it intended to apply, to areas outside its national territory.

If we examine the different rights mentioned in the convention, we would come to the conclusion that **the convention cannot be in fact applied by Israel in the Gaza Strip, since the Israeli Government has no effective control in that area.**

### **Question 3**

*Further to the Committee's previous concluding observations (CEDAW/C/ISR/CO/3, para. 21), please provide information on the status of the draft law on women in peacemaking, which would require 25 per cent participation of women in the peacemaking process. Please specify other measures taken by the State party to ensure that all women concerned, including the internally displaced, are involved in all stages of the peace process. Please also provide information on the implementation of Security Council resolutions 1325 (2000) and 1820 (2008), and the participation of affected women in their implementation.*

### **Reply:**

Following the United Nations' Security Council Resolution No. 1325 in the year 2000, and in order express the importance of the value of equality, including gender equality in Israel, on July 20, 2005, the Government approved Amendment No. 4 to the *Equal Rights for Women Law 5711- 1951*, which added Section 6C1 Titled "Equal representation in a public committee and a team for shaping national policy". According to Section 6C1(b), in a public committee and a team which were appointed by the Government, the Prime Minister, a Minister, Deputy Minister or by a General Director of a Government Ministry, an appropriate representation shall be granted for women from all population groups.

According to Section 6C1(a) the definition of "Team" is a public committee or another body that was established for shaping national policy in any subject, including foreign affairs and security issues, or for prevention, management, or providing a solution for a political or an international conflict, including management of negotiations, and among others for the signing of an interim agreement or a peace treaty.

Section 6C1(c) of the Law requires that every appointing authority shall report to the Authority for the Advancement of the Status of Women (hereinafter: "the Authority"), immediately after such an appointment and prior to the beginning of the team's work.

According to Section 6C1(d), if the Authority is of the opinion that the appointed team or committee does not provide equal representation for women, it will detail its position on the matter to the appointing body and inform the Knesset Committee for Advancement of the Status of Women.

### **Israel and Resolution 1325**

Israel has recognized the importance of Resolution 1325 in various domestic and international fora. Domestically, in the Knesset, a joint meeting of the Knesset Foreign Relations and Security Committee, together with the Committee for the Advancement of the Status of Women, was held on November 10, 2010, to discuss

the implementation of this Resolution. This meeting, commemorating the 10 year anniversary of the of the resolution, was held with the participation of high level Israeli politicians, including Defense Minister Barak, Head of Opposition Tsipi Livni, members of Knesset, and dozens of others. Among those present was United Nations special representative Robert Serry, who congratulated the Israeli Knesset for being one of the first countries to create legislation in order to ensure that women would be adequately represented in public committees and teams named by the Government: "This legislative act should be a role model for other countries and I draw much encouragement from it."

Internationally, at the U.N., on October 26th, 2010, when the Security Council commemorated a decade of the resolution, Israel's Deputy Head of Mission lauded the importance of this resolution, describing it as "a milestone on the long road to the protection of women in conflict." The Israeli delegate emphasized that "In the spirit of the resolution, Israel has amended its Women's Equal Rights Law to mandate the inclusion of women in any group appointed to peace-building negotiations or working towards conflict resolution. Israel also seeks to assist other countries in their implementation of 1325. Through its international cooperation agency, MASHAV, my Government organizes programmes in women's leadership and capacity-building for women's non-governmental organizations. We believe that the skills learned in these programmes can make a real difference on the ground in post-conflict recovery."

#### **Question 4**

*In its previous concluding observations (CEDAW/C/ISR/CO/3, para. 26), the Committee urged the State party to consider withdrawal of the State party's reservations to the Convention. Please provide information on progress made with regard to withdrawal of the reservations on articles 7 (b) and 16.*

#### **Reply:**

The Reservations entered by Israel to the convention are related to the very fabric of the Israeli society, comprised of many religions, each with varying degrees of autonomy with regards to certain religious practices.

These reservations are being examined from time to time by the relevant authorities. To date, intensive Inter-Governmental discussions are taking place regarding a **partial withdraw** from the reservation to Article 16 to the Convention.

#### **Question 5**

*The fifth report, at para. 9, refers to an amendment of the Statistics Ordinance in 2008, including the requirement in Section 7A that the collection and processing of statistics relating to individuals, and the publication of the results by the Bureau in accordance with Section 7, shall include statistics by "gender" unless the National Statistician determines that there are circumstances regarding a specific matter that justify deviation from the general rule. Please elaborate on this and provide examples of circumstances that could justify a deviation.*

**Reply:**

The Central Bureau of Statistics makes a distinction between statistics which are relevant to individuals and other statistic information (for example: statistics which refer to businesses etc.) Since the establishment of the State of Israel, the Central Bureau of Statistics has always published statistical information regarding individuals with reference to gender. The amendment which added Section 7A to the *Statistics Ordinance [new version] 5732-1972* (hereinafter: "the *Statistics Ordinance*") upgrades this practice to a binding legal norm.

Since the abovementioned amendment and the legislation of Section 7A, there has not been even a single case in which the National Statistician determined that there is a justification to publish statistical information without reference to gender.

According to the Bureau, theoreticly, publishing statistical data without refence to gender is possible in regard to individuals, only if the statistical analysis is carried out on an administrative data file which in itself does not include data regarding gender.

### **Legislative and institutional framework**

**Question 6**

*In light of the Committee's previous concluding observations (CEDAW/C/ISR/CO/3, para. 18) and the information provided at paras. 27 and 28 of the State party's fifth report, please elaborate further as to why the State party has not yet included the right to equality between women and men and the prohibition of both direct and indirect discrimination in the "Basic Law: Human Dignity and Liberty (1992)" and whether it envisages to do so. The report indicates that the Constitution, Law and Justice Committee of the Knesset is in the process of preparing a consensual-based constitution. Please provide information on the status of such process and whether a new draft constitution has been prepared. If so, please inform the Committee if the draft includes the right to equality of women and men and protects lesbian, bisexual and transsexual persons from discrimination. Please indicate the timeline for its adoption.*

**Reply:****Equality**

The principle of equality is a fundamental principle in the Israeli legal system as apparent both in legislation and adjudication.

The Basic Law: *Human Dignity and Liberty* protects basic guarantees of personal liberty within the framework of Israel's Jewish and democratic character. The goal of the Basic Law is "to defend Human Dignity and Liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic State."

The Basic Law stipulates, *inter alia*, the following: There shall be no violation of the life, body or dignity of any person as such; There shall be no violation of the property of a person; All persons are entitled to protection of their life, body and dignity; There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise (unless as provided by law); There shall be no

violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required.

Furthermore, many laws emphasize the principle of equality, as detailed extensively in Israel's Initial and Periodic Reports.

Just as the Israeli legislature crafts and adopts both new laws and administrative measures to ensure that government agencies adhere to the principle of equality and do not engage in any discriminatory act or practice, the country's independent judiciary serves to interpret, guide, and enforce these measures.

This judicial effort is guided by the Supreme Court, which plays a pivotal role in the promotion of the principle of equality through the development of jurisprudence dealing with contentious and highly charged political and security-related issues, as detailed in the Periodic Reports.

### Consensual-based Constitution

The process of preparing a consensual-based constitution is a long term and ongoing process and currently there is no timeline for its completion or adoption. The Knesset Members are constantly working to advance this process and in February 2006, the Knesset held a special festive session regarding this process and voted on the continuation of this important work.

The current draft of the consensual-based constitution includes several options for deliberation. The draft includes a section concerning Equality and Prohibited Discrimination (Chapter II, Section 6). In the leading version of the draft there is also a reference regarding prohibited discrimination based, *inter alia*, on gender or sexual orientation.

The draft of the consensual-based constitution may be found on the Knesset Constitution, Law and Justice Committee's website both in Hebrew and English<sup>1</sup>.

### **Question 7**

*Further to the Committee's previous recommendations (CEDAW/C/ISR/CO/3, para. 20), please indicate steps taken to establish mechanisms to monitor and regularly assess the compatibility of domestic laws with the State party's obligations under the Convention. In this regard, please provide more information about the content and implementation of the 2007 Gender Implications of Legislation Law (Legislative Amendments) 5676–2007 which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. Please provide examples of opinions submitted by the Authority for the Advancement of the Status of Women in this regard. Please also provide information*

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Hebrew:

[http://huka.gov.il/wiki/index.php/%D7%A2%D7%9E%D7%95%D7%93\\_%D7%A8%D7%90%D7%A9%D7%99](http://huka.gov.il/wiki/index.php/%D7%A2%D7%9E%D7%95%D7%93_%D7%A8%D7%90%D7%A9%D7%99)

English: <http://www.huka.unitedapps.com/home.html>



*on measures taken, including training and awareness-raising, to familiarize judges, prosecutors and other members of the legal profession with the provisions of the Convention, as recommended by the Committee in its previous concluding observations.*

**Reply:**

The *Gender Implications of Legislation Law (Legislative Amendments) 5767-2007*, which entered into force on January 25, 2008, requires the Authority for the Advancement of the Status of Women (hereinafter "the Authority") to submit an opinion regarding gender implications both in regard to bills and proposed regulations. As of August 2010, 147 such opinions were submitted to the Ministers' Committee for Legislation and Law Enforcement and to the Knesset Committees.

Note that even prior to the entry into force of the Law, the Authority prepared and issued gender implications opinions, under Section 5(6) to the *Authority for the Advancement of the Status of Women Law 5758-1998*, which states that the Authority shall act to promote bills in the field of its activities. Between 2006-2007, 230 such opinions were submitted according to Section 5(6) to the Law.

These opinions are submitted to the Ministers' Committee for Legislation and Law Enforcement in order to form a Governmental position prior to the legislature's deliberation. The position of the Authority on the matter is carefully considered and given serious weight at the final decision.

Following are three opinions issued by the Authority regarding legislation amendments and bill proposals (unofficial translation):

***Corporation's Bill Proposal for Amendment (Adequate Representation for Woman in Publicly Traded Corporations) 5770-2010:***

According to the power and obligation of the Authority for the Advancement of the Status of Women, according to the *Women's Equal Rights Law 5711-1951*, and the *Authority of Advancement of the Status of Women Law 5758-1998*, a gender implications opinion is hereby being presented.

This bill is aimed at promoting and facilitating the right and obligation for adequate representation for woman in publicly traded companies' boards. In order to narrow the gap between the general obligations embedded in legislation, and the actual low numbers of woman represented in publicly traded companies, massive and specific legislation work was gradually carried out in Israel in recent years. To date, existing legislation encompasses civil service positions, corporations, local councils, and other public bodies in a variety of issues. The next required step is applying this change for publicly traded companies' boards.

The proposed amendment provides a good chance for better use of the potential of women's quality contribution, which are 51% of the population. By doing so the value of equality, which is a basic value of a democratic regime, will be realized, and the whole society and country will benefit from this amendment.

Such an obligation for adequate representation does not only promote gender equality,

but also sends a clear message for the public and the entire world, regarding the importance of this topic and places it on the international agenda.

Therefore, the Authority supports this legislation amendment.

***Financing of Political Parties Bill Proposal 5770-2010:***

According to the power and obligation of the Authority for the Advancement of the Status of Women, according to the *Women' Equal Rights Law 5711-1951*, and the *Authority of Advancement of the Status of Women Law 5758-1998*, a gender implications opinion is hereby being presented.

This bill seeks to promote the representation of women in political parties running for the Knesset through a financial incentive.

This proposal is based on an on-going reality of unequal representation occurring for many years in the Israeli Knesset. One of the reasons for this under-representation is that women are not equally represented on the parties' candidates' lists.

Although the principle of equality is encoed in the Declaration of Independence and in many state laws, it is still not implemented properly.

In several other countries, a system for obligated representation was introduced together with timetables for their achievement. This way this goal was achieved, among others, in Japan, Norway and Britain.

Note that financial incentive for parties in which women are equally represented, conveys a clear message to the public regarding the importance of this issue, and on the other hand, does not compel such representation, so that the parties enjoy absolute independence.

This amendment provides a better chance for maximizing the potential of women contribution and for the opportunity of promoting gender equality which is the basis of the democratic regime.

Therefore, the Authority for the Advancement of the Status of Women supports this legislation amendment.

***Legal Enforcement of Visitation Rights Bill 5770-2010:***

According to the power and obligation of the Authority for the Advancement of the Status of Women, according to the *Women' Equal Rights Law 5711-1951*, and the *Authority of Advancement of the Status of Women Law 5758-1998*, a gender implications opinion is hereby being presented.

This proposal regulates the proceedings associated with child visitation rights determined in case of a divorce. Two leading Public Committees referred to the matter of visitation rights in their report, the Shnit Committee that examined legal aspects of parental responsibility in matters of divorce and the Rotlevi Committee that examined fundamental principles concerning children and the law. Moreover, the *Convention on the Rights of the Child* which was ratified by Israel in 1991, determines that both parents of a child are responsible for childrearing and this rule

should guide the justice system in determining and enforcing child visitation rights.

This bill was drafted according to the above-mentioned instruments and with the vision of the best interests of the child and for the child, since it is known how traumatic divorce is for all those concerned and especially for children. Many researches show that the best way to ease the children's distress is full and regular involvement of both parents in the children's' lives.

This bill anchors the duty of both parents to implement their parental responsibility, and allows the courts to impose sanctions against parents who violate their duties. Consequently, parental responsibility values, parental rights and duties are being respected and better enforced. This bill provides protection for the helpless and those who find themselves in a weakened position due to divorce circumstances and contributes to the equality between the genders

Therefore, the Authority for the Advancement of the Status of Women supports this bill.

### **Training and Awareness-Raising**

The Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice continues to hold lectures, seminars and courses intended to raise the awareness of attorneys and legal advisors of issues such as trafficking in persons, treatment of victims of sexual offences, domestic violence etc. The various seminars and courses focus, *inter alia*, on creating a humane and efficient contact with a victim of sexual offence, and Police work in regard of trafficking in persons etc. In addition, each year the Institute offers a wide range of courses and seminars on issues such as: gender, society and justice, the prohibition of sexual harrasment at the workplace (a course which includes seven 3-hour sessions), dicipline and integrity within the civil service, human rights in international law, social rights etc. In 2009, the institute also held a special course on the treatment of female victims of sexual assault.

At the beginning of 2007, a special seminar was held for all the lawyers in the Legal Aid Department concerning innovations in the *Anti Trafficking Law 5767– 2006*.. In November 2007, another training course took place for all the Department's lawyers concerning the salient aspects of the new *Anti Trafficking Law* and the recommendations of the Inter-Ministerial team for developing an action plan for identification of victims of trafficking and slavery. Additional seminars regarding trafficking in persons are held regularly every year, in recent years these seminars were conducted in February 2008, October 2009 and March 2010.

The Institute of Advanced Judicial Studies holds seminars for judges in Israel and forms part of the Supreme Court of Israel. The institute is directed by judges and is independent in its nature. The Director of the Institute is a former Supreme Court judge and the president of the I.O.J.T (International Organization for Judiciary Training).

The Institute for Advanced Judicial Studies holds approximately 50 annual seminars. In 2010, some of these seminars dealt with sex crimes, a seminar for judges residing in Family Matters Court, The international law and its impact regarding Israel internal law etc. The Institute is scheduled to hold a seminar regarding justice and equality in

December 2010, which will refer to gender issues among others. In addition, in recent years the Institute held seminars regarding trafficking in women, abuse by family members, domestic violence and more.

### **Question 8**

*Paras. 43-45 of the fifth report include information about the Public Complaints Commissioner which remains responsible for handling complaints and grievances from the public, including complaints from women. Please provide updated information on the total number of complaints received by the Commissioner in the period 2008-2010, in particular the number of complaints from women, the types of complaints received and their outcome. How does the Commissioner determine and handle “justified complaints”?*

### **Reply:**

#### **The Israeli Ombudsman**

In Israel, the State Comptroller also serves as Ombudsman. The Office of the Ombudsman, which is part of the State Comptroller's office, investigates complaints against Government Ministries, local authorities, state enterprises and institutions, and government corporations, as well as their employees. The Ombudsman investigates complaints that involve an act - including delay in acting - that appears to be contrary to law, or without lawful authority, or contrary to proper administration, or involves an overly rigid attitude or flagrant injustice.

There are some 60 lawyers in the Office of the Ombudsman's five branches and reception offices which are situated throughout Israel. The employees of the reception offices are multi-lingual, and they receive complaints orally in several languages, provide applicants with necessary information and assist them in resolving their problems with the authorities.

Any person can submit a complaint to the Ombudsman, whether he or she is a man or a woman, a citizen, a resident, a tourist or any other person who feels that an act of a public body, which is subject to audit, directly wronged him or withheld a benefit from him/her. The complaint is submitted free of charge. A person may submit a complaint about an act that wronged another person provided that this person agrees that the complainant submit the complaint in his/her name. Members of the Israeli Parliament - the Knesset, may also complain about an act that has wronged another person.

By law, the Ombudsman may investigate a complaint in any manner he/she sees fit. He/she may hear any person if he/she deems it beneficial and he/she may demand any person or body to submit to him/her any information or documents that are likely to assist in the investigation of a complaint.

#### **Determining and Handling Justified Complaints**

In order to determine if a complaint is justified or not, in some cases a written response to the complainant in order to receive additional supporting documents may suffice. In other cases the Ombudsman's employees may meet with the complainant

and the relevant employees of the body complained against, or conduct an on-site visit.

If the Ombudsman finds that a complaint is justified, he/she notifies the complainant and the body complained against of his/her decision, stating his/her reasons. The Ombudsman may instruct the body to rectify the deficiency revealed by the investigation and the ways and time to do so. This body must notify the Ombudsman of the steps it took to rectify the deficiencies. In virtually every case, the body complies with the Ombudsman recommendations, even though it is not obliged by law to do so.

### **Data regarding complaints filed during 2008 – 2010**

In 2008, 10,571 complaints were received by the Ombudsman, which included 11,144 issues.

In 2009, 12,639 complaints were received, which included 13,766 issues.

As of October 1, 2010, approximately 11,000 complaints were received by the Ombudsman, and according to the Office of Ombudsman estimations, by the end of the year the number will amount to approximately 15,000 complaints.

Note that in recent years the rate of justified complaints stood at approximately 30% of the total number of complaints filed.

### **Data regarding complaints filed by women**

About one third of the complaints each year are filed by women. There are no clear differences in the issues which are included in these complaints, when compared to complaints filed by men.

Both men and women complaints concern mainly public service issues, health services, education and society, local authority services and other matters which relate to taxes etc. However there are several issues that rise more frequently in women's complaints, such as: employment discrimination, complaints regarding parenting such as children allowances, birth allowance, alimony payments, kindergartens tuition and single parents rights. In addition, a small number of complaints are sometimes received regarding domestic violence.

### **Question 9**

*Please provide information on how house demolitions and forced evictions in the West Bank, including East Jerusalem, impact on the development and advancement of women, including Palestinian refugee women, and their exercise and enjoyment of human rights and fundamental freedoms. In particular, please provide comparative data on the number of building permits issued to Palestinians in the West Bank, including East Jerusalem, and the number of permits issued to citizens of Israel, including the Palestinian community in Israel. What alternative accommodation is provided for affected women and children?*

### **Reply:**

### **Demolition of Structures due to Planning and Zoning Violations in Jerusalem:**

Since 1967, the percentage of the Jewish population of the city has decreased, while the percentage of the Arab population has increased from 26.6% to 31.7% in 2000. Specifically, the growth rate of the Arab population in Jerusalem and the surrounding areas has increased since 1967. This increase has led to a significant increase in the construction of neighborhoods that serve this community. The Municipality of Jerusalem approved outline plans for construction of housing for the Arab population that will serve the needs of the population until 2020.

During recent years, several measures have been taken in order to adjust the outline plans relevant to the eastern neighborhoods of Jerusalem, so as to properly address the needs of the population. Thus, currently, there is a new outline plan, pending approval, which includes the expansion of some of the eastern neighborhoods of Jerusalem, and grants additional construction rights to the local population. In the course of this expansion, emphasis will be granted for providing public establishments and open public areas.

Further, currently there are additional outline plans, in various stages of preparation and authorization, which were initiated by established agents on behalf of the population in the eastern neighborhoods of Jerusalem. Among these, are plans initiated by the population in Dir Al-Amud, Ali-Muntar and Ara-Al-Sahra. These plans aim to address the needs of the residents.

The Municipality of Jerusalem initiated approximately 60 plans that will enable additional construction rights, while taking into consideration the needs of the population for providing public establishments and open public areas, in the neighborhoods of Beit-Hanina and Shuafat. The plans are currently in various stages of preparation and authorization.

The District Planning Committee established a simple procedure to prove an interest in property in unregistered lands. This procedure alleviates the preparation of outline plans in areas in the eastern neighborhoods of Jerusalem where the land is unregistered. Additionally, the Committee discussed numerous plans that were presented by land owners in the eastern neighborhoods of Jerusalem. These plans were examined in light of the policy of the Committee, and in many cases have been authorized, thereby granting additional construction rights. Approximately 50% of the plans that are presented to the Committee relate to lands in the eastern neighborhoods of Jerusalem, and scores of resources are dedicated to examining and facilitating the plans in accordance with the planning policy.

From the abovementioned it is evident, that the District Planning Committee operates, alongside the Municipality of Jerusalem, in order to address the planning needs of the eastern neighborhoods of Jerusalem. In doing so, consideration is always given to planning policies that will ensure a reasonable quality of life, preserve open public areas as well as sites having cultural and historical value.

In order to facilitate proper planning procedures, illegal construction is not tolerated. Such illegal construction harms the local population, given the fact that it does not take into consideration planning policies that will ensure a reasonable quality of life, and public needs.

Additionally, it should be mentioned that the Mayor of Jerusalem has appointed an Advisor for Religious Communities, whose main function is to aid the communities in every field of service provided by the municipality (for example, building permits, sanitation and transportation).

Among other steps taken to strengthen the ties with the religious communities, the Mayor visited several churches in the city and learned about their activities. The Mayor was informed of different areas in which the communities require the municipalities' assistance. Amongst the problems that were discussed were housing permits and transportation. The relevant departments were instructed to resolve those issues as fast as possible.

All demolitions are conducted in accordance with due process guarantees and following a fair hearing, which is subject to judicial review and the right to appeal, and all demolitions are decided upon without distinction on the basis of race or ethnic origin. Those affected by a demolition order are entitled by law to appeal to the Supreme Court.

During the years 2004-2009, the Municipality of Jerusalem has demolished 693 buildings and building additions, 482 of them in the eastern neighborhoods of Jerusalem. During 2009, fewer demolitions took place. In 2009, the Jerusalem municipal officials demolished 122 structures constructed without municipal permits both in the eastern and western neighborhoods of Jerusalem. 65 structures were demolished in the eastern neighborhoods of Jerusalem and additional 57 structures were demolished in the western neighborhoods of Jerusalem. The residents of these illegal structures were not compensated for the demolition, since no such requirement regarding illegal construction exists according to the law, unless it is proven post factum, that the demolished structure was not illegal.

For further information please see Israel's response to Question 2, above.

### **National Machinery**

#### **Question 10**

*The State party's fifth report provides information on the activities of the Authority for the Advancement of the Status of Women, including training activities, surveys and awareness-raising campaigns. In light of the Committee's previous concluding observations (para. 28), please provide additional information on measures taken to strengthen the Authority, in particular by ensuring that it is provided with adequate mandate, authority and human and financial resources to enable it to carry out effectively the promotion of the advancement of women and gender equality in the State Party.*

#### **Reply:**

In 2009, a woman was appointed as Deputy Minister at the Prime Minister's office. This Deputy Minister is the first to be in charge of Advancement of Youth, Students and Woman, thus promoting the level in charge of women Status in Israel.

#### **Human Resources**

At the human resources field, the Authority's manpower was increased by two additional designated positions for minority populations. This allocation is intended for the promotion of Arab, Bedouin, Druze and Circassian woman by facilitating and promoting their achievements within society. This goal is being promoted, among other means, by granting scholarships for higher education and professional training.

### Budget

Recently it was decided to substantially increase the budget of the Authority for the Advancement of the Status of Women. In 2011, the annual budget will be doubled to 3,337,000 NIS (U.S. \$901,891) compared to 1,749,000 NIS (U.S. \$ 472,702) in 2010. Furthermore, by 2011 a separate budget of 500,000 NIS (U.S. \$ 135,135) will be allocated by a new regulation, in favor of minority populations.

### Legislation

Israel has advanced legislation in the field of women's rights and the Authority is obligated to monitor the implementation of these laws, promote policy and activities for advancement of women status (Section 4 to the *Authority for the Advancement of the Status of Women Law 5758-1998*) and to promote the enforcement of equality between the genders (Section 1 to the *Authority for the Advancement of the Status of Women Law*). Thus, every amendment and new legislation in the field of women's rights adds a new monitoring mandate for the Authority. For example, the 2008 Amendment to the *Statistics Ordinance* requires public bodies that collect and publish segregated data, to publish gender-segregated data. The Authority monitors the implementation of this and other relevant laws.

Hereinafter is a list of activities that the Authority promoted in recent years:

- **April 2010** - creating a list of woman who are qualified to serve as directors in government corporations and other public bodies, including from the Arab population. This directory allows the Authority to assist with locating women for senior positions. The creation of this list is also advertised in the Arabic media to encourage and promote Arab woman to apply for senior positions and to increase their representation in public positions.
- Within three months, the list contained 1,500 names of women from various occupations. This list assists the Authority and appointing bodies to locate women for influential positions.
- **March 2010** – Government Resolution No. 1563 dated March 28, 2010, determines that government corporations shall appoint advisors for the status of women. The Authority is assigned to train the women appointed for these positions.
- **October 2008** - the Civil Service Commissioner appointed a Committee to examine the matter of “family supportive work place”. The Committee's chairperson is the Director of the Authority. The Committee presented its recommendations and conclusions according to which, adoption of family supportive values in the workplace, will help the integration and promotion of women in the labor market.



- **July 2008** – an Amendment to the *Local Authorities (Advisor on the Status of Women) Law 5760-2000* (hereinafter "the *Local Authorities (Advisor on the Status of Women) Law*"), imposed the Authority with the responsibility for the professional training of woman advisors in local authorities.
- **March 2007** – Government Resolution No. 1362 dated March 11, 2007, determines that equal gender representation in government corporations' boards shall be accomplished within two years of the Resolution's date. As a result, the percentage of women-directors in government corporation's boards increased from 33% to 42% in October 2010.

## Stereotypes

### Question 11

*The report, referring to article 5 of the Convention, provides information on women's portrayal in the Israeli media, pornography and the recent innovations in this sphere (para. 101 ff) but it does not provide sufficient information on addressing prevalent stereotypes or the traditional roles and responsibilities of women and men in society and family. Please elaborate on any challenges the State party faces in ensuring compliance with articles 5 (a) and 2 (f) of the Convention, and measures taken to overcome them. Please indicate whether human rights and gender equality issues are incorporated in the education curriculum.*

### **Reply:**

#### The Role of Mass Media in the Publication of Human Rights

Human rights awareness within the Israeli public is quite high. The language of rights has permeated into the daily life in Israel. Israel's main national television channels often broadcast interviews, news articles and television programs related to human rights issues. Some articles contain information for the public and others bring personal human rights stories to the screen. All channels deal with all human rights issues, including: people with disabilities, children at risk, women's status, the protection of women, trafficking in persons, and more. These issues are also covered and dealt with regularly by local television channels. In addition, both national and local television channels regularly advertise information regarding help centers relevant to human rights issues.

Israel's main radio stations also deal with human rights issues through the presentation of interviews and radio pieces related to the subject. The main radio stations regularly broadcast advertisements regarding fighting domestic and sexual violence, against trafficking in persons, and advertisements regarding other aspects of human rights. The radio stations also provide important information regarding help centers for victims of human rights abuses along with other important information. These issues are also covered and dealt with by local radio stations.

Israel's main newspapers and main internet news sites regularly address women status issues and human rights issues and publicize news stories and articles regarding the matter. Additional information regarding different help centers for victims of breaches of human rights can be found on some of them.

## **Women and the Media**

The Israel Broadcasting Authority (IBA) invests extensive efforts in encouraging equality between men and women and addresses stereotypes and the traditional roles and responsibilities of women and men in society and family. The IBA transmits various programs both through television and radio on the subjects relating to gender equality, including promotion of women status in society, the fight against violence towards women and domestic violence, trafficking in persons, health and employment issues relating to women etc. These programs are intended to provide information, raise public awareness, educate both men and women, overcome gender stereotypes and advance equality between the genders.

"Radio Network A" broadcasts a variety of radio programs which regularly refer to gender issues. For example, the "Youth and Students" program, which deals regularly with human rights, recently broadcasted discussions concerning violence against women, women in the IDF, programs regarding women's rights, equality in the workplace, education for prevention of sexual harassment etc. Further examples are the programs "Good health" and "A doctor on Call" which deal, *inter alia*, with issues of women's health and provide advice regarding this matter. The program "From A to Z" is intended for new mothers and fathers, and provides information and advice. The program "Dialog" deals, among others, with women status issues in the Israeli society. It should be noted that issues such as trafficking in women and foreign workers rights are also discussed regularly in these programs.

"Radio Network B" consistently includes in its news broadcasts and special radio programs issues concerning women rights and human rights in general. The network has two weekly hours which deal with issues concerning the society and the community, including violence against women and children, advancement of women status in the society etc. The program "Justice and Conversation" deals regularly with legal issues and allocates considerable air time for human rights issues including information regarding courts verdicts in cases concerning violence against women and children and women rights.

The IBA Department of Broadcasts for New Immigrants and Abroad airs its broadcasts in a large number of languages, including: Amharic, Russian, English, French, Spanish, Ladino, Yiddish, and others. The station provides a large variety of programs in all of these languages regarding gender issues, such as: "The golden years" (Russian) - elderly women telling about their lives in Israel, problems they face and the solutions they are provided with etc.; "On the women side" (Russian) – hosts women from various professions and statuses which tell about their lives and professions; "Law and order" (Amharic) – a program which provides information regarding prohibited discrimination against Ethiopian women and various interviews (Amharic) – interviews with leading women who provide information in their area of expertise (such as higher education, violence against women etc.).

The "Voice of Israel in Arabic", a radio station, also provides programs and information regarding gender issues. The station covers news items regarding advancement of women status, women rights and human rights in general. The music and culture program "An artist from my country" regularly hosts women artists, in the field of music, and the program "Literature pages" hosts women from a variety of cultural fields such as singing, acting, writing etc. In 2010 alone 93 women were

interviewed on this program. In the frame of the program "Stations", successful Arab women are interviewed regarding their occupation and personal lives. The program "Golden words" regularly hosts successful Arab women in the field of economics and finance and they are interviewed about their occupation, *inter alia*, to set an example as leading women.

All of the radio stations mentioned above also provide special coverage and programs of the International Woman's day.

Channel 1 (TV), of the IBA, regularly produces and broadcasts documentary programs on different issues concerning human rights in general including women's rights. In 2010, the channel broadcasted a foreign film regarding a Russian journalist who investigated corruption in the Russian regime. In October 2010, the film "4 stories from the Negev" by four Bedouin directors was aired. The movie relates to human rights issues and, *inter alia*, to the story of a Bedouin girl who committed suicide due to a refusal to allow her to attend school. The channel's news broadcasts regularly deal with promotion of women status and discrimination against women by news stories and debates, such as: news article on the discrimination of women in Iran (August 2010), women in politics (January 2010), women in the Israeli Defense Force (March 2010), working ultra-orthodox women (May 2010) etc. The channel provides equal opportunity to women in interviews and the editors are making every effort that women will be present in panels held. The news editors are instructed to bring issues relating to discrimination against women and of racial discrimination, and to give wide coverage to stories of violence against women.

### Human Rights Education

The Ministry of Education attaches great importance to human rights education and to raising awareness to human rights in general. The Ministry has on its website a special page titled "Pupil's Rights" that presents the Convention on the Rights of the Child (CRC), the Optional Protocol regarding Involvement of Children in Armed Conflict (CRC-OP-AC) and the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The CRC Convention is published on the Ministry's website in over 55 languages, in addition to child-friendly versions published in 11 languages. In addition the Ministry has on its website other human rights treaties such as the Convention on the Rights of Persons with Disabilities, the International Convention on Civil and Political Rights and others.

Educational programs concerning human rights issues are routinely conducted throughout the country. Israel has developed special programs such as an annual "Human Rights Day." Each year, "Human Rights Day" is dedicated to a different aspect of human rights, and a relevant curriculum and teaching material is developed in both Arabic and Hebrew. In 2007, for example, emphasis was placed on the right to enjoy the highest attainable standard of health. In 2009, the chosen topic was "From Vision to Reality," which focused on the Universal Declaration of Human Rights and the challenges in implementing human rights in Israel and in other countries around the world. In 2010, the chosen topic was freedom of speech, which focused on achieving self-realization through freedom of speech, the various kinds of expression, freedom of speech as an essential part of a democratic regime, limitations imposed on freedom of speech, and the challenges in its implementation in Israel and in other countries around the world.

The Ministry of Education routinely operates Gender Equality programs of 10 to 14 two-hour sessions within the education system. In 2008 a special module was incorporated in these programs, which includes 2 sessions regarding issues such as: empowerment of girls, trafficking in women, human dignity and gender equality, gender and politics and active citizenship. In 2008, over 4,000 pupils and 250 teachers from all over the country participated in these programs. These sessions also include activities with the pupils' parents.

The Gender Equality in Education Department in the Ministry of Education routinely operates workshops and seminars for pupils and staff. In 2009, the Department operated a program titled "Gender and Human Dignity" by conducting weekly 20 hours seminars, one-day seminars, conferences, and training with a total budget of 184,000 NIS (U.S. \$47,750). In 2010, the total budget for this program increased to 203,000 NIS (U.S. \$55,000).

The Department also operated a program titled "Prevention of Trafficking in Women and Prostitution" for pupils and teachers, that included development of lessons plans, conducting conferences and workshops etc., with a total budget of 206,000 (U.S. \$55,700).

Since 2005, the Ministry of Foreign Affairs, in cooperation with several NGOs and the office of the United Nations Special Coordinator for the Middle East Peace Process, has sponsored the simulation program "Israel Model United Nations" (IMUN), with the participation of numerous Jerusalem based high-schools from all parts of the city and all segments of society. The project strives to expose participants to the United Nations' activities, instilling awareness of the major challenges confronting the global arena, whilst inculcating a spirit of tolerance and inter-cultural dialogue. Forming part of the well-established Model United Nations program that operates extensively throughout the world, the program goes some way towards improving the image of the United Nations in Israel. With several new initiatives to expand Model United Nations activities to Israeli institutes of higher learning in 2009/10, the IMUN program holds the promise of becoming an important facet of educational dialogue in Israel.

In 2006, the Administration for Society and Youth in the Ministry of Education published the booklet "In the Path of Rights," which focuses on teaching human rights to pupils of all ages. The booklet contains important information regarding the Convention on the Rights of the Child, and activities and educational programs regarding the various rights, tolerance, accepting the other etc. During some of the educational programs described in the booklet, the pupils learn about Human Rights, especially the CRC and relevant articles of the CRC are read followed by an explanation and discussion to be held in the classroom.

The Administration for Society and Youth has in recent years created several educational programs regarding democracy, tolerance and co-existence, and human rights education, which are intended, *inter alia*, to provide knowledge and tools in these fields and combat all forms of discrimination. The following are some of the main programs:

- **International Humanitarian Law.** This program, intended for pupils in the 7<sup>th</sup> to 12<sup>th</sup> grades, exposes the pupils to the importance of International Humanitarian

Law, the ways in which this law is formulated and the methods of enforcement. The program provides the pupils with a wide perspective and tools to understand current events in the international arena, emphasizes the importance of humanitarian acts, and encourages the individual to be involved and show support for others. The program was developed in cooperation with the International Committee of the Red Cross (ICRC) and is currently being run in a number of schools.

- **The right to respect and the obligation to respect others** – This program is intended for various educational frameworks and consists of three parts. The first part raises issues of personal respect and dignity, and in particular addresses the right of an individual to respect and the duty to respect others. Part two deals with issues of social and group behavior aimed at ensuring the right to respect and preserving the dignity of members of the group. Part three deals with rights in the public sphere and as part of a group - a person's right to respect and dignity, to privacy, to enjoy a good reputation, and to avoid being humiliated.

Additional programs were indicated in Israel Fifth Periodic Report.

### **Violence against Women**

#### **Question 12**

*The fifth report describes a number of legal and administrative measures on violence against women, but provides limited information on the efficacy and impact of these measures. Please inform the Committee if a comprehensive strategy to prevent violence against women is in place? If so, please describe its components and its impact on counteracting violence against women. Please also indicate whether the legal system recognizes marital rape as a crime.*

#### **Reply:**

Israel's comprehensive strategy to fight against and prevent violence against women consists, among others, of the main elements presented below:

#### **A National Domestic Violence Investigative System**

Owing to their special characteristics, domestic violence offences require special treatment. For example, an effective response to offences of this kind may require an immediate reaction to prevent possible abuse, risk assessments throughout the treatment, full utilization of police procedures including prohibition to carry weapons, collaboration between all treatment bodies, and awareness of the difficulty in collecting evidence.

Due to these unique characteristics, a special task force of 220 investigators specializing in the treatment of domestic violence and sex offences was formed, and has been operating since 1998 in every police station around the country. This task force consists of specially trained investigators specializing in domestic violence cases. Fifty other investigators handle these cases in smaller police stations in addition to their usual workload. Police stations located in the Arab population were allocated with Arabic speaking investigators. In addition, as of 2009 there were 14 Russian-

speaking and 3 Amharic-speaking investigators. In every police station there are at least two investigators who are specially trained for dealing with domestic violence cases as well as sex offences and in police stations where the extent of such complaints is very low, investigators are trained for this function in addition to their ordinary functions.

This special task force goes through intensive training including, two one-week courses regarding sexual offences and domestic violence. The training introduces police guidelines on the issue and includes focused studies on the specific aspects of domestic violence, providing theoretical and practical information as to the social, legislative and judicial aspects of the phenomenon. For example, the participants take part in lectures and discussions regarding risk assessment, prevention of access to weapons, certain aspects of legislation, treatment of battering men, special characteristics of child-witness of domestic violence, models for collaboration with different welfare bodies, protection orders and their violations. In addition, the participants take part in a workshop aimed at encouraging victims of violence to come forward, during which they visit a shelter for battered women and watch a special film/theatre play on this issue. All persons who currently work as domestic violence investigators took part in this training, and were subsequently approved to treat cases of domestic violence.

Beginning in 2004, 12 training and enrichment program sessions are given annually to investigators of sexual offences in all the police districts.

Furthermore, the Police designated six district offence victims' officers in charge of contact with victims of crimes (VOC) in each district. These officers conduct professional supervision regarding the implementation of the law and regulations in their respective districts, provide assistance and conduct training programs to field units such as patrol units, and create models for cooperation with non-police units such as treatment elements. In addition, the Israeli police districts also appointed district officers in charge of domestic violence issues. This appointment was made in order to provide professional, efficient and immediate treatment in the field of domestic violence and sex offences and also due to demands and needs rising from police field units.

The *Crime Victims' Rights Law 5761-2001* (hereinafter "*the Crime Victims' Rights Law*"), which entered into force in 2005, requires providing relevant information to a victim of crime at every stage of the criminal procedure. As required, the Police established a new computerized system designated for this purpose. The system gathers the necessary information from other systems including Police systems, the Israeli Prisons Service and the State Attorney's Office. Victims of crime may receive the information by calling a designated phone number or by text or voice messages initiated by the computerized system. The information is also accessible through the internet. The system became operational in May 2005.

In 2007, a manned phone service center was established in order to assist persons who find it hard to receive information via voice messages or through the internet.

In addition, the Police issued procedure No. 03.300.219 titled "Police Treatment of Crime Victims", as well as signs and informative materials in all relevant languages related to the criminal procedure and to crime victims' rights, were distributed to all

police units. According to this procedure, in general, women complainants will be interviewed by a female sex-crime investigator, another female investigator, or in the instance of the absence of either, a male sex-crime investigator. The complainant shall be informed of her right to be interviewed by a female investigator and every effort will be made to accommodate her choice. Every effort will be made throughout the handling of the complaint to keep to one investigator to handle the investigation, who will also be in contact with the complainant and provide her with information. The investigator will stick to only relevant points pertaining to the investigation with due respect to her privacy and dignity.

The Police operates a computerized threat assessment system that assists in evaluating and assessing the threat posed by suspects in domestic violence cases. The system receives information from various sources, and by combining these sources and evaluating certain parameters, the system performs a risk assessment and assembles a profile of each suspect. The Police have also created specialized risk assessment squads in several police stations. These teams include a social worker, a clinical criminologist, and a police officer. The squads help to assess the threat posed by suspects, and initiate enforcement and treatment procedures.

The use of the computerized assessment system and the risk assessment of a suspect in cases of domestic violence is conducted immediately at the beginning of any domestic violence investigation, and afterwards at the beginning of each step of the investigation. This way, police investigators can better manage their actions regarding the suspect and can also better protect the victim.

Additionally, in several police stations, social workers are employed to provide instant assistance when a domestic violence complaint is being filed. The social workers make an initial assessment of the problem at hand, and also ascertain the willingness of the victim and/or the suspect, to receive treatment in help centers. As of October 2010, the project which has been operating for 10 years, operates at 14 police stations around the country.

In 2009, 6,338 domestic violence cases were opened in these 14 stations. 3,915 men and women were directed to these social workers, who conversed with 2,018 of them, as well as held therapeutic interventions with 1,134 men and women.

Distress buttons are issued to women at high risk, once they have received a court order for their protection.

#### Cooperation with the IDF

As of September 2003, a special unit was established in the IDF- the Police Investigative Unit, which accepts reports on incidents of domestic violence where the suspect is likely to carry an IDF weapon, as a soldier/civilian army employee. This unit operates 24 hours and a computerized system was constructed. Monthly reports are exchanged between the police and the IDF as to the status of outstanding reports, as well as the list of weapon holders. The Police provides annual reports to the IDF as to IDF weapon carriers' with pending domestic violence cases.

#### Hotline

Currently there is one national hotline for battered women and children. The line is operated by the Ministry of Social Affairs and Social Services in association with Women's International Zionist Organization (WIZO). The service is available in Hebrew, English, Arabic, Russian and Amharic.

In 2009, the national hotline received 3,773 calls, the majority of them (about 75%) regarding domestic violence against women.

Details on additional local hotlines are available on the Ministry of Social Affairs and Social Services website and websites of various NGOs.

#### Centers for the Treatment and Prevention of Domestic violence

The number of centers for the treatment and prevention of domestic violence is consistently rising. In 2010, 83 centers and units for the prevention of domestic violence and treatment of domestic violence victims were operating in Israel, compared to 60 in 2005. 17 of those centers were designated for the Arab population, one for the Bedouin population and two for the Jewish ultra-orthodox population. The centers treat victims of domestic violence through group therapy and personal empowerment within the community. In 2010, of 10,000 persons received treatment in these centers, 67% were women (6,750).

The Arab centers were also active in conducting seminars and courses for raising awareness to sexual abuse in the community, and to encourage victims to approach the centers and seek aid. This was accompanied by workshops in schools, lecturing to schoolteachers, doctors, nurses, police officers and the general population.

#### Family Counseling Units in the Family Courts

These units operate in Family Matters Courts and are designed to provide assistance to families who arrive to these courts, to effectively deal with court litigation, and to assist the judges to reach a decision that does not have a long term negative impact on the relationship of both sides.

Currently there are 6 Arab social workers (of a total of 49 social workers) in 5 of the 14 assistance units in Family Matters Courts. Assistance to the Arab population is provided in other Family Matters Courts with no exceptions, and if required a translator is used.

Due to the complex nature of the cases that arise at the Family matters Courts, the importance of the family integrity and in order to prevent long-term negative impact on the family relationship; the social workers try to use mediation as one of the tools for assistance.

In 2010, the 14 units assisted a total of 7,300 families including approximately 1,000 Arab families and 1,500 cases of domestic violence.

#### Rape Crisis Centers

There are 11 rape crisis centers throughout the country working to provide emotional support, practical advice, and additional support for victims including the maintenance of hotlines, and the provision of educational services. All centers are



staffed by volunteers and are contacted by an average of 9,000 individuals annually. Two crisis centers are designated especially for the Arab population (but all centers receive Arab women) and an additional center is designated especially for the ultra-orthodox population.

### Multidisciplinary Centers

Israel has also developed a unique model of multidisciplinary centers that provide interrelated services to women who have suffered abuse and violence. These centers combine psycho-social and psychological treatment with medical and legal services. Until 2007, there were such three centers in Israel, and in 2008 three additional centers were opened, designed to treat 600 persons simultaneously. As of October 2008, 428 victims were treated in these centers, compared to 280 in 2007

Regarding financial assistance to women who choose to leave shelters for battered women please see Israel's reply to Question 14, below.

### Marital Rape

According to Section 345 of the *Penal Law 5737-1977*, marital rape is considered as rape and therefore it is a crime punishable by up to 16 years imprisonment and under aggravated circumstances up to 20 years.

### **Question 13**

*According to information before the Committee, Palestinian women continue to suffer from violent attacks from both state (Israeli soldiers) and non state actors (settlers). Such violence reportedly includes violations of the right to life, physical abuse, sexual harassment, verbal violence and house demolitions. Please describe the measures taken by the State Party, to ensure protection of Palestinian women from such violence and to ensure that there is adequate law enforcement, including effective investigations, prosecutions and punishment of those responsible. Please also provide information on the steps taken to prevent and respond to child sexual exploitation in areas of armed conflict.*

### **Reply:**

Please see Israel's response to Question 2, above.

### **Question 14**

*The fifth report, at para. 181, refers to the establishment of an exceptional committee that provides financial assistance for women in shelters for battered women. Please provide more information about the composition and activities of this committee as well as the number of women to whom assistance has been provided. Please indicate whether Palestinian women victims of domestic violence also have access to the committee and to the shelters.*

### **Reply:**

The Ministry of Social Affairs and Social Services (hereinafter: "the Ministry") operates a committee that provides financial assistance to battered women who wish

to leave the shelters and start their independent lives.

In 2008, the Ministry issued a tender for supervision of the allocation of this financial assistance. The NGO "Bat Melech" which operates a network of social services for victims of domestic violence was elected in the tender, and was chosen to appoint professionals in the field of domestic violence to examine the financial assistance requests and decide on the recipients, together and under the supervision of the National Supervisor for the Welfare of the Individual and the Family in the Ministry.

In 2009, the total allocation for this assistance was 1,000,000 NIS (U.S. 272,000\$). The assistance is provided to battered women with children who choose to leave the shelters and require money for basic necessities, such as paying rent, buying basic equipment and more. The average assistance is in the amount of 10,000 NIS (U.S. 2,700\$) per family.

Palestinian women do not have access to this committee, however, there is a small number of exceptional cases of Palestinian women who are admitted to shelters for battered women in Israel (mainly women who stay illegally in Israel and suffer from domestic violence). These women usually stay longer periods in the shelters due to the fact that they cannot return to their families. These women are assisted by the Ministry and receive financial assistance when necessary.

### **Question 15**

*During the visit, in January 2008, of the Special Rapporteur on freedom of religion or belief to Israel and the Occupied Palestinian Territories, she was informed about cases of honour killings carried out in the name of religion with impunity in the Occupied Palestinian Territory (A/HRC/10/8/Add.2, para. 64). While noting the information in the fifth State Party's report (para. 180) that murder in the name of so-called "family honour" has decreased dramatically in recent years among the Arab population, please inform the Committee of effective measures taken by the State Party to combat such crimes and to prosecute and punish the perpetrators both in the Occupied Palestinian Territories and within Israel.*

### **Reply:**

Murder in the name of what is called "family honor" is treated as severely as any other criminal activity. One of the major difficulties in the prevention of such crimes is the conspiracy of silence that surrounds these acts and no prior knowledge that will activate Police and welfare intervention.

In cases in which the Police have prior knowledge regarding domestic violence or regarding threats of murder within the family, the Police immediately intervenes by investigating the relevant suspects, providing assistance to threatened and intimidated women, engaging the welfare and social services and referring the women to shelters.

However, in order to penetrate this wall of silence, there has to be condemnation within Arab society and advancement in impartiality and education.

To facilitate a change in the current situation it is essential to promote awareness within the Arab population. In order to achieve such transformation, the spiritual

leaders of the Arab population must raise their voice against such acts and against domestic violence as a whole. These acts of condemnation exist but they are not enough. For example, a few weeks ago, a female-school principal was murdered. Following this event, the Druze spiritual leader implored all Druze women that suffer from domestic violence to come forward and file a complaint. In another case, the mayor of Rahat participated in a public demonstration against domestic violence.

The Police, as well as the Israeli legal system, regard any murder as such, and investigate it vigorously, regardless of the murderer's motives. Israeli law does not recognize any mitigating circumstances in such cases, and prosecutes, indicts and punishes the perpetrators in all severity.

For further information please see Israel's response to Question 2, above.

### **Trafficking and Prostitution**

#### **Question 16**

*The fifth report, at paras. 184-262 provides extensive information on suppression of the exploitation of women. The report also indicates that there has been a sharp decline in the number of women trafficked to Israel for prostitution. Please provide information on the implementation of the Anti Trafficking Law 5767-2006 which applies a broad trafficking crime to a number of illegal practices, and its impact on the reduction of such cases. Please provide more information on the content and implementation of the National Plans that have been approved to combat slavery and trafficking for slavery, forced labor and trafficking for the purpose of prostitution and sexual exploitation, as briefly referred to in para. 236 of the fifth report. In paras 213-227 and 262, the fifth report describes investigation, prosecution and compensation activities related to trafficking. Please provide information on measures taken to ensure the protection of victims in these processes and clarify whether the mechanisms for compensation are accessible to victims who have already returned to their countries of origin.*

#### **Reply:**

##### Trafficking for Prostitution

In 2009, the Police conducted **9 criminal investigations** concerning trafficking in persons for the purpose of engaging them in prostitution, all were trafficked in previous years, rather than 2008-2009. In the course of these cases, 13 persons were arrested. In addition, the Police opened **269 cases** of managing a property for the purpose of engaging persons in prostitution, **82 pandering cases**, and **16 cases** of advertisement of prostitution services. In addition, 6 victims of trafficking in persons for prostitution were referred by the Police to "Maagan" shelter in 2009. The following two tables present Police data on criminal investigations and arrests for trafficking in persons for prostitution and related offenses:

##### Criminal Investigations

Offense	2008	2009	Increase/decrease
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			<b>in %</b>
Pandering for the purpose of prostitution	64	82	+28.1%
Inducement to engage in prostitution	6	10	+66.6%
Managing a property for the purpose of engaging in prostitution	177	269	+60%
Abduction for causing bodily harm or sexual offense	17	20	+17.6%
Advertisement of prostitution services	9	16	+77.7%
Trafficking in persons for the purpose of engaging them in prostitution	10	9	+11%
<b>Total</b>	<b>283</b>	<b>396</b>	<b>+40%</b>

### Arrests

<b>Offense</b>	<b>2008</b>	<b>2009</b>	<b>Increase/decrease in %</b>
Pandering for the purpose of prostitution	6	14	+133.3%
Inducement to engage in prostitution	10	11	+10%
Managing a property for the purpose of engaging in prostitution	61	83	+36%
Trafficking in persons for the purpose of engaging them in prostitution	9	13	+44.4%
<b>Total</b>	<b>86*</b>	<b>121**</b>	<b>+40.7%</b>

\* Of which 12 were arrested until such time as proceedings had been completed.

\*\* Of which 14 were arrested until such time as proceedings had been completed.

The State Attorney's Office: During 2009, **14 persons were convicted** of trafficking for the purpose of prostitution, and/or related offenses.

**6 indictments** were filed in 2009 for these offenses, in addition to **6 ongoing cases** pending before the courts. **One appeal** was submitted to the Supreme Court by a defendant convicted of trafficking in persons for prostitution and related offenses, and sentenced to 24 months imprisonment. This appeal is pending before the Supreme Court.

Furthermore, during 2009 the Supreme Court **dismissed 9 appeals** submitted by defendants against the severity of their sentence. Several defendants appealed the conviction itself. The sentences appealed varied from 6 months to 13 years imprisonment, as well as additional compensation to victims, depending on the severity of the offenses. In one case the Supreme Court reduced a sentence from 7 to 6 years imprisonment and in another case the sentence was reduced from 10 to 7 months imprisonment.

During 2009, the Supreme Court also accepted an appeal submitted by the State in a case of trafficking related offenses, requesting the imposition of compensation to the victim in addition to the imprisonment sentence imposed by the lower court.

## General Trends

The number of trafficking cases handled by the Tel Aviv District Attorney's Office has decreased significantly, from 100 active cases in 2007 to less than 20 during 2009. This decrease proceeds from a decrease in the number of trafficking for prostitution victims due to determined enforcement. In this regard, note that all of these cases refer to trafficking which took place in former years.

The Police and State Attorney's Office give priority to the prosecution of trafficking for the purpose of prostitution. The Courts have espoused broad principles of interpretation which allow the conviction of all links in the chain of trafficking from the first link abroad, to the transporter, the broker, and the purchaser. While sentencing is not uniform, it is increasingly severe, including cases where traffickers were sentenced to periods of incarceration of 8.5 and 5 years. The State Attorney's Office vigorously espouses a broad interpretation of these crimes and initiates appeals when lower court interpretation falls short of these principles and when sentences do not reflect the gravity of the crimes. The Supreme Court has accepted the State Attorney's position and interprets the offense broadly while meting out substantial sentences though it does not always accept the State's appeals.

Emphasis is also given to the issue of compensations to victims of trafficking, as well as insisting upon the defendants depositing the compensation sums due as a precondition to plea bargains. These plea bargains are conducted according to the provisions of the *Crime Victims' Rights Law* and only after due consideration is given to the position of the victim.

### Trafficking for Labor

In 2009, a significant number of investigations were conducted in an attempt to ensure the prosecution of core trafficking crimes such as slavery and forced labor. In addition, emphasis was also placed upon other grave crimes such as fraud, exploitation and the withholding of passports, as the determined enforcement of these crimes creates a climate which is unfriendly to trafficking. Regulatory offenses were also invoked and administrative steps were taken, which together, are calculated to deter individuals from committing crimes against foreign workers.

### Grave Criminal Offenses

Since July 2009, the Police' "Saar Unit" has opened **61 investigations** of cases involving forced labor, **28 investigations of cases** involving the withholding of passports, and **eight investigations** of cases involving the exploitation of vulnerable populations.

#### Forced labor

Four investigations of forced labor are in advanced stages of review in the Central and Jerusalem District State Attorney's Office. Several more cases are currently under review by the "Saar Unit" of the Police. Another case was transferred in June 2009 to the Police's prosecuting unit – the "Lahav Unit", and a draft indictment was prepared.

Forced labor, exploitation of vulnerable populations, and withholding a passport – In

2009, indictments were filed in **32 cases** of forced labor, exploitation of vulnerable populations, and withholding a passport (an additional 55 indictments were prepared and are in hearing proceedings).

Fraud and deceit – in general, cases of fraud and deceit involve foreign workers being promised working visas conditional upon payment of large sums of money to criminal elements, before and after their arrival in Israel. In 2009, indictments were filed in **28 cases of fraud** (an additional 36 indictments were prepared and are in hearing proceedings), and another 42 indictments were filed for fraud against the State and indirect fraud of a foreign worker (an additional 28 indictments were prepared and are in hearing proceedings).

### **Protection for Victims of Trafficking**

#### All Forms of Trafficking

The *Witness Protection Law* established a Witness Protection Authority (hereinafter: "the Authority") which will be responsible for developing programs to protect witnesses who satisfy the relevant criteria. The Authority protects the witnesses and their families prior to, during and after the trial. According to Section 2 of the Law, the Authority is responsible, *inter alia*, for developing professional knowledge and doctrine for the protection of threatened witnesses, setting criteria for assessing the threats and developing tools to protect the witnesses based on those assessments.

The Witness Protection Authority is currently in its initial stage of operation, and only a single witness has been referred to it. As soon as the Authority is fully functional, victims of trafficking for prostitution who meet the abovementioned criteria will be referred to the Authority.

Witnesses who do not meet the criteria for this heightened protection will be protected by the Police or the Israeli Prisons Service (IPS).

Crime Victims' Rights Law: This Law affords a right to protection to victims of crime during criminal proceedings. This includes protection, as needed, from the suspect, defendant or sentenced criminal and their agents or those close to them and protection in the courtroom, as far as possible, from unnecessary contact with any of the above (Section 6 of the Law).

#### **The "Maagan" shelter**

The "Maagan" shelter for victims of trafficking was created for all victims of trafficking for prostitution, regardless of their willingness to testify against their traffickers. Of the 6 women referred to the shelter in 2009, four women were referred for a reflection period and two have already agreed to testify. Of those, two were not required to testify, two testified and two had testified in the past.

Victims residing in the "Maagan" shelter, whether or not they testify, are protected by guards securing the shelter, and the shelter also maintains direct contact with the local police station, in cases of need.

#### Trafficking for Labor

Migrant workers who have been the victims of criminal offenses, whose complaints are investigated by the "Saar" department of the "Lahav Unit" of the Police, are given a temporary stay of removal. They are released from detention, transferred to the shelters for trafficked victims, and are allowed to work during their stay, until the conclusion of their testimony against the offender. They are also eligible to receive visas for rehabilitation purposes from the Ministry of Interior upon the conclusion of the criminal proceedings.

Shelter – All of the 50 male victims of slavery and forced labor were referred to the "Atlas" shelter for male victims of trafficking due to their testimony against their employer. Of the female victims of trafficking for slavery and forced labor, ten were referred to the "Maagan" shelter so as to protect them until their testimony.

**Compensation for the Victims** - The State Attorney's Office is making every effort to ensure that defendants pay the amount of compensation required to the victims, before presenting a plea bargain to the court. The State Attorney's Office has issued guidelines on this matter, since after such compensation was deposited in the court's fund; problems arose in transferring the compensation to the victims, especially if they had already left Israel.

These problems are solved in the following manner: If the victim is still in Israel, he/she may withdraw the money from the Courts Administration System. As for victims who have left Israel and returned to their country of origin, since 2006 they sign a power of attorney which allows the Legal Aid Branch in the Ministry of Justice to trace them abroad and transfer them the money. Victims who left Israel before 2006 are assisted by the "Isha L'Isha" (Woman to woman) NGO. Recently, the General Administrator has taken upon himself the task of transferring compensation money to trafficking victims who have left Israel.

### **National Plans**

Regarding the National Plan regarding the Battle against Trafficking in Persons for the Purpose of Prostitution, please see Addendum 1.

Regarding National Plan regarding the Battle against Slavery and Trafficking in Persons for the Purposes of Slavery or Forced Labor, please see Addendum 2.

Regarding the Status of Implementation of the National Plan on the Battle against Trafficking in Persons for the Purpose of Prostitution, please see Addendum 3.

Regarding the Status of Implementation of the National Plan regarding the Battle against Slavery and Trafficking in Persons for the Purposes of Slavery or Forced Labor, please see Addendum 4.

### **Question 17**

*Please elaborate on measures taken to prevent and suppress exploitation of prostitution of women. Please provide further information on the implementation and impact of the 2007 inter-ministerial Plan for the Rehabilitation and Treatment of Women and Girls Engaged in Prostitution in order to Assist Them in Breaking the Vicious Cycle of Prostitution, as referred to at para. 52.2 of the fifth report. Has the*

*State party adopted any exit programmes for women who wish to leave prostitution?*

**Reply:**

In recent years this issue was heartily debated on several levels:

- A private Bill titled: the *Prohibition of the Use of Paid Sexual Services Law*, calling for criminalization of all clients of the sex industry was drafted. According to the bill (not yet tabled), a client will be liable to 6 months imprisonment, or an educational program – upon his/her first arrest for this offense. In the following aggravating circumstances, the penalty is raised to 5 years imprisonment - the use of a minor, victim of trafficking or a person addicted to certain substances, or if the client is a public official. In 2008-2010, the National Coordinator convened a series of meetings including NGOs, government representatives and academics. The Committee decided to delay the final decision to allow for mapping out of the world of prostitution and intensive public information campaigns on this subject.
- An amendment to the section of the *Penal Law* which prohibits advertising prostitution services is being drafted. This amendment will broaden the scope of the prohibition and is calculated to decrease demand.

The Inter-ministerial Plan for the Rehabilitation and Treatment of Women and Girls Engaged in Prostitution in order to Assist Them in Breaking the Vicious Cycle of Prostitution

The implementation of this plan continued throughout 2009, as it became an annual permanent budgeted activity. The 2009 budget for the plan was NIS 7,429,817 (U.S \$ 2 Million).

The implementation of this plan, which was approved by the Prime Minister in 2007, began during 2008 and continued during 2009. The plan is directed at reducing and preventing prostitution among Israeli society as well as rehabilitating and assisting women who survived prostitution. The plan further aims to break the cycle of exploitation and social exclusion of these women, to assist them in regaining self esteem, and re-establishing trust and control over their lives. In addition, the plan provides emergency and continuous treatment to women who engage in prostitution.

National level – A national steering committee for outlining the various means of treatment and inter-ministerial cooperation is composed by members of the Ministries of Social Affairs and Social Services, Health, Education, and the Prime Minister Office. In addition, local steering committees operate for the treatment of prostitution in Tel-Aviv, Haifa and Eilat. A research formation regarding the plan was created, and a tender is about to be published.

*Tel-Aviv District (center)* - In Tel-Aviv, the operation of an emergency-apartment, a hotline, a mobile health clinic, a day treatment center, a night treatment center, and a hostel, continued during 2009. In addition, a brochure which surveys the academic writing regarding services for women who engage in prostitution was published.

In 2009, approximately 600 calls were placed with the hotline, of which 86% were



follow-up calls placed by previously-treated women. 120 women have contacted the hotline, of which 49 were referred for further treatment, including: eight who were referred to drug rehabilitation centers, ten who were referred for legal assistance, seven who were referred to the day treatment center, six who were referred to the emergency apartment, six who were referred for weekly sessions with the hotline coordinator, and twelve who were referred to other forms of treatment.

The Ministry of Social Affairs and Social Services continued to operate patrols to approach women engaged in prostitution. In 2009, 341 encounters occurred with 200 different women, of which 33% were known and treated at the emergency apartment. Of these women, 97 received further treatment, including: 66 who remained in contact with the hotline, eleven who were referred to a drug rehabilitation center, fourteen who were referred to the emergency apartment, five who were referred to the day treatment center, and one who was referred to the hostel.

During 2009, approximately 200 women stayed in the emergency apartment, of which 46 were referred to drug rehabilitation centers and three were referred to methadone or subutex centers. Out of the women referred to rehabilitation centers, sixteen completed their rehabilitation and were referred for further treatment at the hostel (thirteen women), the day treatment center (one woman) and other treatment frameworks (two women). At the end of 2009, five women who began their rehabilitation in the emergency apartment were still residing in the hostel.

In 2009, 61 women were treated in the day treatment center, of which 41 left the center during the year. Seven women completed the six-month day track, and began to work while being integrated into the night track. At the end of 2009, thirteen women were treated in the day treatment center.

In 2009, 49 women were treated in the hostel, of which 34 left the hostel during the year. At the end of 2009, fourteen women were residing in the hostel.

*Haifa District (north)* - In the city of Haifa, the operation of an emergency apartment, a day treatment center, a night treatment center, and a mobile health clinic, continued during 2009. In addition, a hostel for the rehabilitation of women who engage in prostitution is currently being established.

The mobile health clinic operates three times a week, and to date, approximately 130 women have received medical care at the clinic. During 2009, the clinic performed approximately 1,260 acts of medical assistance in areas where women engage in prostitution.

The emergency apartment houses, on average, 11 women every night. The women stay in the apartment for both short and long-term periods. There are also women who arrive at the apartment during the afternoon but do not stay for the night. All of the women who have resided in the emergency apartment have succeeded in breaking out of the cycle of prostitution.

The day treatment center operates five times a week. Every day, eleven women arrive at the center, and an additional nine women arrive at least once a week.

*Southern District* – As the plan is to be implemented in Be'er-Sheva, a social worker

for the treatment of women who engage in prostitution was hired in 2009.

Reinforcement of ongoing programs - The programs for locating young girls who engage in prostitution, the rehabilitation of women prisoners who engaged in prostitution, and the recovery of women who engaged in prostitution while living on the streets, were reinforced.

### **Question 18**

*Please provide information on measures taken by the State Party to address concerns expressed by the Special Rapporteur on the human rights of migrants, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on violence against women, and the Special Rapporteur on the sale of children, regarding alleged cases that female victims of trafficking felt pressured to testify in court because certain benefits, including shelter and health services, were being tied to their giving testimony (E/CN.4/2006/73/Add.1, para. 83).*

#### **Reply:**

Shelter, health services and other benefits for victims of trafficking including trafficking for prostitution, are provided regardless of their willingness to testify against their traffickers. Of the 6 women referred to the shelter in 2009, four women were referred for a reflection period and two have already agreed to testify. Of those, two were not required to testify, two testified and two had testified in the past.

### **Question 19**

*Information available to the Committee indicates that there are cases of women migrant workers who enter Israel with valid work permits, but become victims of debt bondage, fraud, forced labour and sexual slavery. Please provide information on existing and planned mechanisms for the protection of the rights of women migrant workers, including their access to justice and criminal prosecution of the perpetrators.*

#### **Reply:**

The Labor Laws Enforcement Division in the Ministry of Industry, Trade and Labor (ITL), is investing great efforts in promoting awareness regarding labor laws among employers and employees, in order to prevent illegal labor abuse.

During 2009 up to the middle of November the Enforcement Division in the Ministry of ITL imposed approximately 1,662 administrative fines on employers of foreign workers for violating the *Foreign Workers Law 5751-1991*, with a total sum of approximately 14,605,958 NIS (U.S. \$3,844,000). Up to October 2009, 849 indictments were filed regarding violation of the *Foreign Workers Law* by employers. In addition, the Department imposed approximately 196 fines on employers of foreign workers for violating the *Minimum Wage Law 5747-1987*, with a total sum of approximately 1,923,000 NIS (U.S. \$506,000).

Actions against Recruitment Agencies. The Ministry of ITL is investigating complaints of abuses concerning recruitment of foreign workers and cancelling the permits given to private recruitment agencies found to have carried out violations of

the relevant laws and procedures, particularly in the field of recruitment of foreign workers in the nursing field.

During 2007, approximately 50 licensed recruitment agencies holding special permits to recruit foreign workers were inspected and investigated by the Ministry of ITL. In 42 cases, both the licenses and permits of the agencies were revoked. In four cases, the permits given to the agencies to recruit foreign workers were revoked for a set period. In four cases the permits given to the agencies to recruit foreign workers were revoked indefinitely and one permit was granted on probation. The revocations were based on the following grounds: unlawful collection of fees from foreign workers, recruitment of workers in collaboration with a non-licensed agency, false social worker reports, unlawful transfer of foreign workers and bringing a foreign worker to Israel contrary to the terms of the permit. Seven agencies appealed the revocation of their licenses/permits to the Labor Court; their appeals were denied.

During 2008 and up to October 15, 2009, 47 permits to recruit foreign workers in the nursing field were completely revoked. In 8 cases the permits were temporarily revoked, and in 6 cases the permits were granted on probation. In 27 cases, licenses and permits were denied. In addition, investigations and administrative hearings lead to the closure of recruitment agencies in cases in which managers of abusive agencies which received closure orders, continued to recruit illegally under the auspices of another licensed recruitment agency. The above decisions required intensive investigatory preparations carried out with the cooperation of NGOs, the Ministry of Interior and the Police. Many appeals against such cancellation of permits and closure orders were rejected by the National Labor Court in a series of 2008-9 rulings that emphasized the importance of close supervision of foreign worker recruitment agencies.

During 2009 alone, licenses and special permits to recruit foreign workers were revoked from 18 agencies; three agencies which applied for special permits to recruit foreign workers were refused; two permits were revoked for a fixed period of time, and the permits of four other agencies were rendered conditional.

The Police is handling all populations with special attention to areas and employment fields in which foreign workers are employed, while focusing on several main offenses, including: exploitation, fraud, withholding of passports, sexual abuse, abduction for purposes of trafficking and excessive and illegal commission fees. According to the relevant sources it is impossible to define a specific population from certain country of origin as a population at the greatest risk for abuse. Yet, the risk for abuse will be higher as far as the worker's debt is bigger, his/her education is lower and his/her communication possibilities are limited.

An Ombudswoman for the Complaints of Foreign Workers remains active in the Ministry of ITL. Her mandate is to safeguard the rights of foreign workers employed in Israel and to handle complaints from foreign workers, employers, citizens, NGOs, and the public. The ombudswoman has the authority to recommend that the Enforcement Division carry out a criminal investigation, as well as to recommend the initiation of administrative proceedings. In addition, the ombudswoman may allow foreign workers in the construction field to change employers after less than the requisite three months. The Ombudswoman also assists foreign workers in the construction field who request to regularize their status in Israel and register for work

with a new employer in cases in which they lost their legal status in the country after not registering for legal employment for an extended period. Such workers must meet the Ombudswoman, who explains their obligations to register for legal permitted employment only, provides them a leaflet in their language regarding their rights, and gives the Ombudswoman follow-up on complaints she has handled, to ensure that workers are indeed paid the sums found due to them. The Ombudswoman works in cooperation with the Enforcement Department in the Foreign Workers' Department, the Ministry of Interior and the Payments Department in the Ministry of ITL, to review the complaints and oversee adherence with her decisions.

In 2009, the Ombudswoman received 138 new complaints, of which 105 were handled. In addition, 2 complaints filed in 2007 and 123 complaints filed in 2008, were handled. This year, most of the complaints were filed by representatives of the foreign workers, such as NGOs and lawyers, and not by the workers themselves. Still, there was no significant change in the number of complaints.

She also serves a central coordinating function in reviewing complaints and deciding if there are violations of regulatory laws or crimes of slavery, forced labor or trafficking. She then refers the complaints to the proper authority (the Ministry of ITL or the Ministry of Interior) if a regulatory violation is involved and to the Police if a crime of trafficking, slavery or forced labor is involved. In addition, she provides a forum for NGOs to apprise the Government of new trends and problems.

#### Temporary Visa

Migrant workers, who have been the victims of criminal offenses, whose complaints are investigated by the "Saar" department of the "Lahav Unit" of the Police, are given a temporary stay of removal. They are released from detention, transferred to the shelters for trafficked victims, and are allowed to work during their stay, until the conclusion of their testimony against the offender. They are also eligible to receive visas for rehabilitation purposes from the Ministry of Interior upon the conclusion of the criminal proceedings.

Employers may be prosecuted for violations of the labor laws in Israel, including the *Foreign Workers Law 5751-1991* (the "*Foreign Workers Law*"), which was revised in 2000 to ensure the protection of foreign workers' rights.

The *Foreign Workers Law* and its Regulations impose additional obligations on employers of foreign workers, including the obligation to provide the worker with a detailed employment contract in his/her language (Section 1C), the obligation to provide the employee with decent lodging (Section 1E), and the obligation to provide the employee with private medical insurance for his/her employment period (Section 1D). A violation of the above provisions, including illegal deductions from a worker's salary, is a criminal offence punishable by substantial administrative or criminal fines. The Law was amended in July 2009 (Amendment No. 11) to include Section 1N1 according to which, not-paying a preemptory fine imposed as a result of violating the *Foreign Workers Law* or the second addendum of the *Labor Court Law 5729-1969* (the "*Labor Court Law*"), is a ground for cancellation of or refusal to issue a permit to employ foreign workers by the fined employer.

Amendment No. 14 of 2004, to the *Employment Service Law* criminalizes the collection of illegal excessive recruitment fees from foreign workers, and renders this crime punishable by up to six months' imprisonment and/or attended by a fine of up to 200,000 NIS (U.S. \$54,054). The Amendment also applies a temporary order (in force until July 1, 2011) amending the *Prohibition on Money Laundering Law* 5760-2000, making the collection of exorbitant fees an origin offence.

The *Employment Service (Recruitment Fees) Regulations* 5766-2006 (the "*Employment Service (Recruitment Fees) Regulations*") cap the permitted recruitment fees of Israeli recruitment agencies at 3,135 NIS, (U.S. \$847.3) or 88% of the monthly minimum wage, minus any sum already paid by the worker to a foreign recruitment agency. The agency may, however, be legitimately reimbursed by the foreign worker for the cost of airfare from the source country to Israel. The Regulations also detail the terms under which it is permitted to collect the fee, for example, a detailed contract must be in effect between the agency and the worker. Additionally, the Regulations outline the circumstances under which a recruitment agency shall reimburse payments collected from a foreign worker.

The *Employment Service (Provision of Information) Regulations* 5766-2006, require a recruitment agency to provide foreign workers with all relevant information relating to their rights and obligations as foreign workers in Israel, for example, the identity of his/her employer, the term of employment permit of the employer, a description of the job, information as to the permitted recruitment fees etc.

As of September 1, 2010, private Israeli foreign workers recruitment agencies are not allowed to charge any fees from a foreign worker who is seeking employment.

#### The Population, Immigration and Border Crossings Authority (PIBA)

On April 13, 2008, the Government approved Resolution No. 3434, which established the new Population, Immigration and Border Crossings Authority (henceforth: "PIBA"). The PIBA replaced certain functions previously falling under the authorities of the Immigration Administration, and all issues related to foreign and Palestinian workers were transferred to the PIBA in January 2009. Thus, the PIBA operates as an independent body within the Ministry of Interior, which has joint authorities regarding population, immigration and border issues, which authorities previously belonged to the Immigration Administration and other Ministries.

#### Membership in the Histadrut (the General Federation of Laborers in Israel)

On November 24, 2009, the management of the Histadrut decided to submit a motion to the organization's board of representatives, according to which, the Histadrut's constitution would be amended in order to allow for foreign workers to become members with equal rights in the Histadrut. Previously, such membership was limited to workers who were Israeli citizens or residents. The amendment of the organization's constitution will allow any foreign worker with full and equal membership, and every foreign worker who chooses to join the Histadrut, entitlement to full rights, including the right of association, the right to vote and be elected, and to other benefits provided by the organization. The amendment will not only impact the individual foreign worker's rights, but also the ability of the Histadrut to officially represent foreign workers and to promote their protection and improve their rights.

### Enforcement of Foreign Workers Rights

Between January and November 2009, the Labor Laws Enforcement Division in the Ministry of ITL investigated more than 850 employers for allegedly violating the *Minimum Wage Law 5747-1987* (the "*Minimum Wage Law*") and investigations against 500 of these employers were opened in 2009. In addition, 44 indictments were filed against employers, and 413 administrative fines were imposed in a total sum of approximately 3 Million NIS (U.S. \$810,811). The number of investigations has decreased in recent years due to better and enhanced enforcement, which has resulted in a lower number of complaints. For purposes of comparison, the numbers of investigations opened against employers of foreign workers in previous years were: 2004 - 9,834; 2005 - 4,170; 2006 - 3,743; 2007 - 3,111.

During 2009, the Enforcement Division of the Foreign Workers Department in the Ministry of ITL imposed approximately 2,052 administrative fines on employers of foreign workers for violating the *Foreign Workers Law*, with a total sum of approximately 29,182,500 NIS (U.S. \$7,887,162) being imposed according to the following distribution: 272 administrative fines were paid in the total sum of 2,395,000 NIS (U.S. \$647,297); 1,063 administrative fines are currently outstanding in the total sum of 14,422,500 NIS (U.S. \$3,897,973); 286 administrative fines are currently the subject of legal proceedings in a total sum of 6,310,000 NIS (U.S. \$1,705,405); 328 administrative fines are currently in the process of collection in the total sum of 4,605,000 NIS (U.S. \$1,244,595); and 94 administrative fines were annulled, in the total value of 1,340,000 NIS (U.S. \$362,162).

#### Number of Administrative Hearings and Decisions by Sectors, 2009

Field	Hearings	Decisions taken	Permits cancelled	Number of hearing in which restrictions were imposed	Number of hearing in which no restrictions /cancellation were imposed	Ongoing hearings
Nursing	100	53	27	16	10	46
Agriculture	11	4	2	-	2	7
Industry & Restaurants	12	8	5	-	3	4
Construction	1	1	1	-	-	-
<b>Total</b>	<b>124</b>	<b>66</b>	<b>35</b>	<b>16</b>	<b>15</b>	<b>57</b>

*Source: The Ministry of Industry, Trade and Labor, November 2009*

During 2009, 934 criminal indictments were filed against employers and manpower agencies for violations of labor laws relating to employment of foreign workers (up until October 2009), the Department imposed approximately 196 fines on employers of foreign workers for violating the *Minimum Wage Law*, with a total sum of approximately 1,923,000 NIS (U.S. \$506,053) having been received and 171 judgments having been handed down. The total sum of the criminal fines imposed by the labor courts was 7,788,280 NIS (U.S. \$2,104,941) in all cases.

In addition, in 2009, 15 disabled employers had their permits to employ nursing foreign workers revoked, and in four cases, relevant conditions or limitations were imposed on existing permits.

For example, on September 6, 2009, the appeal of an agricultural cooperative society which was convicted of abusing foreign workers and required to pay the maximum fine set by law, was dismissed. In this case, two foreign workers employed by the appellants were found to be residing in inhuman conditions. The Be'er-Sheva Labor Court imposed the maximum fine of 939,600 NIS (U.S. \$253,946) on the employing company, as well as an additional fine of 261,000 NIS (U.S. \$70,541) on each of the directors of the company, which would be substituted with one year imprisonment if not paid on time. The National Labor Court affirmed the Be'er-Sheva Labor Court's decision, and emphasized that the fines imposed in such cases of abuse and objectification of foreign workers must be high, as part of the public interest and the necessity to deter such violations of the laws regarding the employment of foreign workers (*Cr.A. 13/07 Nir-Am Cohen Vegetables Agricultural Cooperative Society et. al. v. The Ministry of Industry, Trade and Labor* (6.9.09)).

On August 6, 2007, the Jerusalem District Court ruled that a violation of an employment permit by an employer, who employed a foreign worker in giving massages instead of in the agricultural field, is in itself administrative proof which can constitute a basis for the cancellation of the employment permit. Here the employer was also indicted of having sexual relations with a foreign worker whose consent was a result of exploitation of the relationship of authority by the employer (*Ad.P. 350/07 Shlomo Mutsafi et. al. v. The Ministry of Industry, Trade and Labor* (6.8.07)). The decision to cancel the employer's permits to employ foreign workers as a result of the abovementioned charges was upheld by the Supreme Court (*Ad.P.A. 7216/07 Shlomo Mutsafi et. al. v. The Ministry of Industry, Trade and Labor* (24.12.07)).

The Israeli labor laws, including extension orders and collective agreements, apply to foreign workers as they do to regular Israeli workers. For example, in November 2005, the Be'er-Sheva Labor Court found that the provisions of a collective agreement granting certain benefits only to hotel employees whose identity cards registered them as Eilat residents, constituted discrimination against foreign employees in those hotels, and required that the benefits be paid to the foreign employees as well (*La.C. 6042/04 Ahmad Montilo v. Isrotel Ltd. et. al.* (29.6.05)).

In addition, in February 2006, the Tel-Aviv Regional Labor Court stated that foreign workers who were employed in Israel illegally, are also entitled to enjoy labor rights prescribed by law, including severance pay, in cases in which they are deported from Israel as a result of their illegal status (*La.C. 4814/05 Arnel Marco et. al. v. Pnina Rozenblum* (21.2.06)).

Accordingly, the claims of illegal foreign workers who are detained, with respect to salary and benefits owing, are routinely referred by the Tribunals for Detention Review to labor inspectors who contact the employers for the purpose of receiving the payments on behalf of the worker prior to his/her deportation. In 2008, 1,723,777 NIS (U.S. \$465,886) was collected on behalf of detained foreign workers in this manner. In addition, foreign workers who have left the country are allowed to enter temporarily, as necessary, in order to testify in civil suits which they filed against their former employers.

The Police handle all populations and sectors, with special attention paid to areas and fields of employment in which foreign workers are employed, while focusing on several main offences, including: exploitation, fraud, withholding of passports, sexual

abuse, abduction for purposes of trafficking and excessive and illegal commission fees.

### **Dissemination of Information Regarding Rights among Foreign Workers**

A special workers' handbook regarding the rights of foreign workers in the construction field was issued by the Ministry of ITL in English, Russian, Romanian, Turkish, Thai and Chinese. The handbook instructs the workers to contact the Ombudswoman in any case in which the rights discussed therein have been breached.

Private recruitment agencies who have recruited foreign workers in the field of construction are required to distribute the handbook to each foreign worker they have recruited, and the directors of the agencies must provide the Foreign Workers Department in the Ministry of ITL with an affidavit stating that they accept personal responsibility for the distribution of this handbook to each worker.

Furthermore, as discussed above, the *Employment Service (Provisions of Information) Regulations* require recruitment agencies to provide foreign workers with all information relating to their rights and obligations as foreign workers in Israel (e.g. permitted fees' rates, etc.).

In addition, a brochure discussing the general labor rights of foreign workers in Israel has been published on the website of the Ministry of ITL in English, Hebrew, Chinese, Thai, Russian, Romanian and Turkish. This brochure is also distributed by the Ministry of Interior to each foreign worker who arrives at Ben Gurion Airport.

An additional method of disseminating information has been implemented by the Israeli Embassy in Thailand. In cooperation with the Ministry of ITL and the Thai Labor Ministry, a brochure has been released discussing the rights of foreign workers in Israel. The booklet, which is in Thai, contains information regarding the labor and social security rights of workers and includes other information, such as relevant phone numbers, medical treatment facilities and basic Hebrew. The booklet is attached to the passport of each worker who receives a visa to Israel.

**The Knesset's Special Committee on Foreign Workers.** The Knesset's Special Committee on Foreign Workers regularly holds sessions regarding issues and complaints relating to the situation of foreign workers in Israel. The committee has dealt intensively with many issues concerning foreign workers in Israel between the years 2008-2010 and has requested updates upon the work of the new PIBA in these matters. The following is a partial list of the subjects the committee has dealt with: enforcement of foreign workers' rights, complaints regarding enforcement in the agricultural field, examination of reforms enacted in the nursing care field, safety and hygiene in factories, deportation of illegal foreign workers, human resources requirements in the construction field, a proposal for voluntary departure of foreign workers from African states who completed their legal stay in Israel, on-site training in the construction field, employers-employee relations in the nursing field etc.

**Bilateral agreements with Countries of Origin.** During 2009-2010, the Government continued to take steps towards the finalization of bilateral agreements with countries of origin of foreign workers, under the supervision of the International Organization of Migration (IOM), with respect to the recruitment of foreign workers to Israel. Every



effort is made in order to sign additional bilateral agreement with countries regarding the recruitment of foreign workers for work in Israel.

### **Participation in decision-making and representation at the international level**

#### **Question 20**

*In its previous concluding observations (paras. 31 and 32), the Committee expressed its concern at the low level of representation of women in decision-making positions in local authorities and that the number of women in high-level positions in the civil service and the foreign service remained low. The fifth report states that women's representation in political life has progressed in all fields, although gaps remain between men and women's representation in certain areas of political life (para. 264). Please elaborate on such gaps and provide more detailed information on measures taken to overcome them.*

#### **Reply:**

##### Women in the Government

Currently there are 22 women of the 120 Knesset Members (18.3%). Two women serve as Government Ministers, KM Sofa Landver serves as the Minister of Immigrant Absorption and KM Limor Livnat serves as the Minister of Culture and Sport, and three women serve as Deputy Minister – KM Gila Gamliel serves as the Deputy Minister for the Advancement of Young People, Students and Women, KM Orit Noked serves as Deputy Minister of Industry, Trade, and Labor and KM Lea Ness serves as Deputy Minister of Senior Citizens Affairs. In addition, two women reside as Chairperson of Permanent Knesset Committees – KM Tzipi Hotobeli as the chairperson of the Committee on the Status of Women and KM Shelly Yecimovich as the chairperson of the Ethics Committee, and Orit Zuaretz serves as the Head of the Subcommittee on Trafficking in Women.

As of October 2010, out of 255 possible appointments, there were only five women actively employed as mayors or heads of local councils/authorities. Local authorities employ 3,250 publicly elected persons in total, of which only 376 (11.5%) are women.

##### Women in the Civil Service

In January 2009, there were 53,069 employees in the Civil Service, of which 65% were women. The rate of women employees holding first and second academic degrees is higher than men. However, the rate of men employees holding a Ph.D. degree is higher than women.

In addition, 46% of the top four ranking positions, and 41% of the top three ranking positions were held by women. Women also comprised 60% of the employees in ranks 5-7 and 72% of ranks 8 and below.

##### Women in the Foreign Service

Political branch - In 2010, in the political branch of the Ministry of Foreign Affairs, there were 4 women serving as ambassadors out of a total of 38 ambassadors (11%).

In addition there were 21 women serving as Envoys (20%), 23 women serving as envoys-consultants (19%) and 28 women serving as consultants (39%).

Also in 2010, 17 women served as first secretary (50%), 6 women served as second secretary (27%) and 23 women served as political interns (40%).

Non-administrative branch - In 2010, there was 1 woman serving as ambassador out of a total of 11 ambassadors employed in this branch (10%).

In addition there were 14 women serving as envoys (44%), 27 women serving as envoys-consultants (45%) and 49 women serving as consultants (64%).

Also in 2010, 92 women served as first secretary (60%), 23 women served as second secretary (27%) and 8 women served as political interns (31%).

Of the total 88 heads of missions, 11 were women (12%).

### Women in local authorities

As of October 2010, there were no Arab women in local councils/authorities. This may be explained as the result of various socio-cultural factors, such as the impact of religion and local tradition on certain minority communities, which can restrict women from considering running into or being elected to these positions.

The *Local Authorities (Advisor on the Status of Women) Law* mandates that every local council must actively promote the status of women. To that end, each council must appoint an Advisor on the Status of Women who is to report directly to the mayor and/or head of the local council on pertinent matters. As a direct subordinate to the head of the local council, the Advisor is dedicated to ensuring ongoing communication between the head of the council and the local women's council, where such a women's council exists) and to initiating policies for the advancement of the status of women within the local authority. As an additional safeguard, this Law further empowers the Minister of Interior to order that local councils follow the Law's directives, and in the event that local councils should fail to comply, to personally appoint an Advisor on the Status of Women on the councils' behalf. As of July 2010, 225 of the 255 local authorities had appointed such an advisor.

### **Legislation**

During 2010 the following legislation amendments were submitted:

*Funding of political Parties (Encouragement of Equal Gender Representation Amendment), Law 5770 – 2010.* This amendment suggests increasing the funding of a political party that 35% of its Knesset members are women, with a sum that equals 5 Million NIS (U.S. \$ 1,351,351) divided with total women Knesset members who are entitled to this additional sum. The goal of this bill is to provide incentive for parties that will encourage women representation with an aim to seek adequate representation of both genders in the Knesset

*Local Authorities (Elections) (Adequate Representation for Women in Election for Local Authorities Amendment) Law 5770 – 2010.* This amendment proposes not to accept a candidate-list for local elections unless in every three names on the list there

is at least one woman. Integration of women in politics is highly important for the promotion of equality between the genders, and it also serves as a means in which the community as a whole may participate in politics and especially in local politics, which influence the lives of the entire population and women in particular.

Both of the above amendment proposals are in very early stage and have not yet been approved.

### **Activities**

In October 2010, the Authority for the Advancement of the Status of Women, in cooperation of leading NGOs, including "Wepower-Advancement of women leadership in Israel" (hereinafter: "Wepower") held a conference for Women Leadership in the city of Netanya. The conference dealt with promotion of women leadership in local politics and was attended by 250 women from all over the country.

In March 2010, The Authority held a conference for women in Herzliya on "Influential Women in Law and Security".

In December 2009, The Authority held a conference titled "Women Leading Equality in Local Authorities". The conference took place at the President's residence in Jerusalem, and was held in cooperation with the Wepower. The conference was attended by the Deputy Minister for the Promotion of Youth, Students and Women, the Knesset Chairperson and other Knesset members and leading figures. The aim of this conference was to raise awareness to the issue of women participation in Israel's political life.

In December 2009, The Authority held a conference for influential Bedouin women. Fifty politically active women participated in this conference with the aim of promoting Bedouin women activities in all fields including the political field.

The Authority is scheduled to publish a tender for hiring a body that will develop manage and operate a training program for women in local authorities throughout Israel regarding "women leadership" and "women economic empowerment". The purpose is to integrate women in influential positions in the Israeli society and to encourage women to participate in the political life.

According to Government Resolutions No. 412 and 413 aimed at development of the Druze, Circassians and Bedouin populations, the Authority operates courses for the Bedouin and Druze women in the relevant local authorities in the fields of women leadership and empowerment.

### **Question 21**

*The fifth report, at paras. 96-100, provides information on the acceleration of equality between men and women. Please provide further information on sustained measures taken by the State party, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life. Please include in your answer information on the establishment of*

*concrete goals and timetables to this effect, as recommended in the Committee's previous concluding observations (CEDAW/C/ISR/CO/3, para. 32).*

**Reply:**

In order to further enhance the status of women, the Authority for the Advancement of the Status of Women has engaged in activities aimed at deepening the knowledge and commitment of council women with regards to the status of women in their localities. These plans have long-term benefits in addition to the short-term ones. These activities were meant to assist in preparing a cadre of women to run for office in the local elections held in November 2008, and in providing them with knowledge and skills, personal and institutional empowerment, and the opportunity for widespread networking that they needed to run effective campaigns.

The Authority also sponsors ongoing courses and workshops for persons advising mayors and heads of local councils. In these courses, the Authority emphasizes personal skills, inculcates values relating to gender equality and provides the participants with further academic and practical skills. As part of this course, for example, the participants are required to analyze the municipal budgets from a gender perspective and are provided with expert guidance and mentoring to enable them to do so. In cooperation with the Advisor on the Status of Women in the Civil Service, the Authority has actively promoted the interests of supervisors for the status of women in Governmental Ministries. This support has included workshops, conferences, preparation and distribution of informational materials and more.

In regard to government corporations, on March 28, 2010, the Government resolved to entrust the Government Corporation Authority, to handle the nomination of supervisors for advancement the status of women in government corporations, subsidiary corporations and mixed corporations as defined by law (Government Resolution No. 1563). According to this resolution, the corporations are required to train these supervisors for their position according to the guidelines of the Government Corporation Authority and in consultation with the Authority for the Advancement of the Status of Women. The Government Corporations Authority is required to notify the Authority for the Advancement of the Status of Women on the nomination of these supervisors.

**Special Temporary Measures**

The percentage of women-directors in government corporations' boards increased from 33.5% in 2007, to 42% in October 2010.

On March 11, 2007, the Government resolved to obligate Ministers to appoint women to directorates of Government Corporations until they achieve a 50% representation of women within two years from the date of the Government Resolution (Government Resolution No. 1362). As a result, women representation on boards of government corporations has increased, and in October 2010, 42% of all directors in government corporations were women (compared to 33.5% in February 2007).

**The Judiciary**

The Judiciary is one of the professional arenas in which women have closed the gap

as will be illustrated in the following figures.

The number of female judges continues to climb in conjunction with the rising number of judges in general. As of the end of November 2010, there were 314 female judges out of a total of 613 judges, (51.2% of the judiciary in Israel compared to 49.8% in 2008). The number of female justices on the Supreme Court remained the same - five out of 13 (38.5%) - including the President of the Supreme Court, Justice Dorit Beinisch. In addition, 67 women reside as District Courts Judges (of approximately 90 Judges), 150 women reside as Magistrate Courts Judges, 29 women reside as Family Matters Courts' Judges, there are also 11 female Judges in the Youth Courts, 13 female Judges in Traffic Courts, and 36 female Judges in District Labor Courts.

### **Arab Women in local authorities**

Please see Israel's reply to Question 20 above.

### **Promoting the Representation of Arab Women, in Elected and Appointed Bodies in All Areas of Public Life.**

Government Resolutions No. 412 and 413 of August 2006, are aimed at development of the Druze, Circassian and Bedouin populations. Accordingly, the Authority operates various courses for the Bedouin, Druze and Circassian women in the relevant local authorities in the fields of women leadership and empowerment.

During 2010, (until September) more than 30 courses on various subjects were opened in the Northern municipalities. And during 2009, 55 such courses were operated for women of minority populations in the localities of Abtin, Bueina Nugidat, Bir-Almaxsur, Bait-Djan, Bosmat-Tivon, Julees, Dmaida, Zarzir, Husina, Sagour and many others.

In addition, in accordance with Resolutions No. 412 and 413, the Authority for the Advancement of the Status of Women grants scholarships for female students from the Bedouin population in the north, as well as for female students from the Druze and Circassian populations. In 2008/9, 200 scholarships were granted and the Authority recently published an announcement inviting Bedouin, Druze and Circassian women to submit applications for the upcoming year (2010/11).

The advertisements and campaigns done by the Authority are conducted in several languages, including Arabic, with the aim of reaching Arab women and raising awareness among Arab women and the Arab population as a whole.

The Authority conducts seminars and empowerment conferences for women, in cooperation with various NGOs and the civil society (Please see Israel's Response to Question 20 above).

The Authority monitors and follows appointments to teams, committees, councils and other public bodies, which are obligated by law to gender equality and sends notification letters to all the appointing bodies with the reminder of their legal obligation and their duty to inform the Authority on any new body that is established.

In the first half of 2010, the Authority sent 215 such reminders and requests for

appointing bodies. In cases of under-representation, the Authority sends additional notifications and submits reports to the Knesset regarding its activities.

Data regarding women representation within the Civil Service:

In 2007, the number of Arabs and Druze who were accepted for employment in the Civil Service was 392 (8.7% of the new employees that year), of which 156 were women (5.5%). In 2008, the number of Arabs and Druze who were accepted for employment in the Civil Service was 578 employees (11.6%), of which 282 were women (9.26%). In 2009 these figures stood 457 new Arabs and Druze employees (9.3%), of which 182 were women (6.4%). In 2009, 39.8% of all recently accepted Arab, Druze and Circassian employees were women, in comparison to 34.2% in 2003, 35.3% in 2007, and 36.8% in 2008.

## **Nationality**

### **Question 22**

*In its previous concluding observations (CEDAW/C/ISR/CO/3, paras. 33-34), the Committee expressed its concern about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspended the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee also noted with concern that the suspension order, which had been extended until the end of August 2005, had already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Palestinian Territories. In the fifth report, at para. 335, the State party indicated that no notable changes had occurred regarding the issue of nationality since the submission of the State Party's previous report. Please provide information on any steps taken by the State party to bring this Temporary Order in line with articles 9 and 16 of the Convention and please provide detailed statistical information and analysis of the short- and long-term impact of this Order on affected women. Please indicate whether the State Party is considering balancing its security interests with the rights of women affected by such policies in a way that facilitates family reunification without any discrimination.*

### **Reply:**

*The Citizenship and Entry into Israel Law (Temporary Provision), 5763-2003 hereinafter: the "The Citizenship and Entry into Israel Law (Temporary Provision)"*

Since the outbreak of the armed conflict between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, there has been a growing involvement in assistance provided to terrorist organizations on the part of Palestinians originally from the West Bank and the Gaza Strip. Such individuals carry Israeli identity cards pursuant to procedures of family unification with Israeli citizens or residents, allowing their free movement between the West Bank and the Gaza Strip and into Israel.

In order to prevent the potential danger posed by former residents of these areas during the current armed conflict, the Government decided in May 2002 to temporarily suspend granting them legal status in Israel, through the process of family unification. The decision was adopted following the horrendous wave of terrorist attacks in March of 2002, when 135 Israelis were killed and a further 721 were injured.

In addition, between September 2000 and the end of 2006, 38 of the 172 terrorist attacks committed in Israel were committed by such individuals. Those injured in these 38 terrorist attacks constitute 86% of the total number of those injured by terrorist attacks. For example, in 2007, a twenty year old woman, whose mother is an Israeli-Arab from Kfar Qasem and whose father is Palestinian, was caught – merely twelve minutes before exploding herself in a restaurant in Israel - using a bomb which was stored during the previous night in the home of a relative in Kfar Qasem.

This situation is the result of the genuine difficulties in obtaining information concerning residents of the West Bank.

Israel, as any other State, has the right to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence against its citizens. It should be emphasized that while the value of family life is indeed sacred, there is no necessity for it to be realized in Israel, and it may be fully realized in the West Bank.

On July 31, 2003, the Knesset enacted the *Citizenship and Entry into Israel Law (Temporary Provision)*, 5763-2003, which limits the possibility of granting residents of the West Bank and the Gaza Strip Israeli citizenship pursuant to the *Citizenship Law 5712 -1952*, including by means of family unification; and the possibility of granting such residents residence permits into Israel pursuant to the *Entry into Israel Law, 5712 -1952*. The Law was amended in 2005 and 2007 in order to expand the humanitarian relief it initially provided. The amendments also expanded the applicability of the Law to citizens of enemy states (namely, Iran; Syria; Lebanon; and Iraq). Later, an amended version was extended until July 31, 2008, and re-extended twice until July 31, 2010. On July 21, 2010 the Law was extended again and it is currently valid until January 31, 2011.

The Law enables entry to Israel for the purposes of medical treatment, employment, or on other temporary grounds, for an overall period of up to six months.

In addition, the Minister of Interior may authorize a request for family unification for those who are married to an Israeli spouse, and are residents of the West Bank, for men over the age of 35 and women over the age of 25.

The Law further authorizes the Minister of Interior to grant residence permits to children under the age of 14, of whom one of the parents is legally residing in Israel. With regard to children who are minors over the age of 14, the Law stipulates that the Minister of Interior has the authority to grant temporary permits under certain conditions.

The Law further allows the Minister of Interior, due to special humanitarian reasons and according to a recommendation of a professional committee appointed for this

purpose, to grant temporary residence permits for a resident of the West Bank or a citizen of Iran, Iraq, Syria or Lebanon, who has a family member legally residing in Israel, and to approve a request for a stay permit of a resident of the West Bank who has a family member legally residing in Israel.

Such a decision made by the Minister of Interior is to be reasoned and be provided in writing, within six months from the day that the professional committee received all the necessary documents. According to the Law, the fact that the family member (e.g.- spouse, parent or child) of the person requesting the permit, legally residing in Israel, is his/her spouse or that the couple have shared children – will not be considered as a stand-alone special humanitarian reason. If the person requesting the permit is a Syrian resident and his/her spouse is a member of the Druze community who lives in the Golan Heights, which is under Israeli jurisdiction, then the Minister of Interior may consider it a special humanitarian reason.

The Law stipulates that a request can be denied in cases where the Minister of Interior or certain security functionalities assert that the person, or a family member of first degree, poses a security threat.

In cases where a person or a family member has been known to act for the benefit of the State of Israel, the Law enables the Minister of Interior and certain security functionalities to grant permits to a resident of the area.

The Law does not change the status of persons who already received their status prior to the day the Law came into effect. However, the status of such persons shall remain static.

The Law's constitutionality was scrutinized and upheld by the Supreme Court in *H.C.J. 7052/03, 7102/03 Adalah – The Legal Center for Arab Minority Rights in Israel et. al. v. The Minister of Interior* (14.5.06). The High Court of Justice, residing in an extended panel of eleven judges, rejected the petitions against the legality of the Law, by a ruling of six judges, with five dissenting.

On December 17, 2007, the Minister of Interior announced the formation of the professional committee according to the Law, and proclaimed its members.

Additional petitions against the constitutionality of the Law are pending before the High Court of Justice. (H.C.J. 466/07, 544/07, 830/07, 5030/07 *MK Zehava Galon et. al. v. The Minister of Interior et. al.*). On July 31, 2008, the State submitted its arguments in these cases and on April 13, 2010, the State submitted a supplementary notification to the Court.

In its supplementary notification, the State clarified that since August 2005, the Ministry of Interior has authorized the provision of staying permits in Israel to **4,118 Palestinians** (more than 1,000 individuals per year) based on requests for family unification and under the exceptions recognized by the Law. The State noted that in addition to these figures, the professional humanitarian committee received over 600 requests, 282 of which were dealt with and 33 of which were transferred to the Minister of Interior with positive recommendations which were adopted by the Minister, thus resulting in the provision of staying permits in Israel for the applicants.



The State further noted that since September 2005, 632 requests for status in Israel on the basis of family unification were rejected. An analysis of the requests that were rejected reveals that the rejections were based on the following grounds: the applicant was a terrorist (four cases), the applicant was an operative of a terrorist organization (149 cases), the applicant was linked to operatives of terrorist organizations (63 cases), the applicant aided a terrorist organization (22 cases) and the applicant had contact with family members who are operatives of terrorist organizations (394 cases).

In its response to the Court, the State further indicated that according to official data, in 2006, 42 terrorist attacks which were in the stage of final preparation or implementation stages were foiled by Israel's security forces; in 2007, 43 such attacks were foiled; in 2008, 63 such attacks were foiled; in 2009 - 40 such attacks were foiled by the Israeli security forces and in 2010 - 11 such attacks have thus far been foiled, eight of which originated from the Gaza strip.

## Education

### Question 23

*With reference to the Committee's previous concluding observations (CEDAW/C/ISR/CO/3, paras. 35-36), please provide further information on measures taken by the State party to reduce the drop-out rates of Israeli Arab girls and increase the number of Israeli Arab women at institutions of higher education. According to para. 361 of the fifth report, the Minister of Education appointed a special committee to examine the extent to which gender stereotypes may still remain in educational textbooks. Please elaborate on the findings of this committee and provide more information on steps taken to review and revise textbooks in the Arab education system in order to eradicate gender stereotypes.*

### **Reply:**

#### Measures to Reduce the Dropout Rates of Israeli Arab Girls

In 2009-2010, in the Hebrew education system, the dropout rate of female minors in the 9th to 11th grades stood around 2.3%-3.4%, and in the 12th grade the rate of female pupils who dropped out was just 0.8%. In the Arab education system, although the dropout rates of Arab female minors exceeded those of Jewish female minors, Arab male minors dropped out at a greater rate than did their female counterparts. The following table presents data on dropout rates, according to grade, gender and population group.

#### Pupils in Grades 7-12 Dropout Rates by Population Group, and Gender,

2006-2010

		Hebrew education			Arab education		
		2006-2007	2007-2008	2009-2010	2006-2007	2007-2008	2009-2010
Grand total		520,189	519,615	519,002	154,967	160,729	171,578
Grade 7	Total	86,331	86,924	88,432	30,298	30,729	32,924
	Thereof: % dropped	0.5	0.8	1.2	1.3	1.1	1.8

	out of educational system						
	% of Boys	0.8	1.3	1.8	1.4	1.2	2.0
	% of Girls	0.3	0.4	0.6	1.3	1.0	1.6
Grade 8	Total	87,745	85,591	87,191	30,518	30,487	33,758
	Thereof: % dropped out of educational system	2.2	2.7	5.5	3.9	4.1	4.6
	% of Boys	2.8	3.8	6.4	4.9	5.1	5.9
	% of Girls	1.5	1.6	4.6	2.8	3.0	3.3
Grade 9	Total	87,573	89,257	86,898	27,767	29,508	30,083
	Thereof: % dropped out of educational system	3.0	3.2	5.3	11.7	12.3	15.7
	% of Boys	4.4	4.8	7.1	15.8	17.0	19.7
	% of Girls	1.4	1.7	3.4	7.3	7.4	11.5
Grade 10	Total	87,359	87,425	86,710	24,381	25,273	26,828
	Thereof: % dropped out of educational system	3.4	3.7	3.8	6.6	6.6	7.0
	% of Boys	4.7	5.3	5.2	9.7	10.3	10.0
	% of Girls	1.9	1.9	2.3	3.5	3.0	3.9
Grade 11	Total	88,160	86,636	88,235	22,729	22,866	25,250
	Thereof: % dropped out of educational system	5.3	6.3	6.9	5.3	6.3	6.4
	% of Boys	7.9	9.5	10.5	7.5	9.3	8.9
	% of Girls	2.7	2.9	3.1	3.3	3.5	4.1
Grade 12	Total	83,021	83,782	81,536	19,274	21,866	22,735
	Thereof: % dropped out of educational system	1.7	1.7	2.1	1.9	1.7	1.3
	% of Boys	2.5	2.6	3.4	2.4	2.2	1.6
	% of Girls	0.8	0.7	0.8	1.4	1.3	1.0

Source: Central Bureau of Statistics, *Statistical Abstract of Israel, 2010*

In the 2009-10 school year, the dropout rate of high school pupils (7th-12th grades) was 4.5% (30,196 out of total 665,714 pupils). That year the total dropout rate in the Hebrew education system stood at 21,524 Pupils (4.1% - of which 5.8% were boys and 2.5% were girls) and in the Arab education system at 8,672 pupils (5.9% - of which 7.8% were boys and 4.0% were girls)

In 2007, the *Compulsory Education Law, 5709-1949* (hereinafter: the "*Compulsory Education Law*"), was amended in order to broaden its scope and extend compulsory education to youth between the ages of fifteen and seventeen (inclusive) - the 11th - 12th grades. Prior to the Amendment, education in the 11th - 12th grades was free, but not compulsory. With the aim of protecting youth during this vulnerable stage in life from negative influences, and in order to prepare them and provide better tools to them for their successful integration as productive adults in society in the future, the

Government decided to make the 11th and 12th grades compulsory. Another desired effect of the Law, is a decrease in dropout rates and removal of pupils, by requiring the provision of solutions within the education system for all pupils falling within this age group. This Amendment shall enter into force in a gradual manner, by the year 2011 it is expected to be fully implemented.

The Ministry of Education operates an internal unit of attendance officers who regularly visit schools in order to prevent pupils from dropping out of school. The Ministry of Education has a special department aimed at maintaining school attendance that works to prevent pupils from dropping out. This department works in accordance with the Section 4 to the *Compulsory Education Law* and as a part of the Ministry of Education's policy. Currently, there are 498 attendance officers, of which 369 operate in Jewish localities (including 37 in the Ultra-Orthodox population), 96 in Arab localities, 17 in Bedouin localities and 16 in Druze localities.

#### Measures to Increase the Number of Israeli Arab Women at Institutions of Higher Education

For the last three decades and up until recently, the rate of women studying for their first degree in higher education institutions had steadily increased. The rate of women studying for a first degree in all of the higher education institutions had peaked in 1990 with 58%, and set on 55% in recent years. The rate of women studying for a first degree in colleges that teach engineering and technology professions is relatively equal to men – 49% in 2009/10 academic year, and their rate in teachers' training institutions is the highest – 79% in 2009/10 academic year.

An impressive increase is also evident in the rate of women studying for advanced degrees (second and third degrees). In the 2009/10 academic year, the rate of women studying for their second degree stood at 57.7%. The rate of women studying for Ph.D. degree in 2009/10 stood at 52.8% and the rate of women receiving their Ph.D. degree that year was approximately 51%.

The rate of Arab students among the total students studying for their first degree is still relatively low, although slowly increasing. In 2009/10, that rate stood at 11% of the total first degree students. The increase is due to the opening of higher education institutions in peripheral areas, which increased the accessibility of higher education to the Arab population. It is important to note the substantial increase in the rate of Arab women studying in universities, in 2009/10 this rate stood at 62% of the Arab students (compared to 40% in the early 1990' and to 54% among the Jewish population). This important development is also linked to the opening of higher education institutions in peripheral areas, which allowed the Arab women to study in places close to their residential areas and by that staying close to their families and their social circles.

In recent years an increase in Arab students studying for a second degree is also evident (this increase is attributed to the increased participation in first degree studies in recent years). In 2009/10 the rate of Arab students of all total second degree students stood at 6.6% (compared to 3.65 in the 1990').

A further increase in the rate of Arab students in higher education is due to the academic preparatory classes, in which the rate of Arab students is steadily increasing

in recent years. The rate of Arab students of the total number of academic preparatory classes students was 6.2% in 2010, and that rate was even higher – 11.4% in academic preparatory classes operated by the universities.

### Gender Stereotypes within School Books

As detailed in Israel's Forth report, The Department for Planning and Development of Curriculums in the Ministry of Education has been active in establishing criteria for schoolbooks, specifically within the realm of gender stereotypes. These criteria were integrated into the curriculum by a special committee appointed in 2001 by the Minister of Education.

The Committee examined gender stereotypes in schoolbooks used by the Israeli education system, and endeavored to end all stereotyping in the curriculum. The Committee adjusted the previous criteria, on a qualitative and quantitative level, addressing the following issues regarding equal representation for both genders: expanding the material with illustrations to include women's contributions in all areas of life; drawing attention to pre-existing stereotypes; refraining from gender stereotypes of all kinds (both direct or implied); assigning tasks on a gender-neutral basis; selecting works, essays and papers equally representative of both genders; assigning children to courses and classes regardless of their gender; omitting gender-stereotypical drawing and illustration from schoolbooks.

After receiving the findings, the Minister of Education decided not to incorporate books imbued with gender stereotypes into the education system, and those books already in use in the school system which promoted gender stereotypes are gradually replaced.

### **Question 24**

*Please inform the Committee of the measures taken by the State Party to make sure that the blockade imposed on the Gaza Strip following the events of June 2007 did not disproportionately impact the access to education of women in Gaza? Please also provide information regarding how Entrance to Israel Order (Interim Order), 2005 and its subsequent extensions have affected female students seeking higher education.*

### **Reply:**

Please see Israel's response to Question 2, above.

## **Employment**

### **Question 25**

*The fifth report, at paras. 36-39, refers to the enactment, on 10 April 2008, of the Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law. The report also states that this Law has the potential of serving as an incentive to employ more women, support women to senior positions and to modify the work conditions to the unique needs of women, thus increasing women's economic independence. Please elaborate on the implementation and impact of the said Law. Please also provide information on the composition and activities of the Public Council for the Integration and Advancement*

*of Women in the Workplace.*

**Reply:**

**The Public Council for Integration and Advancement of Women in the Labor Market**

In order to implement the *Encouragement of the Advancement and Integration of Women in the Work force and Adjustment of Work places to Women's Needs Law 5768 -2008* (hereinafter the "*Encouragement of the Advancement and Integration of Women in the Work force and Adjustment of Work places to Women's Needs Law*"), a Public Council consisting of 11 professional members specialized on gender and labor market issues was appointed. This Council is headed by Supreme Court Justice (retired) Dalia Dorner and its members are: the Equal Employment Opportunities Commissioner; The Manager of the Authority for the Advancement of the Status of Women; and representatives of the Ministries of Finance, Industry Trade and Labor (ITL); a representative of the NGO "Na'amat – a Movement of Working Women and Volunteers"; a representative of the NGO "Israel's Women Network"; a representative of the "Histadrut" – the General Workers Organization; a representative of the Coordinating Bureau of Economic Organizations and two representatives of the Academia.

The first gathering of the Council was held on April 24, 2010 and it is gathering twice a month since then. The Council responsibilities are to advise the Minister of ITL on standards regarding allocation of financial and honorary awards for employers and regarding researches and development projects aimed to promote, integrate and advance women in the workplace, including adjustment of work places according to women's needs and more.

**The Council's resolutions:**

1. Grants and Honors.
2. Applying a frame of gender affirmative action, equal employment and a gender mainstreaming in the workplace when considering applications for awards and honors.
3. Defining wide-ranging criterions for the examination of employers' applications in the first year, which includes both aspects of organizational routine and unique programs for advancement and promotion of women. These criterions will be examined again by the Council in the future and after examination of the results of the first year.
4. Consideration of development of future programs that are aimed at advancement and promotion of women in the workplace.
5. Criterions for Receiving an Equal Employer Award - According to the Council's resolution, the basic criterions for receiving an Equal Employer Award will be in accordance with the General Manager's Directive, which conditions providing an Award for organizations with lack of offences in fields of social responsibility. The Council added an additional criterion according to which, an employer will be

entitled to submit candidacy for awards if at least 90% of his/her employees are Israeli citizens employed in Israel.

6. Defining criteria for award cancellation.

Candidates Classification

1. Business Sector – according to the *Encouragement of the Advancement and Integration of Women in the Work force and Adjustment of Work places to Women's Needs Law*, financial awards shall be granted only to private employers, namely not a State institute such as a local authority or corporation established by law. However due to a legal opinion presented by the Ministry of ITL's legal department it was decided to apply a narrow definition of the term "State institute" and thus, allowing local authorities, corporation established by law and others to apply for awards.
2. Contractor's workers – a business that employ by contract may apply for a grant under several conditions.
3. The Council decided to operate campaigns and direct application to employers in order to encourage them and raise their awareness for filing applications for grants.

*The Council also deliberated and decided upon the categories of the Grants and Awards to be issues.*

Hereinafter are the Grants and Award Categories:

1. A leading institution in the promotion of the status of women and of equal employment opportunities (5 – 29 employees) – financial grants.
2. A leading institution in the promotion of the status of women and of equal employment opportunities (30 – 99 employees) – financial grants.
3. A leading institution in the promotion of the status of women and of equal employment opportunities (100 – 499 employees) – financial grants.
4. A leading institution in the promotion of the status of women and of equal employment opportunities (500 employees and above) – honorary award.
5. A leading General Director in the promotion of the status of women and of equal employment opportunities – honorary award.
6. A leading human resources director in the promotion of the status of women and of equal employment opportunities – honorary award.
7. A prize on behalf of the Minister of ITL for the advancement of the status of women within the minority populations. This prize is a financial grant according to the Council's recommendations.

In its session of October 25, 2010, the Council compiled a recommendation for standards for examination and evaluation of application for awards and grants. The

proposed standards are: A formal gender equality policy within the organization, salary, relevant aspects regarding recruitment, employment and promotion, training, guidance and career development, balance between work and family life and special activities.

These criteria are based on normative standards, similar to other developed countries, however, compatible with Israeli laws.

In order for the Law to be successfully implemented, considerable resources are required. Thus, a public tender for providing services and for implementing this program, is currently in advanced stages of formulation. The tender is to be published in January 2011.

Theoretical and Empiric Assistance – for the formation of theoretical background and a scientific platform for the Public Council discussion, the Economics and Research Administration in the Ministry of ITL compiled the following papers:

1. Theoretical Models for advancement of women in the labor market
2. A paper regarding comparative examination of foreign legislation aimed at promoting and advancing women employment (including legislation of the United States and the European Union),
3. Information regarding similar programs and grants for the advancement of women in the world.

Timetable for the continuation of the implementation of the law:

1. Council deliberations regarding a set of standards for choosing the winning employers, in order to incorporate these standards in the regulations – held on October 25, 2010.
2. Council deliberations regarding the determination of the weight for each standard, in order to incorporate it in the regulations – November 15, 2010.
3. Council deliberations regarding methodology determination and evaluation tools for examination of employers' applications – December 2010.
4. Publishing a public tender for a supplier which will be in charge of sorting and examination of employers' applications – January 2011.
5. Presenting draft regulations which are based upon the Council's recommendations to the legal department of the Ministry of ITL.
6. Deciding on the private services supplier – April-May, 2011.
7. Presenting an internet website of the Program for Integration and Promotion of women in the Labor Market – May, 2011.
8. Publishing appeals for employers to submit applications for awards – May and June, 2011.

9. Examination of employers applications August – December, 2011.
10. Choosing the winners by the Public Council - January, 2012,
11. Approval of winners by the Minister – January, 2012 and holding a public ceremony for the Equal Employer for the year 2011 – January-February, 2012.

### Budget

As of 2010, the program's budget stands at 1.8 Million NIS (U.S. 486,000\$).

### Additional information

The Equal Employment Opportunities Commission (hereinafter: the “Commission”) is a statutory body, established by the Ministry of Industry, Trade and Labor in 2008, following Amendment No. 18A to the *Equal Employment Opportunities Law 5748-1988* (hereinafter the "*Equal Employment Opportunities Law*"). The Commission is engaged in civic enforcement of equal employment opportunities, and operates to apply appropriate norms of equal employment opportunities within the labor market. The Commission also promotes awareness to workers rights, the implementation of these rights and prevention of situations in which workers waive their rights in advance. In order to do so, the Commission has explanatory and legal authorities.

In order to raise awareness and promote equal employment opportunities, the Commission produces, publishes and distributes researches, informative materials and conducts lectures on the matter of equal employment opportunities.

In the legal aspect, the Commission deals with employers and workers discrimination claims, issues warrants for the presentment of information against employers and provides legal representation. The Commission is in charge to all the relevant Equal Opportunity Laws in the field of employment, including the *Male and Female Workers (Equal Pay) Law 5756-1996* (hereinafter the "*Male and Female Workers (Equal Pay) Law*") and the *Prevention of Sexual Harassment Law 5758-1998* ((hereinafter the "*Prevention of Sexual Harassment Law*"). It operates to assist in advance to claims made by employees and/or employers, handles court proceedings, writes legal opinions, and organizes conferences and more.

As of October 2010, the Commission handled 1,000 applications, including taking legal proceedings when it considers necessary (to date, the Commission filed 14 civil suits against employers).

The Equal Employment Opportunities Commission has made the Arab population a priority in its work and is targeting cases dealing with double discrimination, thus raising public awareness and enforcing the law in specific cases.

The Commission publishes regularly a pamphlet in Arabic which is intended for employers, employees and employment-seekers in the Arab population.<sup>2</sup> The pamphlet contains information regarding discrimination at various stages of the

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<sup>2</sup> The pamphlet is accessible through the following link:  
[http://www.moital.gov.il/NR/rdonlyres/4721B754-9DAF-4030-ACBF-1F7C1004D681/0/shivyonzidamnuvot\\_Arabic.pdf](http://www.moital.gov.il/NR/rdonlyres/4721B754-9DAF-4030-ACBF-1F7C1004D681/0/shivyonzidamnuvot_Arabic.pdf)



employment process and details regarding the Commission, ways of contacting it, ways of addressing a complaint etc.

On January 21, 2009, the Commission launched its Arabic website<sup>3</sup> which contains information for employers, employees and employment-seekers on issues such as: discrimination at work, discrimination in applying for work, discrimination upon dismissal, verdicts and court decisions regarding issues of discrimination etc.

### ***The Male and Female Workers (Equal Pay) Law***

In order to decrease the gap between men and women salaries, the *Male and Female Workers (Equal Pay) Law*, was enacted. Despite the advanced legislation and the improvement in this field, there are still some inequalities between the salaries of men and women, as follows:

1. According to information of the Central Bureau of Statistics published on March 8, 2010, in 2008, the average monthly income of men was 9,627 NIS (U.S. \$2,601.89) and the average monthly income of women 6,077 NIS (U.S. \$1,642.43) women earned 37% less than men<sup>4</sup>.

Additional data published by the Central Bureau of Statistics on August 31, 2010 are as follows:

2. Also in 2008, the monthly income for men working in the Civil Service was 14,787 NIS (U.S. \$ 3,996.4) and women monthly income was 11,244 NIS (U.S. \$ 3,038.9), namely, women earned 24% less than men in similar positions in the Civil Service.
3. In 2010, of the total employees in the labor market, 1.534 million are men and 1.350 million are women.
4. The rate of population aged 15 and above, participating in the labor force in the second quarter of 2010 was 56.9% (62.2% of the men and 51.8% of the women).
5. The rate of unemployed youth aged 15 and above, is 6.5% among men and 5.9% among women.
6. The rate of persons between the ages of 25 and 64 who are in the labor force gender-segregated is 81.6% of the men and 68.8% of the women.
7. The rate of unemployed persons between the ages of 25 and 64 is 5.8% of the men and 5.4% of the women.
8. The rate of (involuntary) partly employed women during the second quarter of 2010 was 6.8%.
9. Recently, the Commission filed a suit against the Jerusalem Municipality, concerning unequal salary (A precedent legal action). In this case, on August 2008, two employees of the city municipality filed a complaint with the

<sup>3</sup> <http://www.moital.gov.il/CmsTamat/Rsrc/ShivyonArbic/ShivyonArabic.html>

<sup>4</sup> Source: the Central Bureau of Statistics March 4, 2010

Commission. The complaint indicated discrimination in male and female pay. The Commission turned to the city municipality and requested information. Such a request is derived from the power given to the Commission by Section 18(k) to the *Equal Employment Opportunities Law* and Section 2 to the *Male and Female Workers (Equal Pay) Law*. The Municipality did not respond to the Commission's request, therefore, a warrant was issued by the Commission to reveal the information. Following the issuance of the warrant, the council disclosed the information and the complaint was found to be valid. Inequalities were found between male and female salaries in the Jerusalem Municipality. A suit was filed to Jerusalem Labor Court, and to date the case is pending.

### ***The Prevention of Sexual Harassment Law***

As far as the *Prevention of Sexual Harassment Law*, the Commission is authorized to file civil suits against employers which are under the jurisdiction of the Labor Courts. Labor Courts can order compensation in favor of the employee without the employee having to prove damages. The Commission seeks to assist both employees and employers, in dealing with sexual harassment cases in the work place. Note that since the Commission began its operation only in 2008, there are no available statistics. According to data gathered by the Association of Rape Crisis Centers in Israel, in 2010 (until October 7, 2010), the Association of Rape Crisis Center received 7,793 new sexual harassment complaints, of which 450 concerned sexual harassment in the workplace (5.7%).

In 2008, 80 cases were filed in the Civil Service. The offenses included sexual harassment and sex offenses against women. Among the 80 cases, 15 cases were forwarded to the Police and 65 resolved as disciplinary hearings by the Civil Service Commission. 49 disciplinary procedures opened against Civil Service employees, 11 suits were filed.

### **General complaints filed to the Commission**

In 2009, the Commission handled 498 complaints. 286 of these complaints were submitted by women, 32 with regard to terms of employment and one regarding sexual harassment.

In 2010 (up to September 2010), the Commission treated 465 complaints. Of these complaints, 286 were filed by women, 45 as regards to terms of employment and 4 regarding sexual harassment.

Since the beginning of 2009, the Commission initiated 14 legal actions (amongst are cases of unequal pay) regarding gender discrimination. During 2009, the Commission submitted 7 opinions that represented its position regarding women discrimination issues.

### **Question 26**

*Please indicate any gaps in the protection of women against sexual harassment in the workplace, and what is being done to close them. Please also indicate if there are any*

*pay inequalities between men and women in the public and private sectors and, if so, the measures taken to address them.*

**Reply:**

In 2008, the Authority for the Advancement of the Status of Women began conducting special targeting activities in order to better implement the *Prevention of Sexual Harassment Law* in the work place.

The Authority continuously issues notifications and applications to all employers in the labor market, informing them of their duties under the *Prevention of Sexual Harassment Law*, including the obligation to disseminate among their workers the prevention of sexual harassment codex, the obligation to conduct explanatory activities and the duty to appoint supervisors for the prevention of sexual harassment. Up to September 2010, 4000 notifications have been issued.

The Authority collects the details of persons appointed as supervisors for the prevention of sexual harassment in order to inform them of their responsibilities, supply them with relevant educational materials and invite them to relevant conferences; thereby assist them with fulfilling their responsibilities. As of August 2010, there are 2,500 supervisors for the prevention of sexual harassment.

For the last several years, the Authority is producing and distributing a prevention of sexual harassment codex that includes relevant legislation and regulations. This codex is meant to be presented in central areas in the workplace. The codex is produced as a large size poster as well as small information brochure, and it is translated to English, Arabic, Russian and the Amharic language. The codex is also available on the Authority's internet website and in May 2010, it was added to the salary slips of all civil service employees.

The Authority has produced an information kit regarding the prevention of sexual harassment. The kit includes a CD with a 50 minutes video which demonstrates different kinds of sexual harassment in the workplace and ways of dealing with such harassment. The short movie is provided in Hebrew and accompanied with English, Arabic, Russian and an Amharic translation. The kit also contains a guiding booklet and it is provided free of charge to every supervisor for the prevention of sexual harassment.

In June 2010, the Authority for the Advancement of the Status of Women organized a conference to raise awareness for sexual harassment in the private sector. Additional conferences are to be held in the future.

In March 2010, a prevention of sexual harassment rules and regulations forum was established. The forum was initiated by the Authority for the Advancement of the Status of Women and includes members from Government Ministries, NGOs and private professionals. The forum discusses the prospect of adding changes to the present *Prevention of Sexual Harassment Law*.

**Salary Inequalities**

The Ministry of Industry, Trade and Labor is currently performing an extensive study

of salary inequalities in Israel. In a preliminary report titled: “Gender Inequalities in the Labor Market 2009 – Israel compared to Developed Countries”, published in 2010, regarding 2008 – according to HDI (Human Development Index) standard of the UNDP (United Nations Development Program) (and in comparison with the OECD countries and additional 7 countries of the EU, a grand total of 40 states) Israel is gradated in the 7<sup>th</sup> place. According to this data, women in Israel earn 33% less than men.

For additional information regarding this matter please see Israel's reply to Question 25 above.

### **Women and Men in Civil Service, over the year 2008:**

In 2008, the rate of women employed in the Civil Service was 64.1% compared to 35.9% of the men.

Administrative ranking: between the years 1997 – 2008, salary inequalities have significantly decreased by 15.6%. In 2008 woman earned only 6.2% less than men.

Academic ranking: Management employees: between the years 1997 – 2008, salary inequalities increased by 6.7%, and in 2008 women earned 22.8% less than men.

Seniors' contracts ranking: Here Salary inequalities have also decreased by 3.5%.

For additional information regarding this matter please see Israel's reply to Question 25 above.

### **Question 27**

*The fifth report, at para. 45 and paras. 302-305, refers to a 2006 report by the State Comptroller which addressed the issue of handling of sexual harassment complaints by the Israeli Defense Force (IDF). The State Comptroller opined that a large number of cases would go beyond the 45-day limit and he also indicated additional flaws, including cases that were heard by officers who were unauthorized to preside in sexual harassment cases, some flaws regarding judicial procedure etc. Please inform the Committee of effective steps taken by the State party to address such flaws and to ensure that sexual harassment complaints are dealt with in a proper manner. Furthermore, please provide information about the number of such complaints within the IDF and their outcome.*

**Reply**: No aggregated data was received regarding this issue.

## **Health**

### **Question 28**

*Please inform the Committee of the measures taken by the State Party to make sure that the blockade imposed on the Gaza Strip did not negatively impact the health of women, including older women and disabled women, in the Gaza Strip and in particular their access to adequate health services (including adequate equipment)*

*and care. In particular, please provide information regarding measures taken by the State Party to:*

*a) Prevent restricted access to food and fuel from affecting the health status of women, including anemia rates;*

*b) Prevent restricted access to secondary health care in Israel from impacting on women's health issues,*

*c) Address psycho-social issues of women caused by the blockade and the aftermath of the conflict from 27 December 2008 to 19 January 2009.*

**Reply:**

Please see Israel's response to Question 2, above.

**Question 29**

*In its previous concluding observations (CEDAW/C/ISR/CO/3, paras. 37 and 38), the Committee expressed its concern about the number of incidents at Israeli checkpoints which had a negative impact on the rights of Palestinian women, including the right of access to health-care services for pregnant women. Please update the Committee on any developments in this respect.*

**Reply:**

Please see Israel's response to Question 2, above.

**Question 30**

*Please inform the Committee on the situation of Palestinian female prisoners in Israeli prisons. What measures are taken or envisaged to ensure their access to adequate quality health-care services as well as living conditions? Please also explain how the policies and measures developed towards Palestinian female prisoners fulfill women's health rights from the perspective of female needs and indicate the types of measures taken to allow specialized doctors' visits.*

**Reply:**

The imprisonment conditions of security prisoners, limitations there of, regulations regarding visitation etc., are regulated by the Israeli Prisons Service (IPS) standard order No. 03.02.00 – "Rules Regarding Security Prisoners".

Every prisoner or detainee under the care of the IPS has access to the following complaint mechanisms concerning grievances regarding the staff and wardens', including claims of wrongful use of force:

- filing a complaint to the Prison Director;
- petitioning the relevant District Court in a prisoner's petition,

- filing a complaint to the Warden's Investigation Unit (WIU), through the IPS or directly to the Unit.
- filing a complaint to the Prisoners Complaint Ombudsman,

Section 71 to the *Prisons Ordinance [New version] 5732-1971* (Hereinafter the "*Prisons Ordinance*") establishes rules for Official Visitors in prisons. These Visitors are appointed by the Minister of Public Security and are comprised of lawyers from the Ministry of Justice and other Government Ministries that are being appointed annually, either for a specific prison or nationwide.

Section 72 of the *Prisons Ordinance* grants official visitor's authorities to Supreme Court judges and the Attorney General, and to District and Magistrate Courts judges in prisons in their jurisdiction.

Official Visitors are allowed to enter the prisons at any given time (unless special temporary circumstances apply), inspect the state of affairs, prisoners' care, prison management, etc. During these visits, the prisoners may approach the visitors and present their complaints, including grievances pertaining to use of force. Prisoners may also make a complaint with the Prison Director and ask for an interview with an Official Visitor. Attorney General's Guideline (No. 4.1201. (1.5.75), updated – 1.9.2002) broadened the scope of the above to also include detention facilities and detention cells in police stations.

Additional monitoring is conducted by visits of the ICRC personnel.

#### Medical care

In every IPS detention facility there is medical clinic with a staff of a physician and a medic. A medical examination is conducted daily and one can be examined by a physician upon request. Where a need arise for specialist or if there is a need of hospitalization, the proper coordination is made with the relevant hospital and the Ministry of Health.

In addition, the IPS operates a detention facility intended for prisoners with physical and mental problems in which prisoners with chronic illnesses are being cared for.

The prisoners receive medical care including access to specialists when necessary. Gynecologist examinations are held when necessary and upon request of a female prisoner to be examined.

#### Separation between Security and Criminal Prisoners

Israel's Prisons Service has dedicated special efforts in the recent years in order to address the issue of female prisoners. One aspect of these efforts was the separation between security prisoners and criminal prisoners.

#### The use of Drugs

In all prisons there is a strict separation between prisoners with a drug addiction and prisoners without any narcotic background.

### Food

The food received by security prisoners is satisfactory and matches the menu served to the facilities' personnel. In Megido and Ktziot prisons, two Pita bread bakeries were opened to provide an alternative to the common dark bread available in Israel.

### Access to Education

Palestinian detainees incarcerated in Israel have equal access to education as their Israeli inmates. Currently, several hundreds of Palestinian detainees are acquiring higher education through the "Open University" (a correspondence educational institution). Others are completing their matriculation certificates.

In the summer of 2009, some 3,300 prisoners took the formal Palestinian Authority exams within the IPS detention facilities.

### Family Visits

According to the standard IPS commission orders, the prisoners may receive family visits once every two weeks for duration of 30 minutes. The number of adult visitors is limited to three; however there is no limit on the number of the visiting children.

### **Question 31**

*The fifth report, at para. 517, states that among the Arab population, despite the continuing decrease, the child mortality rate is still relatively high and stands at a rate of 7.2 deaths per every 1,000 live births. In addition, according to para. 599, the infant mortality rate of Bedouin infants was 11.5 deaths per every 1,000 live births in 2008. Please provide information on measures taken and resources allocated by the State party to improve the status of Israeli Arab and Bedouin women's health, in particular with regard to infant mortality. Please also provide data on child mortality among Arab women in the Gaza Strip, West Bank and Occupied Palestinian Territories, and the measures taken to address women's health, including maternal and child mortality, in those areas.*

### **Reply:**

**Infant mortality** - According to updated information from the Ministry of Health, the infant mortality rate among Bedouins in 2008 was 8.5:1000, representing a decline of 51.5% from the rate recorded in 2002 (17.5:1000) However, in 2009, there was a increase and this rate stood at 12.5:1000. The high rate is mostly attributed to high rates of congenital anomalies and hereditary illnesses resulting from the high rate of consanguineous marriages, together with low rate of prenatal diagnosis due to religious and cultural reasons. Another element impacting the mortality rate is the religious prohibition against abortion among Muslims even in medically recommended cases, as well as the high rate of births among elderly women. The infant mortality rate among Bedouin infants whose families live in unauthorized villages was actually lower than that among Bedouin infants whose families live in established towns. The Government continues to open Mother and Child Health Clinics in unauthorized villages and new Clinics are being built to serve the population.

Furthermore, the Government has funded several special projects to improve the health of, and expand the health-care services provided to, Bedouin living in unauthorized villages. One of these programs is a special long-term intervention program intended to decrease the infant mortality among the Bedouins. The program is community-based and boasts a wide-spectrum of participants, including representatives from the Bedouin community leadership and the educational system, along with providers of curative and preventative health care services, the Department of Health in the Community and the Epidemiology Department in the Faculty of Health Sciences of the Ben Gurion University in the Negev.

Free genetic testing is also funded by the Government, along with genetic counseling, for any member of a Bedouin tribe in which the prevalence of a serious inherited disease is above 1:1000 and for which there is an available genetic test.

The Ministry continues to work intensively on health education/information projects so as to reduce the infant mortality rate among Israeli Muslim Arabs. The central aim of these projects is to discourage marriage among close relatives, encourage pregnant women to make more use of diagnostic procedures during pregnancies, and encourage mothers to make more use of the Mother and Infant Health Care Services dispersed throughout the country.

There is a long-term program aimed at training members of the Bedouin population to work in nurseries and maternity wards in order to further reduce infant mortality among the Bedouin population.

The Ministry of Health is currently financing a project aimed at further reducing infant mortality among the Bedouin population that is being conducted in cooperation with the Ben Gurion University. In 2009, the Ministry began working on an additional project regarding the improvement of the Bedouin population's nutrition.

Improvement in the growth of Bedouin infants - There has also been an important improvement in the growth of Bedouin infants and toddlers over the past two decades, indicating improved nutrition. Moreover, there has been increased compliance with recommendations for the intake of supplemental folic acid among Bedouin women in their fertile years, and a decrease in the incidence of open neural tube defects (NTD's) among Bedouin fetuses and infants. Unfortunately there are still high rates of congenital malformations and inherited diseases among Bedouin infants, due to multiple factors including the tradition of consanguineous marriage (approximately 60%), as well as cultural-religious-social barriers to pre-marital and pre-natal screening for inherited diseases.

Immunization coverage - There have been significant improvements in the past decade. Improved immunization coverage of Bedouin infants in the Negev, for example, resulted in a significant decrease in vaccine-preventable infectious diseases. 2006 figures indicate that 90%-95% of Bedouin children have completed all necessary vaccinations by age three – a sizeable improvement compared to the 1981 rate of 27%. Note that the vaccination figures of the Arab population are higher than those of the Jewish population, both nationally and in the southern district. 2010 figures show that the rate of immunization coverage regarding hemophilus influenza B, infantile paralysis, diphtheria, tetanus and pertussis is 88% among Bedouin children and 90% among Jewish children. With respect to measles, mumps and rubella, the rate of



immunization coverage among Bedouin children is 93% in comparison to 91% among Jewish children.

Two mobile immunization teams managed by the Ministry of Health also provide home immunizations to infants of Bedouin families living outside of permanent towns. A computerized tracking system allows the Ministry to identify infants who are overdue for their immunizations and to send one of the mobile immunization teams to immunize them.

Training of Nurses - On November 4, 2009, the Deputy Health Minister stated that due to a shortage of nurses, the Ministry would be forced to close several Health Care stations serving every segment of the population. Thus, the following clinics were closed: one station in Omer, two stations in Dimona and three stations in Be'er-Sheva, and the patients were directed to larger stations located in their areas. The Deputy Health Minister also stated that in order to overcome the lack of trained nurses in the Arab population, and in particular in the Bedouin population, the Ministry of Health was planning to open a nurses' training course at Ben Gurion University in the Negev, which would be fully financed by the State for nurses of the Bedouin population. The Deputy Health Minister added that the intention was for this to be a long-term program which would result in an increased number of well-trained Bedouin nurses, serving the target population, the Bedouins.

The Ben-Gurion University opened a new course of studies – a bachelors' degree for male/female qualified nurses of the Bedouin population. As of 2010, 37 students have enrolled in this new course. In addition, as of January 2010, five nurses were hired to work in mother and infant health care stations and their training for these positions will take six months. There is also a two year program training nurses, who will work in the Bedouin population, in providing parental guidance. In 2010, 16 nurses graduated from this program and a new group of nurses is currently being assembled. Note however that there is still a substantial shortage of qualified nurses in the Bedouin population.

Physician specialty services - Physician specialty services are currently being provided to the Bedouin community in the Negev, including: Pediatrics, General Internal Medicine, Neurology, Family Medicine, Dermatology, Gynecology and Obstetrics, etc. In addition, every resident has equal access to all the specialty clinics at the Soroka Hospital, with no discrimination between Bedouin or Jewish patients.

In addition, the first female Bedouin physician in Israel, Rania al-Oqbi, has completed her degree. She was part of the special "Cultivating Medicine in the Desert" program, which was aimed at incorporating more Bedouin into the health sector. As of 2009, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

Mother and infant health care stations - There are 46 mother and infant health care stations located in the southern district, 27 of which (more than 50%) serve the Bedouin population:

- 13 stations are located in the Bedouin towns (also serving the Bedouin population living in nearby unauthorized villages)

- Eight stations serving unauthorized villages
- Five stations located in Jewish localities, which also serve the Bedouin population in localities nearby (Abu-rabiah Station in Be'er Sheva which mainly serves Bedouins living in unauthorized villages, Dimona A, Arab A, Yeruham and Mitzpe Ramon stations.)
- One mobile station serving the Bedouin population located in the unauthorized villages in the Marit Area, near the city of Arad.

For further information please see Israel's response to Question 2, above.

### **Question 32**

*Please provide data disaggregated by sex and by age of women infected by HIV/AIDS. Please also provide detailed information on the initiatives undertaken by the State Party, including targeted awareness raising campaigns, to protect women and girls from HIV/AIDS infection and to provide treatment and care to those infected.*

#### **Reply:**

At the end of 2009, there was a total of 1,785 HIV and a total of 342 AIDS cases among women in Israel. The following table indicates the exposure category among women and men:

Exposure category	Women		Men	
	AIDS cases	HIV diagnosed	AIDS cases	HIV diagnosed
Men who have sex with men			275	968
Injecting drug users	34	134	155	528
Persons with hemophilia and other blood/blood component recipients	7	6	54	42
Heterosexual contacts:				
Partners of the above 3 categories	22	57	2	4
Originating from a country with a "generalized HIV epidemic" and their spouses	219	1,129	320	909
Sex with HIV carrier of undetermined source	15	57	9	39
Source undetermined	23	192	67	195
Mother to child	16	91	17	71
Not known	6	119	41	211
Total	342	1,785	940	2,967

*Source: The Central Bureau of Statistics, Statistical Abstract of Israel, 2010*

In 2009, 7 new cases of AIDS and 113 new cases of HIV among women were reported (a decrease of 30% and 14% respectively compared to 2008). For comparison, in 2009, 18 new cases of AIDS and 243 new cases of HIV among men

were reported.

Among Arab women (including Muslim, Christian, Circassian and Druze women), during 2007-2009 there were only 5 new cases of HIV, representing a rate of 0.7 to 100,000 Arab women – a substantial lower rate than among Jewish women – 9.4 to every 100,000 women.

### **Health care and awareness raising campaigns**

HIV examinations are available to each person, anonymously and free of charge. Every Israeli citizen who is HIV-positive is entitled to virtually free of charge treatment in any one of the nine regional AIDS centers.

The Ministry of Health has initiated various projects to increase awareness to HIV, especially among more traditional populations, such as the new immigrants from Sub-Saharan countries but also among the general population. The Ministry developed a program adapted to these populations, incorporating both HIV health education and an individual support and follow-up by health educators originating from the same communities. Further programs target youth, as well as soldiers, educating them on HIV and AIDS, through direct counseling, radio and TV broadcasts. Relevant information is also accessible through the Ministry's website.

An open hotline - the Ministry also operates an open hotline regarding AIDS and sexually transmitted diseases.

### **Gender and family life education**

The Department of Sexuality, Gender and Family Life in the Ministry of Education is in charge of developing educational materials and programs regarding, *inter alia*, sexuality, gender, non-violent couplehood, self image, couples relations, sexual identity and sexual tendency, sexuality and media (pornography), pregnancy prevention, AIDS prevention, acceptance of others even when different, and more. The Department trains guidance counselors, psychologists and the Ministry's general personnel. The Department offers several educational programs regarding responsible sexual behavior and AIDS prevention, sex and family life education program for pupils with special needs, sexual education for the intermediate schools, including seminars for teachers and professionals on identifying sexual abuse among children, children at risk and prevention of sexual harassment.

## **Rural women and disadvantaged groups of women**

### **Question 33**

*The fifth report provides information on the situation of Bedouin women living in the Negev desert, including with regard to education, employment and health, as well as reference to some policies adopted in this respect. Please elaborate on the work plan established by the Authority for the Advancement of the Status of Women, together with its relevant steering committee, for promoting the status of Bedouin women in Southern Israel (para. 48.8). Please also provide an assessment of the impact of the policies adopted with regard to Bedouin women, as previously requested by the Committee. Please indicate to the Committee the measures taken by the State Party to*

*ensure that the rights of Palestinian Arab Bedouin women who have lost their ancestral land due to home demolitions are fully protected.*

**Reply:**

General

There are more than 180,000 Bedouins living in the Negev desert area. Most of them (approximately 120,000 – 66%) live in urban and suburban centers which have been legally planned and constructed. The remaining 60,000 Bedouins (34%) reside in hundreds of unauthorized clusters, which are spread over an area of more than 500,000 dunams, obstructing urban expansion in the greater Negev area and the common good of the Bedouin population. This, while, as detailed below as well as in Israel's Periodic Report, the existing towns can accommodate most of the needs of the Bedouin population, and while vacant lots await additional occupants in all of these towns.

Bedouins enjoy all the rights and opportunities of Israeli citizens, including the privilege to receive formal education at all levels, health services etc., in accordance with the laws of Israel.

The Authority for the Advancement of the Status of Women - Activities According to the Work Plan for Promotion of the Status of Bedouin Women

Economic Initiative for Women in Kssaife - a three year program developed with "Joint-Israel", for creating and marketing authentic products made by women through a central body owned by them. The women become business owners exempt from V.A.T. In 2007, 20 women participated in the program. At the end of the three year project, 100 Bedouin women will have participated in the program.

Another project is the creation of a joint marketing body for women businesses in the Bedouin village Hussniya in the Galilee. Currently there are 20 women participating in the project.

The Authority for the Advancement of the Status of women also provides Bedouin women with knowledge regarding employment and Business entrepreneurship, constructing business strategies and more. The courses include information, *inter alia*, on market research, learning from information sources, setting up a working budget, writing a business plan etc.

The Authority also provides Bedouin women with the opportunity to complete their formal education by providing special courses in relevant subjects, such as language skills, computers, use of the internet and more.

The Authority also provides information and courses regarding empowerment and community leadership such as life skills, parenting, health awareness, and skills needed to operate community projects.

For additional information regarding the Authority for the Advancement of the Status of women in regarding to tuitions grants, scholarships, empowerment courses and more please see Israel's reply to Question 21 above.

Assessment of the work plan

The Authority for the Advancement of the Status of women is doing it utmost for promotion of the status of Bedouin women, *inter alia*, by providing much needed knowledge, education, enrichment courses and activities, assistance in finding employment and additional assistance for Bedouin women.

However it is important to remember that the Bedouin society is a very traditional society and every change in the advancement and empowerment of women is taking longer time and requires additional efforts.

One should remember that these activities do not stand alone and are supplemented by improvements in areas such as transportation and public transportation infrastructures which allow for Bedouin girls in this traditional society to attend schools near their homes, steps that will become fruitful in the near future.

Thus, a change is evident in the Bedouin society; however it is still happening relatively slowly.

### **Additional information regarding Bedouin Population**

#### *Housing*

There are seven existing Bedouin towns in the Negev: Laqiya, Hura, Kseife, Arara, Tel-Sheva, Segev Shalom and Tarabin, in addition to the city of Rahat. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

Although these eight existing towns (the seven towns in addition to the city of Rahat) can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that a further eleven new towns for Bedouins should be established. The Government did so in order to accommodate the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format. The new towns will include the best infrastructure and services the State offers to its citizens. The planning and construction of the new towns are carried out by the authorities in consultation with Bedouin representatives who provide input as to their vision of every town's character.

Tarabin was the first town to be populated. "Tarabin" is situated in the Bney-Shimon District Council, and is designated for the members of the Tarabin El-Sana tribe. The first stage of the town's development has been finalized, most of the lots have been distributed, and hundreds of residents have already populated the town. Each of the families received developed land for construction and an agricultural property. The new town was planned jointly with its inhabitants, as a modern town offering educational services, underground infrastructure, and health services. The town spreads over a territory of 1,132 dunams, and is intended to be home to approximately 3,500 people by 2020.

The following eight new towns are in the process of planning and development: Abu Krinat - located on 7,320 dunams, consisting in its first stage of 1,300 lots and an industrial center. Abu Krinat is intended to accommodate approximately 15,000 people by 2020; Bir Hadaj- an agricultural town located on an area of 6,550 dunams,

and intended to accommodate approximately 12,500 people by 2020; Kaser A-Sir - located on an area of 5,000 dunams, and designed to accommodate around 8,000 people by 2020. The other towns to be established are Makchul-Marit – for which a detailed plan for two neighborhoods was approved in September 2005, and a detailed plan for a third neighborhood is underway, spread over 6,300 dunams, and designed to accommodate approximately 12,000 people by 2020; Um Betin – for which a master plan was approved in March 2005, and which is located on 6,700 dunams, and designed to accommodate approximately 8,000 people by 2020; Moleda - for which a master plan was approved in March 2005, and which is located on 11,000 dunams; and Darijat. The names of these towns were chosen by the Bedouin population. One additional plan that is currently in the advance stages of planning is of the town El-Seid. An additional three towns, Ovda, Abu-Talul, and El-Foraa are currently in the process of receiving statutory approval.

In addition, the Government is in the process of expanding thousands of units in the existing towns. Rahat for example, will be approximately tripled in its size (from 8,797 dunams to 22,767 dunams) through a project that is to be implemented and estimated to cost approximately 500,000,000 NIS (U.S. \$128,205,128). The plan includes the construction of 7,500 additional housing units (intended to house 90,000 people by 2020), public and trade facilities, employment centers for women, and public areas. The above plan, developed according to the highest standards, is a speedy solution to the current situation existing in the town of Rahat. As of May 2010, thousands of lots were sold to Bedouin families and the plan is progressing well.

There are more than 2,800 vacant lots available for occupancy by Bedouins living in the Diaspora throughout the existing permanent towns and in addition more than 6,900 lots which can be developed upon demand.

As mentioned in Israel's Periodic Report, the Government is encouraging movement to permanent towns by providing unique benefits to all the residents of the Bedouin Diaspora who seek to move to permanent towns. This policy was adopted because of the difficulties the State faced in providing infrastructural and social services to so many small, scattered clusters, mostly numbering several dozen houses or huts.

In accordance with the provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the Bedouins receive significant compensation for any structures they leave behind destroyed (even on land unlawfully held by them). Compensation is awarded both in monetary terms and in terms of land. In addition, grants are provided for families who choose to move to an existing or new town regardless of their economic status. Since 2002, the rates of compensation have risen dramatically (800 sqm. per family and 7,500 NIS (U.S. \$1,923) per family and an additional 1,500 NIS (U.S. \$384.6) per child). A family that destroys its unauthorized construction and relocates to the planned towns can receive up to 400,000 NIS (U.S. \$102,564) per family. The average sum received is estimated at 200,000 NIS (U.S. \$51,282), which is exceedingly higher than the actual loss.

Furthermore, the Bedouin population is eligible to receive tens of thousands of dunams for agricultural use and shepherding, at very low rates.

In order to maintain the special character of Bedouin communal life and prevent the

exploitation of the abovementioned benefits, the State has refused offers by non-Bedouins to buy land in the areas designated for exclusive Bedouin localities. Furthermore, representatives of the Bedouin population take part in all planning processes; in the sub-committee of the Local Committee for Planning and Building, there are representatives of each of the existing Bedouin towns, and in the District Committee for Planning and Building, the Mayor of Rahat and the Head of Council of Segev-Shalom are members.

In addition, in 2007, the authorities began the planning procedures for the Be'er-Sheva Metropolis District Plan (No. 23/14/4). The plan seeks to regulate the planning situation of the greater Negev area, with consideration being given to the population's needs, restrictions, environmental affects etc. To date there are several objections which have been raised with respect to the abovementioned plan, which are yet to be decided upon by the courts.

As mentioned in Israel's Periodic Report, an additional sum of 1.1 Billion NIS (U.S. \$282,051,282) was invested over a period of six years (2004-2010) for the development of infrastructure and the establishment of public facilities and the reorganization of ownership in southern Israel.

#### The Advisory Committee on the Policy regarding Bedouin Towns

The Advisory Committee on the Policy regarding Bedouin towns was established, in its present form, on October 24, 2007, based on Government Resolution No. 2491. The Advisory Committee's task was to present recommendations regarding a comprehensive, feasible and broad-spectrum plan which was to establish the norms for regulating Bedouin housing in the Negev, including rules for compensation, mechanisms for allotment of land, civil enforcement, a timetable for the plan's execution, and proposed legislative amendments, where needed.

The Advisory Committee, chaired by former Supreme Court Justice Mr. E. Goldberg, comprises seven members, including two Bedouin representatives.

The Advisory Committee began holding its sessions in January 2008. The Advisory Committee's hearings were public and took place in Be'er-Sheva. The Advisory Committee concluded its public discussions in May 2008, and on December 11, 2008, submitted its final recommendations to the Government. The Committee's final report dealt with three main areas: land, housing and enforcement. These areas were focused upon after the Committee recognized that only an integrated policy that included these issues could help in organizing the housing of the Bedouin in the Negev. The Committee recommended the development of an arrangement which balances the needs of the Bedouin and the State, can be implemented quickly and established by legislation in a way that assures a defined, consistent and egalitarian policy. The Committee asserted that such a policy would be a fair and implementable solution for the land disputes, which would serve to renew the Bedouin's confidence in the State and its intentions.

On January 18, 2009, the Government confirmed Resolution No. 4411 after a full examination of the Committee's Report. The Government accepted the Committee's recommendations as a basis for arranging the Bedouin's housing in the Negev, and appointed a professional cadre which comprises representatives of Government

Ministries, the Israel Land Administration and the Attorney General. The cadre is intended to submit a detailed and implementable outline aimed at fulfilling the Government Resolution.

Currently, the implementation team is in the final stages of completing the detailed Governmental Plan for regulation of the Bedouin housing situation in the Negev. The Plan is based on the recommendation of the Advisory Committee and on intensive staff work that was conducted in the past year and included consultations with representatives of various segments of the Bedouin community, as well as comments on the Committee's Report by civil society organizations.

Note, that in its current work, the team attempted to create a comprehensive mechanism geared at settling law suits regarding land ownership and development of the physical and social infrastructures. To that end, the necessary mechanisms (both legal and operational) for the establishment of new localities, for the development of existing localities and for the settlement of law suits, are now being created.

#### Abu-Basma Regional Council

As mentioned in Israel's Periodic Report, a regional council was founded for five of the new towns. It is called "Abu Basma", and was officially established on February 3, 2004. The Abu-Basma Regional Council is responsible for ten Arab villages, of which six are Bedouin villages

Government Resolution No. Arab/40 3956 of July 18, 2005, assigned Abu-Basma regional council with attending to the Bedouin population's needs in areas such as education, infrastructure, employment, transportation, agriculture etc. and allocated a total budget of 387.7 Million NIS (U.S. \$99,410,256) for the development of infrastructures and the building of public structures in Abu-Basma and Al Sid localities between 2005 and 2008. Government Resolution No. 4088 of September 14, 2008 extended the duration of Resolution No. 3956 until the end of 2009, in order to use the entire budget allocated.

Government Resolution No. 724 of August 9, 2009 approved a five-year-plan to improve accessibility to public services and educational centers in the regional council of Abu-Basma, and the public service centers scattered throughout the Bedouin villages in the south. The total budget for these plans amounts to 68.5 Million NIS (U.S. \$17,564,103) over the course of the years 2009-2013, with 13.7 Million NIS (U.S. \$3,512,820) to be distributed per year.

#### Perennial Program for the Advancement of the Status of Bedouin Women

Over 2010, the Authority for the Advancement of the Status of Women has prepared a new perennial program for the Advancement of Bedouin women for the years 2011 – 2015 (in continuation of the previous program that was implemented in 2007-2008). The program includes workshops on family matters, intimacy, spouse's communication and dignity, parental authority and first aid operated in schools and at the community centers. This program was submitted to the Prime Minister's office, its operation is dependant upon assigned budget.

#### *Measures to Ensure Bedouin Women Rights*



All of the house demolitions in Bedouin localities and towns are conducted according to the law and in the vast majority of the cases after lengthy court deliberations.

Note that in many cases, the structures that are being demolished are tin structures and wood (that are planted elsewhere) which constitute attempts to invade state-owned land in order to take hold of public land illegally.

In addition, in some cases the invaders have residence solutions in other places, such as permanent towns.

The State of Israel has allocated a large budget in favour of the Bedouin community. The budget is intended to supply the community with housing possibilities, services and infrastructure. Many millions were invested in doubling the size of the city of Rahat by adding thousands of housing units that are offered to the community in beneficial purchase conditions. In addition, the State plans to build new localities with one-floor houses that are suitable for the lifestyle and occupations of the Bedouin community.

### **Question 34**

*Please provide more detailed information on the situation of Bedouin women who live in unrecognized villages with poor housing conditions and limited or no access to water, electricity and sanitation. The fifth report, at para. 612, refers to a report published by an Israeli NGO entitled "Ana Huna (I am here) – Gender and Health in the Unrecognized Villages of the Negev" which is critical of the healthcare services granted to Bedouin women in the Negev and points to problems in the provision of infrastructure and public transportation as well as language barriers. Please inform the Committee of measures taken by the State party to address these issues.*

### **Reply:**

#### Water

#### The Policy of Water Supply to the Bedouin Unauthorized Villages

The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are specially adapted to their needs. Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions which the Ministry of Health considers to be unsatisfactory. Thus, additional funds were allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins who live in unauthorized villages.

On October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Resolution, a condition for the implementation of the plan was the establishment by the localities of Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law 5761-2001* (hereinafter the "*Water and Sewage Corporations Law*"). However such corporations have yet to be established.

Nearly 60,000 Bedouin live in unauthorized villages in the Negev. These unauthorized villages pose difficulties in supplying the residents with necessary services, especially water. While the Government does not question its duty to supply its inhabitants with services such as water, it is practically impossible to supply such services to sporadic places which disregard the national construction and planning programs.

Nevertheless, pending the completion of the establishment of the 11 additional permanent Bedouin towns and the regulation of water supply systems, the Ministerial Committee for the Arab, Druze and Circassian Populations' Affairs has decided to build "Water Centers." Pursuant to this decision, instructions have been given concerning the planning of water supply systems to several centers in the Negev called "Water Centers." The Water Centers result from the Government's understanding of the needs and current realities faced by the Bedouin population, and governmental efforts to improve the Bedouin's living conditions. The planning of the centers takes into account the amount of water necessary for the population size expected in 2020, and the establishment of the centers involves great costs.

These systems will enable the supply of water to a significantly larger portion of the Bedouin population than that which currently receives a water supply through individual connections.

As of June 2010, there are Water Centers in the following Bedouin localities: Um Betin, El-Seid, Abu-Krinat, Bir Hadaj, Darijat and Kaser A-Sir. In addition, there is an agreement to establish additional Water Centers in Moleda, Abu-Talul, Foraa and Lokia.

An additional method relied upon to provide water is through direct water connections being made to the main water pipeline, which are granted to a minimum of ten families. Due to the problematic nature of these connections, which require the transfer of water to unauthorized villages, this method is less frequently employed than previously. The connection to the main pipeline is approved by the Water Committee, which evaluates requests for connections to pipelines, and conducts negotiations in cases where disputes arise between residents of the Diaspora concerning the ownership of such connections.

According to 'Mekorot' – the Israel National Water Corporation – there are numerous pirated connections to pipelines, which are made absent the authorization of the Water Committee.

On September 13, 2006, the Haifa District Court (residing as a Water Tribunal) rejected an appeal filed by Adalah on behalf of 767 Israeli-Bedouin living in the Negev's Diaspora, demanding access to sources of water (*D.C.H. Appeal 609/05, Abdallah Abu Msaed, et. al. v. The Water Commissioner*).

In its decision, the Haifa District Court President emphasized that while the case directly deals with connections to the main water pipelines, it indirectly addresses the complex issue of the organization of "Bedouin housing." The Court added that it is not disregarding the fact that all citizens enjoy the basic human right to water and health, which must be granted by the State in order to guarantee the right to dignity, but explained that, in its opinion, providing connections to the main water pipeline is

not the way to resolve the problem of unauthorized villages. According to the Court's decision, the right to water is not absolute, but can be made conditional upon a "clear" public interest "not to encourage cases of additional illegal settlement."

On November 18, 2006, Adalah submitted an appeal to the Supreme Court against the ruling delivered by the Haifa District Court. The appeal is still pending (*C.A. 9535/06, Abdullah Abu Musa'ed, et. al. v. The Water Commissioner and the Israel Lands Administration*).

### The Current Situation

As of February 2009, 'Mekorot' has begun laying new pipelines, two inches in diameter, in order to improve and enlarge the amounts of water supplied to the Bedouins and to prevent technical difficulties (pipelines that were previously approved for direct connections by the Water Committee are of one inch diameter, which is insufficient for a supply of water to a large number of persons and which causes technical problems, such as low water pressure, freezing of pipes etc.).

Owners of direct water connections to the pipeline of one inch diameter may apply to 'Mekorot' and request that the corporation expand the pipeline. Note that even in cases where such an application has not been made, 'Mekorot' can identify pipes with respect to which there is a large amount of water consumed, and can widen the pipeline at its own initiative.

All of 'Mekorot's' pipelines are located underground, and claims regarding pipelines that are laid on the ground probably refer to pipelines that were illegally laid down by the local population.

### Electricity

The *Electricity Supply Law (Temporary Order) 5756-1996*, was enacted to solve the problem of providing electricity to Arab and Druze citizens whose houses had been built without building permits, and were consequently not connected to the central electricity grid. This Law was amended in 2001, extending the temporary supply for a period of seven years. In 2004 the Law was amended again, so that the extension would cease as of May 31, 2007. Since the enactment of the Law and up until May 31, 2007, the Electricity Administration approved the connection of 8,941 buildings to the electricity grid.

Israel Electric Corporation began connecting el-Mustakabal and el-Aasam b' schools, which operate in the unauthorized village of Abu-Talul, to the national electricity grid. The corporation is also working to connect el-Amal school in the village Hirbat el-Watan and additional schools in other unauthorized villages in the Negev. These steps were taken following a petition to the High Court of Justice by Adalah in July 2009. Following the State's notification to the Court in February 2010 that the necessary works for connecting the schools to the national grid were completed, and that the schools would be connected within several days, the Court stated that the remedy requested in the appeal had been provided, and therefore rejected the appeal (*H.C.J 5475/09 Aiub Abu-Sabila et. al. v. The Ministry of Education et. al. (10.3.10)*).

### Administration for Sewage Infrastructures – Bedouin Population

Government Resolution No. 3956 (Arab/40) of July 18, 2005, established a total budget of 387.7 Million NIS (U.S. \$104,783,784) for the development of infrastructures and building public structures in Abu-Basma and Al Sid localities between 2005 and 2008. The budget included 44 Million NIS (U.S. \$11,891,892) (of which 50% is in the form of a Government loan) for development of water and sewage systems. The implementation of this resolution was delayed due to the slow population of these localities and for difficulties the localities encountered in returning the loan.

On October 11, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in the Bedouin localities in the Negev area (Government Resolution No. 2428). According to the Government Resolution, as a prerequisite condition for the implementation of the plan, the localities were required to establish Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law*. However such corporations have yet to be established.

In March 2010, the Be'er Sheva District Court approved an agreement between Kssaife local authority and "Adam, Teva V'din - The Israel Union for Environmental Defense" regarding arrangements of the Kssaife sewage system. The finalization of the sewage system was delayed due to the objection of one of Kssaife's residents to the laying of the sewage pipe near his property. According to the agreement, the head of Kssaife locality and the local authority shall take all necessary steps to complete the building of the sewage line by June 2010. The agreement was reached after concluding that the area in question does not belong to the objecting resident.

## Health

### Infant Mortality

Please Israel's reply to Question 31 above.

### Health Infrastructures

Health Clinics – According to figures dated May 2010, the total number of health clinics and independent physicians in the Bedouin population was 51, according to the following distribution: in the permanent localities there were 27 clinics and eleven independent physicians; in the localities in the process of planning and development there were nine clinics and in the unauthorized villages there were 4 clinics.

The clinics located in the Bedouin localities are equipped according to the standards of every Health Fund in the country. Clinics in unauthorized Bedouin villages located throughout the Negev are all computerized, air conditioned, and equipped according to the standards followed by all the Health Funds (HMOs) in the country.

It is important to note, that medical services are also available in the various Health Funds' clinics, which are located outside the Bedouin localities, such as in Be'er Sheva, Arad, Dimona, Omer Mitzpe-Ramon etc.

Special Services - The General Health Services Department operates a special health service for the Bedouin population that includes an ambulance service for Bedouins,

run by a Bedouin employee. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization.

### Immunization Coverage

Please see Israel's reply to Question 31 above.

### Prevention of Language Barriers in Providing Health Services

Ben-Gurion University has opened a new course of studies – a bachelors' degree for male/female qualified nurses from the Bedouin population. As of 2010, 37 students have enrolled in this new course. In addition, as of January 2010, five nurses were hired to work in mother and infant health care stations and their training for these positions will take six months. There is also a two year program intended to train nurses, who will work in the Bedouin population, in providing parental guidance. In 2010, 16 nurses graduated from this program and a new group of nurses is currently being assembled. Note however that there is still a substantial shortage of qualified nurses in the Bedouin population.

The first female Bedouin physician in Israel, Rania al-Oqbi, has completed her degree. She was part of the special "Cultivating Medicine in the Desert" program, which was aimed at incorporating more Bedouin into the health sector. As of 2009, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

### Mother and Infant Health Care Stations

Please see Israel's reply to Question 31 above.

### *Development of Road Infrastructure and Public Transportation Services in Bedouin Localities*

#### Development of Road Infrastructure

In regard to infrastructure projects, the Ministry of Transportation and Road Safety has conducted the following projects in the southern Bedouin localities:

- Paving an access road to the Al-Said service center, which leads, *inter alia*, to two schools and a mosque.
- Paving an access road to the Um-Batin service center, which includes an elementary school, a high school, a youth center and a health clinic.
- Paving an access road through Marit and Darijat localities to Kuhla village. The road will provide access to these localities' service center, which is currently in the final planning stages and will include a variety of public services such as kindergartens, health clinic, school etc.
- An access road was paved to the service center in Abu Krinat, which includes an elementary school, kindergartens and a youth center.

- An access road was paved to the Huashala service center, which includes an elementary school and a high school, kindergarten, a youth center and a health clinic.
- An access road was paved to the Moleda service center and to two schools in this locality. The service center in Moleda includes, among other, medical services and an elementary school.
- An access road was paved to the Dir Hadje service center, which includes schools, kindergartens and a health clinic.

#### Public Transportation Services in Bedouin Localities

Public transportation services are provided for the Bedouin population in the north at lower cost, and are operated regularly on Saturdays (Sabbath).

The Ministry of Transportation and Road Safety has made preparations for the examination of the public transportation services in the northern Bedouin villages and localities during 2011-2012, which examination falls within the framework of an extensive development plan for the Arab population.

Public transportation in the Bedouin localities in the north is provided for the localities of Abtin, Shibli and Zarzir. Other localities are assisted by service lines, which are operated in a similar manner to those that operate in localities in the South.

The Bedouin localities in the south are situated in four main areas: near Dimona (road 25), Arad (roads 60 and 31), Rahat (road 40) and in proximity to the Negev junction road 40 south). For that reason the Ministry increased the frequency of public transportation in these areas as follows:

- Along road 25 an all-stops bus were operated between Dimona and Be'er-Sheva. The stops were designed according to the Bedouin localities on the ground, and the busses conduct 17 rounds each day. In addition, an express line also provides service to the Bedouin localities near Dimona with a frequency of 83 daily rounds.
- As of September 13, 2010, The Ministry of Transportation and Road Safety increased the public transportation on road 25 by two additional bus lines and by a total of 35 daily rides, which provides public transportation services to the Bedouin population in and around Arara and Segev Shalom.
- The Ministry has operated public transportation bus lines on road 60 and 31 near Arad with a frequency of 89 rounds each day, and as of September 13, 2010, the Ministry has also increased the public transportation in these road by five new bus lines which provide service to Kssaife, Jura, Lafia, Tel-Sheva, and other Bedouin localities around Be'er-Sheva with a total of 61 daily rounds.
- As of the 2009-10 school year, a special bus line is operated between the city of Arad to the Ahva College. This line provides service to the Bedouin population both in the unauthorized villages and the permanent localities with two daily rounds.

- In addition since May 2009, the Ministry is operating service lines between Rahat and the city of Sderot with 93 rounds each day, between Rahat and Sapir College with 3 daily rounds and between Rahat and Hura with a frequency of two daily rounds. All of these lines service the Bedouin population both in the unauthorized villages and the permanent localities along the relevant roads.
- Additional bus lines are operated between the Negev junction and Be'er-Sheva to Mitzpe Ramon by four all-stops bus lines with a total frequency of 129 daily rounds.
- Public transportation is also continuously operated in the localities of Kssaife and Hura, and in Lakia on Saturdays only.

These important infrastructure projects and public transportation lines provide the whole Bedouin population living in the Negev with transportation solutions, making the access to health, education, employment and other important services much easier, particularly for children and women in this traditional society. Thus, women and girls who need to travel may use these new roads and bus lines without the need of walking to far away bus stations and may access schools, health clinics and other public services without traveling far from their homes and families.

### **Question 35**

*Please provide information regarding the closure regime and related restrictions on movement in West Bank, and how they impact on women living in rural areas of the West Bank and their ability to enjoy the rights provided by the Convention, in particular in Article 14. This information is particularly relevant with regard to access of women to adequate health care, formal and non-formal education, adequate living conditions and empowerment, equality with respect to economic life and also their right to enjoy family life. Please also inform the Committee about measures taken to ensure that women living in rural areas are able to access and cultivate their land in areas behind the wall and around settlements.*

#### **Reply:**

Please see Israel's response to Question 2, above.

### **Question 36**

*Please inform the Committee of any obstacles to the enjoyment of the rights guaranteed under the Convention by older women and disabled women, and the measures taken by the State Party to address them.*

#### **Reply:**

##### **Senior Citizens**

According to the Ministry of Senior Citizens Affairs, one of the main obstacles to the enjoyment of the rights according to the law, is the lack of knowledge regarding certain rights. Therefore, the Ministry is currently working of a bill proposal regarding informing senior citizens regarding their rights. According to the bill proposal, public

authorities will be obligated to transfer the Ministry of Senior Citizens Affairs, information regarding rights and benefits of senior citizens as they reach retirement age, and the Ministry will be obligated to publicize such information. The bill is currently still being drafted.

### Women with Disabilities

According to the 2009 report of the Commission for Equal Rights for Persons with Disabilities, in 2007, women comprised the majority of the population of persons with disabilities in Israel. Of 1.2 million persons with disabilities, 650,000 were women. The reason for their majority is the longer life expectancy of women in the total population. This majority is more evident in older ages, in which the rate of the disabilities is also higher.

To date no updated aggregated data regarding obstacles to the enjoyment of the rights guaranteed under the Convention by older women and disabled women is available.

## **Marriage and Family Relations**

### **Question 37**

*In its previous concluding observations, the Committee urged the State party to take active measures to enforce the prohibition of polygamy and enforce adherence to the minimum age of marriage (CEDAW/C/ISR/CO/3, para. 42). According to the fifth report (paras. 630-632), the phenomenon of polygamy is decreasing. Please provide further information on measures taken by the State party aimed at enforcing the prohibition of polygamy and adherence to the minimum age of marriage, as well as the impact of such measures.*

### **Reply:**

#### Minimum Age of Marriage

According to the *Marital Age Law 5710-1950* (hereinafter the "*Marital Age Law*"), minors between the ages of 16 to 17 who wish to get married are required to get an approval from a Family Matters Court. A person that marries a minor, conducts a marriage or marries his/her child or a child under his/her custody to another against the *Marital Age Law* is liable for up to two years imprisonment (or a fine of 67,300 NIS (U.S. \$ 18,189)).

The Israeli Police has anchored the policy and method of treatment regarding early illegal marriages in Police procedure 03.300.200 titled "Ways of Treatment of Offences of Early Marriages and Sexual Intercourse with a Minor". The Police conducted deliberations with representatives of the Ministries of Justice, Interior and the social services in the Ministry of Industry, Trade and Labor, in which criteria and priorities were set for the Police treatment of such offences.

According to the above deliberations, priority will be given for treatment of the following complaints:

1. Complaints regarding the marriage of a female minor under the age of 14, when at the time of filing the complaint she is under the age of 16.



2. Complaints regarding marriages between a female minor and a man where the age differences are 10 years and above.
3. Cases where the marriages took place proximate to the date of registration.

According to data received from the Ministry of Public Security, to date, no complaints regarding the above matters were filed.

To date, only a small number of cases of underage marriages were opened during 2009 and 2010. One of the main reasons for the small number of cases is the absence of complaining side and also that the offence is brought to the attention of the authorities only when the women comes to register the couple's children in the Ministry of Interior. However, by then, most women are no longer minors.

### The Polygamy Offence

Section 176 of the *Penal Law* prohibits Polygamy in Israel. According to this section, polygamy is punishable by 5 years imprisonment. According to Section 179, a Jewish person shall not be convicted of polygamy if the second marriage is conducted after receiving a marriage permit according to a final verdict of a Rabbinical Court and after the final verdict receives the approval of the High Rabbinical Court. According to Section 180 of the Law, Polygamy among people of other religions is "permitted" only in two situations: the spouse from the first marriage is unable, for reasons of mental illness, to agree to a divorce or to the cancellation of the marriage or to participate in such procedure; the spouse from the first marriage is missing in circumstances which give rise to fear for his/her life and he can not be traced for 7 years. The *Penal law* also stipulates that a woman can not be forced to annul the marriage without the consent of the relevant court.

In 2009, 51 investigation cases were opened for polygamy. Of these cases, 18 (35%) were transferred to the State Attorney's Office.

During 2009, 4 cases were brought to trial and the offenders were convicted.

Since January 2010, 15 investigation cases were opened for polygamy and 8 were transferred to the State Attorney's Office.

### **Question 38**

*Please clarify the proceedings for the dissolution of a Jewish marriage, including whether consent is needed from both spouses. The fifth report, at paras. 15 and 262, refers to a case in 2008 where the Jerusalem Family Matters Court compensated a women due to her husband's lack of compliance to the order to the Rabbinical Court, stipulating the need for a divorce between the couple (F.M.C. (Jerusalem) 6743/02 K. v. K (21.6.08)). Please provide information on other such court cases, if available. Please also indicate whether the law protects women's equal right to property upon dissolution of marriage.*

### **Reply:**

The authority to allow the marriage of a Jewish man and a Jewish woman according to the Israeli law, within the State of Israel is of the Rabbinical Courts, as a unique authority and is conducted according to the Jewish religious law.

According to the Jewish religious law, it is impossible to compel a man to divorce his wife against his will, and it also impossible to compel a woman to agree to receive a divorce decree ("Get") against her will. Note that Section 181 to the *Penal Law* titled "dissolution of marriage against the wife's will" prohibits dissolving the marriage bond against the wife's will in the absence of a final judgment of the civil court or of the competent religious tribunal to make that dissolution binding. The sanction in such case is five years imprisonment.

The dissolution of marriage is done by a religious court, however it is a voluntary private act, in which the husband grants a divorce decree to the wife, and the wife receives the decree from the husband. Note, that the religious tribunal may not compel neither of which to divorce against their will. However the religious tribunal has legal tools by which it may, in certain cases, force a husband to provide a divorce to his wife or force the wife to receive the divorce.

In a recent precedent by the Jerusalem Family Matters Court, the Court awarded the husband (the plaintiff) the amount of 53,333 NIS (\$14,400) as non-pecuniary damage for the period he was held in marriage against his will, since his wife refused to receive the divorce decree and continued to dwell in an apartment which was owned exclusively by the husband (*F.M.C 21162/07 Anonymous v. Anonymous, Jerusalem Family Matters Court (21.1.10)*). This case indicates more clearly the equality between men and women in the process of divorce and clearly shows that a divorce may not be conducted against the wife's will.

### **Distribution of the property**

The distribution of the property is conducted according the general Israeli Law (*H.C.J 1000/92 Hava Bavli v. The High Rabbinical Court – Jerusalem (1994)*). The applicable Law is the *Division of Property between Spouses Law 5733-1973* (the "*Division of Property between Spouses Law*"), which determines, as a general rule, that at the time of the divorce, each side will receive half of the value of the couple's assets. In regard to couples that were married prior to the enactment of this law, the applicable law is the "preemption of communion", which determines joint ownership of both side regarding their assets and equal distribution of the property between them.

The Knesset recently amended the *Division of Property between Spouses Law* (Amendment No. 4 of 2008) in order to allow the division of property prior to the divorce or end of marriage. According to Jewish "Halacha", both spouses must consent to the divorce. The purpose of the Amendment is to prevent the possibility of one spouse to require the other spouse to relinquish his/her property rights, as a condition for his/her consent to divorce.

Section 2(d) to the Law was amended to further broaden the application of the Law, to include marriage annulment, declaration that the marriage was void and separation according to religious law that does not allow divorce, in addition to divorce.

Section 5(a), dealing with the right of each spouse to half of the couple's entire property, was amended to allow the Court to grant the right not only after divorce or after the death of a spouse as previously, but also immediately after the annulment of the marriage. The total property includes future pension rights, retirement benefits, savings, providence funds etc.

The Amendment added Section 5A(a), according to which, the Court may allow, under certain circumstances, the realization of the right to division of property, namely the right of each spouse to half of the couple's total property, prior to the divorce or the marriage annulment in each of the aforementioned forms.

According to Section 5A(b), the Court may shorten the periods stipulated in Section 5A(a), if it deems it appropriate. Furthermore, in certain circumstances, namely the involvement of violent elements, the Court may order the division of property even if the situation does not comply with the terms stipulated in Section 5A(a).

According to Section 5A(c) the Court may condition the execution of a division of property request, in the deposition of a written letter of consent to receive or give a 'Get' from the applicant.

### **Optional Protocol**

#### **Question 39**

*Is the State Party considering accession to the Optional Protocol to the Convention and acceptance of article 20(1) of the Convention on the meeting time of the Committee?*

#### **Reply:**

The state of Israel does not intend to ratify the optional protocol at this point in time.