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**Ministry of Justice** **Ministry of Foreign Affairs**

**5TH Periodic Report Concerning**

**THE IMPLEMENTATION OF**
**THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF**
**ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)**

**2009**

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# Introduction

1. The Government of Israel is pleased to submit its Fifth Periodic Report Concerning the Implementation of the United Nations Convention on the Elimination of all Forms of Discrimination against Women (hereinafter: "the Convention" or "CEDAW"). This report describes the developments that took place since the submission of the Fourth Report on June 2, 2005 (UN Document - CEDAW C/ISR/4), taking into account the Concluding Comments adopted by the CEDAW Committee on July 22, 2005 (UN Document - CEDAW/C/ISR/3/CO). In accordance with the reporting guidelines, this report builds upon Israel's previous reports. Accordingly, information and explanations that are included in previous reports from the Government of Israel are not repeated in this report, except when necessary.

2. All Israeli Government Ministries and institutions relevant to this report were requested to supply data and information concerning their areas of operation. Israeli Non-Governmental Organizations (“NGOs”) were also invited to submit comments prior to the compilation of this report, both through direct application and a general invitation to submit remarks posted on the Ministry of Justice web site. Their contributions were given substantial consideration.

3. This report was compiled by the Human Rights and Foreign Relations Department at the Ministry of Justice, in cooperation with the Ministry of Foreign Affairs and other governmental bodies.

4. The Government of Israel has been conscious and aware of the issue of gender equality from its infancy. The *Equal Rights for Women Law* 5711- 1951 (the "*Equal Rights for Women Law*") was enacted only three years after the State was founded, and is a testimony to the emphasis given to gender-related issues.

5. As will be demonstrated throughout this report, the level of implementation of CEDAW in Israel continues to improve. The Knesset continues to advance legislation regarding women's rights, and in accordance with such legislation, society as a whole is progressing at an impressive rate. There are many legislative developments and court decisions that further illustrate Israel's

willingness and aspiration to fully implement the provisions set in CEDAW in good faith.

## Legislative Measures

6. The main legislation enacted since the submission of Israel's previous report concerning the elimination of all forms of discrimination against women is:

7. On April 10, 2008, the *Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law* 5768 -2008 (the "*Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law*") was enacted by the Israeli Knesset. The purpose of this law is to generate a change in the business culture in Israel and promote public awareness of women rights in order to encourage employers to advance and integrate women in the workplace. Under this law, substantial monetary incentives and grants will be provided annually by the Minister of Industry Trade and Labor (ITL hereinafter) to employers in the private sector who endeavor to integrate and promote women in their business, and who initiate programs to that end. Such grants will also be given to employers who modify their workplace and work conditions to the needs of women and parents. The employers are required to show that they actually integrated women into their businesses, promoted women and instituted programs to adapt the work environment to women.

8. On November 20, 2007, the Knesset enacted the *Gender Implications of Legislation Law (Legislative Amendments)* 5676–2007 (the "*Gender Implications of Legislation Law (Legislative Amendments)"),* which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. The Law's aim is to expose any hidden inequalities between men and women that might be present in different bills, in order to advance the status of equality between men and women. According to this law, the Authority for the Advancement of the Status of Women will submit an opinion to the relevant Knesset committee concerning the gender implications of any bill or secondary legislation when it is brought for consideration or approval. These opinions will allow Knesset members

participating in committee hearings to become acquainted with any possible gender implications inherent in legislation. In addition, the submission of these opinions will be anchored in the *Authority for the Advancement of the Status of Women Law* 5758-1998, (the *"Authority for the Advancement of the Status of Women Law*") as one of the official functions of the Authority.

9. The *Statistics Ordinance [New Version] 5372-1972* was amended in 2008. Section 4(d) of the Ordinance requires that in appointing the Public Council for Statistics, appropriate expression shall be given to the representation of both genders, to the extent that circumstances permit. Furthermore, Section 7A requires 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.

10. The National Statistician may determine that the collection and processing of statistics and the publication of the results shall include statistics by gender, even if they do not pertain to matters that have gender related implications. The Bureau shall publish, at least once a year, results deriving from the collection and processing of statistics that include statistics by gender. The National Statistician shall appoint, following consultation with the Authority for the Advancement of the Status of Women, as defined in the *Authority for the Advancement of the Status of Women Law*, an employee who shall be responsible for the implementation of this section, including preparation of programs for the collection and processing of statistics, the development of statistical classifications and cooperation with state agencies in matters relating to the collection and processing of statistics by gender. The amendment entered into force on January 1st, 2009.

11. An additional significant law enacted is the *Public Protection from Sex Offenders Law* 5766-2006, (the "*Public Protection from Sex Offenders Law*"), which entered into force on October 1, 2006. The objectives of this law are to protect the general public from sex offenders and prevent sex offenders from repeating their crimes. According to this law, certain restrictions may be

imposed upon sex offenders following the completion of their sentence, upon their return to life in the community. This law, through several mechanisms, seeks to strike a balance between the restrictions that may limit sex offenders' freedom, and the level of threat they pose toward the general public.

## Judicial Measures

12. The main judicial measures taken since Israel's previous report concerning the elimination of all forms of discrimination against women are:

13. On March 26, 2008, the National Labor Court ruled in the sexual harassment case in which an executive in a High Tech company had sexual intercourse with an employee that worked under his authority. The relationship between the two lasted nearly one year and was not reported to the company's director, contrary to internal directives. During the period of relationship, both of them were undergoing marital crises, and the executive was even aware that the employee took anti-depression pills. The relationship ended on the initiative of the executive, and only later, did the employee find courage to complain to the person in charge of sexual harassment complaints in the company.

    The Court found that the relationship in fact constituted exploitation of authority relations, and therefore constituted sexual harassment. The Court further declared that in this kind of relationship, expressing a lack of consent is not a requisite to determine the relationship as sexual harassment. Furthermore, in order for the superior to prove that he did not exploit the authority relations, he needs to take affirmative steps, including a notification to his superiors about the relationship and requesting to transfer to a different position where he will no longer be in direct charge of the employee with whom he was involved. Since these steps were not taken in this case, the Court concluded that the relationship constituted sexual harassment via exploitation of authority relations, and ordered the compensation of the employee in the amount of 35,000 NIS ($8,750) (*La.A. 274/06 Anonymous v. Anonymous* (*26.3.2008*)).

14. On April 3, 2008, the Tel Aviv District Court determined that expenses paid for childcare services such as nursery and after-school programs are expenses

made for the purpose of creating an income, and therefore can be deducted from the taxable income of a mother each tax year (*I.T.A. (Tel-Aviv) 1213/04 Vered Peri v. The Income Tax Assessor of the Dan Agglomeration (03.04.2008)*). The Court determined that such costs are essential in allowing the integration of mothers of young children into the labor market.

15. On July 21, 2008, the Jerusalem Family Matters Court compensated a woman in the amount of 550,000 NIS ($137,500) due to her husband's lack of compliance to the order of the Rabbinical Court, stipulating the need for a divorce between the couple (*F.M.C. (Jerusalem) 6743/02 K. v. K.* (*21.6.08*)). The woman filed for divorce at the Rabbinical Court in 1998, and in 2006 that court ordered the husband to grant a divorce to his wife. The Family Matters Court determined that due to the lingering of the divorce process, the husband inflicted extensive emotional suffering upon his wife, even more so after his refusal to comply with the order of the Rabbinical Court.

16. On November 21, 2006, the Supreme Court handed down a landmark decision concerning the rights of same-sex couples. The Court held that a wedding certificate from a foreign country in which same-sex marriages are recognized could allow the couple to be registered as married by the Ministry of the Interior in Israel. The case came about because five gay couples that held wedding ceremonies abroad petitioned to the Supreme Court following the Ministry of the Interior's refusal to register them as married (*H.C.J. 3045/05 Ben-Ari v. The Ministry of the Interior, H.C.J. 3046/05 Bar-Lev v. The Ministry of the Interior, H.C.J. 10218/05 Herland v. The Ministry of the Interior, H.C.J. 10468/05 Lord v. The Ministry of the Interior* and *H.C.J. 10597/05 Remez v. The Ministry of the Interior*).

## Administrative Measures

17. Several major additional measures taken by the Government concerning the elimination of all forms of discrimination against women are:

18. In 2008, the Department for Advancement and Integration of Women within the Civil Service continued its activities regarding affirmative action for women. *Inter alia*, on November 23, 2008, towards the International Day for

the Fight against Violence towards Women, the Department issued a circular (pamphlet) in which the supervisors were required to hold activities providing education on various forms of violence against women. The circular further required to notify Civil Service employees on the establishment of an exceptional committee that provides financial assistance for women in shelters for battered women. Also during 2008, the Department published several academic training programs and other courses aimed at raising awareness for the advancement of the status of women in Israel. The Department emphasized that women and gender studies were recognized as favored courses of study in all Government Ministries and auxiliary units.

19. As detailed in Israel's previous report, between the years 2003 and 2005, the Ministry of ITL operated a program intended for single parents receiving allowances or alimony payments from the National Insurance Institute (NII) in order to integrate them into the work force. The program was launched as a pilot and was then incorporated into the regular long term program of the Ministry. The program, which continues to be operated, is aimed to ease the implications of three main obstacles single parents face: the care of children at the ages of 0-11, their lack of advanced education, experience and employment, and the limitations on physical mobility due to child care concerns. In order to deal with care for young children, the program subsidizes the payment for afternoon programs and day-care centers. Financial assistance is also given for care of children during non-conventional hours and during the summer vacation.

In order to assist in professional training, the program operates a voucher system for courses recognized by the Manpower Training and Development Unit in the Ministry of ITL. In August 2008, the Manpower Training and Development Unit began to make professional consultants available to help identify appropriate training courses and job placement services according to the individual needs and qualifications of the participants in the program. During 2008-09, a program will be launched to encourage single parents participating in the program who have entrepreneurship skills to establish small businesses. An additional pilot program established by the Ministry of

ITL was launched on September 1, 2008, in which centers were set up to teach single parents receiving allowances or alimony, skills that will enable them to enter or re-enter the job market. Following the two month course, the participants will be directed to specific training courses or jobs to suit their individual qualifications.

## The Current Situation

20. The following data reflects the current situation of women in Israel and the advancements achieved in the elimination of all forms of discrimination against women.

21. The Judiciary is one of the professional arenas in which women have closed the gap as will be illustrated in the following figures.

22. The number of female judges continues to climb in conjunction with the rising number of judges in general. In August 2008, there were 291 female judges out of a total of 584 judges, (49.8% of the judiciary in Israel). The number of female justices on the Supreme Court has slightly decreased to five out of 13 (38.5%), however, it should be mentioned that the current President of the Supreme Court is a woman, Justice Dorit Beinisch. Women continue to compose the majority of professional labor judges (67.3% of the judges), nearly half of the District Courts judges (44%), more than half of the Magistrate Courts Judges (50.5%) and more than half of the registrars (58.5%). Women have also increased their role as public representatives in the Labor Courts (constituting 18.9%) representing employees and employers' unions side by side with professional judges.

23. The Legal Profession - As detailed in Israel's previous report, in the public sector, women remain a majority of the legal professionals. As of June 2008, 1,898 women were employed by the Ministry of Justice (69.4%). 149 of the 225 legal advisors in the Ministry of Justice were women (66.2%), and a similar percentage of women were working in the Offices of the State Attorney and the Attorney General (68%, 501 women compared to 235 men), and the Public Defender's Office (69.2%, 54 women compared to 24 men). There were also 305 female legal interns (64.6%), as compared to 167 male

legal interns, and 22 women in the senior judge equivalent rank (64.7%), as compared to only 12 men.

24. 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). Consequently, female representation on boards of government corporations has increased, and on February 2008, 38.5% of all directors in Governmental Corporations were women (compared to 37% in the previous report and to 33.5% in February 2007).

25. Higher Education - In 2007, women constituted a majority among all students in higher education institutions in Israel, comprising 55.1% of the student population. Although there was a minor decline in first and second degrees earned by women in 2007, women still represented the lion's share of students. Women comprised 54.6%, 57.1% and 53% in attaining first, second and third degrees, respectively. Women represented the majority in many disciplines such as Humanities and Education Studies (70.3%), Social Studies (65.2%), Medicine (53.3%) and Biological Sciences (61.6%).

26. Ministry of Health - As of 2007, women still composed a majority among all ranks in the Ministry of Health. Among the top three ranks, women hold a significant majority. Women represent 10 out of 15 positions in the top rank, 33 out of 51 in the second rank and 56 out of 111 in the third rank.

# Article 1 - Definition of Discrimination against Women

## The Constitutional Level

27. As explained in Israel's previous report, although the right to equality is not explicitly included in the two Basic Laws enacted in 1992 and 1994 (*Basic Law: Human Dignity and Liberty* (the "*Basic Law*: *Human Dignity and Liberty*") and *Basic Law: Freedom of Occupation* (the "*Basic Law: Freedom of Occupation*")), it is encompassed within the basic right to human dignity. This

interpretation was repeatedly upheld by the Supreme Court (*H.C.J. 6845/00 Eitana Niv v. the Klalit Sick Fund (09.10.02)*), as well as by many jurists in Israel, led by the former President of the Supreme Court, Justice Aharon Barak.

28. The Constitution, Law and Justice Committee of the Knesset is in the process of preparing a consensual-based constitution, and since the submission of Israel's previous report, has held more than 60 sessions on drafting its text. Among the topics discussed are: freedom of occupation, freedom of movement, freedom of association, freedom of assembly and demonstration, welfare rights, and the right of thought, opinion and expression.

## Equal Rights Legislation

29. Since the submission of Israel's previous report, several significant developments took place on the legislative level with regard to women's representation in public bodies.

30. The *Equal Rights for Women Law* was amended in 2005. The fourth Amendment to the Law (July 20, 2005), determined that any task force appointed by the Government for the creation of foreign and/or interior national policies, including negotiation teams working toward a peace agreement, must include an appropriate number of women. In order to effectively implement and enforce the provision, the appointing body must report the composition of the appointed body to the Authority for the Advancement of the Status of Women, which will in turn examine the details. Ultimately, such information will be compiled in an annual report concerning the adequate representation of women in national policy task forces, to be submitted to the Knesset Committee on the Status of Women. Current data indicate that 37% of all representatives in Governmental Committees and work-teams are women.

31. The *Equal Rights for Women Law* was amended again in 2008, adding two important sections relating to the collection and processing of information: Section 3A says that any a person or entity that requires a person to note, in a form or other document, the names of his or her parents, should require the names of both parents, as long as the person has that knowledge. Section 6C3 requires a public body that regularly collects and processes information

regarding individuals, and that publishes that information for statistical purposes, shall include statistics relating to gender in its report. The relevant Minister or person in charge may determine that certain circumstances justify said public body not to publish statistical information on gender. The person in charge may determine that the collection and processing of statistics and the publication of the results shall include statistics by gender, even if the information does not pertain to individuals on matters relating to gender. The Amendment entered into force on January 1st, 2009.

32. In 2005, the *Local Municipalities' Ordinance* was amended, so that proper representation would be granted for both genders in corporations, associations and cooperative associations of local municipalities.

33. In July 2007, Amendment No. 11 to the *Equal Employment Opportunities Law* 5748-1988 (the "*Equal Employment Opportunities Law*") added fertility treatments and In Vitro Fertilization treatments as additional two grounds of prohibited discrimination in the workplace, both as a job applicant and as an employee.

34. Further elaboration concerning these laws and others will be provided throughout this report.

## Judicial Development of the Right to Equality

35. Over the years, the judiciary has contributed significantly to the development of the right to equality in general, and to gender equality in particular. Israeli courts continue to prohibit discrimination of any sort, which includes gender discrimination. In the wording of the Tel Aviv Labor Court in *La.A. 8704/06 Nadav Fitusi v. N&B Bogin Sports Center Ltd*, "Any discrimination based on gender is a negative social phenomenon that is to be uprooted completely. The prohibition on discrimination derives not only from the provisions of the *Equal Employment Opportunities Law*, but also from the general principle of equality which is part of our legal system and anchored in *Basic Law: Human Liberty and Dignity*."

In *Nadav Fitusi v. N&B Bogin Sports Center Ltd*, the plaintiff was employed by the respondent as a gym instructor and was dismissed from work following the respondent's desire to replace him with a female instructor. There was no disagreement among the parties that the dismissal was due solely to the plaintiff's gender. The Court held that in order to prove discrimination, the worker needs only to convince the court that such prohibited consideration was actually a factor for the employer's decision, even if it was not the main reason. Based on Section 10 of the *Equal Employment Opportunities Law*, the Court ordered the respondent to pay 30,000 NIS ($7,500) compensation to the plaintiff, considering the specific circumstances of the case.

## The Elimination of Discrimination in the Private Sphere

36. As mentioned earlier, on April 10, 2008, the Knesset enacted the *Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law*. The purpose of the Law is to generate change in the business culture in Israel and promote public awareness in order to encourage employers to advance and integrate women into the workplace and, *inter alia*, adjust the workplace to the needs of women and parents. According to the Law, monetary incentives will be granted by the Minister of Industry, Trade and Labor to employers in the private sector who endeavor to integrate and promote women in their business, as well as employers who modify the workplace and work conditions to the needs of women and parents.

37. The Law requires the Minister of ITL to establish a Public Council for the Integration and Advancement of Women in the Workplace, which will have an advisory function to the Minister on the issue of women in the workplace, including measures to implement the provisions of the Law. The Public Council is made up of 11 members including representatives of Government Ministries, experts in gender studies, representatives of women's NGOs, representatives of the Authority for the Advancement of the Status Women, representatives of the Equal Employment Opportunities Commission and representatives of trade unions and employers' associations. A retired female judge will head the Public Council.

38. The Minister of ITL is required to submit an annual report on the implementation of the Law to the Knesset Committee on the Status of Women and to the Knesset Committee on Labor, Welfare and Health.

39. This Law has the potential of serving as an incentive to employ more women, promote women to senior positions and to modify the work conditions to the unique needs of women, thus increasing women's economic independence.

# Article 2 - Obligations to Eliminate Discrimination

## Legal Provisions

### Basic Laws

40. The Israeli legal system is multilayered and consists of several legislative instruments in hierarchal order. One of the fundamental legislative avenues for entrenching the rule of law and human rights are the Basic Laws. The Israeli Basic Laws, read together, comprise a "constitution-in-the-making." The Basic Laws deal with topics such as the structure of government and focus on human rights issues. Basic Laws enjoy a unique status and are usually superior to other laws.

41. As detailed above, the Israeli Constitution, Law and Justice Committee in the Knesset is in the process of preparing a consensual-based constitution.

## Ordinary Laws

42. Since the submission of Israel's previous report, Israel has enacted several pieces of legislation aimed at eliminating discrimination against women. Among the most important laws recently enacted is the 2007 Amendment No. 11 to the *Equal Employment Opportunities Law*. This law prohibits discrimination against an employee during acceptance for employment, in working conditions and on dismissal for various reasons, including pregnancy or parenthood. Amendment No. 11 added provisions to the Law that prohibit discrimination due to parenthood to include situations such as fertility treatment and In Vitro Fertilization treatments.

## Legal Recourse Available for the Pursuit of Women's Rights

### The Public Complaints Commissioner and State Comptroller

43. As stated in Israel's previous report, the Public Complaints Commissioner remains responsible for handling complaints and grievances from the public, including complaints from women. According to the Commissioner's records, between the years 2005 and 2007 the Commissioner received a total of 28,731 complaints. Of the 28,731 complaints, 211 of them concerned women's issues in matters such as social benefits, including maternity grant and birth allowances, as well as marriage registration and sexual harassment complaints. Of these 211 complaints concerning women's issues, 135 were deemed admissible and were examined through the relevant channels, and 25 of them were found to be justified complaints.

44. Since the submission of Israel's previous report, the State Comptroller, in his yearly report for 2006, has addressed several related issues. One such issue is Female service in the Israeli Defense Force (IDF), allowing women to make the best of their military service, in which the Comptroller found that the IDF took significant steps to amend faults he found in his 2001 inspection. The State Comptroller found that proper procedures were implemented for opening military professions for women. Also, physiological research was carried out in order to examine women's capabilities to serve in technological and combat positions, and women were integrated according to these researches.

45. Also in his 2006 report, the State Comptroller addressed the issue of Handling of sexual harassment complaints by the IDF. The State Comptroller opined that in a large number of cases, the handling of sexual harassment complaints by the Investigative Military Police, IDF Advocate General's office and Military Courts was taking longer than the 45 days set by the Military Police as the proper amount of time to handle these cases. The State Comptroller indicated additional flaws including cases that were heard by officers who were unauthorized to reside in sexual harassment cases, some flaws regarding judicial procedure etc.

### Other Governmental Bodies

46. Additional legal resources are available throughout the Israeli judicial system to help women advance their case for equality and fight discrimination. In addition, governmental bodies such as the Ministry of Industry, Trade and Labor's Division for Equal Employment Opportunities, the Legal Aid Department in the Ministry of Justice, the Discipline Superintendent in the Civil Service, and the Department for the Advancement and Integration of Women in the Civil Service can also provide adequate remedies, within their spheres of competence and responsibility, such as disciplinary measures, etc.

## Governmental Mechanisms and Measures Established to Promote the Status of Women

### Investigative and Study Initiatives by the Government

47. Since the submission of Israel's previous report, the Authority for the Advancement of the Status of Women in Israel conducted several surveys regarding women in Israel. These surveys examined issues regarding prostitution in Israel, public views on violence toward women, and specifically violence toward Arab women and related stereotypes. The surveys are conducted, *inter alia*, to examine public views so that the Authority can be better prepared to handle such issues, and aim its efforts toward prevention and raising public awareness in the most needed parts of society.

## Mechanisms Implemented for the Improvement of the Status of Women

### The Authority for the Advancement of the Status of Women in Israel

48. Since Israel's previous report, the Authority has taken several steps to achieve advancement of women's rights, including:

48.1. In 2008, the Authority began production and distribution of a training kit designed for employers and workplaces, which include explanations regarding sexual harassment, statistical data and relevant legislation. The kit was designed to raise awareness for this important issue and fight sexual harassment.

48.2. In October 2007, the Authority, in conjunction with the Enforcement and Regulatory Administration within the Ministry of ITL launched an enforcement and awareness promotion campaign. During the campaign, model codes of practice were distributed in work places throughout the country, data on the implementation of the provisions of the relevant laws were collected and inspections were performed in 163 workplaces, in which 15,000 workers are employed altogether.

48.3. The Authority attaches great importance to making data related to women's rights more accessible. To that end, in March 2008, in honor of International Women's Day, the Authority launched its new web site, which includes information on the varied activities taking place in Israel relating to the promotion of the status of women by both private and public institutions. The web site also allows the Authority to present data and information and implement the principle of data transparency.

48.4. In March 2008, the Authority published the booklet, "Women – Institutions and Organizations in Israel", which provides detailed information on hundreds of organizations operating in Israel in the various fields relating to women's status in society. The booklet is distributed nationally free of charge.

48.5. The Authority is offering courses aimed at training and providing professional guidance to advisors on women's status, holding annual meetings for graduates of these courses, conducting professional tours among the advisors, distribution of updated professional information and holding regular conferences and seminars for residing advisors.

48.6. Promoting issues relating to women’s health and well-being in all sectors of society through periodic conferences and seminars, and providing tools to assist local advisors on the status of women in activating local projects on women’s health.

48.7. The Authority devotes special efforts and resources to the advancement of Arab women such as mapping women's associations, working together with steering committees on all relevant factors and conducting surveys and

conferences for women and policymakers regarding employment, education, health and violence, as related to Arab women.

48.8. The Authority, together with the Authority's relevant steering committee, established a work plan for promoting the status of Bedouin women in southern Israel on issues pertaining to entrepreneurship, raising awareness to the issue of women's health, empowerment courses and prevention of family violence.

48.9. The Authority conducts a range of activities aimed at the financial empowerment of women in all aspects of life. This includes promotion of women's entrepreneurship under the guidance of a special women's entrepreneurship think tank.

49. The Authority also receives regular complaints from the public following their various publications, triggering women to approach them with complaints. As the Authority has no individual legal counseling, it refers the complainants to appropriate venues, such as the Ministry of Social Affairs and Social Services, the Ministry of Industry, Trade and Labor, the Ministry of Justice, shelters, etc.

**The Knesset Committee for the Advancement of the Status of Women**

50. The Knesset Committee for the Advancement of the Status of Women continued its activities toward the advancement of the status of women. The current committee is headed by a woman, MK Lia Shem-tov, and consists of 15 members, eight women and seven men, from a wide range of political parties.

51. Recent legislation enacted with the support of the Committee include, *inter alia*, Amendments No. 33-41 of 2007 and amendments 42-44 of 2008 to the *Women's Employment Law* 5714-1954 (the "*Women's Employment Law*"); Amendment No. 11 of 2007 to the *Equal Employment Opportunities law*, regarding prohibition of discrimination due to parenthood including fertility treatment or IVF; Amendment No. 4 of 2007 to the *Prevention of Sexual Harassment Law* 5758-1998 (the "*Prevention of Sexual Harassment Law*"), which expands the exemption to apply to minors; Amendment No. 9 of 2007 to the *Prevention of Violence in the Family Law* 5751-1991 (the "*Prevention of*

*Violence in the Family Law*") regarding protection order against a minor and Amendment No. 11 of 2008 to the Law regarding the requirement for a hearing before dismissal of a request for a protection order and Amendment No. 6 of 2007 to the *Rabbinical Courts Law (Upholding a Divorce Decree)* 5755-1995 (the "*Rabbinical Courts Law (Upholding a Divorce Decree)*").

52. Since Israel's previous report, the Committee also advanced and improved the status of women through the following measures:

52.1. Initiation of special parliamentary discussions on International Woman's Day, as well as on the National Day for the Fight against Violence toward Women, in which issues such as the levels of punishment in violence against women offences, victims of sexual assault and the legal system, equal opportunities in the workplace and advancement of the status of women were discussed; Holding regular sessions with members of the Civil Service Commission regarding sexual harassment claims and women's representation in the Civil Service.

52.2. The Committee invited the Prime Minister to learn about issues such as shortage of treatment centers for victims of sexual assault and prostitution. As a result, in 2007, the Prime Minister approved two inter-ministerial plans, the first for the treatment of sexual assault victims and the second 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 the plans, each allocated with 10 million NIS ($2,500,000), began in 2008.

The 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 is aimed toward reducing and preventing prostitution throughout 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, trust and control over their lives. In addition, the

plan provides emergency and continuous treatment to women who engage in prostitution.

The plan integrates several elements: measures to provide immediate assistance including a national hotline to provide initial relief for these women's distress, mobile health clinics and emergency apartments to provide women engaged in prostitution with temporary shelter; treatment and rehabilitation centers; reinforcing existing programs; initiating preventative and educational campaigns for youth as well as the general public; training professionals and volunteers; initiating required legislation; conducting relevant surveys and research.

During 2008, the Ministry of Social Affairs and Social Services developed the organizational framework required for the operation of the plan. National and local steering committees were established and the cities in which the plan will be implemented were determined - Haifa, Tel Aviv and Be'er Sheva.

Moreover, the National Insurance Institute recognized the plan as a rehabilitation framework that entitles the participants to income support. In addition, the National Insurance Institute's Fund for the Development of Services for Children and Youth, and the Elem association cooperated to form programs regarding the treatment of girls engaged in prostitution.

The implementation of these programs has commenced in Tel Aviv and Haifa. In the city of Haifa, an emergency apartment and a treatment center opened. In addition, the Ministry of Social Affairs and Social Services operates patrols to approach the women engaged in prostitution in the areas they frequent. Currently, 40 women receive treatment through the program.

## Advancement and Integration of Women in the Civil Service

53. The Department for the Advancement and Integration of Women within the Civil Service has been active on a wide range of topics, all aimed at promoting women in the civil service.

54. The Department heads the training and professional guidance of supervisors on the status of women in Government Ministries and the auxiliary units (currently there are 70 such supervisors – 100%), interviews all new supervisors, conducts regular training courses, sessions and conferences, and provides ongoing updates of relevant information and material to deal with issues relating to the status of women. An example of such an update is the distribution of 21 circulars (pamphlets) to the supervisors by the Department in 2007. In addition, all supervisors must report to the Department biannually, and these reports are further discussed in biannual meetings that take place with each supervisor.

55. In 2008, the Department continued its activities regarding affirmative action for women. *Inter alia*, on November 23, 2008, just before the International Day for the Fight against Violence towards Women, the Department issued a circular (pamphlet) in which the supervisors were required to hold explanatory activities on various forms of violence against women. The circular further required the various units to notify Civil Service employees on the Exceptions Committee, which provides financial assistance to female civil servants in shelters for battered women. In addition, during 2008, the Department published several academic training programs and other courses aimed at raising awareness for the advancement of the status of women. The Department emphasized that women and gender studies were recognized as favored courses of study in all Government Ministries and auxiliary units.

56. The Department continues to serve as a place for women civil servants to submit complaints regarding discrimination, injustice and grievance in their status and working conditions. More than one hundred such complaints are received annually, concerning a wide variety of subjects. In 2008, the Department received 80 complaints regarding sexual harassment allegations, in which 49 discipline procedures were opened. Eleven of the 49 cases were transferred to the disciplinary instance of the civil service.

57. The Department grants special attention to the implementation of the *Prevention of Sexual Harassment Law* in the Civil Service through training of the supervisors on the status of women in the Governmental Ministries, conducting seminars and conferences, along with regular follow up and supervision as to

the Law's implementation in the ministries and auxiliary units, establishing clear procedures for the treatment of sexual harassment complaints, and filing regular reports to the Knesset regarding sexual harassment cases in the civil service.

**Measures Taken on the Municipal Level**

58. In accordance with the *Local Authorities Law (Advisor on the Status of Women*) 5760-2000 *(*the "*Local Authorities Law (Advisor on the Status of Women)*"*)*, as of 2008, 221 of the 253 local authorities had appointed such an advisor, 40 of whom, in Arab local municipalities. These advisors are closely guided by the Authority for the Advancement of the Status of Women, keeping them informed as to the latest updates, distributing relevant material and statistics, conducting conferences and guidance sessions, as well as training courses. These advisors ensure the advancement of policy for enhancing the status of women within the purview of the local authority, in addition to ensuring that the necessary resources are provided to this end.

59. In December 2004, the *Municipalities Ordinance [New version]* and the *Local Municipalities Ordinance [New version]* were amended so that appropriate representation shall be given to both genders when a municipality or local authority is establishing a public corporation or an association. The Amendment applies only to representatives that are not members of the local council, due to the general determination in the *Equal Rights for Women Law*, according to which that obligation will not apply where the representatives of the public body are chosen by the public.

60. The Union of Local Authorities in Israel is currently in the process of composing a booklet to serve as an advisory on the status of women's, their duties and responsibilities. When completed, the booklet will be an important tool for protecting women's rights.

# Article 3 - The Development and Advancement of Women

61. Israel has taken a wide range of actions, in the political, social, economic and cultural fields, to enable the comprehensive development and advancement of women. These actions have taken place via legal developments, public and private awareness campaigns and social changes. These measures, detailed throughout the report, enhance the protection of women's rights and further develop their roles in Israeli society.

## Effective national machinery and publicity

62. As mentioned in Israel's previous report, the Convention was translated into Hebrew and published in the “Kitvey Amana,” a series containing all treaties signed and ratified by the State, which can be obtained from the Ministry of Foreign Affairs or at various public libraries. Additionally, the previous report submitted to the Committee, along with other reports, are available on the Ministry of Justice’s web site.

63. Following a 2006 amendment to the *Equal Employment Opportunities Law*, an Equal Employment Opportunities Commission has been established within the Ministry of Industry, Trade and Labor. A National Commissioner was appointed in January 2008, and three regional commissioners are currently in the process of being appointed. The Commission's role is to promote the recognition and the exercise of rights pursuant to the equality legislation and the promotion thereof. For this purpose, the Commission acts to increase public awareness through education and training to the extent that this function is not delegated to another public authority operating by law. The Commission carries out the following functions: encouraging programs and activities; cooperating with persons or other bodies including employers and employees; conducting research and collecting information; intervening by permission of the court in legal proceedings; handling complaints and filing petitions for injunctions. At the end of each year the Commissioner is required to submit an annual report to the Minister of ITL who in turn, is required to forward the report, with comments, to the Knesset Committee for the Advancement of the Status of Women and to the Knesset Committee for Labor, Welfare and Health.

64. Various Government Ministries held seminars and conferences regarding the status of women, as well as discussions on the implementation of the Convention on the Elimination of all forms of Discrimination against Women in Israel, in their relevant fields of operations. For example, "Sexual Harassment in the Academic Sphere," "Gender and Nationality", "Gender - the Future" and other related conferences were held by the Ministry of Justice. Some of those discussions were held in joint cooperation with other organizations such as universities. The supervisor of the Ministry of Justice for advancement of the status of women also distributes various materials on a regular basis aimed at raising awareness. These materials include, *inter alia*, information on a preparation course for women who want to serve as directors, conferences aimed at the empowerment of women who participated in the election for local authorities in November 2008, and more.

## Women with Disabilities

### General and Legal Framework

65. In 2007, Israel signed the International Convention on the Rights of Persons with Disabilities, and began the process of ratifying the convention.

66. In general, the *Prevention of Sexual Harassment Law* requires that the victim express his or her lack of interest in order for the situation to constitute as an act of sexual harassment. Nevertheless, a number of important exceptions were made to this rule. Under the circumstances of those exceptions, even though the victim did not show a lack of interest, a "sexual harassment presumption" is applied. These exceptions can be divided in to two main categories, the first are acts that constitute serious criminal offenses regardless of the sexual harassment offense, such as indecent actions or blackmail; the second category consists of cases in which an individual exploits a position of authority, which can occur in educational, medical, employment and other contexts. In 2007, the Law was amended in order to broaden the "sexual harassment presumption" to include a rehabilitated person, as specified under the *Rights of Persons with Disabilities Employed During Rehabilitation Law (Temporary Order),* 5767- 2007 (the "*Rights of Persons with Disabilities Employed During Rehabilitation Law*

*(Temporary Order)*" while employed, and by exploiting a position of authority as a victim.

67. In 2005, the *Investigation and Testimony Procedures Law (Suitability to Persons with Mental or Physical Disability)* 5766-2005 (the "*Investigation and Testimony Procedures Law (Suitability to Persons with Mental or Physical Disability)*"), was enacted. This is an unprecedented law that regulates methods adjusted to investigate people with mental or intellectual disabilities and also adjusted methods for their testimonies. The Law applies to every disabled suspect, victim and witness, and to specific offences enumerated in the Law which are violence offences, sexual assaults and prostitution. The application of the Law to victims and witnesses will move forward gradually until the year 2010.

68. In December 2007, the *Prohibition of Slander Law* 5726-1965 (the "*Prohibition of Slander Law*") was amended by the Israeli Knesset. According to the revised law, making a mockery of, or humiliating, persons with disabilities because of their disability shall be considered unlawful and prohibited slander, regardless of whether the disability is psychological, mental (including cognitive) or physical, and whether it is permanent or temporary,.

69. Since the submission of Israel's previous report, several regulations that further advance the right to equality and human dignity for people with disabilities were amended and promulgated. Among these regulations are:

70. *Regulation on Equal Rights for People with Disabilities* (*State Participation in Financing Adjustments) 5766-2006.* According to the regulation, employers are entitled to a refund from the Government on expenses made in order to adjust the workplace to the disability, work and daily needs of disabled employees, subject to a maximal sum per employee. *The Equal Rights for People with Disability* (*Licensed Building, Infrastructure and Environment Accessibility Experts) Regulations, 5767-2007* and the *Equal Rights for People with Disabilities (Licensed Service Accessibility Experts) Regulations, 5767-2007,* promulgate the prerequisites for the registration of licensed building,

infrastructure and environment accessibility experts and licensed service accessibility experts respectively.

71. In 2005, the Ministry of ITL established the Department for Integration of Persons with Disabilities in the Work Force. The Department is charged with promoting the integration of persons with disabilities in the open labor market as opposed to sheltered employment, through, *inter alia*, the implementation of the *Equal Rights for People with Disabilities (State Participation in Financing Adjustments) Regulations* and the *Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations*.

**General Economic and Personal Situation**

72. Information regarding people with disabilities originates from details on various disability benefits given to the six main categories of disabled people. These categories determine the source and type of support provided and they are based on: general disability pension, employment disability pension, IDF (Israel Defense Force) disability pension, hostile operations disability pensions, Holocaust and anti-Nazi operations disability pensions, and children receiving disabled child pensions. Men are the major recipients of disability pensions in most categories, except for a slightly higher number of women among those receiving hostile operations and Holocaust and anti-Nazi operations disability pensions. The men's rate of pensions received is particularly higher among the IDF disability pension recipients and the employment disability pension recipients. It is worth mentioning two additional pensions for persons with disabilities: the Nursing Pension and the Mobility Pension. The Nursing Pension is given mainly to elderly people. In 2008, 38,800 men and 94,100 women received the Nursing Pension. Mobility Pension is given to persons with mobility disabilities. The total number of disabled persons receiving this pension in 2008, and not receiving the general disability pension, was 17,000.

73. According to the data of the Commission for Equal Rights of Persons with Disabilities, based on a social survey that was conducted by the Central Bureau of Statistics in 2007, the majority of all persons with disabilities in Israel are women, particularly among persons with severe disabilities. In 2007, 238,000

women reported having severe disabilities (55% of all persons with severe disabilities) and 387,000 women reported having moderate disabilities (55%). Women make up the majority of persons with disabilities in all age groups, as detailed by the following table:

Table 1 - Persons Reporting on Disabilities, by Severity, Age and Gender, 2007

| Severity | Age | Total | Men | Women | % of Women |
|---|---|---|---|---|---|
| **Severe disability** | Total | 417,222 | 179,668 | 237,554 | 57% |
| | 20-64 | 253,290 | 118,840 | 134,450 | 53% |
| | 65+ | 163,932 | 60,828 | 103,104 | 63% |
| **Moderate disability** | Total | 700,512 | 313,275 | 387,237 | 55% |
| | 20-64 | 477,575 | 218,195 | 259,380 | 54% |
| | 65+ | 222,937 | 95,080 | 127,857 | 57% |

*Source: State of Israel, Ministry of Justice, the Commission for Equal Rights of Persons with Disabilities, 2009*

74. For further details and updated figures regarding recipients of general disability pension, please see discussion below under Article 13 (General Disability Pension).

**Special Health Concerns of Women with Disabilities**

75. Amendment No. 2 to the *Equal Rights for People with Disabilities Law*, 5758-1998 (the "*Equal Rights for People with Disabilities Law*") added a chapter regarding accessibility of health services which makes comprehensive provisions regarding accessibility to health and medical services for persons with disabilities, both in relation to the infrastructure and health services. The Ministry of Health together with the Israel Center for Technology and Accessibility have begun to map out, and to promote the accessibility of, women's health clinics. Currently there are 10 accessible women health clinics: most of them are adapted for women with physical disabilities. Unique in nature is the 'Maayaney Ha'yeshua' Hospital in which the personnel is trained to give health services for persons with mental, emotional and cognitive disabilities.

**Accessibility**

76. Several regulations were enacted in accordance with the *Equal Rights for People with Disability Law* since Israel's previous report:

77. As mentioned above, the *Equal* Rights *for People with Disability* (*Licensed Building, Infrastructure and Environment Accessibility Experts) Regulations*, 5767-2007 and the *Equal Rights for People with Disabilities (Licensed Service Accessibility Experts) Regulations*, 5767-2007. These regulations promulgate the prerequisites for the registration of licensed building, infrastructure and environment accessibility experts and licensed service accessibility experts respectively.

78. The *Welfare (Treatment of Persons with Mental Disabilities) Law*, 5729-1969, provides that when determining the type of housing framework, priority should be given to community housing. The Department for the Treatment of Persons with Intellectual Disability within the Ministry of Social Affairs and Social Services acts to implement this priority. Furthermore, there is a tendency to remove people from the residential facilities and place them in community housing in the form of hostels.

79. In September 2008, new regulations were promulgated, obligating the adjustment of various public sites to the needs of persons with disabilities. The *Equal Rights for People with Disabilities (Site Accessibility Adjustments) Regulations*, 5768-2008, determine accessibility requirements for archeological sites, national parks and nature reserves, as well as other areas, mainly forests, managed by the Jewish National Fund or on its behalf. According to the regulations, new sites will not open for public use unless the accessibility requirements are met. Existing sites are compelled to gradually fulfill the requirements within 10 years.

**Accessibility to Media**

80. On July 2005, the Knesset enacted the *Broadcasting Television Law (Subtitles and Signing)*, 5765-2005 (the "*Subtitles and Signing Law*"). The new Law institutes a comprehensive statutory scheme in this field, thereby replacing its predecessor, the far narrower *Deaf Persons Relief Law* of 1992. The new Law applies broader responsibilities and restrictions on broadcasters in order to enhance, to the fullest extent, disabled persons' accessibility to television broadcastings.

81. In 2008, the Council for Cable TV and Satellite Broadcasting, a public body established under the *Telecommunications Law*, 5742- 1982, decided on a separate definition of "prime time" for children's channels, so that the requirement for subtitles will coincide with the relevant viewing hours for children with hearing impairments. The council also decided on a list of children's programs of major interest that will be subtitled.

**Employment**

82. With respect to employment opportunities for persons with disabilities, a law enacted in 2007 is dedicated to the promotion of the integration of persons with disabilities into the workforce and to the improvement of their rehabilitation process. The *Rights of Persons with Disabilities Employed During Rehabilitation Law (Temporary Order)* defines a rehabilitating person, for the purposes of the Law, as a person whose employment capability, due to his or her disability, is at least 81% less than regular employment capability of a similar employee without disabilities. The Law stipulates that employer-employee relations cannot be established with regard to a rehabilitating employee, and grants the rehabilitating employee similar rights to those granted under Israel's labor laws.

83. According to the Commission for Equal Rights of Persons with Disabilities, most adults with disabilities are of employment age, yet make up roughly one fifth of the total population of working age in the state of Israel. The rate of employment among persons with disabilities is lower than that of the rest of the population, especially among those with severe disabilities, thus contributing to increased levels of poverty and social exclusion. Furthermore, the rate of unemployment among the disabled population is very high, especially for persons with severe disabilities. Nevertheless, recent data indicates a moderate improvement in the rate of persons with disabilities participating in the workforce, especially among those with severe disabilities (42% in 2005, compared to 36% in 2002).

Table 2 - Employed Persons, Unemployed Persons and Persons not in the Work Force by Severity of the Disability, Ages 20-64 (percents), 2007

| | Employed persons | Unemployed persons | Persons not in the work force |
|---|---|---|---|
| Without disability | 70.3 | 5.2 | 24.4 |
| With a problem, but without disability | 74.6 | 3.8 | 21.7 |
| Moderate disability | 53.1 | 7.2 | 39.8 |
| Severe disability | 30.9 | 6.7 | 62.4 |

*Source: The State of Israel, Ministry of Justice, the Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2008 (yet to be published)*

Table 3 - Unemployed Persons Out of the Work Force, Ages 20 – 64 (percents), 2007

| Disability level | Unemployed persons |
|---|---|
| Severe disability | 17.8 |
| Moderate disability | 12.0 |
| With a problem, but without disability | 4.9 |
| Without disability | 6.9 |

*Source: The State of Israel, Ministry of Justice, the Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2008 (yet to be published)*

84. **Employment of Persons with Disabilities by Gender.** Examination of the relative employment status of men and women with disabilities shows no significant difference between the two genders. The rate of employment of women between the ages of 20 and 64 stands at about 80% of the rate of men, for persons with and without disabilities.

85. The National Insurance Institute is in charge of payment of pensions to certain populations, as defined by law and regulations. The General Disability Pension is designed to act as minimum income to provide for the daily life of persons with disabilities.

86. In two precedents given in 2006, the Tel Aviv and the Haifa Labor District Courts ruled that people with intellectual and/or mental disabilities who work for private employers are not to be regarded as "volunteers," but as "workers" entitled to an employer-employee relationship and the applicability of all relevant labor laws. In both court rulings, the employers were obligated to retroactively compensate the disabled employees and provide them with their inherent rights as employees (*La.C. (Tel-Aviv) 10973/04 Goldstein v. Na'amat; La.C. (Haifa) 3327/01 Roth v. Ram Buildings Ltd*).

87. On July 10, 2005, the Nazareth District Labor Court ruled that the phrase "accommodation" as intended by Section 8 to the *Equal Rights for People with Disabilities Law* is not limited to the physical adjustment of structures, equipment or accessories, but extends to making accommodations of an economic nature. Thus, an employer is obligated to continue employing an employee who became disabled, and pay him or her the same salary, even if there is a decrease in his/her productivity due to the disability, unless the employer can prove that this imposes an unreasonable burden on his/her business. In this case, the Court held that an employee with cancer constitutes a person with a disability for the purposes of the *Equal Rights for People with Disabilities Law* (*La.C. (Nazareth) 1732/04 De Castro Dekel v. M.B.A Hazore'a* (10.07.05)).

88. As a result of these decisions, and with a view of encouraging the employment of persons with intellectual and/or mental disabilities in supported employment in the open labor market, a law was enacted in 2007 called the *Equal Rights of Persons with Disabilities Employed as Rehabilitated Persons (Temporary Provision) Law* 5767-2007 (the "*Equal Rights of Persons with Disabilities Employed as Rehabilitated Persons (Temporary Provision) Law*"). According to this law, a person whose work capacity is less than 19% shall not be considered an employee, but rather a rehabilitated person. As such the entire body of labor laws does not apply, but at the same time the new law gives a rehabilitated person the right to remuneration for work and decent work conditions concerning matters such as leave, sick pay, hours of work and travel expenses. This law supplements the *Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations* 5762-2002, promulgated on February 21, 2002, concerning adjustments to the minimum wage for persons who are at various levels of diminished work capacity as the result of a disability. The objective of the Regulations is to encourage employers to hire employees whose work capacity is diminished due to disability by enabling them to pay such employees less than the minimum wage.

89. The Regulations set a reduced minimum wage scale which corresponds with work capacity. Thus an employee whose work capacity is reduced by between

25-50% is entitled to 75% of the minimum wage; an employee whose work capacity is reduced by between 50-70% is entitled to 50% of the minimum wage; and an employee whose work capacity is reduced by over 70% is entitled to a third of the minimum wage. According to the Regulations, the person with disability is required to apply to the Ministry of ITL requesting a determination of his/her reduced work capacity, resulting in the entitlement to a reduced minimum wage. The Regulations apply to employment in the open labor market, as opposed to sheltered employment. In the first 20 months of the implementation of the Regulations, 1,600 persons with disabilities have applied to have their minimum wage adjusted, and in 1,255 of these cases the wage was, in fact, adjusted.

90. On July 27, 2008, the *National Insurance (Consolidated Version) Law* 5755–1995, (the "*National Insurance Law*") was amended (Amendment No. 109) in order to further facilitate the integration of persons with disabilities into the labor force. The Amendment is the result of a process designed to sever the linkage between disability, social security and unemployment. Prior to the Amendment, a person with disability entitled to the National Insurance Disability Benefit had little if no incentive to take himself/herself off social security and enter the labor market, since a salary exceeding the level of Disability Benefit would disqualify him/her from receiving the benefit, even where he/she lost his/her job thereafter. Eliminating the Disability Benefit "trap" was a centerpiece of the Report issued by the Public Commission for the Consideration of Disabled Persons' Issues and The Promotion of their Integration into the Community. The commission, appointed by the Government following a major strike of persons with disabilities in 2002, and headed by retired Justice Laron, presented its report on April 21, 2005. The recent Amendment to the *National Insurance Law*, which is the outcome of the Government's adoption of the Laron Commission's Report, enables a person with disability to earn a relatively high monthly salary (7,000 NIS – $1,750) without having to forgo his/her National Insurance Disability Benefit entitlement.

## Advancement of Arab women

91. In August 2006, the Government resolved to commence two additional multi-year plans for the advancement of Arab women. Resolution No. 412 for the development of the Druze and Circassian population in the amount of 447 million NIS ($111,750,000) for the years 2006-2009, and Resolution 413 for the development of the Bedouin population in the North in the amount of 318 million NIS ($79,500,000) for the years 2006-2009. The preparations of the plans took several months to develop and involved participation from the relevant Government Ministries, representatives from the Arab population, including the heads of the Druze, Circassian and Bedouin municipalities.

92. In addition to empowerment of women, the new development plans focuses on two other main issues: investment in human resources, including a special focus on the economic development; and employment, including tourism development as a source of income. The budget sources of the plan primarily come from the relevant Government Ministries and a special budget of the Prime Minister's Office designated to the Arab, Druze and Circassian populations.

93. The activities set in Government Resolutions No. 412 and 413 include encouraging women to acquire education and professional training by providing special scholarships and one-day seminars on various issues related to the advancement of women, such as raising awareness. Additional activities include training courses on women empowerment and business entrepreneurship. In 2007, 75 scholarships were granted to Arab female students populations, and in July 2008, the process of awarding scholarships began for the second year.

94. The massive investment in education will result, according to the shared vision of the Prime Minister's Office and the heads of the municipalities, in a growing number of educated persons who will attend universities and acquire academic education, and will eventually become "the engine that will carry others."

95. Government Resolution No. 881 of September 2003, resolved to commence a multi-year plan for the years 2004-2008, which includes a special program for the advancement of the status of women in the Bedouin localities in the Negev (Southern Israel). The program, which provides training in fields such as

parental authority, first aid and prevention of household accidents, is already implemented in cooperation with the Ministry of Social Affairs and Social Services. Furthermore, an additional program was prepared that includes training regarding employment of Bedouin women, women's health, empowerment courses and activities for prevention of domestic violence.

# Article 4 - Acceleration of Equality between Men and Women

## Affirmative Action

### Expanding Affirmative Action to Public Institutions and in the Civil Service

96. No notable changes have occurred on this issue since the submission of Israel's previous report.

### Affirmative Action in Governmental Corporations

97. According to current data from the Governmental Corporations Authority, as of August 2008, women constitute 38.5% of the governmental corporations' directorates. Currently there is one woman serving as head of a board of directors, and four women are serving as CEO's of Governmental Corporations.

### Affirmative Action in Public Corporations

98. Women still lack sufficient representation in the managerial levels in boards of directors of public corporations when compared to men. Section 239(d) of the *Corporations Law* 5759-1999 (the "*Corporations Law*") requires that in a company in which, on the date of appointment of an outside director, all members of the board of directors of the company are of the same gender, the outside director appointed shall be of the other gender. According to data gathered in 2007, out of 754 public corporations, 165 did not uphold this law and did not have any women on their board of directors. The rate of female directors in public corporations stood at 15.7% in 2007, and of the directors representing the public, the rate of women that year was 23%.

### Affirmative Action in Other Areas

99. The Authority for the Advancement of the Status of Women, together with the Ministry of Science, Culture and Sport, have designed a unique training course for women, educating them on ways to become active and committed members of local and national Councils for the Advancement and Administration of Sports in Israel.

## Special Measures Aimed at Protecting Maternity

100. For an extensive review of this matter please see Articles 11 and 13 below.

# Article 5 - Sex Role Stereotyping and Prejudice

101. In this Article, various issues reflecting women's gender roles and stereotypes will be addressed. Firstly, we shall address women's representation in Israeli media, including pornography and the recent innovations in this sphere. Secondly, this Article will provide a detailed review of the phenomenon of violence against women, and note the measures taken to further address it.

## Women and the Media

102. The Council for Cable TV and Satellite Broadcasting is a public council established under the *Telecommunications Law* 5742-1982 (the "*Telecommunications Law*"). Its fundamental task is to regulate the Israeli Cable and Satellite multi-channel subscriber television by representing, protecting and promoting the public interests in this field. During the year 2007, the council was headed by a chairwoman. During the years 2004-2008, 3-5 out of 8-10 members of the council were women (37.5%-50%). In the council's professional body, currently eight out of 11 employees are women, and two of them are in managerial positions.

103. In the Israeli Cable Broadcasting Company (HOT) 55% of approximately 5,000 employees are women, 182 out of 255 managers are women (71.3%) and four out of ten senior management officials are women (40%). In the Satellite Broadcasting Company (YES) 1,346 out of 2,402 employees are women (56%),

18 out of 36 department managers are women (50%) and 3 out of 8 senior management officials are women (37.5%). In the production companies that produce and provide programs for the various local channels (family, sports etc.), numerous women are involved in the creative process as well as in the business management and on-screen performances.

104. Through an elaborate and lengthy process of deliberations over the issue of allowing pornographic content in the Israeli multi-channel television, the Council for Cable TV and Satellite Broadcasting has given great consideration to the issue of preventing broadcasting that may be degrading and derogatory toward women, and that creates social perceptions of women as sexual objects. After many efforts, including several petitions to the Israeli Supreme Court residing as the High Court of Justice by a coalition of women and feminist organizations, the private broadcasters and Knesset members, the outcome was a balance of various civil rights including protection of children and women's rights. The Council's final decision, which the High Court of Justice found no reason to dispute, was that the broadcasters may only offer channels presenting "soft" erotic content that does not present sexual relations with violence, abuse, coercion, exploitation or humiliation, and does not breach the *Telecommunications Law* that prohibits exhibiting a human being or his/her body part as an object available for sexual use. The Council also limited pornographic broadcasting with measures such as making it solely available on demand, for a fee, to adults over the age of 18, only during late-night hours, or coded by a personal code, in order to prevent children from viewing the content.

105. Three of the seven members (43%) on the Management Committee of the Israel Broadcast Authority (IBA), which is in charge of public broadcasting, are women. In the IBA Council, women compose 37.5% of the 24-member Council, and out of the 1,784 total employees of the IBA, 42% are women. Data from 2008 indicates progress in employing women in high-ranking positions within the IBA. There are currently 19 women (22%) in high-ranking positions in Israeli television, compared to 14 in 2004, and ten women in high-ranking positions in Israeli and Arabic radio, compared to 7 in 2004. Of the 25

department managers 9 are women (36%) and out of 111 news correspondents and journalists, 31 are women (27%).

## Pornography

106. In recent months, the Israeli Police Investigation Department has led a number of national enforcement activities in conjunction with the "Lahav 433" unit, and with the help of Interpol, which provided useful information. All police districts in Israel participated in these activities, which were carried out in order to collect evidence regarding possession and/or distribution of obscene materials with pedophilic content. During the procedures, about 100 cases were opened for investigation, and to date, 17 indictments have been filed. All photographs of minors seized from suspects' computers have originated from Internet web sites based abroad. A phenomenon of sexual exploitation of minors is not familiar in Israel.

107. According to data from the Ministry of Public Security, between 2005 and 2007, 208 investigations were opened by the Police regarding obscene materials, 92 of which involved minors. In 2007 alone, 100 cases were opened, 41 of them relating to minors. According to information from the Police Prosecution Department, no indictments were served regarding these offences.

## Prostitution

108. In 2005, four cases regarding offences of publication of prostitution services were opened. In 2006, 13 such cases were opened, and in 2007, 30 cases were handled by the Police regarding this offence. The Police also strengthened its fight against prostitution services of minors; between the years 2005 and 2007, five cases were handled regarding this offence. No indictments were served.

109. Between January and November 2008, the Police opened 244 cases for managing a place for the purpose of prostitution, and arrested 46 suspects. In the same time frame, 56 cases of mediation for prostitution were opened by the Police, and nine cases were opened for trafficking in women. In addition, 50 brothels were closed, and 78 suspects were arrested on account of trafficking or related offences, 11 of which are awaiting the completion of proceedings.

## Women and Religion

110. No notable changes have occurred on this issue since the submission of Israel's previous report.

## Violence against Women

## Sexual Violence - Legal Aspects

### Prevention of Sexual Harassment

111. Recently, several provisions of the *Penal Law* 5737-1977 (the "*Penal Law*") were amended to add specific provisions regarding sexual abuse by a psychotherapist and consensual unlawful sexual relations with a minor.

112. Section 346 of the *Penal Law,* concerning consensual, unlawful sexual relations, stipulates that an adult individual who engages in sexual intercourse with a minor who is between the ages of 14 and 18, and who is not married to said adult, or an individual who engages in sexual intercourse with a minor who has reached the age of 16 but has not yet reached the age of 18 by exploiting relations of dependence, authority, education or supervision, or by making a false promise of marriage, acting as being unmarried while in actuality being married, is subject to five years imprisonment.

113. Amendment No. 77 to the *Penal Law,* issued in November 2003, supplements Section 346 to include sexual intercourse between a psychotherapist and a female minor between the ages of 16 and 18 as exploitation of dependency, unless the sexual intercourse occurred before the commencing of the psychotherapy, and in the course of an intimate relationship (Section 346(2)). The same applies to sodomy committed by a psychotherapist against a minor who is between the ages of 16 and 18, unless the sodomy occurred before the commencing of the psychotherapy in the course of an intimate relationship (Section 347(a)(2)).

114. The above Amendment supplements Section 347 to the *Penal Law* with the definition of sexual intercourse with a psychotherapist. Section 347A(a) defines psychotherapy as any diagnosis, evaluation, consultation, treatment,

rehabilitation, or conversations performed over a continuous period of time through in-person meetings, in order to aid a person suffering from distress, disturbance, illness, or a different problem, stemming from a mental or emotional basis. A psychotherapist is defined as a person who engages professionally in providing psychotherapy as an occupation or a position, and is a psychologist, psychiatrist or social worker, or a person acting as one of these professions. Section 347A(b) stipulates that a psychotherapist who has sexual intercourse with a woman or sodomizes a person who has reached the age of 18, during treatment or in the period of three years of after the treatment, while obtaining consent through exploiting actual mental dependency resulting from the treatment given, is subject to four years' imprisonment. This will not apply if the acts were committed prior to the commencement of the psychotherapy.

115. According to section 348(d)(1) of the Law, a person committing an indecent act with a minor who is between the ages of 14 and 18, exploiting relations of dependence, authority, education or supervision is subject to four years' imprisonment. Amendment No. 77 supplements Section 348(d)(2) stipulating that a psychotherapist committing an indecent act with a minor between the ages of 14 and 18 during the psychotherapy will be regarded as committing the act while exploiting relations of dependence. This will not apply if the minor has reached the age of 16, and the acts were committed prior to commencing psychotherapy, and while engaged in an intimate relationship.

116. The Amendment also supplements Section 350 to the Law, stipulating that with regard to acts committed under the sub-section on sexual offences, the same penalty shall be imposed upon a person committing these offences in person, and to a person who caused these acts to be performed upon him/herself or upon another person.

117. Since the submission of Israel's previous report, the *Prevention of Sexual Harassment Law* was amended (Amendment No. 4 of 2007) in order to broaden the scope of the Law. According to the Amendment, a minor under the age of 15 is not required to indicate that sexual proposals or sexual attention is unwelcome in order for these actions to be considered sexual harassment, even without exploitation of a special relationship between the minor and the

harasser, i.e. - without relating to the conditions previously set down by the Law, of dependence or authority. The Amendment will apply only if the harasser is an adult (over the age of 18).

118. Current data indicates that between 2005 and 2007, 509 investigations were opened by the Police due to sexual harassment complaints as indicated by the following table:

Table 4 - sexual harassment cases, 2005-2007

| Year | Total cases | Cases processed by the Police Prosecution/ Attorney General offices | Cases closed (by reason of closure) | | | | |
|---|---|---|---|---|---|---|---|
| | | | Unknown offender | Lack of guilt | Lack of evidence | Lack of public interest | Other |
| 2005 | 141 | 8 | 21 | 10 | 64 | 25 | 2 |
| 2006 | 158 | 13 | 33 | 7 | 48 | 30 | 1 |
| 2007 | 210 | 47 | 30 | 15 | 36 | 52 | 3 |

*Source: Ministry of Public Security, the Investigation Department, 2008*

119. In addition, between January and October 2008, 2,762 cases were opened due to complaints filed by women regarding sexual offences. Of these cases, 614 were filed for rape or threats, 157 for rape or sexual intercourse, 1,365 for forced obscene assaults, 425 for indecent acts and 199 for sexual harassment.

120. Also between January and October 2008, the Israeli Police made 937 arrests for sexual offences, compared to 915 arrests in 2007 and 846 arrests in 2006. The following table indicates the amount and status of cases filed between 2006 and 2008 due to complaints by women:

Table 5 - Cases Opened for Women Complaints regarding Sexual Offences, 2006 - 2008 (by status)

| Year | No. of cases opened | Open cases | Cases processed by the Police Prosecution/ Attorney General offices | Cases sentenced | Cases closed | Reason of closure | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Lack of guilt | Lack of evidence | Lack of public interest | Unknown offender | Other |
| 2006 | 3,112 | 189 | 854 | 221 | 1,848 | 191 | 769 | 247 | 616 | 25 |
| 2007 | 3,424 | 297 | 955 | 168 | 2,004 | 170 | 821 | 274 | 528 | 211 |
| 2008 | 2,762 | 892 | 794 | 40 | 1,036 | 63 | 301 | 153 | 379 | 140 |

*Source: The Knesset Research and Information Center, Violence against Women – data for 2008, November 2008*

### Stalking

121. Amendment No. 11 (2008) to the *Prevention of Violence in the Family Law* (*Requirement for a Hearing before Dismissal of a Request*) determines that a court may not dismiss a request for a protective injunction, or a request for an injunction against threatening harassment, according to the *Prevention of Stalking Law* 5762-2001 (the "*Prevention of Stalking Law*"), unless the petitioner or his/her representative has been given the opportunity to bring his/her claims before the court, unless there are exceptional circumstances and reasons, which must be recorded.

## Extent of the Phenomenon of Sexual Violence against Women

### Minimum Punishments

122. As stated in Israel's previous report, the 1998 Amendment to the *Penal Law* instituted a minimum punishment for severe sexual offences, constituting 25% of the maximum that may be imposed. Another Amendment, added in 2002, prohibits imposition of suspended sentences, except in special circumstances, that must be specified by a Court decision.

123. Recently, the Haifa District Court sentenced a defendant to **nine years' imprisonment** and two years' suspended imprisonment on the condition that he does not commit sexual offenses for a period of three years after his release. The defendant was convicted upon his confession of committing an indecent act under aggravated circumstances, attempted rape and sodomy, in three different cases against three different women.

The Court determined that the defendant abused the trust of the women to whom he offered to drive somewhere, and that the public was entitled to protection from the defendant and others like him. However, the Court looked favorably upon the defendant's confession, which saved judicial time and prevented additional emotional difficulties for the victim, the defendant wished to receive medical treatment intended for sexual offenders. Therefore, in addition to the imprisonment term imposed, the Court ordered the defendant to compensate two of the victims with 20,000 NIS ($5,000) and the third with 15,000 NIS ($3,750), and recommended that the defendant be medically treated

during his imprisonment (*S.Cr.C. 5020/08 The State of Israel v. Shay Alkayem* (07.09.2008)).

**Raising Awareness**

124. As mentioned above, in March 2008, in honor of the International Women's Day, the Authority for the Advancement of the Status of Women launched its new Internet web site, which includes information on varied activities taking place in Israel relating to the promotion of the status of women and information regarding violence and sexual violence toward women.

125. Also in March 2008, the Authority published the booklet "Women – Institutions and Organizations in Israel," which provides detailed information on hundreds of organizations operating in Israel in the various fields relating to women's status, including aid organizations. The guide is distributed nationally free of charge.

126. Various Governmental Ministries held seminars and conferences regarding violence against women. The Ministry of Justice, for example, held several conferences regarding "Sexual Harassment in the Academic Sphere," and other related lectures. Some of the lectures were held in cooperation with other organizations, such as universities.

127. The Courts Administration holds annual seminars and workshops on women's status issues such as violence against women, women's status, and the *Prevention of Sexual Harassment Law*. In addition, the Administration held a special training course geared toward training women to be group facilitators for matters regarding women's status.

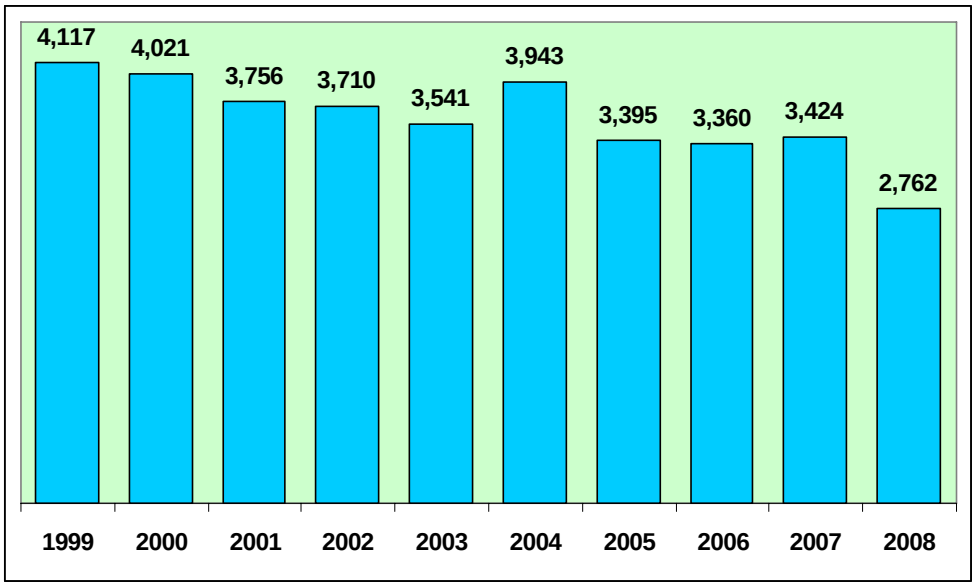
**Administrative measures**

128. In the last two years, special assistance units were established in all District Attorneys' Offices and special attorneys were appointed to be in charge of the implementation of the *Crime Victims' Rights Law* 5761-2001 (the "*Crime Victims' Rights Law*"). The attorneys are in direct contact with the victims and ensure the implementation of their rights according to the Law.

**Police Handling of Sex Crimes against Women**

129. In comparison to Israel's previous report, in the years 2004-2008, there has been a decrease in the number of sexual violence cases filed and investigated by the Police. The figures for 2008, which indicate the number of investigations until October 29, 2008, shows a comparative decrease of 13% in the Arab localities, and a 3% decrease in the total number of investigations.

Chart 1 - Sexual Violence Offences, 1999-2008




*Source: 1999-2004 - Israel Police, Crime in Israel – 2006* and *Ministry of Public Security, Investigation Division, November 2008*

130. In 2007, 3,424 criminal investigations were opened following complaints by women of sexual violence involving women as victims. 19.5% of the complaints were filed by new immigrants, 14.3% by women from the former Soviet Union, 7% by Arab women and 2% by Ethiopian women. Of the total number of investigations opened, 740 pertained to sexual violence against women in the family, though not necessarily incest. Of those 740 cases, 316 were committed by a spouse, and of those 316 cases, 267 cases were for rape, compared to 294 in 2003.

**Limitation and restriction on Sex Offenders**

131. In 2006, the Knesset added another layer of protection against sex offenders by enacting the *Public Protection of Sex Offenders Law*, which entered into force on October 1, 2006. The objectives of this law are to protect the general public

from sex offenders and prevent sex offenders from repeating their crimes. According to the Law, certain restriction may be imposed upon sex offenders after they conclude their sentence, and are returning to live in the community. The Law also established a registry of sex offenders who are under supervision. The registry assists supervision officers, police and military police personnel in performing threat assessments. The Law, through several mechanisms, establishes a balance between the restrictions that may limit sex offenders' freedom and the level of threat they pose toward the general public. The main two mechanisms are:

131.1. The duty to receive the updated and accurate assessment of the level of threat posed by the offender before reaching certain decisions relevant to his/her matter (such as sentencing, considering a parole or a pardon etc.).

131.2. Supervision of an offender following his/her release by a special supervision unit. If the court does not sentence a period of incarceration, the supervision begins immediately after the verdict is given. The supervision is carried out according to a Court Order that may include restrictions such as limiting permissible workplaces, places of residence, Internet use and more.

132. The Division for the Supervision of Sex Offenders is an integral part of the Israeli Prisons Service (IPS) and was established pursuant to the *Public Protection of Sex Offenders Law*. The division operates on a national level, and consists of eight officers and staff employees. In the application of the Law, the Division is working together with the District and the State Attorneys' Offices in the Ministry of Justice and other relevant bodies in the Ministries of Health and Social Affairs and Social Services. At present, after nearly two years of operation since its establishment, the division handles 220 supervision orders issued by the different District and Magistrate Courts.

Immediately after receiving a Court Supervision Order, an officer meets with the sex offender in order to receive relevant details and a clear and updated picture of the person in question. According to the circumstances of each case, and as a deterrent, the officer carries out stealth and open surveillance activities.

The Division staff underwent specific training for this line of work, which includes legal aspects as well as practical field aspects.

133. In 2005, the *Prevention of Employment of Sex Offenders in Certain Institutions Law* 5761-2001 (the "*Prevention of Employment of Sex Offenders in Certain Institutions Law*") was amended and it now applies also to institutions servicing persons with mental disabilities. The Law formerly only applied to institutions servicing minors, such as schools. An additional Amendment, issued in 2007, stated that the Law will apply to every person convicted of sex offence as an adult, whereas previously the Law only applied to persons sentenced to at least one year imprisonment for a sex offence.

**Police Treatment of Victims of Sexual Violence**

134. The Police Special Task Force for Treatment of Domestic Violence Offences is specifically trained to provide improved treatment of sex offences. The Task Force training educates those involved with an overview of legal and judicial aspects, rape trauma, theoretical aspects of the rape offence, sexual harassment, events analysis, collaboration techniques with treatment bodies within the community; the training also includes special seminars discussing techniques for encouraging victims to come forward, and for making preliminary inquiries of suspects.

135. In addition, to make sure that an appropriate number of investigators will be available to provide a suitable response to sex offences from all Police units, an annual special training course is conducted for investigators, which includes the following subjects: legislation, legal aspects of domestic violence, the various Police guidelines in this field, rape trauma, theoretical and practical knowledge regarding sexual offenses and sexual harassment, cooperation with treatment organizations in the community and training courses on questioning victims and suspects of sex offences. As of 2004, training and enrichment programs consisting of twelve meetings each are given to investigators of sexual offences in all the Police districts. These programs cover issues such as: legislation, post-trauma, incest, male victims of crime, information regarding certain sectors in the community etc. The seminars are designed to train investigators specializing

in the treatment of sex offences, and also to develop their ability to provide emotional support and different ways of coping with this sensitive issue.

136. The following are the main guiding principles of Police Procedure No. 03.300.310, "Police treatment regarding a person filing a complaint on sexual offences":

- Only a trained investigator is authorized to investigate sex offences.
- Every complaint concerning a sexual offence is investigated to the full extent possible, by an investigator of the same gender of the victim. Furthermore, to the extent that it is possible, the victim will be in contact with only one investigator during the entire course of the investigation.
- Only relevant and essential questions are to be introduced in consideration of the victim and his/her privacy.
- Excluding persons not directly related to the investigation. The collection of proclamation is done, as far as possible, in a separate room without the presence of other investigators or investigatees.
- As the collection of the proclamation ends, the investigator shall give his/her name to the victim, along with details of the registration of the complaint and the ways in which the victim can receive information concerning the progress of the case and ways in which he/she may deliver any further information.
- Notifying the complainant of the possibility of receiving support from a volunteer working with one of the rape crisis centers, and providing assistance in contacting such a center.
- If the victim specifically requests to be accompanied by a relative or friend, it shall be permitted, keeping in mind the needs of the investigation.
- Also, a representative from one of the rape crisis centers is to be made available at the explicit request of the victim.
- At the victim's request, and where reasonable to do so having considered the needs of the specific investigation, the investigation is to be delayed until the arrival of the abovementioned persons.

- Minors under the age of 14 will be questioned by a children investigator authorized to handle and investigate sex offences. Similarly, minors over the age of 14 are to be questioned by a youth investigator authorized to handle and investigate sexual offences.
- The Procedure provides advice on conducting victim/suspect confrontations, where they are deemed necessary and the victim's explicit consent is attained.
- The Procedure also provides information and details as to the referral of victims to medical care, including the collection of related evidence.

**Crisis Centers**

137. There are eleven rape crisis centers throughout the country working to provide emotional support, practical advice, and other 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.

138. 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 and 171 in 2005.

**The Social Affairs and Social Services Ministry's Treatment of Victims of Sexual Violence**

139. On January 1, 2007, the Israeli Prime Minister informed the Knesset Committee on the Status of Women that a program submitted by the Ministry of Social Affairs and Social Services for the appropriate treatment of young women and teen victims of sexual assault had been approved. The special program included designating 25 social workers to identify and treat young women, teenagers, and victims of sexual assault, six regional multidisciplinary centers for treatment of sexual assault victims, six places of residence for sexual assault victims, a special hostel for treatment of sexual assault victims as an alternative to

hospitalization, and seminars and training sessions for the identification and treatment of sexual assault victims.

140. An inter-ministerial committee, headed by the director of the Authority for the Advancement of the Status of Women, was established to examine the implementation of the program. The committee appointed a special task force which prepared a list of high priority initiatives to be implemented during 2008, in accordance with the approved budget. Implementation of additional initiatives of less urgency has begun gradually in 2008 and will continue in 2009.

141. The Government's program for treatment of sexual assault victims includes the following features:

141.1. Training and Seminars for Identification and Treatment of Sexual Assault Victims: As public servants work in many different environments, such as clinics, hospitals, social services departments and the education system, they are often in a position to encounter sexual assault victims. Nevertheless, many have difficulty in identifying such victims. In order to better enable them to do so, special training for social workers and psychologists within the health and welfare systems, physicians, nurses, educational advisors and psychologists within the education system began in 2008. The trainings will vary, highlighting relevant issues in accordance with the profession of the participants, in order to achieve maximum expertise.

141.2. Regional Multidisciplinary Centers for Treatment of Sexual Assault Victims: Following up on the focused treatment provided in crises centers in hospitals, regional multidisciplinary treatment centers provide the physical necessities of life, in conjunction with psychological treatment for sexual assault victims. In addition, the centers identify and rehabilitate women and girls who were sexually abused at different stages of their lives, and have not yet received any treatment. The centers conduct professional schooling on the treatment of sexual assault victims, and serve as teaching and training centers for different

professions in the community who deal directly with sexual assault victims.

Currently, there are two regional multidisciplinary treatment centers operated by the Ministry of Social Affairs and Social Services, based in Rishon-Lezion and Haifa. Another center, operated by the Ministry of Health in the Tel-Aviv Soraski Medical Center, provides psycho-therapeutic and psychiatric treatments for victims of incest. Government programs for treatment of sexual assault victims include upgrading the capacity of these centers for simultaneous treatment of up to 100 victims. In addition the establishment of another three centers in Nazareth, Jerusalem, and Beer-Sheva that will also be equipped to effectively treat the Arab, Bedouin and Jewish Ultra-Orthodox populations. The three new centers are in advanced stages of development. Communities of a unique culture will receive treatment by members of the same community, who speak the same language.

141.3. Hostel for Treatment of Sexual Assault Victims, alternative to hospitalization: Currently, no 24-hour service for sexual assault victims is in operation, and the routine treatment of victims in existing hospitals might worsen their situation or even revive their trauma. The Government program includes the establishment of a hostel geared toward meeting the special needs of sexual assault victims. The hostel is designed for 12 women, for a stay period of 3 months per person. The victims are to be referred to the hostel by therapists in the community, and are to return to these therapists at the end of their stay in the hostel. The hostel's staff will include a psychiatrist and a nurse, in addition to therapists specializing in the treatment of sexual assault victims. A tender for this hostel was issued, but in June 2008, after examination of all the offers submitted, it was declared that there was no winner, and a new tender will be issued in the near future.

141.4. Treatment of Children and Victims of Sexual Assault, in the Education System: Since 2005, the Ministry of Education has allocated 1,000,000 NIS ($250,000) a year for a program in 22 local education systems,

designated for the treatment of child victims of sexual assault. In 2007, an additional sum of 180,000 NIS ($45,000) was allocated to this program. In 2008, an additional budget was also allocated for this program.

141.5. Establishment of Places of Residence for Sexual Assault Victims: A vast amount of the sexual assault victims treated in the regional multidisciplinary treatment centers suffer from severe economic distress. Many are attempting to find places of residence, and suitable employment, whilst lacking basic life skills. Some victims return to their homes following treatment in the centers, and continue to suffer from physical and mental abuse. Since all victims need a secure home, the Government program includes the establishment of six residence apartments for sexual assault victims to be constructed next to each of the present and future regional multidisciplinary treatment centers. The residence apartments will serve as a secure home for the victims for a period of six months to one year, and will assist them in acquiring the life skills needed before returning to independent life.

141.6. Additional Social Workers Specializing in Treatment of Sexual Assault Victims: The Government program includes the addition of further 25 social workers into welfare services provided by local municipalities. These social workers will specialize in the identification and treatment of sexual assault victims.

**Sex Offenders in the Penitentiary System**

142. The Israeli Prisons Service activates psychological-educational groups for sexual offenders in a number of prisons aimed to enrich the offenders' knowledge and provide them with tools and skills for daily living. The Prisons Service also activates therapeutical groups for sexual offenders through the Mental Health Center in Ramla, targeted at reducing the risks of sexual violence nationwide.

143. Early release and vacations for prisoners sentenced for domestic violence are discussed in joint committees held in four districts. The Committees' members

are from the Prisons Service and the Ministry of Social Affairs and Social Services. The Committees receive the social services reports of the status of the family (e.g. the victims) and the prisoner treatment in prison.

### The Sexual Assault Help Centers Data

144. The Israeli Sexual Assault Victim's Help Centers Union is a parent organization to all help centers operating in Israel, working as an agent of social change on a national level, lobbying legislation amendments, and issuing annual reports on sexual assaults.

145. Currently there are two major legislative amendments initiated by the Union awaiting the approval of the relevant ministerial committee. One pending amendment addresses the need to freeze the limitation period in civil proceedings while a criminal procedure is being held regarding sexual offences. The second pending amendment prohibits the deduction of a third of an incarceration period for prisoners serving sentences for sexual offences.

146. On November 16, 2008, there entered into force the *Witness Protection Law* 5769 – 2008, which allows for enhanced protection of witnesses who conform to certain criteria. It includes the establishment of a Witness Protection Authority which will be responsible for developing programs to protect witnesses who are deemed appropriate. Among the criteria for accepting witnesses to this program, are the nature of his/her or the cooperation with law enforcement authorities, and the nature of the risk he faces. A witness who is accepted into the program may subject to change of identity, changing his/her place of residence, whether in Israel or outside its borders, and other security measures. The program may also encompass family members of the witness.

## Domestic Violence - Legal Aspects

### Recent Amendments to the *Prevention of Violence in the Family Law*

147. As mentioned above, Amendment No. 11 (2008) to the *Prevention of Violence in the Family Law*, (*Requirement for a Hearing before Dismissal of a Request*), determines that a Court may not dismiss a request for a protection order, or a request for an injunction against threatening harassment, according to the

*Prevention of Stalking Law*, unless the petitioner or his/her representative has been given the opportunity to bring his/her claims before the Court, unless there are exceptional circumstances for reasons that must be recorded. The Amendment implements the recommendation of the Inter-governmental Committee for Prevention of Domestic Violence that was set up by a Government Resolution in February 1998, to amend the Law and to determine procedures to avoid the dismissal of requests for protection orders without the petitioner being given the opportunity to voice his/her claims before the Court. Given that in most cases, the victim is a woman, the instruction prescribed by law facilitates women in receiving their personal liberty and by doing so, assists them in better integrating into society.

148. Amendment No. 9 (2007) to the *Prevention of Violence in the Family Law* is titled *Protection Order against a Minor*. Before the Amendment, according to Section 3, the Court was authorized to issue a protection order, in specific circumstances, against a person for protection of a member of his/her family. However, there was no special provision for a situation where the protection order has been requested against a member of the family who is a minor and not for his/her protection. Amendment No. 9 added Section 3A to the *Prevention of Violence in the Family Law*, which determines the procedure for issuing a protection order against a minor. Accordingly, a request for a protection order against a minor can only be presented to the Family Matters Court. The Family Matters Court Auxiliary Unit will be asked to report to the Court with regard to the conflict and the possibilities of reaching a solution outside the Court, and to give its recommendation. The Unit is also responsible to inform the minor of his/her rights regarding representation by a lawyer. Before issuing the protection order, the Court must consider the circumstances and the welfare of the minor and must also give the minor the opportunity to voice his/her position before the Court. A protection order that includes removing the minor from his/her home may not be issued unless the Court has received a written report from the welfare officer appointed under the provisions of the *Youth Law (Care and Supervision)* 5720-1960 (the "*Youth Law (Care and Supervision)*" approving of the order, and a suitable out-of-home arrangement was located for the minor.

### Other Legislative Developments

149. On July 12, 2007, the *Limitation Law* 5718-1958 (the "*Limitation Law*"), was amended (Amendment No. 4) in order to extend the limitation period for civil suits concerning sexual assault or abuse of minors. The Amendment relates to a civil suit concerning sexual assault of a minor, or child abuse by a family member or a person responsible for the child, as well as the sexual assault of a person between the ages of 18 and 21, while exploiting relations of dependence, authority, trust or treatment, or if the sexual assault was committed by a family member. In these cases, the limitation period will not commence before the victim reaches the age of 28. The Law further stipulates that if an indictment was filed, the civil limitation period will not end until one year after a conclusive verdict has passed.

## Extent of the Phenomenon of Domestic Violence

### Domestic Violence – General Data

150. Recent data from the Ministry of Public Security that was prepared for the Knesset Committee for Advancement of the Status of Women for the International Day for the Elimination of Violence against Women in 2008, indicates that between January and October 2008, 12,777 investigations were opened following reports of domestic violence. In this period, 24.3% of the complaints filed were made by new immigrants. 19.2% were filed by new immigrants from the former Soviet Union, 2.2% by new immigrants from Ethiopia and the rest by new immigrants from other countries. 11.8% of the complaints filed were made by Arab women. The following table indicates the number and status of cases opened regarding women complaints filed for domestic violence:

Table 6 - Cases Opened for Complaints filed by Women for Domestic Violence, 2006-2008 (by Status)

| Year | Number of cases opened | Open cases | Cases processed by the Police Prosecution/ Attorney General offices | Cases in deliberation | Cases sentenced | Reason of closure | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | Lack of guilt | Lack of evidence | Lack of public interest | Other |
| 2006 | 14,665 | 344 | 3,880 | 2,194 | 8,247 | 448 | 5,018 | 2,481 | 300 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 2007 | 14,748 | 663 | 3,681 | 1,860 | 8,507 | 559 | 4,685 | 3,012 | 251 |
| 2008 | 12,777 | 2,775 | 4,949 | 460 | 4,593 | 245 | 2,412 | 1,773 | 163 |

*Source: The Knesset Research and Information Center, Violence against Women – Data for 2008, November 2008.*

151. Between January and October 2008, the Israeli Police made 3,679 arrests in cases of family violence, compared to 3,467 arrests between January and October 2007.

152. The Ministry of Health operates a special staff unit assigned with identifying women who are victims of violence when they are seeking medical treatment, and to improve and advance the medical treatment they are given. The unit is responsible for the distribution of circulars from the Director General and also for the guidance of medical personnel regarding domestic violence. The Ministry of Health also trains social workers who specialize in treating infants in various hospitals and Health Funds (HMOs), in order for them to be able to identify female victims of violence and give the needed assistance as quickly as possible.

153. The Authority for the Advancement of the Status of Women conducted a survey aimed at exploring the public's awareness and views of domestic violence and violence against women in the population in general, and in the Arab population. The survey showed that the public accepts that a women suffering violence from their spouse should turn to seek help in the form of counseling and support (97% of the women and 87% of the men agreed with that phrase) and 80% of the general public believes that it is possible to break the cycle of violence. According to the survey, 70% of the people interviewed were aware of the issue of violence against women.

**Severe sentences**

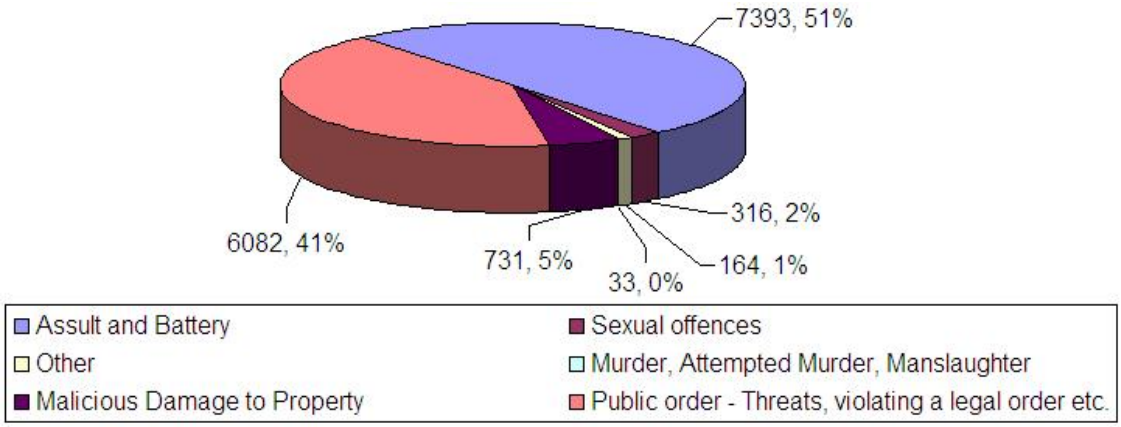
154. Recently, the Tel Aviv District Court sentenced a defendant to **16 years imprisonment**, and 2 years' suspended imprisonment. The court further ordered that the defendant pay compensation to his wife and children. The defendant was convicted of committing multiple offenses including two rape offenses, two offenses of assault under aggravated circumstances, as well as assault that causes actual bodily harm and abuse of minors.

The defendant married the complainant when she was 15 years old in Georgia and at some point the family moved to Israel. The complainant and her children were subjected to severe violence, threats, insults and humiliations. The domestic atmosphere was described to be fearful and terrorized, and the defendant acted toward his family members as he deemed fit. The complainant and the children were terrorized by the defendant so much that at one point, the complainant tried to commit suicide. The complainant and her children are still fearful of the defendant, and suffer from post-traumatic stress disorder. The Court determined that the defendant should be subjected to a prison sentence that would convey the loathing and the disgust the Court has towards his behavior, as well as serve the retaliation principle and deter the defendant and the public in general from committing similar offenses (*S.Cr.C. 1148/06 The State of Israel v. Anonymous* (09.08.2008)).

**Police Handling of Domestic Violence**

155. Police records show a decrease in the number of complaints of domestic violence compared to the previous reporting period. In 2007, 18,910 cases of domestic violence were recorded, a 6.7% decrease compared to the number of cases recorded in 2005 (20,185) and a 4.6% decrease compared to 2006 (19,793). Of the total number of complaints, 14,719 were filed by women. The following diagram illustrates offences upon which spousal cases were recorded.

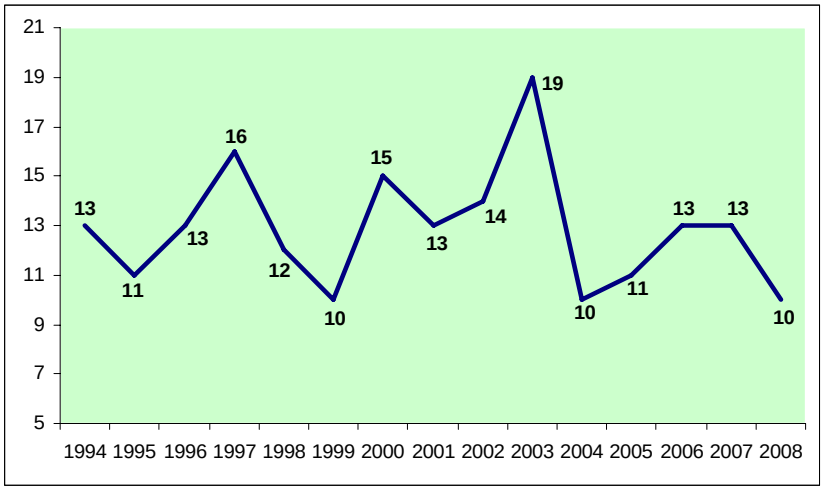
Chart 2 – Spousal Violence Cases, 2007




*Source: The Ministry of Public Security, August 2008*

156. Domestic violence remains a threat to women's safety and well being. In 2008, ten women were murdered by their spouses. The following chart demonstrates further information regarding spousal murder.

Chart 3 - Murder of Women by Their Spouse, 1994-2008




*Data for 2008 is up to November 10, 2008*

*Source: Israel Police, Crime in Israel, 2006; The Ministry of Public security, August 2008*

157. Domestic violence is an alarming social phenomenon that requires special treatment by the Police' Victims of Crime unit, from both a societal and criminal point of view. Police recognition of the need to attach special attention to the status of victims of crime in police procedures, especially with regards to victims of domestic violence, led to a new Victims of Crime Section being established in 1996 within the Investigations Department of the Police. New procedures were subsequently issued for the treatment of domestic violence offences, violations of protection and prevention orders, and stalking and sex offences. These procedures are occasionally updated. In addition, special training has been introduced focusing specifically on the issue of domestic violence. Collaboration between Police, welfare and community bodies is also being developed in accordance with legislative amendments and other developments. The Victims of Crime unit is intimately involved in manifesting societal change in this area, and takes part in all the relevant social processes, including that of creating legislation, steering committees and inter-ministerial committees.

158. 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.

159. Due to these unique characteristics, a special task force of 200 investigators specializing in the treatment of domestic violence and sex offences was formed, and has been operating since the beginning of 1998. As detailed in Israel's previous report, the 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. Nine of the investigators are female Arabic speaking investigators who were appointed for treatment of Arab women in stations that serve the Arab community. There are currently 18 Arabic-speaking investigators, 14 Russian-speaking and 3 Amharic-speaking officers. 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 insignificant, investigators are trained for this function in addition to their ordinary functions.

160. Furthermore, in 2003, 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 charged on 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.

161. As mentioned above, as of 2004, 12 training and enrichment program sessions are given to investigators of sexual offences in all the police districts.

162. Police investigators must be specially trained in order to treat cases of 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 are to 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.

163. The *Crime Victims' Rights Law,* which entered into force in 2005, requires providing relevant information to a victim of crime on 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.

164. 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. The following table describes the number of applications for information received by the system:

Table 7 - Requests for Information according to the *Crime Victims' Rights Law,* 2005-2007

| Year | Requests for information via internet | Requests for information through the designated phone number |
|---|---|---|
| 2005 | 1,014 | 7,110 |
| 2006 | 3,773 | 9,575 |
| 2007 | 4,544 | 37,217 |

*Source: Ministry of Public security, August 2008*

165. Prior to 2005, 250 delegates from all Police units received special training regarding the *Crime Victims' Rights Law*. Special training kits were distributed to all Police investigators and additional training material was distributed through the Police intranet. This important issue was also included in the training program of the Investigations and Intelligence Department, and accordingly, from 2005 to 2006, 90 educational programs were carried out. 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.

166. In recent years, the Police has been operating 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 has 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. 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. The project operates at 11 police stations around the country.

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

***Additional Data on Police Practices Regarding Domestic Violence Cases***

168. 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.

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

169. The number of centers for the treatment and prevention of domestic violence is consistently rising. In 2008, 66 centers and units for the prevention of domestic violence and treatment of domestic violence victims were operating in Israel, compared to 64 in 2007. Seventeen 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.

170. The centers operate within the framework of the local authorities' social services departments. In 2007, a total of 10,000 people received treatment in these centers, of which 6,649 were women. Also in 2007, the centers treated 8,600 families, of which 1,619 were families of new immigrants and 578 were families of elderly persons. Of those treated, 27% were men, 66% were women and 7% were child witnesses of domestic violence. In total the centers held 377 therapeutic groups, compared to 266 in 2004, a 41% increase.

**Shelters for Battered Women**

171. The Ministry of Social Affairs and Social Services provides battered women with three phases of shelter care. All shelters are operated by women associations and organizations, but are fully funded by the Ministry of Social Affairs and Social Services and the local authorities.

172. Protection from violence is provided by 13 shelters for battered women and their children, established in different locations throughout the country. Due to their distinct cultural and religious needs, two shelters have been specially designated for Arab women, and one for ultra-Orthodox Jewish women. One of the shelters is designated for both Jewish and Arab women and, two shelters are accessible to the physically disabled, one of those also serving the Arab population. In 2007, these shelters provided emergency intervention for nearly 1,700 women and children.

The shelters provide professional counseling and legal advice and assistance, as well as childcare and rehabilitation. Several shelters also have multi-lingual staff and volunteers in order to better assist immigrant women. Children continue in community-based day-care or elementary school frameworks, whilst residing in the shelter.

173. In addition, there are 3 “reception apartments,” which are designated for women of all sectors of society, and are also adapted for women with disabilities. In 2007, these apartments housed 31 women and 75 children. There are also ten “transitional apartments,” which provide women with additional support and options when they are deemed ready to leave the shelters. In 2007, these apartments housed 46 women and 77 children for a length of stay ranging from six to 12 months.

**Hotlines**

174. 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, Arabic, Russian and Amharic. In 2007, the national hotline received 3,483 calls, 70% of them regarding violence against women. Details on local hotlines are also available on the Ministry of Social Affairs and Social Services website and so are two additional hotlines, one is designated for ultra orthodox women and is operated by the Ministry, and the other is for victims of sexual assault operated by the Association of Rape Crisis Centers in Israel. There are several additional hotlines operated by NGOs, receiving roughly the same number of calls. The Association of Rape Crisis Centers in Israel reported that during 2007, it received 7,419 calls from women, 2,796 of these calls were reports of rape, attempted rape and sexual abuse of a minor, 1,630 were reports of incest and 386 were report of gang rape and sexual attacks.

175. In 2006, the Authority for the Advancement of the Status of Women focused its efforts on fighting violence that leaves no visible signs. During various activities, and after conducting a survey regarding public views on this matter,

the Authority held a campaign under the slogan, "Don’t Let the Violence Kill You from the Inside – Even Words Can Be Violent". Following the campaign, there was a 300% increase in the number of calls compared to the same period in 2005.

176. There is growing cooperation between Government Agencies and between them and non governmental organizations. This cooperation is particularly notable between NGOs and representatives of the Ministry of ITL, the Immigration Administration, the Police and the National Coordinator on the Battle against Trafficking in Persons.

**Treatment of Battering Men**

177. As of November 2008, there were 1,826 prisoners jailed for domestic violence offences in the IPS facilities. There are several programs developed for the treatment of battering men. The Beit Noam Association, together with the Ministry of Social Affairs and Social Services, operates Beit Noam, an educational hostel designed for the treatment of battered men. The association also operates a hotline for battering men and their families. As mentioned in Israel's previous report, the IPS established various treatment frameworks for domestic violators. One such program is Beit Hatikvah, which means house of hope, aimed at lowering the inmates’ level of violence, operating at the Hermon prison. Two similar programs are conducted in the Tzalmon and the Carmel Prisons. Additionally, domestic violators' treatment groups are active in all prisons, offering help in acknowledging and managing the problem.

178. In addition, the Family Matters Court Auxiliary Units employ social workers and offer immediate assistance to families mitigating in the Family Matters Courts. In 2007, 14 units were operating in which 993 families were treated for domestic violence.

**Violence against Women within the Arab Population**

179. In 2008, out of 66 Regional Centers for the Treatment and Prevention of Violence against Women, 17 were designated for the Arab population and one was designated for the Bedouin population. The centers treat victims of

domestic violence through group therapy and personal empowerment within the community.

180. Recent Police figures show that murder in the name of so-called “family honor” has decreased dramatically in recent years among the Arab population. According to the data, in 2005, seven Arab women were murdered in the name of "family honor,” in 2006, six Arab women were murdered for that reason, in 2007 one Arab woman was murdered for “family honor,” and that was also the figure for 2008. Murder is a severe crime in Israel, punishable by life imprisonment. 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.

181. **Social Services**. In May 2004, the Center for the Welfare of the Bedouin Family was established in Beer Sheva by the Ministry of Social Affairs and Social Services. The Center has two main goals:

181.1. To provide assistance to the Bedouin community in matters related to conflict and tension resolution in the family, as well as to provide therapeutic interventions.

181.2. To be a center for the prevention of, and education on, domestic violence.

The center is financed and supervised by the Ministry of Social Affairs and Social Services and is operated by the Bedouin association Elwaha, which is staffed by specialized social workers.

The center provides many uniquely adapted services. For example, assistance is given in locating Bedouin families willing to take in female Bedouin victims of violence, allowing those women to remain within the Bedouin community whilst protecting them from further violence. These women’s stay in the foster family is financed by the Ministry of Social Affairs and Social Services. Following its establishment, the Center has become an integral part of the community, and an essential tool at the

disposal of the Courts, which may refer battering men to be treated in the Center.

182. Social Services operate in the Bedouin towns, as well as in illegal Bedouin villages. There are approximately 30 monthly appeals to Social Services from Bedouin women. Each woman receives individual care. There are also several Bedouin couples undergoing couple therapy. Note that the operation of the abovementioned Center has improved the treatment of domestic violence in the Bedouin population, enabling focused and efficient care to be provided, free from community and family pressures.

183. In 2008, the Service for Girls and Young Women handles about 380 young Bedouin women annually, about 300 in the South and about 80 in the North, providing both individual and group treatment.

# Article 6 - Suppression of the Exploitation of Women

## General

184. In recent years, there has been a sharp decline in the number of women trafficked to Israel for prostitution. This decline is evident in the number of trafficking victims located by law enforcement agencies, as well as reports issued by the Knesset Subcommittee on Trafficking in Women and NGOs. Only 12 trafficking victims for prostitution were transferred by the Police to the "Maagan" shelter for Victims of Trafficking in Persons in 2008, most of them were trafficked several years ago.

185. Note that in 2008, there were very few cases of trafficking for prostitution handled by the State Attorney's Office, indicating the success of the massive enforcement efforts by the law enforcement agencies, as well as the severe punishments imposed by the courts. Note that "classic" trafficking, as was found in the earlier years, including purchase and sale of a person, violence, incarceration, withholding of passports, threats, objectification, coercion and blunt and cruel enslavement, was rarely found, and mostly relates to cases that took place in 2005.

186. According to Police estimates, between 2007 and 2008, there has been a dramatic decrease in the number of cases and indictments served regarding trafficking in persons for prostitution. Since 2005 more than 40 people were convicted for trafficking in persons, and received punishments of eight to 18 years imprisonment.

187. The main countries of origin from which past victims of trafficking in persons have arrived are Ukraine, Russia, Moldova, Belarus and Uzbekistan. The major trafficking route was mainly through Russia, and illegal smuggling via the Israeli border with Egypt. Due to strict supervision, entry via the official sea and air ports is insignificant.

188. The Government of Israel does not tolerate the phenomenon of trafficking in persons. Israel has combated this phenomenon in the past, and continues to do so with increased vigor during the reporting period. This issue is a priority for the Government. In the past five years in particular, Israel has undertaken increased efforts to prevent trafficking, to protect its victims and to prosecute the perpetrators.

## The Parliamentary Subcommittee of the Trafficking in Women

189. The Parliamentary Subcommittee on Trafficking in Women, whose chairperson is MK Zehava Gallon, is a Subcommittee of the Committee on the Status of Women, designed to focus on the battle against trafficking in women. This Subcommittee continues to be active in the control, monitoring and overall supervision of trafficking for prostitution, through legislation, regular meetings, advocacy of relevant causes and inviting high-ranking government officials to its meetings to be questioned regarding the activity of their governmental bodies. In addition, this Subcommittee holds an annual session following the publication of the U.S. State Department's Report on Trafficking in Persons (hereinafter: TIP) during which the issues raised in the report are discussed.

190. During its meetings in the reporting period, the Subcommittee dealt with the following issues: the delay in establishing a special forfeiture fund; the institutionalization of prostitution and its impact on combating trafficking in women for prostitution; methods of fighting brothels operating through the

internet; the U.S. State Department TIP Report; follow up on the implementation of a trafficking awareness-raising campaign in the education system concerning trafficking; discussion whether labor relations apply to the relations between trafficking victims and panderers, following the National Labor Court decision determining that a victim of trafficking for prostitution is entitled to the minimum wage on account of her "work"; changes in trafficking patterns such as the increase in the number of Israeli women trafficked for prostitution in servitude conditions.

191. The Subcommittee continues promoting the following bills: the *Penal Law (Amendment – Prohibition of the Publication of Ads Publishing Prostitution Services)*; the *Prohibition of the Use of Paid Sexual Services Law*.

192. The Subcommittee attaches great importance to the cooperation with NGOs, and therefore maintains close professional ties with these organizations, which serve as a firsthand source for studying problems related to the treatment of victims of trafficking and promoting protection of the victims. The activities of these organizations have led to public awareness of the problems faced by female trafficking victims, and the need to view them as victims.

## Prevention

### Information Campaigns

193. The Authority for the Advancement of the Status of Women in the Prime Minister's Office has been increasingly active in the area of promoting awareness of the issue of combating trafficking in women. The Authority's target audiences are the Civil Service, the Local Authorities, the Education System, the Kibbutzim Movement and the IDF. Annual activities conducted toward achievement of those goals include the following:

    193.1. The Authority conducted a survey designed to examine the public’s positions regarding trafficking in women and prostitution. According to the survey, 50% of the public is of the opinion that legislation criminalizing the purchase of sexual services is required. 66% of the population believes that the panderer is the sole offender in the

prostitution cycle. 68% of the public believes that prostitution derives from the hardships of life, whereas 18% believes that it derives from a personal choice. 41% of the population perceives prostitution as a profession, while only 57% is aware of the fact that most women in prostitution enter the cycle of prostitution as children.

193.2. On December 16, 2008, the Authority held a one day seminar titled, "Trafficking in Women" in cooperation with the Be'er Sheva Municipality. The seminar was attended by the Mayor, the Director General of the city, the municipality's Advisor on the Advancement of the Status of Women, and other leading women. The seminar included lectures from Police and NGO representatives and a lecture by the National Coordinator.

193.3. On December 15, 2008, a one-day seminar on trafficking in women was held in the Prime Minister's Office. During the seminar, the Director of the Authority presented up to date data regarding the scope of trafficking in women in Israel and measures taken to combat the phenomenon. An NGO representative also gave a lecture on the issue, and the film "Lilia 4ever" was screened.

193.4. In December 2008, the Authority, in cooperation with the Tel Aviv Municipality and the Ministry of Social Affairs and Social Services, held a one day seminar under the title, "My Body Is Here, but I Am Somewhere Else - Women and Girls in the Prostitution Cycle." The seminar was attended by the Minister of Social Affairs and Social Services and by MK Zehava Gallon, chair of the Parliamentary Subcommittee on Trafficking in Women, who also discussed the use of legislation to promote changes in perceptions regarding the prostitution phenomenon.

The seminar also served as a platform to launch and present 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 seminar was advertised to the general public and was attended by various Government Ministries' representatives, including the National Coordinator and local authorities' officials, as well as professionals in related fields and other interested persons. The seminar received wide media coverage and gave rise to discussions in various public media outlets such as radio and newspapers. All of this contributed greatly to raising awareness of the prostitution phenomenon.

193.5. This year, the educational activities and awareness campaigns regarding trafficking in women in the various frameworks of the IDF, Civil Service and of the Kibbutzim Movement were conducted separately from the activities of the Authority. Nonetheless, as the International Day for the Abolishment of Slavery neared, the Authority sent letters to the IDF, the Civil Service and the Kibbutzim Movement, recommending that they hold informational activities concerning trafficking in women. In addition, the Authority invited the officials of these bodies to participate in the activities and seminars held by the Authority.

193.6. In addition, the Authority conducted promotional activities within the education system in cooperation with the Department for Gender Equality in the Ministry of Education. Such activities included conferences with senior education workers, inspectors and school headmasters, and also special lectures and presentations for teachers.

193.7. The Authority also holds conferences and publishes information concerning the International Day for the Abolishment of Slavery.

194. **National Award**. In the wake of Government Resolution No. 2670, dated December 2, 2007, the Government approved an annual National Award for individuals and bodies that have made outstanding contributions to the battle against trafficking in persons. This award is aimed at providing support to those who do this trying work, and encourages others to increase efforts towage in the battle. The 2008 award recipients have been chosen and announced, and the awards was given in an annual ceremony that was held in March 2009, at the President's Residence, and presented by the President.

195. **The National Coordinator**. During the reporting period the Coordinator participated in training and educational initiatives geared toward the general public.

196. The Coordinator also distributes information on trafficking, both on the web site of the Office of the Coordinator and by means of a weekly digest of information from the Internet, sent to actors inside and outside the Government. Each year, she prepares a general document on trafficking and the Government's battle against it, which appears on the web site.

197. **The Ministry of Foreign Affairs.** The Ministry is at the finalization stage of an anti-trafficking campaign to be carried out in countries from which many trafficked women originate. To that end, an inter-governmental team was established with a representative of the Ministry of Foreign Affairs sitting as a chairperson. The team is working on broadening the scope of the information campaign to other countries of origin. The campaign will be conducted, as in the past, in cooperation with Israeli and non-Israeli NGOs.

198. **The Ministry of Education**. The Ministry acts vigorously to promote information campaigns intended to raise awareness both among the ministry's staff and among pupils.

199. Raising awareness among members of the education system - A booklet on trafficking in women and prostitution was prepared by the Ministry of Education and is scheduled for distribution to the personnel of the secondary education system. The booklet includes comprehensive information on prostitution and trafficking in women in general and in Israel in particular, the "clients" and victims of the "sex industry", legislation, enforcement and other measures of combating trafficking and prostitution, educational activities and lesson plans regarding these issues, methods to raise parents' and the community's awareness and involvement, as well as information on the various bodies and organizations dealing with these issues within the education system.

200. During 2008, the Ministry continued to increase its efforts in raising awareness of the general issue of trafficking in persons, and more specifically of trafficking for the purpose of prostitution. The Ministry held four conferences

for members of the education system under the title, "Human Dignity – Man and Woman, Conference on Trafficking in Persons, Particularly in Women". Five hundred seventeen members of the education system participated in these conferences.

201. Raising awareness among pupils - The issue of trafficking was integrated into the education program concerning gender equality. As part of the 14-session gender equality program, two sessions were dedicated to issues relating to trafficking in women. 4,072 pupils and 258 teachers participated in this program during 2008. This program was complemented by training for the relevant members of the education system, as well as activities involving the pupils' parents.

202. Also during 2008, the Ministry held three educational conferences on trafficking in women for pupils in the 11th and 12th grades in Nahariya, Ashdod and Kiryat-Gat, in which a total of 1,500 pupils and 104 members of the education system took part. These conferences were the highlight of a comprehensive educational program in the framework of the International Women's Day. As part of this program and prior to the pupils' conferences, the teachers and other education personnel in the participating high schools underwent training on the issues, received lesson plans dealing with human dignity and trafficking in persons in general, and in women in particular. The conferences were also followed by complementing educational activities dealing with human dignity, equality and gender issues.

203. Furthermore, approximately 200 lectures were given in schools throughout the country on the prevention of violence toward women and the prevention of prostitution and trafficking in women. These lectures were funded by the Authority for the Advancement of the Status of Women.

204. On December 2, 2008, the International Day Commemorating the Abolition of Slavery, the Ministry circulated a lesson plan titled, "Prostitution and Trafficking in Women as a Form of Slavery in the 21st Century". The lesson focused on the proximity of these phenomena to our doorstep, and the

possibility that a girl engaging in prostitution could also be a girl in class or from a nearby neighborhood.

205. **The Israel Broadcasting Authority** extensively covers the issue of trafficking in women for prostitution, encompassing topics such as sessions held by the Knesset Trafficking in Women Subcommittee, the extent of trafficking in women for prostitution in Israel, and investigative reports on pandering practices.

206. The Israel Broadcasting Authority's radio channels also address the issue of trafficking in women, including ongoing reports on Police raids on brothels and the Police treatment of the women on the premises, as well as an interview with a former prostitute who has recently been engaging in assistance and rehabilitation of women and girls in order to break the vicious cycle of prostitution. Furthermore, the Israel Broadcasting Authority radio channel Kol Israel (the voice of Israel) dedicated a broadcast to the issue as part of a one-day seminar initiated by the Authority for the Advancement of the Status of Women and the Ministry of Social Affairs and Social Services, under the title, "My Body is Here, But I Am Somewhere Else."

## The Legal Framework

## Ratification of Key Conventions

207. In June and July 2008, respectively, Israel ratified the two major international treaties on trafficking: the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

## Legislation

208. The *Anti Trafficking Law* 5767–2006 (the "*Anti Trafficking Law*") that came into force on October 29, 2006, applies a broad trafficking crime to a number of illegal practices such as prostitution, sexual crimes, slavery or forced labor, removal of organs, pornography, and using a person's body to give birth to a

baby who is then taken from her (section 377A(a) of the *Penal Law*). The crime is addressed with a punishment of 16 years of imprisonment, and 20 years of imprisonment if the offence is committed against a minor. The Law includes a full spectrum of crimes in order to address gradations of exploitation: Slavery (section 375A of the *Penal Law*) - 16 years of incarceration; trafficking for the purpose of slavery or forced labor (section 377A(a) of the *Penal Law*) - 16 years of incarceration; forced labor (section 376 of the *Penal Law*) - 7 years of incarceration; exploitation of vulnerable populations (section 431 of the *Penal Law*) - 3 years of incarceration. For the first time, Israel has a slavery offense, a broad forced labor offence with heightened sentencing and heightened punishment for exploitation of vulnerable populations.

209. In addition, the abduction offence has been broadened to include two new offences: (1) abduction for the purpose of slavery or forced labor and conveying a person beyond the boundaries of a state (sections 374A and 370 of the *Penal Law*) and (2) causing a person to leave a state for the purposes of prostitution or slavery (section 376B of the *Penal Law*).

210. The *Limiting Use of Premises in order to Prevent the Commission of Crime Law* 5765-2005 (the "*Limiting Use of Premises in order to Prevent the Commission of Crime Law*"), authorizes the Police and the courts to limit the use of an area, or to close it completely, if those premises have served in the commission of prostitution offences or trafficking for the purpose of prostitution offences, in circumstances where the authorities involved are convinced that the premises will continue to be so used. Courts have the authority to issue such orders for a period of 90 days, with the possibility of extension. Police may issue such orders for a period of 30 days, during which time they may request a further pronouncement from the Courts.

## Minimum Punishments

211. The 2006 Amendment No. 91 to the *Penal Law* instituted a minimum punishment for slavery and trafficking in human beings offences, constituting 25% of the maximum that may be imposed. The Amendment also prohibits

imposition of suspended sentences except in special circumstances, which must be specified in the Court's decision.

## Criminal and Administrative Proceedings

212. Law enforcement agencies such as the Police, the Immigration Administration and the Enforcement Department in the Ministry of ITL have greatly intensified their efforts to combat trafficking. Prosecution initiatives are undertaken on three planes. Firstly, police prosecutions are initiated against traffickers and their accomplices in trafficking and trafficking related offences. Secondly, prosecutions and revocation of licenses may be initiated according to the provisions of various regulations and supplementary laws. Thirdly, prosecutions according to criminal laws other than trafficking such as pandering, causing a person to engage in prostitution, soliciting prostitution, kidnapping etc., may be initiated, as well as prosecutions for fraudulent activity, forgery, or exploitation of vulnerable populations.

## Investigation and Prosecution

### Police Activities

213. Cooperation between Israeli Police and Police forces in countries of origin is maintained, thus laying the groundwork for the extradition of traffickers. Between 2007 and 2008, joint investigations were held by the Israeli Police in cooperation with the Police forces of Russia, Belarus, Ukraine and Germany, in which several cases of trafficking in persons were solved and several offenders were extradited to Israel.

214. The Minister of Public Security and the Police Commissioner have guided the investigation units to strengthen and enhance Police enforcement regarding offences of publication of prostitution services. The Police has shown a growing awareness of the rights of victims and have issued guidelines to protect these rights. The *Anti Trafficking Law* was distributed to all the Police units and a Police procedure regarding treatment of trafficking offences, slavery and forced labor was created (Police procedure No. 03.300.120). The abovementioned procedure elaborates on the new legislative amendments and their significance,

the procedure for treatment of trafficking victims and foreign witnesses, and also allocates responsibility to various Police units.

215. In June 2007, the head of the Investigations and Intelligence Department of the Israeli Police issued a guideline, according to which enforcement of the trafficking offence must be included in the various units' work plans. Following the implementation of this guideline, a significant increase in handling of pimping, management of brothels and publication of prostitution services offences was noticeable.

**The Prosecution**

216. During 2008, five persons were convicted of trafficking for the purpose of prostitution, and/or related offences.

217. Six indictments were filed in 2008 for the abovementioned offences, in addition to 12 ongoing cases that are pending before the courts. Another seven appeals were submitted to the Supreme Court by defendants convicted of trafficking in persons for the purpose of prostitution, and/or related offences, several of which appealed against their conviction. These appeals are pending before the Supreme Court. The sentences appealed vary from six months to 13 years of imprisonment, in addition to compensation to victims, depending on the severity of the offences. An appeal submitted by the State against a lenient sentence is also pending before the Supreme Court.

218. Furthermore, during 2008, the Supreme Court dismissed 11 appeals submitted by defendants against the severity of their sentence. Several defendants appealed the conviction itself. The sentences appealed have varied from one and a half to 18 years of imprisonment, as well as additional compensation to victims, depending on the severity of the offences. In one case the Supreme Court reduced a sentence to 15 years of imprisonment and in another case the sentence was reduced from 13 to 12 years of imprisonment.

**Courts**

219. The Courts have interpreted the relevant legislation in a broad manner, thus enabling the conviction of traffickers despite the efforts of defense counsel to

stress the letter of the law at the expense of its spirit. Courts have also shown enhanced understanding and awareness of the gravity of this offence and of the need for more severe sanctions. The Courts have explicitly and repeatedly stressed the severity of trafficking offences and expressed the view that it is their obligation to impose strict sentences in order to reflect the severe maximal penalty imposed by law. For further elaboration on severe sentencing please see below.

## The Actual Situation

## Sentencing

### Severe Sentences

220. On January 14, 2008, the Jerusalem District Court convicted three defendants for Trafficking in persons for the purpose of prostitution, inducement to engage in prostitution under aggravated circumstances and other related charges. The first defendant was sentenced to **12 years of imprisonment**, suspended imprisonment, a 20,000 NIS ($5,000) fine, and 10,000 NIS ($2,500) compensation to each of the victims. The second defendant was sentenced to **nine years of imprisonment**, suspended imprisonment, a 20,000 NIS ($5,000) fine, and 10,000 NIS ($2,500) compensation to each of the victims. The third defendant was sentenced to **six years of imprisonment**, suspended imprisonment, and a 20,000 NIS ($5,000) fine. Both the State and the defendant filed an appeal. The Supreme Court denied both the appeals (*S.Cr.C 708/04 The State of Israel v. Braditzevski et. al.* and *Cr.A. 10592/05, The State of Israel v. Braditzevski* (14.1.2008)).

221. In the case of *Cr.A. 1652/07 Yan Normatov et. al. v. The State of Israel* (08.10.2007), seven defendants were convicted in multiple offenses of trafficking in persons for the purpose of prostitution, pandering, inducement to engage in prostitution under aggravated circumstances, rape under aggravated circumstances, threats, violations of the *Entry into Israel Law* 5712 -1952 (the "*Entry into Israel Law*"), false imprisonment, obstruction of justice, and indecent acts.

The first defendant was sentenced to **ten years' imprisonment** and was ordered to pay compensation of 5,000 NIS ($1,250) to each of the four victims. The second defendant was sentenced to **five years' imprisonment**, to pay compensation of 5,000 NIS ($1,250) to one victim. The third defendant was sentenced to **ten years' imprisonment** and to pay compensation of 5,000 NIS ($1,250) to three victims. The fourth defendant was sentenced to **six years' imprisonment** and to pay compensation of 5,000 NIS ($1,250) to three victims. The fifth defendant was sentenced to **four years' imprisonment** and to pay compensation of 5,000 NIS ($1,250) to two victims. The sixth defendant was sentenced to **five years' imprisonment** and to pay compensation of 5,000 NIS ($1,250) to one victim. The seventh defendant was not sentenced to imprisonment other than the detention already served, however he was ordered to pay compensation of 5,000 NIS ($1,250) one victim.

Both the defendants and the State filed appeals. The Supreme Court denied the appeals of defendants 3-7 on the sentence and punishment. The Court accepted the State's appeal in the cases of defendants three and four and added another year to their imprisonment sentence. The state's appeals regarding defendants 5-7 were denied. With regard to defendant 1, his appeal was accepted with regard to two counts of rape, but was rejected with regard to the sentence and punishment. The Court accepted the State's appeal and raised the sentence of defendant 1 from ten to 11 years' imprisonment. The appeal of defendant 2 was accepted and his conviction in rape was altered to forbidden sexual intercourse and his sentence was mitigated from five years' imprisonment to four.

222. In the case of *Cr.A. 3078, 2842/06, The State of Israel v. Smalashvily* (7.7.07), the defendant was charged with conspiracy to commit a crime, attempt to induce a person to engage in prostitution under aggravated circumstances, inducement to engage in prostitution under aggravated circumstances and inducing a minor to engage in prostitution under aggravated circumstances. The defendant was initially sentenced to seven years of imprisonment, suspended imprisonment and 2,500 NIS ($625) compensation for each of the victims. Both the defendant and the State appealed the sentence to the Supreme Court, which rejected the

defendant's appeal and accepted the State's appeal, and the punishment was raised from seven to **nine years of imprisonment**.

223. In yet another case the defendant was charged with trafficking in persons for the purpose of prostitution, inducement to engage in prostitution under aggravated circumstances, pandering and violation of lawful order. The defendant was sentenced to **nine years' imprisonment**, suspended imprisonment and 30,000 NIS ($7,500) compensations for the victims (*Cr.A. 8235/05, Tyomkin v. The State of Israel* (25.9.07).

224. In another case, two defendants were charged with trafficking in persons for the purpose of prostitution, pandering and violations of the *Entry into Israel Law*. The first defendant was sentenced to **12 years of imprisonment**, suspended imprisonment and 30,000 NIS ($7,500) compensation. The second defendant was sentenced to **nine years of imprisonment** (following an appeal), suspended imprisonment and 50,000 NIS ($12,500) compensation. Following an appeal filed by the defendants, the Supreme Court acquitted both defendants of pandering, but approved all other convictions. The Court accepted the State's appeal and raised the punishment of the second defendant from eight to nine years of imprisonment (*Cr.A. 4183, 5940, 5983/04, The State of Israel v. Salomon and Bass* (9.10.07).

## Compensation for the Victim of the Crime

225. As mentioned in Israel's previous report, in addition to imposing strict punishment, according to section 77 of the *Penal Law*, courts are authorized to rule upon compensation to victims of up to the sum of 228,000 NIS ($57,000) per crime. There is a growing tendency by the Courts to award compensation for victims of trafficking. It is noteworthy that the strict attitude of the courts is explicitly stated in cases of related offences as well. The majority of the cases decided by the courts included compensation for the victims. In addition, recent sums ruled upon have been relatively substantial. For example:

226. Two defendants were charged with trafficking in persons (TIP) for the purpose of prostitution, conspiracy, inducement to engage in prostitution under aggravated circumstances, pandering under aggravated circumstances and

subornation in connection with investigation. On December 11, 2007, both defendants were convicted for conspiracy to commit a felony, TIP, inducement to engage in prostitution managing a place for the purpose of prostitution, publication of prostitution services, indecent act, subornation in connection with investigation and violations of the *Entry into Israel Law*. The first defendant was sentenced to **seven years of imprisonment**, suspended imprisonment, 10,000 NIS ($2,500) fine and **25,000 NIS ($6,250) compensation** for the victim. The second defendant was sentenced to **five years of imprisonment**, suspended imprisonment, 7,500 NIS ($1,875) fine and **15,000 NIS ($3,750) compensation** for the victim (*S.Cr.C. 1137/06 The State of Israel v. Leonid Braun and Yevgeny Radoslasky* (Be'er-Sheva District Court, 19.2.08).

227. In a more recent case, the defendant was convicted in trafficking in persons for the purpose of engaging in prostitution, rape, sodomy and conspiracy to commit a crime. The defendant was sentenced to **13 years imprisonment** and compensation of **25,000 NIS ($6,250)** to each of the victims. The defendant, along with two other persons, mediated the "sale" of two young sisters from Russia, who were coerced to come to Israel under the promise that they would work as hostesses in bars. Instead, the sisters were sold to brothels or escort services for the purpose of engaging in prostitution, all for a mediation fee. The defendant appealed his sentence, and the Supreme Court accepted the appeal and mitigated his sentence from 13 to 12 years. The rest of the sentence remained the same (*Cr.A. 2589/05 Mekyevsky v. the State of Israel* (2.4.2008).

## Protection of Victims and the Humane Dimension

### Shelter

228. The Maagan shelter for victims of trafficking for prostitution began operating on February 15, 2004. The shelter's capacity is up to 50 victims. It has succeeded in creating a supportive climate for victims and provides access to psychological, social, medical and legal assistance. In addition, the shelter has developed procedures to allow for the safe return of victims of trafficking to their countries of origin. It should be noted that the shelter also finds jobs for women who are deemed ready to work.

229. Since its establishment, the shelter has housed 263 women. During 2008, 12 victims of trafficking for prostitution were directed to the shelter, in comparison to 34 women during 2007, and 46 women during 2006. Also in 2008, 44 women and seven children resided in the shelter with the average time of residence being 12.3 months (ranging from 11 days to three years). Twenty-four women left the shelter during 2008, of which ten women received a one-year visa and left for residence outside the shelter, eight women left the shelter on their own accord and six returned to their country of origin. As of January 2009, there are 25 women and five children residing in the shelter.

230. Most of the women currently residing in the shelter come from the Ukraine (28%), China (20%), Moldova (8%), Uzbekistan (8%) and India (8%). The remaining women arrived from Russia, Sri Lanka, Belarus, Nepal and Brazil. More than half of the women referred during 2008 were between ages of 20 and 26. The youngest woman referred to the shelter was 20 years old and the oldest was 34.

231. Of the women who resided in the shelter during 2008, six were victims of trafficking for forced labor and/or servitude; 15 were victims of trafficking for prostitution and the remaining women were accepted on humanitarian grounds.

**Assistance to Victims outside the Shelter's Framework**

232. Medical care - victims who do not reside in the shelter, but rather in detention facilities (if they are not identified as victims or do not wish to go to the shelter) are provided with their basic necessities and medical care in the framework of the facilities of the Immigration Administration and the Israel Prisons Service (IPS). Physicians employed by the IPS examine the women when necessary. In addition, Ichilov Hospital in Tel Aviv and Shaarei Tzedek Hospital in Jerusalem provide the women with basic medical services, and the women receive unconditional emergency medical care at any of the emergency rooms in the country. These women are also eligible for free medical services related to the treatment of sexually transmitted diseases in two clinics of the Lewinsky Medical Center in Tel Aviv and Haifa.

233. In the cases of women who have received visas from the Minister of the Interior, no longer reside in the shelter, and are employed, medical insurance is provided by the employer according to the *Foreign Workers Law* 5751-1991 (the "*Foreign Workers Law*"), which requires employers to arrange broad medical insurance for employees who are foreign workers, including victims of trafficking who are employed. Employers who violate this obligation may be criminally prosecuted.

234. Legal Aid - As detailed below, legal aid is provided to every trafficking victim by the Legal Aid Branch of the Ministry of Justice, regardless of her place of residence.

**Coordination**

235. **Directors Generals Committee**. A Government Resolution of May 21, 2006, established a Directors Generals Committee that convened on July 10, 2006, and decided on the creation of two Subcommittees, to recommend operative steps to combat trafficking for the purpose of prostitution and labor.

236. **National Plans** for **combating trafficking**. National Plans have been approved to combat slavery and trafficking for slavery, forced labor and trafficking for the purpose of prostitution. These National Plans were approved by the Directors Generals' Committee on January 10, 2007, and July 11, 2007, and by Government Resolution No. 2670 dated December 2, 2007.

237. The appointment of a **National Coordinator** who assists policy making in this area, particularly with regard to protection of victims, she works to identify trouble spots and bring about solutions before they burgeon, maintains communication with international actors and learns from comparative materials, promotes education and training, encourages research and develops established channels of communications between governmental and NGO actors in an effort to strengthen cooperation.

**Visas**

238. All victims in the Maagan shelter for victims of trafficking for prostitution receive temporary visas plus work visas if requested, whether they choose to

testify or not. Women who choose to testify receive a visa for the duration of the court procedures, which on average, takes one year. After they finish the procedures they are entitled to request a temporary visa for another year like all the other victims who chose not to testify. These visas are valid for one year, though in some cases, the duration may vary. In addition, victims who do not stay in the shelter receive temporary visas. In 2008, five women received a B1 visa allowing them to stay and work in Israel for six months; one woman received a B2 visa allowing her to stay for three months, but not work; five women received an extension of their visa following their testimony; three women received an inter-visa allowing its holder to leave the country during their testimonies and return within a designated time period without needing to reapply; eleven women received a one-year visa for humanitarian reasons; two women received a visa for an additional year.

**Legal Aid**

239. All victims of trafficking are entitled by law to receive free legal aid in order to institute civil suits arising from the trafficking offences committed against them or administrative procedures relating to the *Entry into Israel Law*. According to the *Courts (Fees) Regulations* 5767-2007 (the "*Courts (Fees) Regulations*"), victims of trafficking and slavery given legal aid are exempt from paying court fees, thus expediting the process of submitting claims and making it more efficient.

240. In addition, on November 16, 2008, Amendment No. 9 to the *Legal Aid Law* 5769-2008 (the "*Legal Aid Law*") entered into forced. The Amendment established a permanent arrangement of free legal aid for all victims of trafficking and slavery. Previously, according to the *Anti Trafficking Law*, free legal aid for victims of trafficking other than trafficking for prostitution and slavery was given on a temporary basis.

241. In 2008, Legal Aid lawyers assisted 30 victims. Additionally, seven women were assisted with requests for a one year working visa (four women received positive responses, and an additional three for shorter periods), and eight women were aided in applications for additional one-year visas (six women

received positive responses for shorter periods). Four women received assistance in requests for a visa based on humanitarian grounds, and four for additional visas. Furthermore, four women were aided in initiating tort claims against their traffickers, two suits were filed, one is in preparation and another case is under review. Nineteen additional tort claims are currently pending before the courts.

**Police**

242. In 2005, four cases were opened regarding offences of publication of prostitution services. In 2006, 13 cases were opened and in 2007, 30 cases were handled by the Police regarding this offence. The police also strengthened its fight against prostitution services of minors. Between the years 2005 and 2007, five cases were handled regarding this offence. No indictments have been served regarding this offence. In 2008, the Police conducted **nine criminal investigations** on trafficking in persons for the purpose of engaging them in prostitution. In the course of these cases, nine persons were arrested. Most of those arrested remained in custody until the conclusion of proceedings in their case. In addition, the Police opened **240 cases** of managing a property for the purpose of engaging in prostitution and **56 pandering cases**, some of which were originally trafficking cases, but lack of evidence led to the filing of pandering cases instead. The Police also **closed 50 brothels** according to an administrative court order.

243. **Risk Assessments** - The Police aids in the protection of victims by performing risk assessments in cases where the victim claims he/she or his/her family will be endangered if he/she is returned to his/her country of origin. Police Intelligence, with the assistance of Interpol and the Israeli Police delegate abroad, prepare a risk assessment that relates to the victim's risk status in Israel and in his/her country of origin

**Education, Awareness and Cooperation**

**Study and training**

244. **Police** - In 2008, the issue of trafficking in persons remained an integral part of most of the training courses taking place in the Investigations and Intelligence

Training School, including lectures by members of the relevant NGOs, State Attorney's representatives and the National Coordinator. In addition, two weekly training courses on trafficking in persons were held during 2008. Trafficking training also takes place in combating organized crime training, courses for heads of Investigations and Intelligence offices, coordinators courses and similar courses.

245. In addition, as a part of the regular training of the School of Continuing Education for the Police, lectures and training regarding the *Anti Trafficking Law* and handling of trafficking offences were given to all of the Police personnel.

246. The Police works closely with Interpol in the area of trafficking and maintain direct cooperation with several countries of origin and other countries, through its representatives abroad, *inter alia*, as mentioned above with foreign Police forces regarding issues of threat assessments.

247. Israeli Police representatives have also participated in an international conference of the European Union in Budapest, where they presented methods and ways of operation used by the Israeli Police for handling trafficking offences.

248. **The Ministry of Justice** - Since the submission of Israel's previous report, the Institute of Legal Training for Attorneys and Legal Advisers in the Ministry of Justice continued 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, family violence etc. The various seminars and courses focus, *inter alia*, on issues such as: creating a humane and efficient contact with a victim of sexual offence, and Police work in regard of trafficking in persons etc.

249. 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*. 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.

250. In 2009, the institute is planning additional lectures and seminars that will include, *inter alia*, lectures on gender, society and justice, human rights in international law, social rights and a special course on the treatment of female victims of sexual assault.

251. **The Institute of Advanced Judicial Studies** - The Institute holds lectures, seminars and courses on the various forms of discrimination. For example, in 2005, the Institute held a course titled, "Equality and Discrimination", chaired by Professor Daphna Barak-Erez. In addition, various forms of discrimination are also discussed in lectures presented by the Institute regarding trafficking in women.

252. **The Ministry of the Interior** - On January 25, 2007, the Ministry of the Interior held a one-day seminar on trafficking geared toward employees who potentially encounter victims of trafficking for prostitution, including passport control officers at borders, employees in the visa departments, and high ranking officials from the Population Administration Office. The purpose was to familiarize the participants with the principles of relevant laws, and train relevant officials to identify victims and perpetrators, giving them tools to operate according to the specific procedures pertaining to them.

**Cooperation with NGOs**

253. The Government attaches great importance to maintaining an ongoing channel of communication with NGOs and civil society at large on the issue of trafficking. To this end, the Government cooperates with many NGOs in various fields such as prevention and protection of victims of trafficking. There is a constant dialogue between branches of Government and NGOs on the trafficking issue. This exchange has borne fruit in both legislative initiatives and common action.

254. Israeli NGOs organize events for raising awareness to the issue of trafficking in persons and various meetings are held between Government and NGOs representatives.

**International Conferences and Cooperation**

255. The Government of Israel gives great importance to its participation in relevant initiatives in the international arena. The Government coordinates and participates in several international working groups and efforts to prevent, monitor and control trafficking.

256. Mutual cooperation between Israel and other countries was fostered during recent years by two visits of delegations from Moldova and the Ukraine. These delegations met with their Israeli counterparts, both in government bodies and NGOs and exchanged perspectives while discussing common problems. In addition, representatives of the International Organization of Migration (IOM) visited Israel and conducted conferences and round table meetings with government representatives and NGOs.

257. In recognition of the need to promote international cooperation with countries of origin in order to prevent and combat human trafficking, Israel's Center for International Cooperation (Mashav) launched, in partnership with the Golda Meir Mount Carmel International Training Center and the Center for International Migration and Integration (CIMI), a comprehensive counter-trafficking program. The program includes study visits, trainings, workshops and internships that will address prevention, protection and prosecution aspects of the fight against human trafficking. An overlapping theme of all of the activities will be international collaboration between professionals in Israel and their respective counterparts from other countries, specifically Belarus, Moldova, the Ukraine and Uzbekistan. Indeed the program's activities are all based on the proposition that effective action against trafficking requires measures at the national level to be supplemented with bilateral and multi-lateral measures.

258. The Ministry of Foreign Affairs - On January 31, 2007, the Ministry of Foreign Affairs held a one-day seminar for the heads of the consular departments of

eight countries of origin. The idea for the seminar originated with the NGO Isha L'Isha (Woman to Woman), and it was organized in cooperation with the National Coordinator and Isha L'Isha, as part of an Israeli effort to enhance the cooperation between countries of origin, transit, and destination. The speakers – a member of the Knesset, representatives of the Government, the Police and NGOs – shared the Israeli experience regarding the battle against trafficking with the participants.

## Involvement of Minors in Prostitution

259. Section 214 of the *Penal Law* was amended in 2007 (Amendment No. 93) and the short two-year limitation period for submission of indictments concerning pornographic advertisements of minors was annulled. It was additionally made illegal to use minors in pornographic advertisements (Sections 214b-214 b(3)). The *Penal Law* was amended in 2006, so that Section 15 now applies the principal of extraterritoriality to pornography and prostitution offences committed against minors. It is currently possible to try offenders in Israel for such offences, even though the act might not constitute a criminal offence in the country in which it was allegedly committed (no double criminality is required).

260. Trafficking in minors is not a major problem in Israel. However, in some cases of trafficking, victims were under the age of 18. In these cases, adolescents rather than children were involved. Victims of trafficking under 18 years old are automatically transferred to the Maagan shelter, which is well equipped to treat minor victims.

## Rehabilitation Programs for Women and female minors in Distress

261. Rehabilitation and treatment of women engaged in prostitution - In January 2007, substantial government funds were earmarked, for the first time, for the rehabilitation and treatment of women engaged in prostitution. An inter-ministerial committee was established, headed by the Director of the Authority for the Advancement of the Status of Women. The inter-ministerial committee, charged with consolidating a work plan for rehabilitation and treatment of women who engage in prostitution, outlined a number of actions designed to address rehabilitation and treatment needs, including: providing emergency

living accommodations, upgrading a mobile health clinic for treating young women engaged in prostitution and providing an additional mobile health clinic, operating a national hotline, establishment of a rehabilitative shelter providing long-term physical and mental health care, setting up centers for mental and occupational rehabilitation and implementation of a program for increasing awareness and prevention among the public in general and in schools in particular. Necessary preparations and infrastructure development for the execution of the work plan has began in Tel Aviv and Haifa.

262. **Special Fund – Law and Regulations.** The**.** The *Anti Trafficking Law* establishes a special fund for fines and forfeited property of criminals convicted of trafficking and slavery crimes. This Fund will allocate money for the purposes of protection, prosecution and prevention of trafficking crimes. At least 50% of the money in the Fund each year will be allotted to the rehabilitation and protection of trafficking victims each year. In addition, the Fund will reimburse trafficking victims, by means of a full or partial sum, who have received a court judgment for compensation by traffickers in criminal or civil proceedings, and can establish that they have used all reasonable means to collect the compensation but have failed.

On February 9, 2009, the Minister of Justice signed Regulations regarding the operation of this Fund, which will allow it to begin operating once the Regulations are officially published. The Regulations were previously approved by the Constitution, Law and Justice Committee of the Knesset on January 26, 2009. They are titled *Penal Regulations (Means of Managing the Special Fund Dealing with Forfeited Property and Fines Imposed in Cases of Trafficking in Persons and Holding under Conditions of Slavery)*, 5769-2009. With the publishing of these regulations, it will be possible to appoint a committee to distribute forfeited property and fines to victims, NGOs and government agencies in order to further rehabilitation programs for victims, enforcement and prevention activities. It will also be possible for victims who were unable to collect compensation awarded by courts by reasonable means, to receive these sums, whether partially or in full, from the Fund.

Among the salient features of the regulations: A Committee chaired by a former District Court Judge, deals with requests from victims and bodies, both governmental and non governmental to receive financing from the Fund, and submits recommendations to the Administrator General. The Committee includes representatives from Government Ministries, including the National Coordinator and in addition, three public representatives, two of whom have experience or knowledge in the field of trafficking and one of whom has experience or knowledge in the field of human rights. Public representatives who have experience in the field of trafficking are to be appointed from lists submitted by NGOs. The Public representative with experience in human rights is to be appointed after consultation with the National Coordinator. NGOs have the right to appear before the Committee in order to contribute to the deliberations. Victims, including those who have returned to their countries of origin have the right to submit requests and have the right to appear before the Committee themselves or by means of a representative. The Regulations include ways of publicizing the existence of the Fund so that victims know they have the right to apply. The Protocol of the Committee deliberations will be publicized. Payment of Compensation to victims and rehabilitation programs for victims have priority over other requests to the Committee.

# Article 7 - Political and Public Life

## Women in Political life in Israel

263. Women in Israel are eligible to vote in all elections and to be elected to every public office, as well as to serve in publicly elected positions, partake in the formulation of all aspects of Government policies and their implementation, as detailed throughout this Article.

264. Women’s representation in Israeli political life has progressed in all fields, although gaps remain between men and women’s representation in certain areas of the political life.

## Women's Representation in the Knesset

265. As of January, 2009, there were 18 female Knesset members in the previous 17th Knesset, comprising 15% of the Knesset members. The previous Knesset had a woman serving as the Knesset Speaker and three women as head of Knesset Committees.

266. According to the results of the National Election held on February 10, 2009, the number of women in the 18th Knesset is 21, comprising 17.5% of the Knesset members.

## Women in the Government

267. The former 31st Government was headed by Prime Minister Ehud Olmert with MK Tzipi Livni as Acting Prime Minister. Three female ministers served in the Government: MK Tzipi Livni served as the Foreign Affairs Minister, MK Yuli Tamir, the Education Minister, and MK Ruhama Avraham-Balila served as the Minister of Tourism. In addition, there were five women serving as Director Generals in various Governmental Ministries.

## Women in Local Authorities

268. Although women make up about 60% of the employees in the local authorities, only 4% of them serve in high ranking positions.

269. As of January 2007, out of 253 possible appointments, there were only six women actively employed as mayors or heads of local councils/authorities. Local Authorities employ 2,934 publicly elected persons in total, of which only 13.2% are women.

270. 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.

271. 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.

272. 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, the Law further empowers the Minister of the 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.

273. The Law was amended in May 2008, stipulating the employment requirements for the position of advisors on the status of women, the advisors' authorities, the duty to undergo special training, the duty to award an advisor a rank parallel to department manager and ways of action in cases where the local authority have failed to appoint an advisor. In order to ensure that the advisors will be free of pressure, without fear of being transferred to a different position or dismissal, the Amendment also determines that in any case of dismissal of an advisor,

prior notice must be given to the Authority, thus the Authority is able to investigate and act where the dismissal is unlawful. Furthermore, in order to ensure transparency, according to the Amendment, the budget for the activities of the advisors must be clearly noted in every municipality budget and be separate from other budget clauses. As of 2008, 221 of the 253 local authorities had appointed such an advisor.

274. The Authority disseminated personal communications to all 253 mayors and heads of municipalities in Israel, concerning appropriate representation of women in municipal corporations and companies. The Authority supervises appointments made to counsels, commissions, and state committees, and decisively warns the appointing bodies of the consequences, if provisions of the Law on appropriate representation of women are not implemented. In addition to this activity, and at the initiative of the Authority, the Attorney General and the Secretary of Government informed all government bodies of the unequivocal duty to include women within their ranks.

275. **Arab Women in Local Authorities**. Whilst the representation of elected women in Jewish local councils' constitutes 14.2%, Arab women comprise only 0.5% of those elected. This gap is usually explained as being the result of various socio-cultural factors, such as the impact of religion and local tradition on certain communities of persons belonging to minorities, which can restrict women from considering running into or being elected to these positions.

276. To assist in remedying this situation, 221 female Advisors on the Status of Women in local municipalities are currently employed, 40 of whom work in Arab localities. These advisors ensure the advancement of policy for enhancing the status of women within the purview of the local authority, in addition to ensuring that the necessary resources are provided to this end.

## Women in the Civil Service

### Ranks of Women in the Civil Service

277. The Civil Service has four main classifications that comprise the main sources in which administration managers may be ranked. The number of women

featured among the top three ranking senior staff positions is slowly improving. In 1997, women comprised 61% of all civil servants, yet women held only 15% of high ranking civil servant positions. As of December 31, 2007, 46% of the top four ranking positions, and 41% of the top three ranking positions were held by women. It should be noted that these figures do not include women in the security forces, but does include all other ranks such as nurses and advocates, in which the representation of women is very high.

278. In 2007, women maintained an absolute majority in the following professions in the Civil Service: nursing (84% - 9,575 women), biochemists (85% - 677 women), social workers (85% - 1,109), advocates (68% - 485 women), jurists (70% - 908 women) and administration (64% - 15,543 women). The following tables further illustrates the rates of women and men in the civil service, in all ranks:

Table 8 - Women and Men in the Civil Service, by Ranks, 2005-2007

| Ranks | 2005 | | | 2006 | | | 2007 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Total | % of Women | % of Men | Total | % of Women | % of Men | Total | % of Women | % of Men |
| **Top** | 307 | 57% | 43% | 311 | 60% | 40% | 331 | 60% | 40% |
| **Second** | 606 | 49% | 51% | 558 | 48% | 52% | 600 | 49% | 51% |
| **Third** | 1,239 | 33% | 67% | 1,160 | 35% | 65% | 1,163 | 35% | 65% |
| **Fourth** | 3,015 | 45% | 55% | 2,907 | 47% | 53% | 2,950 | 47% | 53% |
| **Fifth** | 4,444 | 48% | 52% | 4,373 | 48% | 52% | 4,461 | 48% | 52% |
| **Sixth** | 4,661 | 55% | 45% | 4,969 | 56% | 44% | 5,641 | 59% | 41% |
| **Seventh** | 6,267 | 66% | 34% | 6,546 | 65% | 35% | 6,577 | 66% | 34% |
| **All the rest** | 30,835 | 73% | 27% | 31,147 | 72% | 28% | 30,252 | 72% | 28% |
| **Total %** | 100% | 65% | 35% | 100% | 65% | 35% | 100% | 65% | 35% |
| **Total** | 51,374 | 33,466 | 17,908 | 51,971 | 33,797 | 18,174 | 51,975 | 33,980 | 17,995 |

*Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2007, November 2008*

Table 9 - Women in Government Ministries, (Total Percent and Percent in the Four Highest Ranks). 2005-2007

| Ministry | % of women in the Ministry | | | % of women in four highest ranks | | |
|---|---|---|---|---|---|---|
| | 2005 | 2006 | 2007 | 2005 | 2006 | 2007 |
| Prime Minister's Office | 52 | 55 | 54 | 23 | 32 | 26 |
| Finance | 52 | 53 | 53 | 32 | 33 | 35 |
| Public Security | 56 | 53 | 53 | 27 | 12 | 12 |
| Education | 77 | 78 | 78 | 46 | 48 | 49 |
| Science, Culture | 64 | 72 | 69 | 40 | 50 | 35 |

| | | | | | | |
|---|---|---|---|---|---|---|
| and Sport | | | | | | |
| Agriculture | 46 | 46 | 46 | 27 | 31 | 33 |
| Industry, Trade and Labor | 59 | 58 | 59 | 34 | 33 | 35 |
| Justice | 70 | 70 | 70 | 65 | 64 | 66 |
| Social Affairs and Social Services | 76 | 76 | 76 | 63 | 65 | 64 |
| The Interior | 55 | 54 | 55 | 25 | 29 | 30 |
| Transportation | 55 | 49 | 51 | 18 | 19 | 22 |
| Health | 81 | 82 | 83 | 61 | 63 | 64 |
| Environmental Protection | 59 | 58 | 57 | 28 | 29 | 34 |
| National Infrastructures | 54 | 50 | 50 | 24 | 22 | 24 |
| Construction and Housing | 63 | 63 | 63 | 39 | 36 | 36 |
| Tourism | 62 | 62 | 61 | 18 | 17 | 11 |
| Immigrant Absorption | 81 | 80 | 80 | 57 | 48 | 49 |
| Communications | 56 | 53 | 52 | 36 | 33 | 33 |

*Source: The Department for Advancement and Integration of Women within the Civil Service, Activity Report for 2007, November 2008*

**Tenders in the Civil Service**

279. The method of appointment to the Civil Service is through both internal and external tenders. While the rise of female participation in internal job tenders within the Civil Service, both as candidates and as appointees, is quite constant, the situation in public tenders is less positive. In 2004, 45% of the candidates for public tenders were women. Of these tenders, women constituted 58% of the appointees.

280. On September 23, 2007, the Tel Aviv District Labor Court annulled a tender for employment with the Investigations Department of the Tel Aviv Customs Division, as the Examiners Committee had not paid sufficient attention to the requirement for proper representation by women, and had not taken affirmative action, as required by law, in giving preference to women possessing the same qualifications as men (*La.C. 3888/03 Ruth Zuaretz v. The State of Israel – The Civil Service Commissioner et. al.*). In this case there were 26 candidates vying for only a few positions, and the claimant was the only woman.

The Court held that the duty to take action for proper representation of women in public entities is anchored in legislation; such as the *Equal Rights for Women*

*Law*: (Section 6(c)), the *Civil Service Law* (Appointments): (Section 15(a)); and also in case law, especially that handed down in the case of *H.C.J. 2671/98 Israel Women's Network v. The Minister of Labor and Welfare (11.8.98)* and in *H.C.J. 453/454/94 Israel Women's Network v. The Government of Israel et. al.* (01.11.94). In the latter case, the Court indicated that in 2003, the Attorney General had issued special guidelines obligating the implementation of the proper representation principle when making appointments in the Civil Service.

The Court held that the Examiners Committee failed to consider, or did not give proper weight to, the issue of affirmative action when choosing between the claimant - the only female candidate - and the successful male candidate whose qualifications were evidentially inferior to those of the claimant. The Court held that the extreme lack of reasonableness displayed in making the decision, justified the Court's intervention in the Examiners Committee's decision, which had been approved by the Civil Service Commissioner. As the fact that the claimant was the only woman of the 27 applicants had not been properly considered by the Committee, the Court decided to annul the decision to appoint a different candidate.

281. On November 26, 2008, the Jerusalem District Labor Court issued an interim injunction order regarding a tender for legal assistant positions in the Rabbinical Courts. The District Court determined that a note in the qualifications section, regarding the preference of people with the qualification of "Dayan," a religious judge, is discriminatory by nature. This is due to the fact that according to religious laws, only men can serve as a "Dayan". Thus, the tender violates the *Equal Employment Opportunities Law*, as it discriminates between men and women, and gives an unjust preference to male applicants. The District Court therefore ordered the Administration of the Rabbinical Courts and the Civil Service Commission to reissue the tender without the note, to allow an equal opportunity to those who do not have the "Dayan" qualifications, and may have been deterred from presenting their application (*La.C. 003252/08 The Center for Justice for Women Association v. The Administration of the Rabbinical Courts et. al.* (*26.11.2008*)).

**The Prevention of Sexual Harassment within the Civil Service**

282. The Department for the Advancement and Integration of Women within the Civil Service has been involved on several levels with regard to the implementation of the *Prevention of Sexual Harassment Law*, and reinforcement of awareness to this important subject. Among the steps taken were the dissemination of information and explanations of the Law that were made available to more than 50,000 workers in 2005 and providing tools to Supervisors on the Status of Women so that they might better receive the workers' complaints.

283. There were 82 complaints regarding sexual harassment in 2005 and 64 complaints in 2006. In 2007, there were 65 complaints, 40 of which had disciplinary proceedings opened, and 10 in which legal actions were initiated against the offenders. These complaints are handled in cooperation with the Discipline and the Investigations Department within the Civil Service Commission. Generally, women who submit complaints of sexual harassment to the department are provided with legal advice, and are accompanied and supported throughout the investigative process up until completion of any ensuing trial. In certain cases administrative measures are also taken to separate the alleged assailant from the victim. In 2006, 11 disciplinary administrative measures resulted in court proceedings. Of those instances, five workers were fired, and five others retired from the Civil Service following the initiation of procedures against them.

## The Judiciary

284. The number of female judges continues to climb in conjunction with the rising number of judges in general. In August 2008, there were 291 female judges out of a total of 584 judges, making up 49.8% of the judiciary in Israel. The number of female Justices on the Supreme Court has slightly decreased to 38.5% (five out of 13 Supreme Court Judges). Note that the current President of the Supreme Court is a woman, Justice Dorit Beinisch. Women continue to compose the majority of professional labor judges (67.3% of the judges), nearly half of the District Courts judges (44%), more than half of the Magistrate Courts Judges (50.5%) and more than half of the registrars (58.5%). Women have also

increased their representation as public representatives in the Labor Courts (constituting 18.9%) representing employee and employer unions side by side with professional judges.

285. The legal Profession - As detailed in Israel's previous report, in the public sector, women remain a majority of the legal profession. As of June 2008, 1,898 women were employed by the Ministry of Justice (69.4%). 149 of the 225 legal advisors in the Ministry were women (66.2%), and a similar percentage of women were working in the State Attorney and the Attorney General's Offices (68%, 501 women to 235 men) and the Public Defenders office (69.2%, 54 women to 24 men). In the Ministry of Justice, there were also 305 (64.6%) female legal interns to 167 male legal interns, and 22 (64.7%) women in the senior judge equivalent rank, to only 12 men. Of the total number of women, 1,820 were Jewish, 48 were Muslim Arabs, 14 were Christian Arabs, six were Christians (Non-Arabs) and five were Druze.

## Government Corporations

286. 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 Resolution (Government Resolution No. 1362). Subsequently, women representation on the Boards of Government Corporations had increased. In February 2008, 38.5% of all directors in Governmental Corporations were women, compared to 37% in the previous report and to 33.5% in February 2007. Currently there is one woman serving as head of a board of directors, and four women serving as CEOs of Governmental Corporations.

287. The Governmental Corporations Authority supervises closely and effectively any appointments made to directorates of Government Corporations. If the appointments do not adhere to the obligating standards, the Authority suspends them until the appointing Minister proposes an alternative female nominee or can justify why he/she can not propose any alternative nominee under these circumstances.

288. According to recent data, 71 Governmental Corporations meet the requirements for appropriate representation, nine corporations will meet these requirements if the candidates currently being reviewed or found as right for the position will be appointed. Thirteen corporations are one woman short of meeting the requirements for appropriate representation, nine corporations lack two women, and in two corporations three women are needed in order to meet the requirements. Six of the 11 special designated corporations who deal with security issues also meet the requirements for appropriate representation.

289. The Governmental Corporations Authority, in cooperation with the Authority for the Advancement of the Status of Women, has requested that all Governmental Corporations address the issue of appropriate female representation in their annual reports.

## Women in the Military

### The Legal Framework

290. According to Section 16A(c) of the *Defense Service Law* (*Consolidated* Version) 5746-1986 (the "*Defense Service Law*"), the same law shall apply to men and women who completed their compulsory service and volunteer to serve in one of the Israeli Defense Force (IDF) positions determined by the Minister of Defense, despite the difference in the duration of women compulsory service compared to men's. The *Defense Service* (*Determination of Positions for Voluntary Service of Women*) *Regulations 5761-2001*, following Amendments in 2002, 2005 and 2007, lists 29 military professions in which women are entitled to the same rights as men. The IDF from time to time examines the possibility of adding additional military professions to the list and makes recommendations to the Minister of Defense accordingly.

### Policy

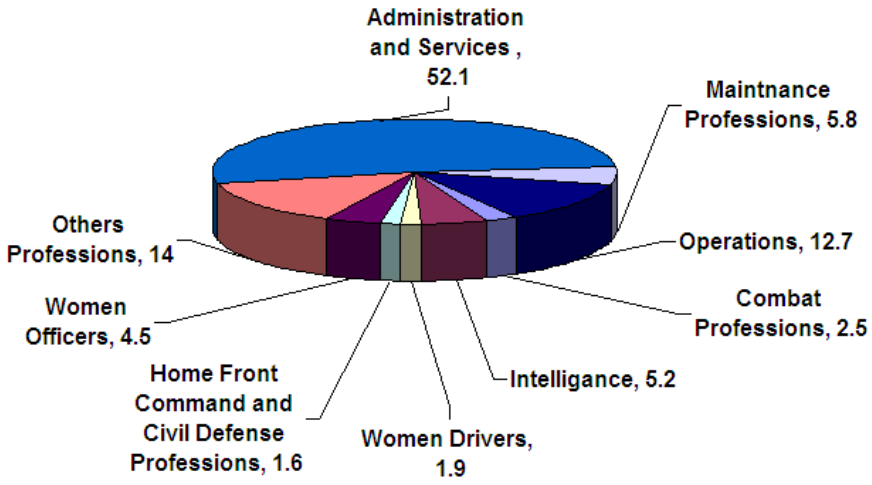
291. In 2007, the head of the Human Resources Division of the IDF appointed the Women's Military Service Committee, aimed at outlining the vision and making recommendations concerning structural aspects of the military service of women. The Committee is headed by a former General and consists of several senior officers, public officials and academic specialists. The committee handed

its recommendations to the Head of Human Resources Division in September 2007, and the last discussion regarding its work before the Chief of Staff forum, was held in September 2008.

292. Following the abolition of the women's corps, the Chief of Staff nominated, on August 1, 2001, a special body, headed by the Advisor on Women's Issues, a Brigadier General. This body is assigned to create an atmosphere where women can better utilize their abilities in the IDF, advance equal opportunities, and empower women in the IDF and in Israeli society. According to the advisor's vision, as approved by the IDF's Chief of Staff in September 2008, the IDF as a leading organization in the Israeli society will shape the service of its personnel, men and women alike, for the advancement of the goals of the IDF and the State of Israel while providing equal opportunities according to qualifications and abilities for a significant and honorable service.

293. The number of women serving in clerical positions out of the total number of soldiers in compulsory service has decreased in recent years from 26% in 1998 to 14% in 2007, leading to a growing number of female soldiers assigned to "quality" jobs. In addition, the number of women in combat professions out of the total number of women in the IDF has increased from 0.6% in 2000 to 2.5% in 2007.

Chart 4 - Women serving in the Israel Defense Force, 2008 (by General Professions, Percents)




*Source: Ministry of Defense, January 2009*

**Women and Men in the Military**

294. The Chief of Staff's Advisor on Women's Issues has recently promoted three major projects:

294.1. Promotion of the establishment of the abovementioned Women Military Service Committee aimed to outline the vision and make recommendations concerning structural aspects of military service of women.

294.2. Consolidation of a military behavioral code on gender issues that will constitute obligating norms and standards for soldiers and officers and influence the cultural environment and army daily life concerning gender issues.

294.3. Setting goals for a progressive improvement of women representation in the army and promoting a plan for increasing the representation of women in senior leadership positions, which includes specific targets for each of the corps and is based on the percent of women qualified for promotion within each rank.

**Distribution of Men and Women in the Military**

295. Eighty-eight percent of the military professions in Israel, including combat positions, are open to both men and women. The military leadership is committed to placing women in higher ranks and positions. The following details indicate the integration of women in compulsory service in combat positions: 2.5 % of all the women serving in the military are in combat units (updated May 2008); women account for 4% of all combat soldiers (updated May 2008); women comprise 20% of the soldiers in joint units. In 2008, women comprised 34% of all soldiers in compulsory service. Most female combat soldiers serve in field units: the percent of women in the light infantry is 68%; Border Police 10%; artillery 16%; atomic, biological and chemical units of the engineering corps 21%; anti-aircraft 20% and search and rescue 30%. In addition, there are more than 16 women serving today as air crew personnel.

296. It is important to emphasize that the process of opening additional military positions to women requires a comprehensive assessment and consideration of all physical aspects of the additional positions, including the adaptation of the relevant equipment, preparation of the staff and additional activities.

**Women and Men Officers**

297. Female officers make up 40% of compulsory service officers, 24% of the officers in the regular forces, 21% of the career service officers and 10% of the officers in senior ranks.

298. The IDF is obligated to advance women who serve in the army beyond their compulsory military service. In 2008, the figures for women officers were as follows: up to First Lieutenant – 21%; Captain- 25%; Major – 23%; Lieutenant Colonel- 12%; Colonel and above- 4%.

**Reserve service**

299. Women comprise 10.2% of the reserve personnel according to the following segmentation: of that 10.2%, 24.2% serve as officers, 1.2% in combat positions and 74.6% serve in combat support professions.

300. In 2007, 100% of the women officers who completed their compulsory service continued to serve in the IDF reserves, and 30% of women in non-officers ranks also continued to serve in the IDF reserves. In 2008, 46% of non-officers women are expected to join the army reserves.

**Women Scientists and Engineers in the IDF**

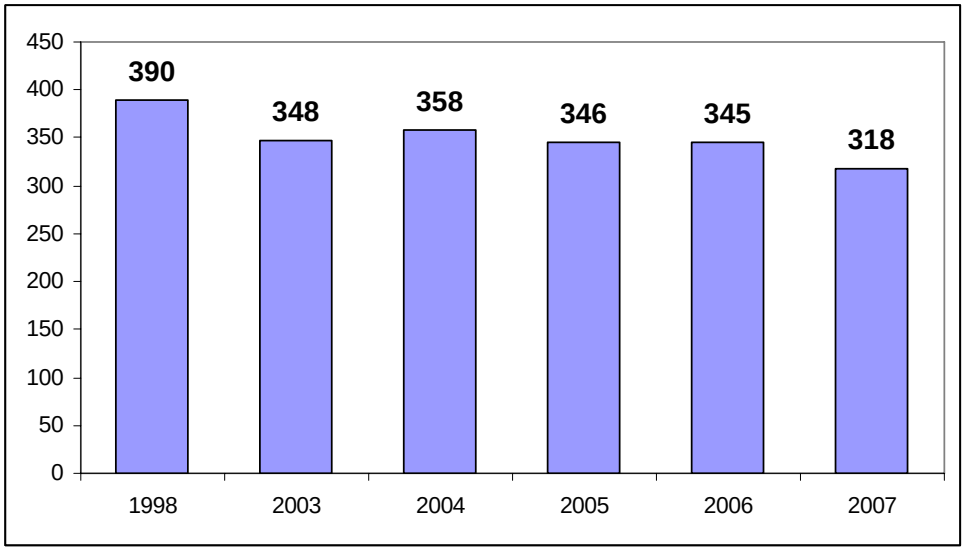
301. In recent years, the IDF has been operating a number of projects aimed at encouraging women to draft to technical and technological professions. With these projects, the IDF offers designated special training for women in order to be better able to serve in these technological professions.

**Sexual Harassment in the Military**

302. The number of sexual harassment complaints in the IDF has been relatively stable in recent years, with around 350 complaints a year. The next chart details

the number of annual complaints of sexual harassment, showing a significant decrease since 1998 of 19% and a decrease of 12% in 2007 compared to 2004.

Chart 5 - Number of Sexual Harassment Complaints, Various Years




*Source: Ministry of Defense, January 2008*

303. The IDF's standard order regarding prevention of sexual harassment obligates all units to conduct biannual training sessions and lectures regarding prevention of sexual harassment. These lectures are supervised by a representative of the office of the Chief of Staff's Advisor on Women's Issues.

304. The Military Police, the Military General Advocate's Office and the Office of the Chief of Staff's Advisor of Women's Issues gather data regarding sexual harassment complaints in the IDF. The Office of the Chief of Staff's Advisor of Women's Issues also keeps records of sexual harassment cases in which the soldier decided not to file a complaint.

305. Since 2002, the Office of the Chief of Staff's Advisor on Women Issues has conducted a wide-range survey on sexual harassment in the military, as well as an extensive study of sexual harassment itself. The survey is conducted every two years; the last survey, which has yet to be published, was conducted in 2008. The results of previous surveys show a slight improvement regarding sexual harassment in the IDF, as indicated by the following table:

Table 10 - Number of Sexual Harassments Reports by Women Soldiers, 2002-2006

(Percents)

| Year | Number of sexual harassments reports by women soldiers | | | |
|---|---|---|---|---|
| | At least once | once | 3-4 times | 4 times and more |
| 2002 | 21% | 11% | 7% | 3% |
| 2004 | 18% | 9% | 6% | 3% |
| 2006 | 14% | 8% | 4% | 2% |

*Source: Ministry of Defense, January 2008*

### Female representation in IDF delegations abroad

306. The Committee on Women in the NATO Forces holds an annual conference, which Israel is regularly invited to attend, even though it is not a NATO member. The Office of the Chief of Staff's Advisor on Women's Issues has been taking part in this gathering for several years.

307. In 2008, the Chief of Staff's Advisor on Women's Issues visited the Chilean army in order to study the matter of female service among its ranks.

308. In September 2008, an international conference on gender and military service was organized by the Office of the Chief of Staff's Advisor on Women's Issues, and was attended by representatives of foreign countries.

## Women in the Police and in the Prisons Service

### The Legal Framework

309. The Police strive to raise the number of women in the Police force via affirmative action measures like more flexible working conditions for mothers, and lenient policies for pregnant women.

### Women in the Police – Field Data

310. Currently, women constitute 21.34% of the general Police force, as compared to 21% in Israel's previous report. Female officers comprise 23.13% of the total officers, a higher percentage than their representation in the general Police force.

311. As of March 2005, there were 73 Arab women in the police force - 24 Christians, 13 Muslims, one Druze, one Samaritan, 32 others and two of unknown faith, an increase of 37%.

Table 11 - Percentage of Women in the Police Force, August 2008

| | Women | | | Men | | | Total | |
|---|---|---|---|---|---|---|---|---|
| **Group** | **Number** | **% of the Women** | **% of total group** | **Number** | **% of the Men** | **% of total group** | **Number** | **%** |
| Non-Officers | 3346 | 74.6% | 20.8% | 12,743 | 73.44% | 79.2% | 16,089 | 77.66% |
| Officers | 1134 | 25.4% | 23.13% | 3,769 | 22.8% | 76.87% | 4,903 | 22.34% |
| Total | 4480 | 100% | 21.34% | 16,512 | 100% | 78.66% | 20,992 | 100% |

*Source: Ministry of Public Security, 2008*

**Sexual Harassment within the Police**

312. The Police have taken several measures to combat sexual harassment among its ranks. Between 2005 and 2007, lectures and courses regarding many aspects of sexual harassment were given to the Police personnel. Currently, the Discipline Department of the Police is preparing a comprehensive pamphlet on sexual harassment, which will be distributed throughout Police Force training courses.

313. Between 2005 and 2007, 33 cases of sexual harassment were handled by the Police Disciplinary Department after being referred by the Department for Investigation of Police Officers in the Ministry of Justice. Seven cases were presented in 2005, 14 in 2006 and 12 in 2007. In the same time period, 42 cases were handled by the Division for Administrative Measures: 12 in 2005, 11 in 2006 and 19 in 2007.

**Women in the Israeli Prisons Service – Field Data**

314. Currently, there are 1,417 women serving in the Israeli Prisons Service (IPS). Women constitute 18.28% of the general force, an increase of 23.3% compared to 2006. Women comprise a higher percentage amongst officers than their representation in the prisons service as a whole, with 35.9% of IPS officers being female. Sixty-two of those female officers have senior ranks.

Table 12 - The Number of Women in the Prisons Service, 2006-2008

| Year | Total personnel | Total no. of women | Women officers | Senior women officers | Soldiers |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| 2006 | - | 1,149 | 507 | 55 | 180 |
| 2007 | - | 1,312 | 519 | 58 | 244 |
| 2008 | 7,752 | 1,417 | 536 | 62 | 284 |

*Source: Ministry of Public Security, 2008*

**Sexual Harassment within the IPS**

315. The IPS treats sexual harassment cases very seriously. In cases where criminal procedures have been opened against prison personnel, their employment in the service is terminated.

316. Each division in the IPS goes through biannual training regarding sexual harassment in the workplace, additional instruction and training on the matter is given as an integral part of female wardens' training courses. Social affairs and welfare officers are accessible to all female wardens, and if required, they are directed to female social workers in the Israeli Defense Force. As of August 2008, eight complaints have been filed regarding sexual harassment in the IPS.

## Women's Organizations

317. Women's non governmental organizations continue to play an active and valuable role in the promotion of gender equality in Israel. These organizations remain dynamic and representative of women of all sectors, enabling a lively civil society.

318. Women's organizations have a substantial impact on many areas of life in Israel. Some of their major fields of operation are: promoting legislation; assisting women with legal representation and counseling; leading information campaigns on women's rights; organizing conferences and seminars; managing sexual assault help centers and hotlines; leading the battle against trafficking in persons and more.

319. Prior to the recent election for the 18th Knesset, a group of prominent women's organizations - among them, the Association of Rape Crisis Centers in Israel, the Women Parliament, the Israeli Women's Lobby, and others - submitted a list of legislative amendments to the leading candidates for the Prime Minister Office. The list was presented as a lever to promote women's status in Israel, and was given to the candidates in order to receive a public pledge by them to

enact these amendments upon taking office. Among the suggested amendments is the proposal that a person convicted of performing sexual offences in the framework of a public position, or convicted of offences relating to the breach of the public trust, breach of faith, bribery in public administration or to the purity of the elections, is prevented from becoming a member of the Knesset, and that limitation or clemency shall not apply in such situations. Other suggestions include extending maternity leave to six months to be equally distributed between the parents and many more.

# Article 8 - International Representation and Participation

## Women's Representation in the Foreign Service

320. From 2005 to 2009, the Ministry of Foreign Affairs was headed by a woman, Minister Tzipi Livni. As mentioned in Israel's previous report, Israel’s Foreign Service is routinely working at increasing the number of women amongst its ranks.

321. In July 2008, Professor Gabriela Shalev was appointed as Israel's Ambassador to the United Nations. Professor Shalev is Israel's first woman to serve in this senior position.

322. Out of 998 employees in the Ministry of Foreign Affairs, 433 are women (43%), and of the 401 employees on the diplomatic staff, 97 are women (24%). In the administrative staff, 128 employees are women (52%).

323. In 2008, three women were appointed as ambassador or head of missions (the same figure as in 2007), bringing the general number of women serving in these ranks to 12. During the same period, 24 men were appointed; however, an effort is made to appoint women as heads of central missions. The new ambassador to Canada and the new Consul General to Chicago are both women, after three years of no female representation as head of missions in the area.

324. The following table further details the percentage of women within the diplomatic wing of the Foreign Service, by ranks:

Table 13 - Representation of Women in the Foreign Service - Diplomatic Wing, 2008

| | Diplomatic | | Administrative | |
|---|---|---|---|---|
| | **Women** | **Men** | **Women** | **Men** |
| Ambassador | 3 | 34 | 2 | 8 |
| Delegate | 20 | 75 | 10 | 20 |
| Delegate – Advisor | 20 | 95 | 25 | 27 |
| Advisor | 30 | 58 | 58 | 36 |
| First Secretary | 12 | 20 | 28 | 19 |
| Second Secretary | 4 | 16 | 1 | 1 |

*Source: Ministry of Foreign Affairs, December 2008*

325. The representation of women in senior managerial positions is still relatively limited. On the diplomatic staff there are 95 directors of departments, 28 of which are women (29%). On the administrative staff, there are 18 female directors of departments, out of a total of 41 (44%). Out of 185 employees in managerial positions (head of department and above), 51 are women. The number of women in managerial positions has increased since 2006, mainly at the level of department directors. In 2006 there were 41 women in managerial positions, there were 49 in 2007 and 51 in 2008. The number of female Deputy Director Generals (DDG) decreased in 2008 from four to three, due to the appointment of one of the DDG's as the ambassador to Canada.

326. The number of women posted at Israeli diplomatic missions abroad continues to increase. There were 51 women posted at Israeli diplomatic missions abroad in 2008, compared to 49 in 2007. Still, out of 314 employees posted abroad, 87 are women (28%). Thirty-three women currently serve as consuls and administration officers, compared to 42 men.

327. One third of the candidates for the diplomatic training course were women, and the same percentage of women was accepted to the course. Note that, for the most part, all cadets who attend the course complete it.

328. It should be emphasized in this regard that the participation of women in this diplomatic training course is highly encouraged by the Supervisor on the Advancement and Integration of Women in the Civil Service, and the Supervisors in all Government Ministries. In January 2009, the supervisors issued a circular to all civil service personnel in which they emphasized the

importance of proper representation of women in the course, and the importance of this course for advancement of the status of women in general.

329. There is currently one woman representing the minorities (a Christian-Arab) at the Ministry.

330. The former Minister of Foreign Affairs, Mrs. Livni, had a leading role in the negotiations that led to the adoption of resolution 1701, which terminated the second Lebanese war. The Minister expressed in 2007, a full endorsement of Security Council Resolution 1325 that specifically addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace.

331. The Head of Carmel Training Center, which holds numerous courses for women, is a permanent member of the Executive Committee of the International Women's Mediterranean Forum. She is also member of the Executive Committee of the International Research and Training Institute for Advancement of Women (INSTRAW).

## Women Representatives and independent experts in International Organizations

332. Israel includes women in most of its delegations to multilateral forums, as well as a five-to-six-woman delegation to the Commission on the Status of Women. At the Israeli mission to the UN headquarters in New York there are two women, one being the Ambassador.

333. Several additional examples include Professor Ruth Halperin-Kaddari, the director of the Rackman Center for the Advancement of the Status of Women at Bar Ilan University, who is currently applying for a second term as an expert to the United Nations Commission of the Status of Women (CSW) after completing a successful first term. In February 2007, an Israeli expert, Dr. Michal Komem, participated in the professional panel of the 51st session of the CSW that focused on the issue of the fight against discrimination and violence of women.

334. The Ministry of Foreign Affairs encourages and assists Israeli women's issues NGOs to apply for accreditation at the United Nations and in fundraising both in Israel and abroad.

# Article 9 - Nationality

335. No notable changes have occurred regarding this issue since the submission of Israel's previous report.

# Article 10 – Education

## Legal Developments

336. In July 2007, The *Compulsory Education Law* 5709-1949 (the "*Compulsory Education Law*") was amended in order to broaden its scope and apply compulsory education to youth between the ages of 15 and 17 (inclusive) attending 11th and 12th grades. Prior to the Amendment, education for 11th and 12th grades was free, but not compulsory. The Amendment strives to protect youth in this vulnerable stage from negative influences, and to prepare them and provide them with better tools for successful integration as productive adults in society. Thus, the Government found it necessary to provide an obligatory educational framework rather than an optional one. Another desired effect of the Law is a decrease in dropout and removal of pupils rates, by compelling the provision of solutions within the education system to all pupils in this age group. The Law is to be fully implemented for those attending 11th grade until 2009, and until 2010 for those attending the 12th grade.

337. On January 6, 2005, the Knesset enacted the *Daily Meal for the Pupil Law* 5765-2005 (the "*Daily Meal for the Pupil Law*"), with the goal of creating a nutrition service to provide warm meals to pupils in primary schools where the long school day is applied, according to the *Long School Day and Enrichment Studies Law* 5757-1997 (the "*Long School Day and Enrichment Studies Law*").

On April 28, 2008, the Law was amended to include children attending pre-school, where the long school day is applied. According to the Amendment, the Law also applies to other pre-school frameworks where 41 hours of education per week are provided. In these frameworks, a warm meal will be provided to pupils on days they attend pre-school for at least 8 hours.

Section 3 to the Law stipulates that each pupil will receive one warm meal per day, according to a well balanced and varied menu that will be determined by the Ministry of Health, and will take into consideration the age and needs of the pupils.

The Law is to be gradually implemented. The Minister of Education, in conjunction with the Minister of Finance, will determine the population of pupils to which the Law will be applied each year.

The nutrition service is co-funded by the Ministry of Education and the local municipalities. The Law permits the local municipality to collect participation payments from parents, yet the Law requires the Minister of Education's consent to do so. The parental participation payment will be determined by the Minister, according to socioeconomic standards and in the framework of payments stipulated in the *Compulsory Education Law*.

## Administrative Developments

338. The former Minister of Education and her Director General were both women, and feminists themselves. The Minister of Education has repeatedly and explicitly declared that gender equality is not merely a "program" or a "project", but a lifestyle. To that end, all schools are instructed to create and maintain an educational climate conducive to gender equality and mutual respect.

339. The Ministry of Education offers numerous In-Service Training Programs for teachers, pupils and parents in order to increase their awareness of, and skills in promotion of, gender equality. Nationwide programs such as "Women circles" and "Girls and boys leading a change" empower high school pupils, while the school curriculum formally addresses issues such as gender, government, and politics.

340. Recently, the Ministry of Education instituted a full matriculation program in gender studies. The program includes 180 teaching hours of gender studies, 180 teaching hours of psychology and a requirement to prepare a theoretical report regarding gender equality. The program introduces gender studies, which so far has only been studied in universities and colleges, to high school pupils and exposes them to this important field of study.

341. **The Department for Gender Equality.** The Ministry of Education has established a special department dedicated to the promotion of gender equality within the School System. The Department for Gender Equality is in charge of the promoting and assimilation of both values of equality and dignity and their practical application in everyday life. The Department for Gender Equality promotes different programs for gender equality: empowerment of girls and women, integrating gender values with in the education curriculum, advancing girls in science and technology, prevention of violence against women and prevention of trafficking in women. The Department works within a holistic approach where its clients are pupils, teachers, parents and the general public. The values above are translated into a wide range of activities such as: short and long term programs for pupils during the school year, in-service training for teachers and conferences and short seminars for parents.

342. The Ministry of Education maintains an active, useful, and user-friendly web site that not only provides information about the Ministry’s programs and projects, but also provides visitors with perspectives on the meaning of gender equality and women’s empowerment. The language of the web site, and of directives issued by the Ministry of Education, reveals a clear commitment to gender equality and provides definitive guidelines for teachers and all school officials. Among the information published on the Department for Gender Equality's web site, there is an explanation of, and data regarding, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

343. The Department for Gender Equality has held several seminars and conferences for teachers regarding empowerment of female pupils in mathematics and science, blocking elements and the ways of removing them.

344. The Department for Gender Equality has also prepared a booklet for young women joining the Israeli Defense Force (IDF) that provides information specifically relevant to women in the Army, emphasizing women's needs and opportunities in the army service.

345. **Equality within Minority Populations: the Arab-Israeli population** - The programs mentioned above are aimed at the whole range of communities in Israel, especially groups belonging to minorities such as the Arab population. This issue is applied by generating a variety of differential programs that are given by professionals from the specific group belonging to minorities. As for the Arab-Israeli community in Israel, the Ministry of Education assigned four different organizations that come from the Arab-Israeli community. This type of strategy ensures that on one hand, the universal values of equality and dignity are strengthened, while on the other hand, the programs are carried out with respect to the special needs and cultural heritage of the Arab-Israeli community.

346. Another course of action of the Ministry of Education is raising awareness for the prevention of prostitution and trafficking in women by:

346.1. Preparing a guidance booklet for the Ministry's teaching staff, which includes information and ways to deal with the issue of prostitution and trafficking in women; information on victims of the sex industry; legislation and data regarding law enforcement; implementation of educational programs in the fields of trafficking in persons, trafficking in women and prostitution; involvement of parents and the community regarding education in these fields and other important information.

346.2. Holding a special conference for the Ministry's teaching staff and for pupils regarding human dignity. The conference deals with aspects of trafficking in persons, and specifically in women

346.3. Around the International Women's Day on March 8, 2008, the Ministry held focused local activities for pupils on 11th and 12th grades. The activities took place in the cities of Ashdod, Kiryat Gat and Nahariya, and encompassed about 1,500 pupils and more than 110 members of the teaching staff.

346.4. The Ministry has integrated the issue of prevention of prostitution and trafficking in women into existing gender and quality education programs as a special module in these programs. This module consists of one or two sessions (two hours each, out of ten or 14 sessions of the entire program), and includes subjects such as: empowerment of girls, data regarding trafficking in women, respect and equality between genders, and more. In 2008, more than 4,070 pupils and more than 250 teachers participated in gender and equality programs using this module.

347. The following table indicates the participation of pupils and teaching staff in conferences and conventions in the field of gender equality:

Table 14 - Participation of Pupils and Teaching Staff in Training Regarding Gender Equality, 2007-2008

| District | 2007 | | | 2008 | | |
|---|---|---|---|---|---|---|
| | **groups** | **pupils** | **teaching staff** | **groups** | **pupils** | **teaching staff** |
| Haifa and Northern district | 85 | 1,685 | 115 | 286 | 5,876 | 313 |
| Arab localities | 53 | 1,060 | 32 | 64 | 1,306 | 111 |
| Tel-Aviv and Central district | 173 | 4,238 | 370 | 298 | 6,029 | 407 |
| Jerusalem district | 83 | 2,556 | 99 | 74 | 2,326 | 308 |
| Southern district | 133 | 2,475 | 955 | 238 | 4,863 | 936 |
| Kindergartens | | | 0 | | | 276 |
| National conferences | | | 101 | | | 117 |
| **Total** | **527** | **12,014** | **1,672** | **960** | **20,400** | **2,468** |

*Source: Ministry of Education, Gender and Equality Department Website, January, 2009*

## High Schools in Israel

## General and Technological / Vocational Tracks

348. No notable changes have occurred on this issue since the submission of Israel's previous report.

## Matriculation Levels

349. The percentage of entitlement to matriculation certificate continues to be higher among female pupils. In 2006, in the Hebrew education system, 85.7% of the female minors within the 12th grade age group took matriculation exams (84.3% in 2002), compared with only 80.4% of the male minors (75.1% in

2002). Female minors' entitlement to a matriculation degree was also higher and stood at 61%, compared with 49.5% of the male minors.

350. Among the Arab education system, 91.2% of the female minors within the 12th grade age group took the matriculation exams (91.7% in 2002), compared to 86.1% of the male minors (84% in 2002). Female minors' entitlement to a matriculation degree also was higher than male minors (56.3% and 36.5%, respectively).

Table 15 - Examinees and Entitlement to Matriculation Certificates – 2006

| | Examinees | | Entitled to a Certificate | |
|---|---|---|---|---|
| | **Total** | **% of pupils in grade XII** | **Total** | **% of pupils in grade XII** |
| **Hebrew Education** | 67,210 | 82.4 | 44,778 | 54.9 |
| Male-minors | 31,954 | 80.4 | 19,682 | 49.5 |
| Female-minors | 35,256 | 85.7 | 25,096 | 61.0 |
| **Arab Education** | 15,303 | 90.1 | 7,872 | 46.3 |
| Male-minors | 6,786 | 86.1 | 2,873 | 36.5 |
| Female-minors | 8,517 | 91.2 | 4,999 | 55.3 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

## Education Rates, Attendance Rates and Drop-Out Rates

351. In 2007, the percentage of Jewish females that never attended school was 2.5% compared to 1.2% of the men. The percentage of Arab females that never attended school was 9.7%, compared to 2.8% of the men.

352. In 2007, 91.4% of adolescents aged 15 to 17 attended school, 1.4% worked and did not study and 7.2% neither worked nor studied (a decline in comparison to 7.8% in 2006). Ninety-two percent of the girls aged 15 to 17 attended schools in comparison to 91% of the boys. Among the Jewish population, 5.4% of the youth aged 15 to 17 neither worked nor studied (5.5% male and 5.4% female), in comparison to 12.5% among the Arab population (12.7% male and 12.1% female).

353. Another important indicator of school performance is the rate of attendance. In 2007-2008, in the Hebrew Education system, the dropout rates of female minors in the 9th to 11th grades stood around 1.7%-2.9% (3.1%-3.6% in 2003-2004), and in the 12th grade the rate of dropout was just 0.7% (equal to the dropout rate in 2003-2004). The dropout rates of male minors were higher, especially in

the 11th grade (4.8% in the in the 9th grade and 9.5% in the 11th grade). Among the Arab education system, the gap between the genders was also in favor of the male minors, although the dropout rates of Arab female minors exceeded those of Jewish female minors. The following table presents data on dropout rates, according to grade, gender and population group.

Table 16 - Pupils in Grades 7-12 Dropout Rates by Population Group, and Gender

| | | Hebrew education | | | | Arab education | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | 2003/4-2004/5 | 2004/5-2005/6 | 2005/6-2006/7 | 2006/7-2007/8 | 2003/4-2004/5 | 2004/5-2005/6 | 2005/6-2006/7 | 2006/7-2007/8 |
| Grand total | | 523,029 | 521,032 | 520,189 | 519,615 | 140,145 | 147,912 | 154,967 | 160,729 |
| Grade 7 | Total | 86,145 | 88,670 | 86,331 | 86,924 | 28,156 | 30,460 | 30,298 | 30,729 |
| | Thereof: % dropped out of educational system | 1.6 | 1.1 | 0.5 | 0.8 | 1.9 | 1.9 | 1.3 | 1.1 |
| | % of Boys | 2.1 | 1.4 | 0.8 | 1.3 | 1.9 | 1.9 | 1.4 | 1.2 |
| | % of Girls | 1.1 | 0.7 | 0.3 | 0.4 | 1.9 | 1.9 | 1.3 | 1.0 |
| Grade 8 | Total | 84,888 | 84,562 | 87,745 | 85,591 | 27,477 | 28,314 | 30,518 | 30,487 |
| | Thereof: % dropped out of educational system | 3.3 | 2.6 | 2.2 | 2.7 | 4.2 | 3.5 | 3.9 | 4.1 |
| | % of Boys | 4.2 | 3.4 | 2.8 | 3.8 | 5.4 | 4.3 | 4.9 | 5.1 |
| | % of Girls | 2.3 | 1.7 | 1.5 | 1.6 | 2.9 | 2.6 | 2.8 | 3.0 |
| Grade 9 | Total | 90,282 | 87,775 | 87,573 | 89,257 | 26,697 | 26,813 | 27,767 | 29,508 |
| | Thereof: % dropped out of educational system | 4.3 | 3.9 | 3.0 | 3.2 | 11.8 | 10.9 | 11.7 | 12.3 |
| | % of Boys | 6.0 | 5.5 | 4.4 | 4.8 | 15.9 | 14.2 | 15.8 | 17.0 |
| | % of Girls | 2.5 | 2.2 | 1.4 | 1.7 | 7.6 | 7.5 | 7.3 | 7.4 |
| Grade 10 | Total | 88,565 | 89,494 | 87,359 | 87,425 | 21,393 | 24,237 | 24,381 | 25,273 |
| | Thereof: % dropped out of educational system | 4.7 | 4.0 | 3.4 | 3.7 | 8.0 | 6.9 | 6.6 | 6.6 |
| | % of Boys | 6.3 | 5.5 | 4.7 | 5.3 | 11.1 | 10.6 | 9.7 | 10.3 |
| | % of Girls | 2.9 | 2.3 | 1.9 | 1.9 | 5.0 | 3.4 | 3.5 | 3.0 |
| Grade 11 | Total | 87,180 | 87,692 | 88,160 | 86,636 | 18,816 | 20,148 | 22,729 | 22,866 |
| | Thereof: % dropped out of educational system | 5.2 | 5.8 | 5.3 | 6.3 | 6.5 | 6.7 | 5.3 | 6.3 |
| | % of Boys | 8.5 | 8.3 | 7.9 | 9.5 | 8.4 | 9.6 | 7.5 | 9.3 |
| | % of Girls | 3.5 | 3.2 | 2.7 | 2.9 | 4.7 | 4.0 | 3.3 | 3.5 |
| Grade 12 | Total | 85,969 | 82,839 | 83,021 | 83,782 | 17,606 | 17,940 | 19,274 | 21,866 |
| | Thereof: % dropped out of educational system | 1.7 | 1.8 | 1.7 | 1.7 | 1.2 | 1.9 | 1.9 | 1.7 |
| | % of Boys | 2.6 | 2.6 | 2.5 | 2.6 | 2.3 | 2.2 | 2.4 | 2.2 |
| | % of Girls | 0.9 | 0.9 | 0.8 | 0.7 | 0.9 | 1.6 | 1.4 | 1.3 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

## Activities and Educational Programs to Prevent Discrimination against Women

## Educational Programs

354. In 2005, the Ministry of Education instituted several educational programs designed to further enhance equal opportunity between the genders within the education system. The abovementioned program, "Girls Leading a Change", was initiated by the Women's Association in Israel to encourage empowerment and leadership amongst young women in high schools. The program was later broadened to include young men, and is now called "Girls and Boys Leading a Change". In 2007, the program was operating in more than 60 high schools in Israel, including Arab schools, and involved more than 2,500 young women and men. Also in 2005, the Ministry of Education together with the Authority for the Advancement of the Status of Women held ten one-day seminars, in which more than 1,500 school principals participated, on the subject of encouraging girls in the fields of mathematics and exact sciences (for more details please see below subsection: Science and Technology Education for Women, initiatives aimed at encouraging Female-Minors to enter the fields of Science and Technology).

355. Additional activities targeting gender issues include:

    355.1. Promotion of a pluralistic view, enabling pupils to learn to deal with and criticize gender based dilemmas, emerging in society as a whole and in school life in particular.

    355.2. Facilitating the equal acknowledgement of the role of both genders in all the cultural aspects, including literature, science, history and arts, whilst emphasizing the equal role of female figures.

    355.3. Presenting educational material and texts which includes gender stereotypes, implied or apparent, in order to raise awareness to the stereotypes and challenge them.

356. "Bnot Mitzvah," the Jewish ritual when a girl reaches 12 years of age, is used as a school event for the 6th graders, and as a tool to highlight female strength and different educational materials regarding women leaders, influential women that changed society, women combatants, pioneers and others. This includes extracurricular activities as well as in-school activities. The pupils examine the status of women in Israel and in other countries, and search for disciplines promoting women and allowing them to progress.

357. Empowering female pupils in the general school system is done with the aim of promoting leadership and empowerment of pupils in the 7th through 9th grades, which includes themes promoting awareness of gender equality and its influence on all aspects of life. The program includes raising awareness to the possibilities available to the pupils to help them fulfill their personal potential, skill advancement and social and personal awareness of changes needed in the social and personal aspects of the family, the society, and the education system. The program also includes raising appreciation and recognition of the ability and potential of women to integrate in the economy, politics, technology and military, and the importance of such integration. The program also includes activities with the male pupils aimed at changing their gender perceptions.

358. Empowering female Arab pupils is aimed at promoting and changing personal and social perspectives while emphasizing the positive role of women in the family, the society and in the workplace. The program targets 7th through 9th graders, and includes themes promoting awareness of stereotypes regarding both genders in the Arab society, and their perception of their abilities and dreams. The program includes corresponding activities with the male pupils aimed at changing their gender-based perceptions.

359. Empowering female pupils in religious schools while considering the changes in society in general and the religious society in particular. Coping with these developments requires religious women to re-evaluate their definition of the fulfillment of the roles in their homes, families and societies. This program includes ten meetings and is targeted at pupils in the 7th through 9th grades.

360. **Promotion of equality as part of the value of human dignity**. The basis of the program is that gender equality also means equality between the genders as part of the concept of human dignity. Among the goals of the program is raising the personal capability of teenagers to deal with changing social circumstances with the peer group (peer pressure, social struggles, friendship relations etc.), and with the relationship with the adult world (authority, requesting help etc.). Through the program, the pupils study social perceptions and equality on the basis of human dignity of men and women. The program is introduced to pupils in the 7th - 10th grades.

## Gender Stereotypes within School Books

361. The Minister of Education appointed a special committee to examine the extent to which gender stereotypes may still remain in educational textbooks. After receiving the findings, the Minister 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 would be gradually replaced.

## Gender and Family Life Education

362. The Department of Sexuality 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. Currently the Department is working on conducting a survey regarding sexual behavior of adolescents in cooperation with the Ministry of Health. In addition, the Department is currently working on the development of 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 etc.

363. The curriculum is to be given in the state-religious and the Arab education systems. The curriculum is identical for female-minors and male-minors, though some schools conduct the lessons separately.

## Teachers

364. In 2007-2008, the rate of Jewish men in teachers' training colleges, stood at 17.5%, compared to 18.6% in 2006-2007. The rate of Arab men in teachers' training colleges was 7.0%, compared to 7.8% in 2006-2007.

Table 17 - Teachers Training Colleges, Various Years

| | 1979/80 | 1989/90 | 1994/95 | 1999/00 | 2005/06 | 2006/07 | 2007/08 |
|---|---|---|---|---|---|---|---|
| **Hebrew Education** | | | | | | | |
| % of Women | 89.7 | 83.4 | 83.7 | 83.4 | 81.7 | 81.4 | 82.5 |
| % of Men | 10.3 | 16.6 | 16.3 | 16.6 | 18.3 | 18.6 | 17.5 |
| **Arab Education** | | | | | | | |
| % of Women | 54.8 | 77.1 | 83.8 | 92.2 | 92.8 | 92.2 | 93.0 |
| % of Men | 45.2 | 22.9 | 16.2 | 7.8 | 7.2 | 7.8 | 7.0 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

## Higher Education

### Female Students

365. In 2006, the rate of women with a matriculation certificate or a higher diploma (58.7%) was higher than that of men (51.2%), among the general population aged 15 and over. Fifty-nine percent of recipients of degrees of higher education were women. In 2006, 59.1% of the first degree graduates were women, and 57.7% of the second degree graduates were women. Furthermore, the proportion of women among Ph.D. graduates in Israel has risen in recent years, and in 2004, women reached 50% of Ph.D graduates for the first time. In 2006, 51% of the Ph.D. graduates were women.

366. In 2007, the rate of women with a matriculation certificate both in Jewish (70.5%) and Arab (54.1%) education systems was higher than that of the men (61.1% in the Hebrew education system and 39.5% in the Arab education system). 58.6% of the women and 47.4% of the men who concluded their high school studies in 1999 enrolled in academic education programs within eight years of graduating high school.

367. In 2007, women still constituted a majority among the first (54.6%), second (57.1%) and the third (53%) degree students. There are no dramatic changes in the general figure when compared to previous years. However, women continue to cluster in the humanities and are less likely to enter fields such as Mathematics, Sciences, and Engineering. In Engineering, Mathematics, Statistics and Computers, a little more than one quarter of the students were women. Women comprised a majority in other fields such as Humanities (60.4%), Social Studies (65.2%), Medicine (53.3%), and Biological Sciences (61.6%).

Table 18 - Female Students in the Higher Education System, by Degree and Field of Study, 2007

| Field | Total Students | Number of Women | Total rate of Women | First degree | Second degree | Third degree | Diploma |
|---|---|---|---|---|---|---|---|
| Humanities | 28,065 | 16,940 | 60.4% | 59.8 | 64.0 | 53.5 | 88.4 |
| Education and Teacher Training | 28,684 | 22,938 | 80.0% | 79.5 | 84.7 | 83.4 | 71.8 |
| Social Sciences | 44,623 | 29,097 | 65.2% | 64.7 | 67.8 | 64.4 | 66.7 |
| Business and Management | 22,692 | 10,277 | 45.3% | 45.1 | 45.4 | 52.1 | 0.0 |
| Law | 17,881 | 8,569 | 47.9% | 47.3 | 52.2 | 40.2 | 0.0 |
| Medicine | 4,217 | 2,247 | 53.3% | 50.4 | 53.3 | 61.9 | 0.0 |
| Para-Medicine | 9,512 | 7,620 | 80.1% | 80.1 | 81.7 | 68.5 | 0.0 |
| Mathematics, Statistics and Computers | 9,939 | 2,872 | 28.9% | 29.1 | 29.1 | 26.0 | 0.0 |
| Physical Sciences | 5,028 | 1,993 | 39.6% | 40.8 | 36.2 | 39.9 | 0.0 |
| Biological Sciences | 9,016 | 5,552 | 61.6% | 63.3 | 61.6 | 57.1 | 0.0 |
| Agriculture | 1,639 | 908 | 55.4% | 52.9 | 60.1 | 52.9 | 0.0 |
| Engineering and Architecture | 32,193 | 8,599 | 26.7% | 26.7 | 25.8 | 28.7 | 75.0 |
| **Total** | **213,489** | **117,612** | **55.1%** | **54.6** | **57.1** | **53.0** | **73.3** |

*Source: Council for Higher Education, 2008*

368. In 2006-2007 a total of 20,942 people received first degrees from non-university higher education institutions and teachers' training colleges: 2,095 from the Open University, 12,206 from various academic colleges and 5,433 teachers' training colleges.

**Education and Higher Education of Minorities**

369. In its latest campaign, the Department for Gender Equality in the Ministry of Education, has been working to reach all of the Arab-Israeli population in Israel,

including the people of Rajar, an Arab village divided between Israel and Lebanon. In addition, the Department is providing all the programs mentioned above free of charge. In 2008, more than 150 schools took part in such activities, in 2009, it is estimated that more than 200 Arab-Israeli schools will be part of the different programs.

370. In the last decade there was a significant increase in the number of Arab women entering higher education frameworks, thus, the total participation of Arab students in higher education has increased. A main factor that brought about this advancement was the quick and substantial increase in the number of female Arab students, especially in the regional colleges located near their places of residence. In the 1990's, about 40% of the Arab students in the universities in the first degree were women, and in 2006 this rate reached about 60%. For comparison, the number of women among the total students in the universities was previously 55%. Last year, 56.1% of the Druze students studying for their first degree were women. Moreover, the gender gaps have increased within various age groups. For example, 9.2% of Arab women ages 20-21 were students in 2007, compared with 4.5% of Arab men of the same age.

371. These achievements indicate further progress after the significant increase in high school graduates among Arab female pupils. In 1985, 45% of the matriculation examinees and those entitled to a certificate among Arab pupils were women, and in recent years, this number rose to 62%. Comparatively, this proportion among the Jewish population has been fixed at about 56%.

372. The Regional Council of Abu-Basma is responsible for the education of the Bedouin population in southern Israel. In the Council's school system there are 25 elementary schools with an average of 700 pupils per school and three high schools with 100 pupils each. Recent data indicates that immediately after the establishment of regional schools in the Council's towns and villages, the dropout rate due to the transfer from elementary schools to high schools had been eliminated completely. The dropout rate due to the transfer from elementary schools to high schools previously stood at 50% with a majority of the dropouts being female.

373. Furthermore, about 50% of all Bedouin students graduating with a degree in chemical engineering in the technological college in Be'er Sheva were women. It should be noted that the Regional Council of Abu-Basma encourages and supports courses designated specially for women, such as: goldsmith course in Darijat, sewing course in Kaser-Alsar etc.

374. On November 23, 2008, the Appointments Committee of the Higher Education Council bestowed the title of professor on Haula Abu-Bakar, a teacher and lecturer at Izrael Valley College, making her the first ever female Israeli-Arab professor in Israel. Dr. Abu Bakar, is seen as a trailblazing figure in the study of mental health in the Arab population, focusing on how the issues of gender, mental health and sexual violence affect the community. Abu Bakar also authored the book "On an unpaved path", dealing with the female Arab political leaders.

375. In 2008, the Ministry of Education announced its intention to grant Bedouin students studying engineering, technology and science in universities with tuition grants and scholarships of 5,000 NIS ($1,250) each for the 2008-2009 academic year. The scholarships are intended to encourage Bedouin students to achieve higher education

Table 19 - The Rate of Women Students by Population Group, Religion and Degree, 2006 (Rate of Women of Total Students in Each Cell, Universities only)

| | Total | First Degree | Second Degree | Third Degree | Diploma |
|---|---|---|---|---|---|
| Jews and Others | 55.1 | 54.0 | 56.8 | 54.2 | 77.1 |
| Arabs | 58.6 | 60.6 | 53.6 | 34.0 | 61.2 |
| There of: Muslim | 58.2 | 61.0 | 51.6 | 31.4 | 55.3 |
| Christian | 62.3 | 62.6 | 62.8 | 45.1 | 87.1 |
| Druze | 54.1 | 56.1 | 43.5 | 16.7 | 81.5 |

*Source: Council for Higher Education, 2008*

**Women on the Academic Personnel**

376. In 2006, 26% of the senior academic personnel in universities were women, an increase of 30% in comparison to the early 1990's. Accordingly, there were 184 women compared to 1,267 men, in positions of full professors among the academic personnel, a position granting not only higher income, but also

influential status within the Academia, a share of 12.7%. Today there are 5 female presidents in all Higher Education Institutions, and at least one woman has served as a rector.

377. Although there are more women than men in all levels of higher education, they comprised only 26% of the total academic staff in 2006. For example, in Humanities, women were 66.1% of the students and only 39.4% of the staff, and in Social Sciences, they comprised 60.2% of the students and 29% of the staff.

Table 20 - The Rate of Women in the Academic Personnel of Higher Education Institutions in Israel, by Field and Rank, 2006 (Universities Only)

| Field of Study | Total | Full staff professor | Member professor | Senior lecturer | Lecturer |
|---|---|---|---|---|---|
| Humanities | 36.8 | 21.8 | 27.9 | 46.8 | 51.2 |
| Education | 52.1 | 48.9 | 41.2 | 56.2 | 59.9 |
| Social Sciences | 31.1 | 12.5 | 25.0 | 38.3 | 49.7 |
| Business and Management | 17.0 | 6.0 | 15.6 | 10.4 | 41.9 |
| Law | 22.5 | 26.5 | 11.5 | 28.1 | 20.2 |
| Medicine | 32.7 | 16.2 | 34.0 | 42.1 | 62.6 |
| Para-Medicine | 57.8 | 44.8 | 44.3 | 68.5 | 60.4 |
| Mathematics, Statistics and Computers | 9.5 | 5.4 | 8.7 | 11.2 | 36.4 |
| Physical Sciences | 9.9 | 3.6 | 16.2 | 16.1 | 47.2 |
| Biological Sciences | 25.1 | 20.3 | 19.1 | 36.4 | 42.9 |
| Agriculture | 15.3 | 6.5 | 15.8 | 18.3 | 35.9 |
| Engineering and Architecture | 13.9 | 5.9 | 13.2 | 21.7 | 23.4 |
| other | 17.3 | 10.3 | 9.2 | 17.3 | 28.9 |
| **Total** | **25.9** | **12.7** | **21.8** | **35.7** | **45.7** |

*Source: Council for Higher Education, 2008*

## Science and Technology Education for Women

### Initiatives aimed at encouraging Female Minors to enter the fields of Science and Technology

378. In 2005, the Ministry of Education, together with the Authority for the Advancement of the Status of Women held ten one-day seminars in which more than 1,500 school principals participated on the subject of encouraging girls in the fields of mathematics and exact sciences. The seminars dealt with the following issues: raising awareness of professional and management teams for this matter, illustrating the perceived barriers to female participation in this

field, illustrating the actual ability of female pupils and methods of deconstructing these barriers, development of an intervention program encouraging female participation in these fields from an early age, and other relevant issues.

**Initiatives to encourage women to study Science and Technology**

379. In 2007, the Ministry of Science, Culture and Sport initiated a program for advancement of women in the fields of science for the years 2007 and 2008. According to the program, scholarships of 30,000 NIS ($7,500) will be distributed to female students in order to increase the number of women in science and technology fields and in exact sciences and engineering in which women have low representation rates.

380. In 2008, the Ministry of Science, Culture and Sport offered 11 scholarships to women who will complete their third degree in 2009 in fields of science and technology, exact sciences and engineering. The scholarships of 30,000 NIS ($7,500) each will be distributed to female students earning their third degree who perform research with faculty of exact sciences (chemistry, physics, math, and computer science) or the engineering faculty. The scholarships' purpose is to increase the number of women in the fields of science and technology.

381. The Ministry of Science, Culture and Sport gives great importance to the inclusion of women scientists in every delegation for international conferences held both abroad and in Israel. In November 2007, a joint British-Israeli convention titled "Biomolecular Self-Assembly", was held in Britain and was attended by five Israeli scientists, two of which were women. In October 2007, a joint French-Israeli convention titled, "Trends in Soft Matter and Micro Fluidics", was held in France, and was attended by a delegation of four Israeli scientists, two of which were women. In addition, the Ministry is very meticulous of the inclusion of women in various international committees and international programs.

## Physical Education and Sports

### Legal Developments

382. No notable changes have occurred on this issue since the submission of Israel’s previous report.

### Governmental Machineries for the Promotion of Women in Sports

383. On March 21, 2005, the Government decided on the establishment of the Public Council for Women's Sports (Resolution No. 3416). Also that year, a national program for women's sports was presented by the Sport Administration and was approved by the Ministry of Education. A budget of 80 million NIS ($20,000,000) was allocated for the program's operation by the Council for Sports' Gambling Arrangement for a period of eight years, and additional 1.8 million NIS ($450,000) per year was allocated by the Ministry of Science, Culture and Sport, also for a period of eight years.

384. In 2007 the Department for Women Sports was established at the 'Wingate' Sports institute, the Department is responsible for the operation and execution of the national program, including all its goals and targets, such as: increasing the number of the female athletes in Israel, development of excellence and leadership among women in the various sports, and in the fields of management, coaching and refereeing.

385. The Authority for the Advancement of the Status of Women, together with the Ministry of Science, Culture and Sport, have designed a unique training course for women, educating them on ways to become active and committed members of local and national Councils for the advancement and administration of sports in Israel.

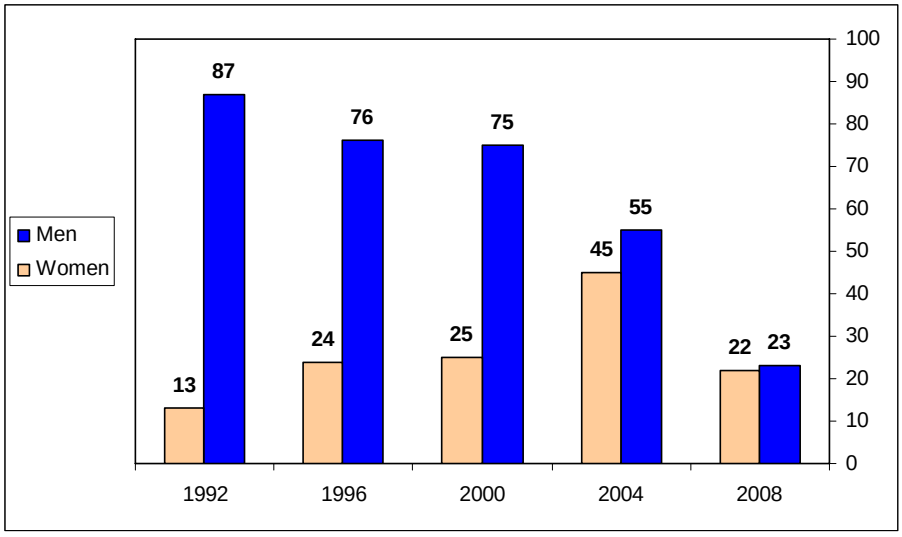
### Female –Minors Sport in the School System

386. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the Fourth periodic report.

**Current Data – Women in Sports**

387. Since the 1992 Olympic Games, women's participation in the Olympic Games has dramatically increased. In the 2008 Olympic Games in Beijing, there was a decrease in the number of Israeli athletes, both male and female, compared to the previous Olympic Games, however the tendency for equalizing between the numbers of male and female athletes is clearly visible as indicated by the chart below.

Chart 6 - Athletes in the Olympic Games, 1992, 1996, 2000, 2004 and 2008




*Source: The Olympic Committee of Israel, 2008*

# Article 11 - Employment

## Legal Protection from Discrimination within the Workplace

388. In accordance with an Amendment to the *Equal Employment Opportunities Law*, dated January 3, 2006, the Equal Employment Opportunities Commission was established, within the Ministry of Industry, Trade and Labor (ITL). The Commission is charged with the promotion, implementation and civil enforcement of the following laws and statutory provisions: *Equal Employment Opportunities Law*, 5748-1988; *Male and Female Workers (Equal Pay) Law* 5756-1996 (the "*Male and Female Workers (Equal Pay) Law*"); *Women's Employment Law*; *Prevention of Sexual Harassment Law* (in relation to employment) and other statutory provisions relating to: discrimination on religious grounds and army reserve duty service, discrimination on the part of

public and private employment agencies, affirmative action for women, people with disabilities, Israeli Arabs and persons of Ethiopian origin in the public sector and legislation protecting workers who "blow the whistle" on violations of the above laws and statutory provisions.

389. The Commission is also charged, *inter alia*, with a wide range of duties, including fostering public awareness through education, training and information; encouraging programs and activities; cooperation with relevant persons and bodies; conducting research and gathering information; intervention, with the courts approval, in ongoing legal proceedings; handling complaints regarding the violation of equal employment legislation; submission of requests for general orders; and instructing employers to take general measures regarding all or part of their workforce or employment applicants, designed to ensure compliance with duties imposed by employment equality legislation or to prevent violations of such duties.

390. Structure of the Commission - The Commission is headed by a National Commissioner, who is appointed by the Government, upon the recommendation of the Minister of ITL, following consultation with the Minister of Justice. The National Commissioner is appointed for a term of four years which may be renewed only once; the National Commissioner has to have a law degree and at least seven years of proven experience in the areas within which the Commission operates.

391. The Equal Employment Opportunities Commission commenced operation at the beginning of 2008, following the Government's Resolution in November 2007, to appoint Adv. Tziona Koenig-Yair, as the first National Commissioner (Government Resolution No. 2578). This position is the first of its kind to be established in Israel. The Commissioner is responsible for collecting information and hearing complaints from workers concerning instances of sexual harassment, and/or discrimination based on gender, sexual orientation, parenthood, religion and race. Where necessary, the Commissioner is also responsible for initiating legal action on behalf of any adversely affected workers. The commissioner also has the authority to request that Courts issue special orders prohibiting sexual harassment in the workplace. Violation of

these orders is considered a criminal offence. In addition, the commissioner is responsible for encouraging special programs relating to equality in employment as well as other educational and promotional activities in the workplace.

392. At the end of each year the Commissioner is required to submit an annual report to the Minister of Industry, Trade and Labor, who shall forward the report with his/her comments to the Knesset Committee for the Advancement of the Status of Women, and to the Knesset Committee for Labor, Welfare and Health.

393. Since her appointment, the National Commissioner manned three additional positions, published a pamphlet dealing with employment rights that was distributed to 300,000 employers and employees, and is now being translated into Arabic.

394. In late 2008, the advisory committee to the Commission has been appointed. Under the Amendment to the Law, the 21-member committee is comprised of representatives of the Authority for the Advancement of the Status of Women, the Commission for Equal Rights of Persons with Disabilities, Government Ministries, NGOs, trade unions and employers' associations. Appropriate representation is given, insofar as is possible, to women, Israeli Arabs and persons with disabilities.

395. Since September 2008, the services provided by the Commission include the handling of 150 specific applications, 3 law suits currently being prepared and many preliminary measures taken regarding discrimination by employers.

396. Recently the Equal Employment Opportunities Commission filed its first law-suit against "Rami-Lee", a company which manufactures pregnancy clothes, on account of their refusal to accept a pregnant woman to work in one of its stores. The Commission requested that the court reward the complainant with 87,425 NIS ($21,856) compensation for the loss of income, lack of advance notice, as well as for non pecuniary damages.

In addition, the Commission requested the Court to order the company to implement a policy of affirmative preference for pregnant women, as the

company discriminated against them in job acceptance, while making its profit from targeting pregnant women as its designated clientele. The case is still pending before the court.

## Legal Developments

397. As mentioned above, on April 10, 2008, The *Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Workplaces to Women's Needs Law* was enacted by the Israeli Knesset. The purpose of the new Law is to generate a change in the business culture in Israel and promote public awareness in order to encourage employers to advance and integrate women in the workplace. Under the Law, substantial monetary incentives and grants will be granted annually by the Minister of ITL to employers in the private sector who endeavor to integrate and promote women in their business, and who initiate programs to that end, as well as employers who modify the workplace and work conditions to the needs of women and parents. The employers must show that they actually integrated women in their businesses, promoted women and instituted programs to adapt the work environment to women. The Ministry of ITL is presently determining the specific criteria upon which the businesses will be chosen.

According to the Law, the Minister of ITL shall establish a Public Council for Integration and Advancement of Women in The Workplace, which will function as an advisor to the Minister on the issue of women in the workplace, including measures to implement the provisions of the Law. The Public Council will consist of 11 members – from relevant Government Ministries, as well as experts in gender studies, women's NGO representatives, representatives of the Authority for the Advancement of the Status of Women, the Equal Employment Opportunities Commission and representatives of employers and employees unions. A retired female Judge will head the Public Council.

The Minister of ITL is required to submit an annual report on the implementation of the Law to the Knesset Committee on the Status of Women and the Committee of Labor Welfare and Health.

This Law has the potential of serving as an incentive to employ more women and to advance women to senior positions within the workplace and to modify working condition to the unique needs of women, which will result in the broadening of women's economic independence.

398. Several recent rulings of Labor Courts have further reinforced the protection granted by law to women in the workforce. On July 26, 2007, the National Labor Court rejected an appeal from a former female employee of the Knesset, who claimed that she was discriminated against in salary and retirement benefits in comparison to her male counterparts (*La.A. 222/06 Shoshana* Kerem *v. The State of Israel*). The Court found that the appellant failed to prove that she experienced discrimination in comparison to her male colleagues, neither on the basis of the *Male and Female Workers (Equal Pay) Law* nor on the basis of *Equal Employment Opportunities Law*.

In its decision, the Court held that "the principle of equality is one of the basic principles of every democratic state. The principle of equality is a cornerstone in our legal regime. The principle of equality derives from the basic rights of every person and the natural desire of human beings to live side by side in harmony, fraternity and peace". The Court concluded that the prohibition of discrimination derives from the principle of equality and is anchored in the *Male and Female Workers (Equal Pay) Law* and the *Equal Employment Opportunities Law*. Here, however, the Court held that the former employee of the Knesset did not prove any connection between the claimed discrimination and her being a woman.

399. On July 22, 2008, the Tel Aviv Labor District Court awarded a woman 85,690 NIS ($21,422) in compensation for the pecuniary damage caused by her illegal dismissal and the violation of several constitutional rights (*La.C. (Tel-Aviv) 5043/04 Ronit Shmuel v. Bravo Engineering Inc.* (*22.6.2008*)). The Court determined that the dismissal of a woman undergoing fertility treatment constitutes a violation of the *Women's Employment Law,* which grants protection to the employee undergoing such treatment if she is absent from her workplace due to the treatment, on the condition that she presents her employer with a written affirmation from the physician in charge that the treatment

requires absence from work and provided that she informs her employer in advance of her future absence. In this case, the Court determined that since the woman failed to present the written affirmation prior to her dismissal, she could not benefit from the protection of the *Women's Employment Law*.

However, the Court found the dismissal as violating the *Equal Employment Opportunities Law,* as it constitutes prohibited discrimination according to the Law. The dismissal was prior to the enactment of Amendment No. 11 to the Law adding the prohibition of dismissal of an employee due to fertility treatment and in vitro fertilization. Nevertheless, the Court found that in the explanatory notes to the original draft law on Equal Employment Opportunities the legislator wished to extend the protection to employee's fertility related rights, therefore found the dismissal to constitute prohibited discrimination as defined by the Law and awarded the plaintiff with compensation in accordance with the Law.

400. On November 5, 2008, the Tel-Aviv District Labor Court ordered the compensation of a woman who was forced to resign from her employment due to obstacles imposed by the employer after she notified him of her pregnancy. The Court determined that the woman is entitled to 50,000 NIS ($12,500) non pecuniary damages due to the breach of the *Equal Employment Opportunities Law*, as well as to 32,000 NIS ($8,000) pecuniary damage due to loss of employment, unlawful deductions, loss of accumulated rights etc. The deterioration and obstacles placed included the obligation to report her whereabouts, cancellation of her computer password needed to perform her duties, cancellation of the possibility to make outgoing calls on the cellular phone, etc. These obstacles subsequently forced the women to resign. As these obstacles were imposed by the manager and primary shareholder, the Court ordered the piercing of the corporate veil and ordered that the compensation be paid by the company and manager jointly (*La.C. 5524/03 Annette Kirsch v. Zehohit Bidodit Inc. et. al. (5.11.2008)*).

401. On March 16, 2008, the National Labor Court determined that failing to accept a woman back to work after her maternity leave violates the *Women's Employment Law*, as well as the *Equal Employment Opportunities Law* (*La.A.*

*(National) 627/06 Orly Morey v. M.D.P Yellow Inc. et. al. (16.3.2008)*). The *Women's Employment Law* prohibits the dismissal of an employee during her maternity leave, as well as 45 (currently 60) days after the leave, in order to allow an employee to return to the workplace, prove her ability and continue her employment. The Law stipulates that such terminations of employment are prohibited unless it receives the preliminary approval of the Minister of ITL who must be convinced that the dismissal is not related to the pregnancy or if the employer is announced as bankrupt and the workplace ceases to function.

Here, the employee was summoned to a meeting during her maternity leave, in which she was informed of her dismissal at the end of her maternity leave, which did not receive the approvals required according to the Law. She was told not to return to work after her leave and instead to receive payment for the 45 days during which her dismissal is prohibited. It should be noted that the redemption of the period of time in which the dismissal is prohibited and when the employee is interested in returning back to work, also constitutes a violation of the Law which is subject to compensation, and that the dismissal also violates the *Equal Employment Opportunities Law* as it prohibits discrimination on the ground of pregnancy or parenting. Due to the violation of both laws, the Court awarded compensation in the amount of 50,000 NIS ($12,500) to the employee. The National Labor Court President, Judge Steve Adler, recommended that in the future, any case where principle issues in the field of equality arises, the Labor Courts will bring these issues to the attention of the Equal Opportunities Commission in the Ministry of Industry, Trade and Labor.

402. In *La.C. (Jerusalem) 2260/06 Biazy Mali v. Partner Communications Ltd.* (18.9.2008), a dedicated employee, who worked for 6 years for Partner Communications and was very highly regarded, was forced to take nearly 5 months of unpaid leave following her maternity leave, although it included the period the employer is compelled to receive the employee back after the maternity leave. The conditions of the positions offered to her on her return after the maternity leave were inferior to those she enjoyed in her previous position, and were only temporary by nature. Efforts made on her behalf to find proper positions in the company failed, and therefore she was left with no alternative

but to resign. The employee claimed she was discriminated against due to her pregnancy and transferred from her position, as well as unlawful dismissal after her maternity leave due to parenting.

The Court determined that subjecting an employee to deterioration in the working conditions and dismissal due to pregnancy and parenting violates the *Equal Employment Opportunities Law*. The Court ordered Partner Communications to pay non-pecuniary damage in the amount of 40,000 NIS ($10,000) according to the *Equal Employment Opportunities Law*. In addition, the Court ordered the company to compensate the employee for violation of the *Women's Employment Law*, since she was not employed during the mandatory period after her maternity leave, as well as to compensate her for the period the company forced her to take an unpaid leave and compensation for dismissal without due notice according to the *Women's Employment Law*. Additionally, the Court ordered compensation for the dismissal itself. In total the employee received a total compensation of 110,800 NIS ($27,700).

**Sexual Harassment in the workplace**

403. According to the *Prevention of Sexual Harassment Law*, an employer who employs more than 25 employees is obligated to prescribe a code of practice detailing the principle provisions of the Law concerning sexual harassment and adverse treatment in the labor relations sphere, and the procedures for filing complaints in respect of sexual harassment or adverse treatment and for dealing with such complaints by the employer. The employer must publish the code of practice among his/her employees. The Law further obligates the employer to appoint a supervisor of sexual harassment issues, which is responsible, *inter alia*, for handling sexual harassment and adverse treatment complaints, and to take measures aimed at raising his/her employees' awareness of the issue. Furthermore, the Law applies to employers both from the public and private sectors.

404. During 2007, the Authority for the Advancement of the Status of Women also sent out letters, to which a model code of practice was attached, to 500 employers in the private sector. The Authority receives responses to hundreds of

requests for the model code of practice in different languages and responds to all by distribution of the model code. These model codes of practice are available in various languages (Hebrew, Arabic, Russian, Amharic and English) and are easily accessible on the Authority's website.

405. An enforcement and awareness promotion campaign of the Authority in conjunction with the Enforcement and Regulatory Administration within the Ministry of ITL, was launched in October 2007. During the joint campaign, model codes of practice were distributed in work-places throughout the country and data on the implementation of the provisions of the Law were collected. Inspections were performed in 163 workplaces, in which 15,000 workers are employed altogether. The inspections revealed that the majority of employers comply with the obligation to publish a code of practice, yet 34% of the employers did not do so in violation of the Law.

406. During 2007, the Authority for the Advancement of the Status of Women began collecting data on the implementation of the obligation to appoint a supervisor, in local municipalities and in governmental corporations. By the end of 2008, 900 out of 2,600 employers examined in the private sector, 172 out of 250 local municipalities and 48 out of 65 governmental corporations, have appointed a supervisor. In the Kibbutzim movement there were 140 supervisors and in the Civil Service, 70 supervisors (100%) were appointed in Governmental Ministries and auxiliary units. At the end of 2007, the first training course for supervisors was launched in cooperation with the Union for Local Authorities in Israel.

407. In 2008, the Authority for the Advancement of the Status of Women began the production and distribution of a training kit designed for employers and workplaces, which include explanations regarding sexual harassment, statistical data and relevant legislation. The kit was designed to raise awareness for this important issue and fight sexual harassment.

408. Israel is a party to the following International Labor Organization (ILO) conventions regarding equality and prohibition of gender discrimination: *Equal Remuneration Convention*, 1951 (No. 100, since 1965) and the *Discrimination*

*(Employment and Occupation) Convention, 1958* (No. 111, since 1959). Since its previous report, Israel submitted the following reports regarding the abovementioned ILO conventions:

- *The Equal Remuneration Convention*, 1951 (No. 100) - relating to the years 2005-2006.
- *The Discrimination (Employment and Occupation) Convention*, 1958 (No. 111) - relating to the years 2005-2006.

409. On November 13, 2008, the Tel-Aviv District Labor Court ordered the compensation of an employee in the amount of 50,000 NIS ($12,500) due to its employer's failure to address her complaint regarding sexual harassment in the workplace. Although the employer appointed a person responsible to receive complaints according to the *Prevention of Sexual Harassment Law*, the employee's complaint was not handled properly, as she was shifted to a different location in the office, in a way that appeared to be as if she was being punished for complaining. In addition, a workers' gathering was held, with the absence of the employee, in which the details of the complaint were publicly exposed. The harassment which included sexual comments and jokes, including the correction of the employee's pronunciation of words to words with sexual connotations, and questions regarding her sexual relationship with her husband, continued for nearly a year, despite the change in seating arrangements, in the end of which the employee was fired.

The Court determined that the termination of employment did not result from cutbacks or even preformed on a seniority basis. The Court held that the employee was fired solely on account of her complaint, thus the company violated the *Equal Employment Opportunities Law*, as well. The Court ordered the compensation based on the age of the employee, the emotional damage inflicted upon her, and her chances of finding alternative employment (*La.C. 2271/04 Bella Krezner v. Ort Israel* (*13.11.2008*)).

410. On July 16, 2008, The Nazareth Labor District Court ruled that constant request for friendship in the framework of work relations and authority which imposes an increased duty of care upon the employer, amounts to sexual harassment, and ordered on compensation of the plaintiff in the amount of 15,000 NIS ($3,750).

In this case a female employee of the Israel Antiquities Authority was fired, and claimed it was done due to her lack of compliance with her supervisor's constant request to 'be friends'. Since both the supervisor and the employee were from traditional Arab background, the employee found the request improper, which led her not to feel at ease around him, even though it did not amount to explicit sexual requests. After rejecting his requests several times, the supervisor changed his attitude towards her and even avoided directing her and answering her calls regarding work related issues. Eventually, the employee was fired due to lack of satisfaction regarding her work. The employee claimed the termination of employment was a result of her filing a complaint regarding the sexual harassment.

The Court found that the constant request from the employer could in itself be subject to several interpretations. However, due to the fact they were in the framework of relations of authority which imposes an increased duty of care upon the employer, they amounted to sexual harassment. The Court did not find any misconduct in the proceedings taken by the Israel Antiquities Authority, who received the employee complaint and agreed to allow her to work in a different region, where she will not be in direct contact with the supervisor until conclusions will be reached regarding her complaint (*La.C. 1452/04 Janet Abas v. The Israel Antiquities Authority et. al.* (*16.6.2008*)).

411. In another decision concerning sexual harassment in the workplace, the Supreme Court rejected an appeal from the nursing deputy director in the Mental Health Center in Beer-Sheva, who had been convicted of harassing nurses during a training course (*C.S.A. 11976/05 Ruchi Halil v. The Civil Service Commission* (11.04.07)). The Court found that the appellant had repeatedly spoken to his subordinates in a manner that contained sexual content, which is considered to constitute sexual harassment according to the Law. The Disciplinary Court sentenced the appellant to severe reprimand, a rank reduction of one level for a period of two years, removal to a different governmental hospital and disqualification from service in the training of nurses for a period of three years.

412. In the case of Civil Service Appeal *2192/06 Moshe Rahmani v. Civil Service Commission (5.4.07)*, the Supreme Court rejected an appeal from an employee of the Ministry of Finance. He was found to have sexually harassed (verbally) an 18.5 year old worker, was convicted and sentenced to dismissal and disqualification from working in the Civil Service for a period of 5 years. The Court held that the appellant's repeated offers to the complainant, which were of a sexual nature, and which she repeatedly and clearly rejected, could be considered sexual harassment under the terms of the Law.

**Child-care services expenditures**

413. On April 3, 2008 the Tel-Aviv District Court determined that expenses paid for childcare services, such as nursery and after-school programs, are expenses made for the purpose of generating an income, therefore can be deducted from the taxable income of a mother each tax year. The Court determined that these costs are essential in allowing the integration of mothers to young children in the labor market.

Here, the Court determined that a mother of two children, a lawyer with a private practice, needs to work long hours in order to succeed in her profession, and therefore must find a solution for the care and supervision of her children during her working hours. However, the Tax Authorities did not agree to deduct the expenses paid for childcare from the taxable income. The Court held that distinction shall be made between the component of care and supervision (including the amount of money necessary to operate a childcare institution) to the component of education and enrichment the children receive while in those childcare institutions.

The Court emphasized the fact that the premise is the right of the two spouses to fulfill their career aspirations, their right to realize their will to practice their occupation and create a livelihood for themselves and their family-members. The placement of children who need adult supervision in childcare institutions is done for the purpose of allowing both parents to work. Therefore, the Court ordered that the Tax Authorities deduct 2/3 of the expenses paid in the years in

dispute (*I.T.A. (Tel-Aviv) 1213/04 Vered Peri v. The Income Tax Assessor of the Dan Metropolitan Area* (03.04.2008)).

414. On May 12, 2008, the State of Israel appealed to the Supreme Court, and the proceedings are still pending (*C.A. 4248/08 The Income Tax Assessor of the Dan Metropolitan Area v. Vered Peri*).

## Pregnancy and Maternity Protection

415. Between the years 2006 and 2008, a number of significant amendments were made to the *Women's Employment Law*, which further elaborate and enhance the importance of maternity protection for women:

415.1. Amendment No. 33, February 2007 - Extended the period in which a woman returning to work after a maternity leave may not be dismissed from her place of employment from 45 days to 60 days.

415.2. Amendment No. 34, March 2007 - Prior to the Amendment, a woman (or her child) who were hospitalized during the mother's maternity leave for at least two consecutive weeks, was entitled to extend the maternity leave for the period of her hospitalization, up to four weeks. The Amendment allows the extension of the maternity leave even if the period of hospitalization was not consecutive.

415.3. Amendment No. 35, March 2007 - Prior to the Amendment, the punishment for unauthorized dismissal of a pregnant woman, a woman on maternity leave, a woman staying in a shelter for battered women or an employee undergoing fertility treatment, was one month's imprisonment or a fine of 67,300 NIS ($16,825) or both, while the period of limitation for the offence was one year. The short period of limitation significantly reduced the ability to enforce the Law. The Amendment sets the maximum punishment for the offence at six months imprisonment and doubles the current fine. As a result of the increased severity of the sentencing, the period of limitation is automatically extended to a period of five years from the time the offence is committed.

415.4. Amendment No. 36, March 2007 - Extended the period in which a woman absent from work due to her stay in a shelter for battered women may not be dismissed upon her return to work, from 60 to 90 days. The purpose of these provisions is to allow the employee to return and reintegrate in her workplace after the period of absence while at the shelter, thus giving her a real chance to prove herself again in her place of work. This protection also encourages the independence of the battered woman and serves as a negative incentive, discouraging her from returning to continued dependency on the person who injured her.

415.5. Amendment No. 37, May 2007 – The maternity leave was extended from 12 to 14 weeks, thus bringing Israel inline with the minimum requirement from member states of the European Union.

415.6. Amendment No. 38, June 2007 - The temporary provision allowing for paternity leave in the case of a mother conceding her rights to a leave to her spouse, has become final.

415.7. Amendment No. 39, August 2007 - addresses several issues:

415.7.1. It allows for a woman to shorten her maternity leave in the case of her giving the infant up for adoption or in the case of a surrogate mother.

415.7.2. It also allows for a man whose spouse has given birth and can not care for the infant due to a handicap or illness to take a paternity leave for the full period in which she is unable to care for the infant for further elaboration on this issue please see section regarding parenthood below.

415.7.3. A woman may be absent from work due to her pregnancy upon approval of a doctor. If she is not entitled to payment from the Health Insurance Institute nor from her employer, her absence will be considered as sick leave.

415.7.4. When a pregnant woman, due to the nature or conditions of her work or workplace, is unable to continue her work, she may be absent upon doctor approval. Her absence without pay will be permitted only if her employer can not find an alternative suitable position for her. Her seniority will not be affected by her absence.

415.7.5. A nursing mother who is not allowed by law to work in certain jobs due to her nursing condition and is not entitled to vacation days after her maternity leave, may be absent from work. Her absence will be considered vacation without pay and her seniority will be maintained.

415.7.6. Upon fulfillment of certain conditions specified in the law, the termination of a limited term contract, will be considered a dismissal when concerning circumstances such as pregnancy, maternity leave, fertility leave etc.

415.7.7. A direct right of appeal has been granted to an employee regarding decisions made by the Government official in charge of allowing dismissals or cutting back of a post during pregnancy.

415.8. Amendment No. 40, August 2007 - Imposition of responsibility on employers who have caused the dismissal of a pregnant woman employed as a contract worker in violation of the Law.

415.9. Amendment No. 41, October 2007 - The Amendment determines that the provision prohibiting dismissal during fertility treatment for a first or second child will also apply to an employee who has a child or children from a previous relationship, and who is undergoing fertility treatment for a first or second child with the current partner or spouse.

415.10. Amendment No. 42, February 2008 - An employer is prohibited, for a period of four months following maternity leave, to require a female employee to work night hours (of which two hours, at least, are between

the hours of 22:00 and 06:00), or to require her to work on the weekly rest days even if this is permitted according to the *Work and Rest Hours Law*, 5711-1951, unless the employee has agreed to do so in writing (Certain jobs are not included such as hospital work etc.).

415.11. Amendment No. 43, February 2008 – Legislation prior to the Amendment prohibited dismissal of a female employee who is on maternity leave and for a period of 60 days following the maternity leave, and also did not allow an overlap between the period of notice for dismissal and the period when dismissal is prohibited. Although the Law did prohibit dismissal of a female employee for a period of 60 days following a period of unpaid leave after maternity leave, it did not explicitly prohibit an overlap between the period of notice for dismissal and the period of the unpaid leave and the following sixty days. The Amendment prevents the possibility of overlap between the period of notice for dismissal and the periods during which it is prohibited to dismiss an employee on unpaid leave following maternity leave, or a female employee who is on such leave from her employment with dangerous substances because she is nursing, such overlap effectively cancels the intension of the provision against dismissal during this period.

415.12. Amendment No. 44, March 2008 - Prior to the Amendment, the Law allowed for an unpaid vacation after the maternity leave, up to a year from the day of the birth, on the condition that the employee worked for at least 24 months prior to the birth. The Amendment allows this right after only 12 months of employment prior to the birth.

416. In 2007, the *Equal Employment Opportunities Law* was also amended. The Law prohibits discrimination against an employee during acceptance for employment, in working conditions and on dismissal for various reasons, including being pregnant or parenthood. Amendment No. 11 adds provisions to the Law that prohibit discrimination due to parenthood to include pre-parenthood situations, such as fertility treatment or IVF.

## Parenthood

417. Amendment No. 39, dated August 2007 allows for a man whose spouse has given birth and can not care for the infant due to a handicap or illness to take a paternity leave for the full period in which she is unable to care for the infant. Prior to the Amendment, in such case the father was not able to take the full period of leave. According to the Amendments, his paternity leave does not cancel the mother's right to her leave. A parallel Amendment was made to the *National Insurance Law* to allow the father on leave to collect a birth allowance in addition to the allowance paid to the mother.

418. As of September 2007, a man can replace his wife on maternity leave if she is not capable of caring for the newborn due to her health condition, even if 6 weeks have not yet elapsed since the birth as usually required – if the infant is in the father's custody and in his sole care. This Maternity Leave for the father includes extension of the leave due to a multiple birth or hospitalization of the infant.

419. Amendment No. 8 of 2008, to the *Sick Pay Law (Absence from Work due to a Child's Sickness)* 5753-1993 (the "*Sick Pay Law (Absence from Work due to a Child's Sickness)*"), extended the number of days available for a single parent or to a parent who has sole care of his/her child, granting a 16-day leave to tend to a sick child (compared to the standard 12 days).

420. On September 1, 2008, the *Women Employment Regulations (Times and Rules for Payment to Pension Fund)* 5768-2008, entered into force and annulled the previous Regulations. These Regulations stipulate that during an employee's (male or female) maternity leave, the employer must transfer payments to his/her pension funds on his/her own, in the same amount as previous to his/her maternity leave. The employee is required to pay his/her part of the payment by deduction from the last salary or the first salary after he/she returns from the Maternity leave. If the employer and the employee transfer payments to the pension fund separately, during the time the employee is entitled to pregnancy protection benefit, then the employer shall transfer the payments applying on him/her, no later than 7 days after the employee transfers his/her share of the

payment to the employer. The employer is required to inform the employee regarding these regulations, in reasonable time after learning of her pregnancy or after learning that a male employee intends to take maternity leave. Moreover, these regulations come to add rights to the employees and shall not subtract from any law, collective agreement, work contract, or practice.

## Affirmative Action in Employment

421. Please see discussion under Article 4, above.

## Social Security Benefits

422. Please see discussion under Article 13, below.

## Employment of Women - Data and Analysis

### Women Participation in the Workforce

423. In 2007, the Israeli civil workforce totaled 1.546 million men and 1.347 million women. Compared to 2003, the workforce grew by 146,400 men and 137,400 women, hence women accounted for roughly 49% of the increase.

424. In 2007, women's proportion of the civilian labor force of the total population aged 15+ increased to 51.1%, compared to 49.1% in 2003 and 48.2% in 2001. Men's proportion increased to 61.8%, from 60.1% in 2003 and 60.7% in 2001.

425. In 2007, 31.0% of the women in the labor force had 16 years of schooling or more, compared to 24.5% of the men. The level of education is a conclusive factor in female participation rates in the labor force and the rates go up as the level of education rises. The general education level of women in the labor force is higher than that of men.

### Work Patterns

426. In 2007, 88.2% of men and 66.3% of women worked full-time. Most of the usually part-time employed persons in the labor market were women (453,400 women compared to 181,300 men). 15.9% of the women stated that the motivation for part-time employment was care for their children and/or household.

427. Temporary absence from work is higher for women when compared to men. In 2007, 115,900 women were temporary absent from work compared to 70,100 men. 20,900 women were absent due to maternity leave while in the same period, the number of absent men due to army reserve duty was 4,600.

428. In 2007, 1,240,100 women were employed (compared to 1,441,900 men), of that, 1,138,400 women were salaried employees (91.8%), while only 5.1% of the women were self-employed. At the same time, most of the employed men (83.5%) were salaried employees and 9% were self-employed. Of the total employed persons 1,129,200 were Jewish women and 74,100 were Arab women. Of the Jewish women 1,033,900 were salaried employees.

**Unemployment**

429. From 2003 until 2006, there has been a decrease in the number of unemployed women (defined as women who have not worked at all and have actively sought work in the month prior to the survey, and could have begun work during the week of the survey had they been offered a job). The unemployment rate decreased from 132.5 thousands in 2003 to 112.9 thousands in 2006. The unemployment rate for women which was 11.2% in 2003 decreased to 8.8% in 2006 (compared to 10.1% among men in 2003 and 7.8% in 2006). These statistics refer to the 18-67 age group which is the relevant group for participation in the labor force. The rate of participation of women in the labor force ages 18-67 was 59.7% in 2003 and increased to 61.4% in 2006. The rate of participation of men in the labor force increased only slightly from 70.2% in 2003 to 71.3% in 2006.

430. In 2007, 199,236 employment seekers applied to the Employment Service Labor Bureaus. 116,882 were women (compared to 127,979 women in 2004) and the remaining 82,353 were men (compared to 102,391 men in 2004).

431. The means for seeking employment amongst unemployed women is divided as follows: Employment Bureau of the Employment Service - 48.6%, manpower agencies - 48%, newspaper advertisements - 71.8%, personal applications to potential employers - 57.8%, friends and relatives - 71%, attempts to establish ones' own private business - 3.6%. A similar breakdown may be found amongst

men (Note: The percentages do not add up to 100% since the same person may use various means for seeking employment).

## Careers of Women: Levels and Salaries

### Women's Occupational Distribution and Gender Segregation

432. As detailed in Israel's previous report, women maintain their considerable representation in “feminine professions”, with the highest percentages of women employees in the education, health services, welfare and social work. However, women's soaring representation in the legal profession continued, as detailed in Article 7, above.

Table 21 - Employed Persons by Industry and Gender, 2007

| Economic Branch | Men | | Women | |
|---|---|---|---|---|
| | % of Employed persons | % of Employees | % of Employed persons | % of Employees |
| Agriculture | 2.5 | 1.9 | 0.6 | 1.9 |
| Manufacturing | 21.1 | 23.4 | 9.7 | 23.4 |
| Electricity and water supply | 0.9 | 1.1 | 0.3 | 1.1 |
| Construction (building and civil engineering projects) | 9.9 | 9.6 | 0.7 | 9.6 |
| Wholesale and retail trade and repair | 14.8 | 13.6 | 12.0 | 13.6 |
| Accommodation services and restaurants | 5.1 | 5.2 | 4.0 | 5.2 |
| Transport, storage and communication | 8.4 | 7.9 | 4.1 | 7.9 |
| Banking, insurance and finance | 2.6 | 2.6 | 4.7 | 2.6 |
| Business activities | 15.1 | 14.3 | 12.9 | 14.3 |
| Public administration | 4.7 | 5.6 | 4.3 | 5.6 |
| Education | 5.6 | 6.3 | 21.4 | 6.3 |
| Health, welfare and social services | 4.4 | 4.5 | 16.6 | 4.5 |
| Community, social and personal services | 4.4 | 3.7 | 4.9 | 3.7 |
| Services for households by domestic personnel | 0.3 | 0.3 | 3.6 | 0.3 |
| Total | 100 | 100 | 100 | 100 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

### Salary and Earning Gaps

433. Gaps remain between male and female salaries. According to recent data (2006) in average, men earned 57% higher income than women. One explanation for this gap is shorter working hours (or lower availability for work) for women - In 2006, employed men worked an average of 45.5 hours a week, compared to employed women, who worked 34.8 hours a week - a 30.7% difference. Yet, in 2006, women’s average income per hour was 38.3 NIS ($9.575) and men’s –

45.8 NIS ($11.45), a 19.5% gap, indicating that the difference cannot be solely attributed to the number of working hours.

434. In 2006, women's average hourly wages were 80.5% of the men's. By occupation, their hourly wages are highest, relative to men, in the category "other professional and technicians" (86.5 %). Women earn the least, relative to men, among skilled industrial and construction workers, but this ratio has improved from 63% in 1998 to 92.3% in 2006.

Table 22 - Urban Wage and Salary Workers: Women's Hourly Wages as a Percent of Men's Hourly Wages, 1995, 1998 and 2006

| Occupation | Percentage | | |
|---|---|---|---|
| | 1995 | 1998 | 2006 |
| Total | 80.7 | 82.9 | 80.5 |
| Academic professionals | 79.4 | 85.7 | 74.9 |
| Other professional and technicians | 89.5 | 89.1 | 86.5 |
| Managers | 75.3 | 75.4 | 89.9 |
| Clerical workers | 75.8 | 70.3 | 79.9 |
| Sales and services workers | 64.2 | 71.0 | 73.7 |
| Skilled workers in industry and construction | 56.9 | 63.0 | 92.3 |
| Unskilled workers | 78.3 | 77.9 | 73.2 |

*Source: Israel, Central Bureau of Statistics, Income Surveys, 1995, 1998, 2006*

435. Arab women employees earned 8% more per hour, than Arab men. In terms of gross monthly salary, Arab men's salaries were 35% higher than the Arab women's salaries. The difference in the monthly salary is due to the gap in men's working hours compared to the women's - a difference of an average of 15 monthly hours.

436. 35% of Arab employed women are employed in academic, independent and technical professions, 27% in clerical work and up to 25% in sales and agencies as compared to Arab men - 27% employed in academic, independent and technical professions and 35% as professionals and non professionals.

Table 23 - Employed Persons, by Occupation, Gender and Population Group, 2007

| Occupation | Thousands | | | Percentage | | |
|---|---|---|---|---|---|---|
| All employed persons | Total | Men | Women | Total | Men | Women |
| Total | 2682.0 | 1441.9 | 1240.1 | 100 | 100 | 100 |
| Academic professions | 378.1 | 196.0 | 182.2 | 14.1 | 13.6 | 14.7 |
| Other professions and technicians | 426.4 | 174.4 | 251.7 | 15.9 | 12.1 | 20.3 |
| Managers | 177.0 | 124.0 | 49.6 | 6.6 | 8.6 | 4.0 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Clerical workers | 431.8 | 111.0 | 314.9 | 16.1 | 7.7 | 25.4 |
| Agents, sales and service workers | 547.1 | 248.0 | 297.6 | 20.4 | 17.2 | 24.0 |
| Skilled agricultural workers | 32.1 | 28.8 | 3.7 | 1.2 | 2.0 | 0.3 |
| Manufacturing, construction and other skilled workers | 488.1 | 439.7 | 50.8 | 18.2 | 30.5 | 4.1 |
| Unskilled workers | 201.1 | 113.9 | 88.0 | 7.5 | 7.9 | 7.1 |
| | | | | | | |
| **Jews** | | | | | | |
| Total | 2291.6 | 1162.4 | 1129.2 | 100 | 100 | 100 |
| Academic professions | 350.6 | 179.0 | 171.6 | 15.3 | 15.4 | 15.2 |
| Other professions and technicians | 380.4 | 156.9 | 230.1 | 16.6 | 13.5 | 19.8 |
| Managers | 167.2 | 119.7 | 49.9 | 7.3 | 10.1 | 4.3 |
| Clerical workers | 401.0 | 101.1 | 308.0 | 17.5 | 8.6 | 26.3 |
| Agents, sales and service workers | 478.9 | 210.3 | 276.6 | 20.9 | 18.1 | 23.8 |
| Skilled agricultural workers | 25.2 | 23.2 | 3.4 | 1.1 | 2.0 | 0.3 |
| Manufacturing, construction and other skilled workers | 336.8 | 295.2 | 44.1 | 14.7 | 25.4 | 3.8 |
| Unskilled workers | 146.6 | 75.5 | 73.2 | 6.3 | 6.5 | 6.3 |
| | | | | | | |
| **Arabs** | | | | | | |
| Total | 317.9 | 243.8 | 74.1 | 100 | 100 | 100 |
| Academic professions | 23.8 | 14.8 | 8.8 | 7.5 | 6.1 | 11.9 |
| Other professions and technicians | 37.1 | 14.1 | 22.8 | 11.7 | 5.8 | 30.9 |
| Managers | 7.3 | 6.0 | 0.9 | 2.3 | 2.5 | 1.3 |
| Clerical workers | 23.2 | 9.7 | 13.1 | 7.3 | 4.0 | 17.8 |
| Agents, sales and service workers | 52.1 | 35.3 | 16.5 | 16.4 | 14.5 | 22.3 |
| Skilled agricultural workers | 6.0 | 5.8 | 0.3 | 1.9 | 2.4 | 0.5 |
| Manufacturing, construction and other skilled workers | 127.1 | 124.3 | 3.0 | 40.0 | 51.0 | 4.1 |
| Unskilled workers | 41.3 | 32.9 | 8.2 | 13.0 | 13.5 | 11.2 |

*Source: Israel Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

Table 24 - Employee Gross Monthly Income and Income per Hour, by Occupation and Gender – 2006

| Occupation | Per month (NIS) | | Per hour (NIS) | | |
|---|---|---|---|---|---|
| | Men | Women | Men | Women | Difference (%) |
| Academic professionals | 14,766 | 8,245 | 76.1 | 57.5 | 32.3 |
| Associate professionals and technicians | 9,453 | 6,135 | 54.0 | 45.7 | 18.1 |
| Managers | 18,120 | 12,355 | 81.7 | 66.6 | 22.6 |
| Clerical workers | 8,088 | 5,691 | 44.7 | 36.6 | 22.1 |
| Agents, sales persons and service providers | 6,502 | 3,494 | 35.3 | 26.2 | 34.7 |
| Skilled workers | 6,276 | 4,213 | 31.7 | 24.2 | 30.9 |
| Unskilled workers | 4,299 | 2,773 | 25.9 | 22.2 | 16.6 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

**Women's Entrepreneurship**

437. A 2006 survey indicates that 33.7% of the self-employed are women, compared to 66.3% men. Women entrepreneurs face inherent obstacles such as insufficient administrative skills, difficulties in financing and low self-esteem. Consequently, several programs were developed by the Ministry of Industry, Trade and Labor through the Israel Small and Medium Size Enterprises Authority (SME Authority) and in the Centers for Fostering Entrepreneurship for every woman, including Arabs, Druze and Bedouin, new immigrants, and ultra-orthodox women. These programs include assistance in funding for small businesses, women empowerment courses, establishment of "women only" business clubs and other activities and special assistance for single mothers. In 2007, Israel's SME Authority, through its Centers for the Promotion of Entrepreneurship handled 6,909 new applications from women and 10,276 from men (compared to 6,689 applications from women and 11,119 from men in 2006). In 2007, 96.5% of the women applicants participated in guidance courses run by the Centers. 25% of the women received coaching and trainers to assist them. As part of the Ministry of ITL's policy to foster entrepreneurship among challenged segments of the population, the SME Authority runs several programs, described below, with an emphasis on the women population:

437.1. Initiating business - a program in cooperation with Israel's Employment Bureau, Joint Distribution Committee and the Ministry of immigrant Absorption to locate unemployed in all parts of the country with entrepreneurship potential for women who are given coaching for the start-up period of the business. This project which started this year has 79 women participants - 85% of all participants.

437.2. Project for single parent women in Ramla-Lod - a long term project for single parent women giving them the necessary tools for the starting up of a business through a coaching and determining the proper financing tools for the business. Currently there are 20 women participants in the program.

437.3. Economic Initiative for Women in Kseife - 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.

437.4. Female Horizon Project - in cooperation with the Forum for Civil Agreement and "Joint-Israel" for the Arab population. The project's aim is to develop and empower 60 business owners and includes, *inter alia*, the writing by women of their own independent business development plans.

437.5. Innovators Association - courses are given to qualified women for running a business event (birthdays and other parties). Every year 70 women participate in the program.

437.6. Project in the Western Galilee for training of Arab women in the field of alternative medicine in cooperation with the Albaum Institute. The 25 women who participate in the program receive training in alternative medicine and in business management.

437.7. 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.

## Vocational and Professional Training for Women

438. As detailed in Israel's previous report, with regard to female participation in the labor force, two groups – Ultra-Orthodox Jewish women and Arab women – require special programs and measures, due to the religious-cultural factors affecting their potential entry into the labor market.

439. In the field of vocational training, the policy of devoting special budgets to training women continues. Some of the special programs target women in general, while others specifically target vulnerable groups of women.

440. The Department for the Advancement of Women within the Ministry of ITL endeavors to increase the employability of women and, consequently, their economic independence. Several of the Department's initiatives are as follows:

440.1. Self-empowerment workshops and entrepreneurship workshops, including new immigrants, Arab women and ultra-orthodox women. These workshops also focus on work skills and additional retraining courses.

Between the years 2002 and 2007, 370 workshops were provided to some 6,500 participants. The participants report improved self-image, personal and professional empowerment and better assessment of the job market. Participants in the Entrepreneurship Workshops report a better understanding and knowledge of the various aspects of small business establishment. Participants in the workshops usually enjoy continued professional assistance. These women undertake various activities at the end of the workshops such as acquiring education, Hebrew classes, vocational training, employment or some form of voluntary activity.

440.2. Programs for integrating single parents into the work force: between the years 2003 and 2005, the Ministry of ITL operated a program intended for single parents receiving allowances or alimony from the National Insurance Institute, in order to integrate them into the work force. The program was launched as a pilot and then incorporated into the regular long term program of the Ministry. The program provides assistance in financing child care by subsidizing payments for afternoon programs and day-care centers. Financial assistance is also provided for babysitting during non-conventional hours and during summer vacation. The program also addresses professional training aspects, through a voucher system to courses recognized by the Manpower Training and Development Unit.

In August 2008, the Unit began to offer professional consultants to help identify appropriate training courses and job placement services

according to the individual needs and qualifications of the participants in the program. During 2008, an additional program will be launched to encourage single parents to participate in the program to encourage the development of entrepreneurship skills, and thus, the ability to establish small businesses.

An additional pilot program established by the Ministry of ITL was launched on September 1, 2008. As part of the new program, training centers for single parents, receiving allowances or alimony, will be established. Through courses operated in these centers, the participants will acquire skills to enable them to enter or re-enter the labor force. Following a two months course, the participants will be directed to specific training courses or jobs to suit their individual qualifications.

440.3. Courses for entrepreneurship and small business: courses for women with entrepreneurial spirit and/or plans, but without access to training because of economic, geographical or cultural obstacles. The training enhances their prospects of establishing a viable business and improving their economic status. The courses are provided by the Ministry of Industry, Trade and Labor and the Israel Small and Medium Enterprises Authority, through Centers for the Promotion of Entrepreneurship (CPEs). Currently, 24 CPEs are located throughout the country. In addition to training, these centers also provide assistance and counseling in the process towards the establishment of a small business.

441. The Division for Training and Development in the Ministry of ITL takes specific measures to raise the number of women participants in the courses via the establishment of separate courses for women in the ultra orthodox and Arab populations. This, through directing the Acceptance Committees to perform their role with the utmost equality, and supporting female participants in all courses, especially those previously considered “masculine”.

442. The following table depicts the distribution of men and women trainees within the various types of courses offered in the year 2007.

Table 25 - Participation in Vocational Training, by Subjects, 2007

| Route | Total participants | Women participants | Percentage of women |
|---|---|---|---|
| Daily training | 5,352 | 2,663 | 49% |
| Academic Retraining | 335 | 180 | 53% |
| Night school – Transportation | 6,385 | 166 | 3% |
| Night school – Business | 31,761 | 20,777 | 65% |
| Technicians – Practical Engineers | 21,655 | 7,394 | 34% |
| Youth Training | 11,718 | 2,086 | 18% |
| **Total** | 77,206 | 33,266 | 43% |

*Source: The Ministry of Industry, Trade and Labor, 2007*

## Occupational safety

443. The issue of occupational safety and hygiene in workplaces relating to women employment was inspected 58 times by the Ministry of ITL during 2007-2008. No deficiencies were found during the inspections. The following table describes some of the issues inspected as well as other occupational safety data.

Table 26 - Women Employment – Inspections of the Ministry of Industry, Trade and Labor, 2007-2008

| Issue inspected | | Number of inspections |
|---|---|---|
| Management of documents | Display of regulation and duty of informing | 3 |
| | Display of regulation and duty of informing at a conspicuous place | 2 |
| Prohibited occupations for women at fertility age | Physical factors | 7 |
| | Exposure to chemical substances | 12 |
| | Exposure to anti-cancerous cytotoxins | 7 |
| | Exposure to cancerous cytotoxins (liquid) | 4 |
| | Handling chemical substances | 7 |
| Prohibited occupations for nursing women | Exposure to chemical substances | 9 |
| Dangerous occupations for women at fertility age | Increased risk of adhering Rubella | 7 |

*Source: The Ministry of Industry, Trade and Labor, 2008*

Table 27 - Ten Most Frequent Industrial Accidents in which Women Were Injured (by Type), 2007-2008

| Type of accident | Number of cases | Percent of the total incidents in which women were injured |
|---|---|---|
| Falling down on a plateau | 1,855 | 22.81 |
| Other/ unknown | 786 | 9.66 |
| Falling down a staircase | 645 | 7.93 |
| A cut | 609 | 7.49 |

| | | |
|---|---|---|
| Getting hit by a disconnected object | 535 | 6.58 |
| Falling to a low level | 458 | 5.63 |
| Strain caused by lifting an object | 326 | 4.01 |
| Touching an immobile object | 318 | 3.19 |
| Strain caused by handling an object | 176 | 2.16 |
| Burn from a hot object | 160 | 1.97 |

*Source: The Ministry of Industry, Trade and Labor, 2008*

## Child-care

444. The availability of day-care centers that provide an educational framework to children is one of the most important factors to women participation in the labor market. Alongside those centers, which are supervised by the Ministry of ITL (ages 0-3) and the Ministry of Education (ages 3 and older), there are also private child-care centers as well as home care through nursemaids.

445. According to recent data there are approximately 542,000 children ages 0-3 in Israel. 246,400 children (45.8%) are integrated in paid group frameworks and 294,000 children (54.2%) are integrated in group frameworks free of charge. Of the children who are integrated in paid group frameworks 28.3% are taken care of in day-care centers, 26.2% are in kindergartens, 24.6% are in nursery schools, 17.4% are taken care of by nannies or caretakers and 1.9% are in religious Torah schools. Of the children who are integrated in group frameworks free of charge, 83.8% are taken care of by one of the parents and 16.2% are taken care of by a nanny, a caretaker or a family relative.

446. According to the Day-Care Department in the Ministry of ITL there are currently 1,600 day-care centers and 2,600 nursery schools, attended by 76,000 working mother's children (ages 0-4) and 15,000 children to mothers in distress referred by the welfare authorities.

447. Following a Government Resolution of June 2005, 150 million NIS ($37,500,000) were allocated to the Day-Care Department in the Ministry of ITL, and the Ministry began operating a plan intended to encourage mothers to integrate and enter the employment market. The plan's main goals are:

447.1. Providing further subsidization of monthly payments to day-care centers and nurseries for working mothers with low income and giving further

discounts for children attending subsidized day-care centers and nurseries.

447.2. New child care frameworks - for the first time, afternoon child care facilities will be recognized by the Ministry of ITL, and the children attending them will be subsidized by the State (according to parents' income). In addition, 1,000 new positions will be created, by opening new frameworks for 5,000 children.

447.3. Improvement of service – *inter alia* by prolonging the activity hours of the child care facilities according to the demand and working parents' needs.

448. According to Government Resolution No. 1134, (February 4, 2007), titled "Steps for Reducing Social Gaps and Increasing the Participation in the Labor Force", the Government resolved, *inter alia*, on integration of mothers back to the work force. It was decided to enlarge the budget of the day-care division in the ministry of ITL by 67 Million NIS ($16,750,000) in each of the next school years (67 Million NIS ($16,750,000) in 2008, 134 Million NIS ($33,500,000) in 2009 and 200 Million NIS ($50,000,000) in 2010) in order to fund the following services: meals for children of working mother with children up to the age of 6 and day-care centers for children of working mothers with children up to the age of 3. The coupon system according to which the funds will be allocated, will be implemented in day-care centers and nursery schools which will receive special permits, and after a pilot in which the efficiency of the program will be tested.

449. In the Jewish population, 59.2% of the mothers take advantage of day-care centers. 8.3% of the women are supported by family members, friends or require no assistance and in 32.5% of the cases the child is taken care of by one of the parents. In the Arab population, which in general is considered more traditional, 76.3% of the women remain at home, 14% of the women turn to day-care centers and 9.7% use other free of charge arrangements.

## Enforcement of Employment Legislation

### The Department of Labor Law Enforcement in the Ministry of Industry, Trade and Labor

450. The responsibility for the enforcement of the *Women's Employment Law* is of the Ministry of Industry, Trade and Labor. In 2004 a new Department was established in the Ministry – the Enforcement and Licensing Administration. The authorities of the Department are divided the into two sections: issuing permits required by the Law to employers upon request (e.g. in case of dismissal of pregnant employee or employee undergoing fertility treatment or for a woman in a shelter for battered women) and the other for enforcement issues including carrying out of criminal investigations in accordance with the Law.

451. The Administration is responsible for enforcing and regulating 17 labor laws protecting workers in Israel, including the *Equal Employment Opportunities Law*. The data below therefore relates to the period from 2004-2007.

452. The criminal investigation begins with the lodging of a complaint as further detailed below, while the licensing procedure begins with the filing of a request to dismiss a female employee or a request to cut down her work hours or her salary, when such steps are prohibited by the Law without a permit to do so.

453. A criminal offense in accordance with the *Women's Employment Law*, only applies to a pregnant woman employed for over six months. Upon receipt of a complaint by a woman, concerning a dismissal while pregnant, a supervisor must first verify whether a permit has been requested or issued under the Law. If a permit has been issued allowing for the dismissal of the employee, no criminal investigation may be initiated. If the employer notified the employee of being dismissed and only subsequently the employee informed the employer of her pregnancy, no criminal investigation will be opened. The investigation is handled in accordance with the provisions of the *Criminal Procedure Law* 5742-1982 (the "*Criminal Procedure Law*").

454. The statistics of the Enforcement and Licensing Administration show that in 2006, 200 complaints were made by women who were fired from their jobs due to pregnancy and/or fertility treatments, without the employer having a permit to

do so. 100 of the complaints resulted in the initiation of investigations. One indictment was filed. In 2007- 300 complaints were made. 120 investigations were initiated which resulted in 3 indictments filed.

455. The following table indicates figures concerning applications for the dismissals of pregnant women for the years 2004 - 2008 (June).

Table 28 - Applications for Dismissal of Pregnant Women, 2004 - 2008 (June)

| Year | Applications Received | Of those: | | |
|---|---|---|---|---|
| | | Approved | Rejected | Closed* |
| 2004 | 1,482 | 654 | 271 | 517 |
| 2005 | 1,280 | 571 | 246 | 463 |
| 2006 | 1,048 | 591 | 269 | 188 |
| 2007 | 1,248 | 731 | 400 | 117 |
| 2008 | 507 | 175 | 122 | 75 |

** For reasons of withdrawal of the application or for unlawful dismissal.*

*Source: The Ministry of Industry, Trade and Labor, 2007*

456. Since the submission of Israel's previous report, applications concerning dismissals of pregnant women have decreased. In 2007, 1,248 applications were received concerning dismissal of pregnant employees, a significant reduction of 24.7% compared to 1,657 applications in 2003 and to 1,407 applications in 2002. In 58.6% of the cases, the Enforcement and Licensing Administration granted permits for dismissal while 41.4% of the requests were either refused or the cases were closed. The main reasons for consent were, *inter alia*, the closing of businesses, cut-down of manpower, termination of contract and reasons regarding work interactions such as inappropriate behavior at work, etc.

457. The decision to approve dismissal is an administrative one, subject to judicial review. Both parties can petition this decision to a Labor Court. However, generally, the courts do not intercede in the competent authority's considerations and do not reverse those decisions, provided the competent authority performed its function in good faith, and in a manner relevant to its capacity.

Table 29 - Investigations Performed by the Enforcement and Licensing Administration and Number of Administrative Fines Imposed.

| Year | Number of investigations | Number of administrative fines imposed |
|---|---|---|

| | | |
|---|---|---|
| 2004 | 460 | 120 |
| 2005 | 146 | 44 |
| 2006 | 187 | 59 |
| 2007 | 84 | 1 |

*Source: The Ministry of Industry, Trade and Labor, 2008*

## Women's Employment among the Arab Population

### General

458. During the last two decades, there has been an increase in Arab women's participation in the labor force, from 11% in 1980 to 14.8% in 2002 to 22.2% in 2006. In 2006, Arab women constitute about 4% of all women in the civil labor force in Israel. In 2006, there were 328,900 Arabs employed in the labor force, 250,350 (76.1%) were men and 78,600 (23.9%) were women. 37,500 of the Arab population were listed as unemployed, 13,200 (35.2%) of them were women.

459. Out of the Arab women in the civil labor force in 2006, 53,900 (68.0%) were Muslim women, 17,100 (21.6%) were Christian women and 7,000 (8.8%) were Druze women.

460. The Ministry of Industry, Trade and Labor is aware of the inherent difficulties faced by entrepreneurs from the Bedouin population, such as limited financial capability, and is therefore taking affirmative action to bridge the gaps. In addition to the current centers, the Small and Medium Size Enterprises Authority is currently working to establish a designated Center for Nurturing Entrepreneurship in the Arab and Bedouin localities, which will be better equipped to serve these populations' needs.

461. Furthermore, the *Encouragement of Capital Investments Order (Development Areas), 5763-2002*, was amended in order to strengthen the Bedouins position by including several Bedouin towns in the updated list of industrial areas. There are currently seventeen planned industrial areas in the Southern district, three (17%), of which are in the Bedouin towns – Rahat, Segev Shalom and Hura. Additionally, two new industrial areas currently in advanced stages of planning also service the Bedouin population – Shoket, (for Hura, Lakia, Meitar and Bney Shimon), and Lehavim, (for Rahat, Lehavim and Bney Shimon).

Development of all these areas is uniform and subject to the same general criteria.

**Day-care centers – Arab and Bedouin Localities**

462. The participation rate of married Arab women in the civil labor force stands at 14%, while the participation rate of single Arab women is 46.8%. As demonstrated by the following table, there is an opposite ratio between the number of children and the participation rate in the work force.

Table 30 - Participation Rate of Arab Women in the Work Force by Number of Children, 2008

| Number of children | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|
| Rate of participation in the work fore | 39.2 | 31.1 | 35.2 | 16.5 | 10.5 | 8.6 | 12.8 | 2.4 |

*Source: the Knesset Research and Information Center, Employment of Women in the Arab population, January 27, 2008*

463. In the traditional Arab population, women are considered the primary caretakers for children; this is one of the factors that explain the low percentage of women participating in the work force. The Israeli Government, through the Authority for the Advancement of the Status of Women, has invested great efforts in enhancing the awareness among women for their own careers and self-fulfillment. Recent years' growing participation of Arab, including Bedouin, women in the work force created a need for day-care centers and nurseries. The Government has moved to meet these growing needs.

464. As a matter of Policy, the Ministry of Construction and Housing works on the construction of day-care centers throughout the country on the basis of one day-care center for every 1,600 house units. Two centers have been recently built, in the Bedouin town of Rahat. Fourteen additional centers are under construction: nine in the northern area, four in the Central area and one in Jerusalem.

465. There are 900 nurseries in Arab localities, providing a solution for 1,500 children of working mothers and 3,000 children to mothers on social welfare. In addition, day-care centers operating in these localities provide a solution for

another 1,000 children. Such nurseries and day-care centers allow mothers to work, as well as provide a source of income for the women operating them.

466. Recently the Government allocated funding for the establishment of 150 buildings designated for day-care centers, 17 of which in Arab localities.

**Arab, Druze and Circassians employees in the state's Civil Service**

467. On March 12, 2006, the Government decided, based on Section 15A of the *Civil Service (Appointments) Law*, to designate 337 employment positions promoting the integration of the Arab population, including Druze and Circassian minorities, in the Civil Service between the years 2006-2008. In addition, the Government decided to establish an Inter-Ministerial Team for "The Examination of other Ways for Advancing Appropriate Representation of Arabs in the Civil Service". On July 16, 2006, the Inter-Ministerial Team submitted its recommendations.

468. On August 31, 2006, the Government adopted Resolution No. 414 adopting most of the Inter-Ministerial Team's recommendations, including: determination of new objectives for advancing appropriate representation of Arab-Israelis in the Civil Service: Arabs shall constitute 8% of all Civil Service employees by the end of 2008, and 10% by the end of 2010. In addition, 20% of all new positions shall be allocated for members of the Arab population until the end of 2008; consolidation of annual work plans on this issue shall take place in each Ministry; more positions for the Arab population shall be designated; the duty to give priority to Arab-Israelis in appointments and promotions shall be extended by another 4 years; a supervisor on the advancement of Arab representation shall be appointed in each Government Ministry and an Inter-Ministerial Team to follow-up on the implementation of the Resolution shall be established.

469. On November 11, 2007, the Government adopted Resolution No. 2579 amending the previous Resolution No. 414. According to the new Resolution, Arabs, including Druze and Circassians, are to consist of 12% of all Civil Service employees by the end of the year 2012. In addition, all Government Ministries must consolidate a five-year working plan for advancement of the objectives of the resolution, for example; by the end of 2012, 30% of all new

positions shall be allocated for Arab-Israelis; there shall be a duty to prioritize to members of the Arab population for appointments and promotions until the end of 2012; more positions in Government Ministries shall be designated for members of the Arab population subject to the implementation of the five-year work plans and an Inter-Ministerial Team headed by the Director General of the Ministry of Justice shall be established to follow-up on the implementation of the provisions detailed above by every Government Ministry.

470. In addition, on March 12, 2006, the Government of Israel adopted a resolution, at the request of the Ministry of Justice, in the matter of suitable representation among interns in the Ministry of Justice. The Government decided, *inter alia*, as follows:

"A. In accordance with the provisions of section 15A(b)(2) of the *Civil Service (Appointments) Law*, 5719-1959, to designate, insofar as possible, some ten percent of the annual class of interns in the Ministry of Justice solely for the employment of candidates who qualify for an internship in the Ministry of Justice and fulfill one of these:

*1) the candidate is a member of the Arab population, including Druze and Circassians;*

*2) the candidate or one of his/her parents was born in Ethiopia;*

*3) the candidate is a "person with a severe disability" within its meaning in section 35.252 of the Civil Service Regulations…"*

471. In accordance with the aforesaid resolution, it was decided to compile a directory of candidates that will effectuate the aforesaid Government Resolution with respect to "suitable representation" and will include candidates who meet the criteria set forth in the Government's Resolution and whose particulars and qualifications make them extremely suitable for internship. Accordingly, in 2008, the Ministry of Justice announced, for the second year, the creation of such a directory of candidates for internship positions for September 2008 and March 2009.

472. As of November 2008, the rate of Arabs, Druze and Circassians employees in the Civil Service stood at 6.5% (in comparison to 6.17% in 2007), an increase of more than 27.8% compared to 2003. In 2007, 392 Arab and Druze citizens were

hired by the Civil Service, of which 156 were women. The total rate of Arab and Druze women has increased by more than 44% between the years 2003-2007 as detailed in the following tables.

Table 31 - Arab and Druze Employees in the Civil Service, 2003-2007

| Year | Druze | | Arabs | | Total Arabs and Druze | | Total Civil Service employees | % of Arab and Druze of the total Civil Service employees |
|---|---|---|---|---|---|---|---|---|
| | Men | Women | Men | Women | Men | Women | | |
| 2003 | 291 | | 2507 | | 2798 | | 55409 | 5.05% |
| | 256 | 35 | 1666 | 841 | 1922 | 876 | | |
| 2004 | 326 | | 2828 | | 3154 | | 56914 | 5.54% |
| | 286 | 40 | 1820 | 1008 | 2106 | 1048 | | |
| 2005 | 338 | | 2913 | | 3251 | | 57085 | 5.70% |
| | 292 | 46 | 1831 | 1082 | 2123 | 1128 | | |
| 2006 | 355 | | 3034 | | 3389 | | 57267 | 5.92% |
| | 306 | 49 | 1909 | 1125 | 2215 | 1174 | | |
| 2007 | 393 | | 3184 | | 3577 | | 57946 | 6.17% |
| | 333 | 60 | 1979 | 1205 | 2312 | 1256 | | |

*Source: The Civil Service Commission, Due representation to the Arab, Druze and Circassians Populations in the Civil Service, 2007*

Table 32 - Distribution of Arab and Druze Citizens accepted to the Civil Service by Gender, 2003-2007

| Year | Men | Women | Total | % of Women |
|---|---|---|---|---|
| 2003 | 127 | 66 | 193 | 34.2 |
| 2004 | 165 | 84 | 249 | 33.7 |
| 2005 | 195 | 118 | 313 | 37.7 |
| 2006 | 128 | 80 | 208 | 38.5 |
| 2007 | 236 | 156 | 392 | 39.8 |

*Source: The Civil Service Commission, Due representation to the Arab, Druze and Circassians Populations in the Civil Service, 2007*

Table 33 - Number of Arab and Druze Women Hired in the Civil Service (of the Total Arab and Druze Hired), 2007

| Year | Druze | | Arabs | | Total Arabs and Druze | | Total employees accepted | | % of Arab and Druze of the total Civil Service Employees hired | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Women | Total | Women | Total | Women | Total | Women | Total | Women | Total |
| 2007 | 15 | 53 | 141 | 339 | 156 | 392 | 2804 | 4514 | 5.5 | 8.7 |

*Source: The Civil Service Commission, Due representation to the Arab, Druze and Circassians Populations in the Civil Service, 2007*

Table 34 - Number of Persons Hired through Tenders Published in 2007

| Year | Minorities accepted by designated tenders | | Applicants accepted by regular tenders (without minorities) | | Minorities accepted by regular tenders | | Total persons accepted by regular tenders | | % of minorities chosen in regular tenders |
|---|---|---|---|---|---|---|---|---|---|
| | Men | Women | Men | Women | Men | Women | Men | Women | |
| 2007 | 55 | 26 | 435 | 553 | 16 | 12 | 451 | 565 | 10.7% |

*Source: The Civil Service Commission, Due representation to the Arab, Druze and Circassians Populations in the Civil Service, 2007*

473. In 2007 a small but significant increase was observed in the number of Arabs and Druze employees within high ranks in the Civil Service, especially in the Society and Humanities and Engineers rankings.

Table 35 - Distribution of Arab and Druze Employees with High Ranks in the Civil Service, 2006 - 2007

| Ranking | High Ranks | Druze | | Arabs | | Number of workers - 2007 | Number of workers - 2006 |
|---|---|---|---|---|---|---|---|
| | | Men | Women | Men | Women | | |
| Administrative | 20-22 | 38 | 0 | 106 | 10 | 154 | 157 |
| Society and Humanities | 41-44 | 24 | 0 | 30 | 4 | 58 | 44 |
| Engineers | 41-45 | 6 | 0 | 28 | 5 | 39 | 29 |
| Lawyers | A2, A5-6 | 0 | 0 | 6 | 6 | 12 | 15 |
| Attorneys | A3, A5 | 2 | 1 | 8 | 6 | 17 | 18 |
| Public Defenders | A3 | 1 | 0 | 4 | 8 | 13 | 9 |
| Medical Doctors | 9-11 | 1 | 0 | 17 | 1 | 19 | 19 |
| Nurses | B16-18 | 4 | 0 | 29 | 11 | 44 | 42 |
| Roentgen Technicians | 15 | 0 | 0 | 3 | 0 | 3 | 3 |
| Technicians | 45 | 0 | 0 | 1 | 1 | 2 | 0 |
| Biochemists | A4 | 0 | 0 | 2 | 0 | 2 | 1 |
| Para-Medical | A4-5 | 0 | 0 | 4 | 7 | 11 | 9 |
| Occupational therapists | A4, A8 | 0 | 0 | 0 | 2 | 2 | 1 |
| **Total** | | **76** | **1** | **238** | **61** | **376** | **347** |

*Source: The Civil Service Commission, Due representation to the Arab, Druze and Circassian Populations in the Civil Service, 2007*

474. As mentioned above, according to the current Civil Service work plan for the years 2008-2012 it was decided to increase the percentage of Arab and Druze employees in Ministries and divisions with high absorption potential. Among these Ministries and units are the Ministry of Health and others.

# Article 12 - Equality in Access to Health Care

## General

475. Under the *National Health Insurance Law* 5754-1994 (the "*National Health Insurance Law*"), every resident is entitled to comprehensive health care services. The services are to be provided in reasonable quality and within a reasonable time, and at a fair distance from one's place of residence. Among these services are personal preventive medicine, health education, medical diagnosis, ambulatory medical care, mental care, hospitalization, medical rehabilitation, medicine supply, medical devices and accessories, and first aid medicine.

476. The annual National Quality Indicators for Community Health Care Report was first published in 2004. The current report (2008) presents data for 2005-2007. The data presented in the 2008 report relates to six fields of community health care – flu vaccination, screening for detection of colorectal cancer and mammography for detection of breast cancer, asthma treatment, treatment of diabetes, treatment of children and cardiology treatment. According to the Report, continued improvement has been recorded in most of the indicators examined. National performance was rated as high for most indicators, also when compared to international standards. The annual reports are available on the NIHP website: http://www.israelhpr.org.il.

## Special Health Services for Women

### Pre/Post natal services: delivery rooms and maternity wards

477. In 2006, there were 0.097 beds in gynecology wards per 1,000 residents, compared to 0.099 in 2001. Bed occupancy increased from 94.6% in 2004 to 100.6% in 2006. In 2006, the number of beds in maternity wards decreased to 0.195 per 1,000 residents (from 0.200 in 2005) and bed occupancy decreased from 101.0% in 2004 to 99.8% in 2006.

Table 36 - Beds in Hospitals and Bed Occupancy, By Type of Bed, 2004-2006

| Type of Bed | Bed (rates Per 1,000 residents) | | | | Bed occupancy (percentages) | | | | Number of beds | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | 2004 | 2005 | 2006 | 2007 | 2004 | 2005 | 2006 | 2007 | 2004 | 2005 | 2006 | 2007 |
| Gynecology | 0.099 | 0.098 | 0.097 | 0.095 | 94.6 | 99.1 | 100.6 | 105.1 | 680 | 687 | 687 | 687 |
| Obstetrics | 0.199 | 0.200 | 0.195 | 0.191 | 101.0 | 98.5 | 99.8 | 103.7 | 1369 | 1398 | 1386 | 1386 |

*Source: The Ministry of Health, October 2008; Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

478. Israel has preventative health service treatment for pregnant women through Mother and Child Health Clinics ("Tipat Halav") for a certain minimum fee. Women, whose financial state is weak, may be exempt from this fee, under certain conditions.

**Osteoporosis**

479. In March 2008, two new medications for the treatment of osteoporosis were included the basic health service basket: Forteo Teriparatide which stimulates the formation of new bone by increasing the number and action of bone-forming cells, and Zoledronic acid which has the ability to prevent the bone damage caused by Osteoporosis.

## Family Planning

480. Directive 4/08 of the General Director of the Ministry of Health deals with the expansion of services provided in the basket of services for the year 2008. Prior to this expansion, entitlement to free abortion was given to female minors under the age of 18. However, due to the expansion beginning on March 3, 2008 the entitlement to free abortion is now given to all females until the age of 19.

481. In 2007, 20,803 applications for termination of pregnancies were submitted to the Commission for Pregnancy Terminations, 20,392 (98.0%) approvals were given and 19,478 (93.6%) actually occurred. As of 2005, the majority of applicants to the Commission are single women (previously – it was mostly married women) 14,384 were Jewish, 1,514 Muslim, and 194 were Druze women. In recent years, the main reason for pregnancy terminations was out of wedlock pregnancy (51.7% in 2006). The following data refers to pregnancy terminations in hospitals.

Table 37 - Termination of Pregnancies in Hospitals by Law

| Year | Applications | Approvals | Actual terminations - total | By section of the law: | | | | Ratio per 100 live births |
|---|---|---|---|---|---|---|---|---|
| | | | | Woman's age | Out of wedlock pregnancy | Malformed fetus | Danger to woman's life | |
| 2000 | 20,278 | 19,880 | 19,405 | 2,010 | 10,452 | 3,249 | 3,694 | 14.2 |
| 2001 | 21,505 | 21,198 | 20,332 | 2,211 | 10,942 | 3,210 | 3,987 | 14.9 |
| 2002 | 21,025 | 20,684 | 19,796 | 2,168 | 10,661 | 3,396 | 3,571 | 14.5 |
| 2003 | 21,226 | 20,841 | 20,075 | 2,119 | 10,773 | 3,476 | 3,707 | 13.9 |
| 2004 | 21,685 | 21,286 | 20,378 | 2,102 | 11,076 | 3,444 | 3,756 | 14.0 |
| 2005 | 20,987 | 20,533 | 19,982 | 2,001 | 10,914 | 3,340 | 3,673 | 13.8 |
| 2006 | 21,256 | 20,889 | 19,830 | 1,829 | 11,007 | 3,508 | 3,486 | 13.4 |
| 2007 | 20,803 | 20,392 | 19,478 | 1,814 | 10,676 | 3,448 | 3,540 | 12.8 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

## Fertility Rates, Treatments and Services

### Legal Developments

482. In a recent decision by the National Labor Court it was determined that a Health Fund (HMO) is obligated to cover the medical fertility treatments performed on the wife of an infertile man, despite the fact that she is not an Israeli resident and therefore is not covered by the *National Health Insurance Law*. The Court determined that since the fertility problem was a physical problem of the man, an Israeli resident who was covered by the abovementioned law, his Health Fund should cover the treatments performed on his wife. This, until the treatments result in pregnancy, as the right to parenting is a fundamental human right that is part of the *Basic Law: Human Dignity and Liberty*. Moreover, due to the infertility problem, the couple was considered as one for the purpose of treatment, as their consent and participation are needed for the success of the treatment. The Court determined however, that the Health Fund is not obligated to cover the expenses of medical treatments and examinations of the women after the beginning of her pregnancy, as she was not covered by the Law (*La.A.141/07 Anonymous v. The Klalit Health Fund et. al.* (04.11.2008)).

483. The Jerusalem District Court decided to allow a single woman to receive fertility treatments involving sperm donation from a married man, although not

in accordance with the current regulations. The Court considered the rights of all parties involved, including those of the wife and children of the married man. The Court determined that becoming a parent is a fundamental right, and the couple made an agreement regarding the child as required by the Regulations of the Ministry of Health.

Moreover, the Court held that the rights of the child, including the unborn, to know both his parents, take priority over the property rights of the wife and children in this case. The rights of the child include the right to dignity, the right to know both parents, to receive emotional and financial support from both, and the right not to be considered a "Sh'tooki" - a Jewish term meaning the illegitimate child of an unknown father, that according to Jewish "Halacha" in some rabbinical circles, cannot marry a Jewish person and may only marry a converted person. Therefore, the Court issued a declaration allowing the woman to receive fertility treatments with sperm donated by a married man (*O.M. 5222/06 Anonymous v. The Minister of Health et. al. (*26.07.2006*)*).

**Birth Rates and Fertility Rates**

484. In 2007, the rate of fertility among the total population was 2.9 births per woman (compared to 2.88 in 2006 and 2.84 in 2005). For Jewish women the rate was 2.75, for Muslims 3.97, for Christians 2.14 and for Druze 2.64. The increase in 2007 is attributed to the increase in the fertility rate among the Jewish population – from 2.75 children per women in 2006 to 2.8 in 2007, and despite decrease in the fertility rates of women of other religions.

485. In the last decade the biggest decrease in fertility rates was observed among Druze women (from 3.18 in 1997 to 2.49 in 2007). In addition, among the Muslim population the decrease in fertility rates is continuing (from 4.74 children per woman in 2000 to 3.9 in 2007). A similar decrease is also found among the Christian population (from 2.68 in 1997 to 2.18 in 2007).

486. During the last decade, the amount of births by single women continued to increase. In 2005, 3.3 births from 100 were by never-married women, in comparison to an average of 2.3 between the years 1995-1999. It is also notable that the increase was mainly among women above the age of 30.

Table 38 - Fertility Rates by Religion, 2000-2006

| Total Fertility | 2000-2004 | 2005 | 2006 | 2007 |
|---|---|---|---|---|
| **Total Population** | 2.92 | 2.84 | 2.88 | 2.9 |
| Jews | 2.67 | 2.69 | 2.75 | 2.8 |
| Muslims | 4.57 | 4.03 | 3.97 | 3.9 |
| Christians | 2.35 | 2.15 | 2.14 | 2.18 |
| Druze | 2.87 | 2.59 | 2.64 | 2.49 |
| Not classified by religion | 1.55 | 1.49 | 1.55 | 1.49 |

*Source: The Ministry of Health, October 2008; Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

487. Another noticeable trend is the ascent in the age of women bearing children, mostly due to the rise in the age of marriage. In the 1980's the average age of women giving birth was 27.4, in 2007 that age had risen to 29.7. Also in 2007, the age of mothers giving birth for the first time was 27.0, a year and a half older compared to 1997.

488. Furthermore, the segment of women over 35 bearing a child went up from 9% in the 1980's to 19.7% in 2006, with a parallel decrease in the ratio of women under 20 giving birth, from 6% to 1.3% in 2006.

489. In 2007, 6,084 babies (5.6%) were born to unwed Jewish mothers. The fertility rate of unmarried women is significantly low compared to married women. In 2006, the fertility rate of unmarried women stood at 10 children per 1,000 births compared to 150 children per 1,000 births among married women.

490. In 2006, 4.6% of the total number of children born in Israel was born in multiple births (compared to 4.3% in 1997). 96% of all the babies born in multiple births were born as twins and 3.8% were born as triplets.

**Fertility Treatments and Services**

491. As detailed in Israel's previous report, fertility treatments in Israel remain highly developed and well subsidized. Each woman is entitled to IVF treatment until she gives birth to two children from her current relationship, regardless of children from previous marriages. This applies to unmarried women, as well as to spouseless women. There are 24 fertility departments In Israel, 9 in governmental hospitals, 11 in public hospitals and 4 in private hospitals. In

2006, 25,552 cycles of IVF treatment were performed, with some women receiving more than one cycle of treatment, resulting in 6,473 pregnancies and 4,298 live births (5,229 children).

Table 39 - In Vitro Fertilization in Israel, 2002-2006 (absolute numbers)

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|
| Treatment cycles | 20,886 | 22,449 | 23,828 | 24,995 | 25,552 |
| Embryo transfer pregnancies | 18,377 | 19,805 | 21,079 | 22,295 | 22,589 |
| Pregnancies | 5,272 | 4,496 | 5,318 | 5,871 | 6,473 |
| Deliveries resulting in live births | 3,734 | 3,584 | 3,576 | 3,910 | 4,298 |
| Live births | 4,792 | 4,465 | 4,414 | 4,772 | 5,229 |

*Source: The Ministry of Health, July 2008*

Table 40 - In Vitro Fertilization in Israel, 2002-2006 (Per 100,000 Women Ages 15-49)

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|
| Treatment cycles | 1,289 | 1,359 | 1,435 | 1,486 | 1,500 |
| Embryo transfer pregnancies | 1,135 | 1,207 | 1,269 | 1,326 | 1,326 |
| Deliveries resulting in live births | 231 | 219 | 215 | 232 | 252 |
| Live births | 296 | 272 | 266 | 284 | 307 |

*Source: The Ministry of Health, July 2008*

Table 41 - In Vitro Fertilization Treatments (Percentages), 2000-2006

| | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|
| % transfer cycle per treatment cycle | 88.0 | 88.2 | 88.5 | 89.2 | 88.4 |
| % pregnancy per treatment cycle | 25.2 | 20.0 | 22.3 | 23.5 | 25.3 |
| % pregnancy per transfer cycle | 28.7 | 22.7 | 25.2 | 26.3 | 28.7 |
| % deliveries with live births per treatment cycle | 17.9 | 16.0 | 15.0 | 15.6 | 16.8 |
| % deliveries with live births per transfer cycle | 20.3 | 18.1 | 17.0 | 17.5 | 19.0 |
| % deliveries with live births per pregnancies | 70.8 | 79.7 | 67.2 | 66.6 | 66.4 |
| Mean live births per delivery | 1.3 | 1.2 | 1.2 | 1.2 | 1.2 |
| % IVF live births of total live births | 3.4 | 3.1 | 3.0 | 3.3 | 3.5 |

*Source: The Ministry of Health, October 2008*

## Life Expectancy

492. In 2007, life expectancy for Israeli women was 82.5 years and 78.8 for Israeli men. That year elderly people (65+) comprised 9.8% of the population (11.6% among the Jewish population, 8.9% in the Christian population, 4.3% among the Druze population and 3.4% among the population). In 2007, 11.1% of the female population was over the age of 65 compared to 8.5% of the male population.

Table 42 - Life Expectancy by Gender and Population Group (2001- 2007)

| Year | Males | | | Females | | |
|---|---|---|---|---|---|---|
| | Jews | Arabs | Total | Jews | Arabs | Total |
| 2001 | 77.9 | 74.5 | 77.3 | 81.6 | 77.8 | 81.2 |
| 2002 | 78.1 | 74.7 | 77.5 | 81.9 | 77.9 | 81.5 |
| 2003 | 78.3 | 74.9 | 77.6 | 82.2 | 78.2 | 81.8 |
| 2004 | 78.7 | 75.4 | 78.0 | 82.7 | 79.6 | 82.4 |
| 2005 | 79.0 | 74.9 | 78.2 | 82.6 | 78.6 | 82.2 |
| 2006 | 79.3 | 74.6 | 78.5 | 82.6 | 78.1 | 82.2 |
| 2007 | 79.5 | 75.3 | 78.8 | 82.9 | 78.8 | 82.5 |

*Source: The Ministry of Health, 2008*

493. In the last two decades (1985-2006), life expectancy for Israeli women has increased by 5.5 years, compared to 5.3 among men. As of 2006, almost half of the elderly women over the age of 65 are widows (49.2%), compared to only 14.3% of the men, mostly due to women's longer life span and their tendency to marry older men.

Table 43 - Population, by Population Group over 65, Religion, Gender and Age, 2007 (thousands)

| Age | Religion | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Jews | | | Muslims | | | Christians -Total | | |
| | Females | Males | Total | Females | Males | Total | Females | Males | Total |
| 65-69 | 92.6 | 78.0 | 170.6 | 6.8 | 7.1 | 13.9 | 2.5 | 2.1 | 4.6 |
| 70-74 | 87.6 | 69.7 | 157.3 | 5.2 | 4.3 | 9.5 | 2.2 | 1.5 | 3.7 |
| 75-79 | 75.5 | 54.8 | 130.4 | 3.2 | 2.3 | 5.6 | 1.6 | 1.0 | 2.6 |
| 80-84 | 63.0 | 39.8 | 102.8 | 1.7 | 1.2 | 2.9 | 1.0 | 0.5 | 1.5 |
| 85-89 | 30.0 | 20.7 | 50.7 | 0.6 | 0.6 | 1.3 | 0.4 | 0.2 | 0.7 |
| 90+ | 14.5 | 8.0 | 22.6 | 0.2 | 0.5 | 0.7 | 0.2 | 0.1 | 0.3 |

| Age | Religion (cont.) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Christians - Thereof: Arab Christians | | | Druze | | | Not classified by religion | | |
| | Females | Males | Total | Females | Males | Total | Females | Males | Total |
| 65-69 | 1.8 | 1.6 | 3.5 | 1.0 | 0.9 | 1.9 | 4.9 | 3.4 | 8.3 |
| 70-74 | 1.6 | 1.2 | 2.9 | 0.7 | 0.6 | 1.4 | 2.9 | 1.8 | 4.7 |
| 75-79 | 1.1 | 0.8 | 1.8 | 0.5 | 0.5 | 1.0 | 1.7 | 0.9 | 2.6 |
| 80+ | 1.0 | 0.8 | 1.8 | 0.5 | 0.5 | 1.0 | 2.7 | 0.6 | 2.1 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

**Mortality Rates and Causes of Death**

494. Between 2003 and 2007, women had a lower mortality rate than men in all age groups: 20-24 men – 0.8 per thousand, women – 0.3 per thousand; 50-54 – 4.1, 2.3 respectively; 80-84 – 77.1, 62.4 respectively.

495. Maternal mortality in Israel is relatively rare and in recent years the rate of maternal mortality remained generally low. The following table displays the number of maternal deaths in Israel in the recent years.

Table 44 - Maternal mortality, 1999-2006

| Year | Number of Maternal deaths |
|---|---|
| 1999 | 10 |
| 2000 | 3 |
| 2001 | 8 |
| 2002 | 6 |
| 2003 | 7 |
| 2004 | 9 |
| 2005 | 7 |
| 2006 | 9 |

*Source: The Ministry of Health, 2008*

## Cancer among Women and Mammograms

496. Cancer is the major cause of death among women (136 per 100,000 residents in 2005), followed by ischemic heart illness and cerebrovascular disease. As of 2006, breast cancer is the most common malignant illness, constituting 15.3% of all annual cancer instances, and 32.5% of the cases of cancer among women.

497. In 2006, 3,075 new cases of breast cancer were discovered among Jewish women and 241 new cases were discovered among Arab women (52 new cases were discovered among men), 87.2% of the patients were over 45 and 385 cases were found among the 35-44 age group. In the 45-54 age group, the average rate of breast cancer per 100,000 women is 223, and in the 55-64 age group the rate was 387. The rate of breast cancer among the Jewish population was 84 per 100,000 persons and 58 per 100,000 among the Arab population. Colon and rectum cancer are the second most common cancers among women, with 31 per 100,000 persons in the Jewish population and 21 per 100,000 in the Arab population.

498. According to data of the Israeli Cancer Association, 80% of the women in Israel had a mammography screening at least once, but only 65% perform the test every two years as required. In order to raise further awareness to this important matter and to allow early detection of breast cancer, the Association initiated the national screening plan for breast cancer which is operated at the present

together with the Ministry of Health and the Health Funds (HMO's). The Association purchased in recent years a mobile mammography unit in order to increase the numbers and rates of the mammography screening test in rural areas, among women in low socio-economic level, among women residing in Arab localities, among new immigrants etc.

499. According to a report of the Israel National Cancer Registrar of October 2008, the number of people diagnosed with cancer in Israel has decreased in recent years. The decrease can be attributed specifically to declining numbers of women contracting breast cancer and a reduction in the number of intestinal cancer cases in both Genders as well as a decrease in throat and lung cancer-related deaths. There has been a rise in the early detection of breast cancer due to increased public awareness resulting in early diagnosis and treatment of the disease.

500. Although the rates of breast cancer among Arab women are lower than those among Jewish women, there is an increase in rate of the illness among Arab women. Possible explanations for this tendency include an improvement in the socio-economic status of the Arab population, nutrition changes, the number of births and others.

## Smoking

501. According to a report of the Minister of Health regarding smoking in Israel (published in May 2008), the total rate of smokers in Israel in 2006 was 23.2%; 28.9% among men and 17.8% among women.

502. The report further indicates that between 1996 and 2006 the rates of smokers among Jewish men had dropped from 32% to 26.7% (a decrease of 16.6%). The rates of smokers among Jewish women dropped from 24.5% to 19.7% (a decrease of 19.6%) and from 12% to 6.8% among Arab women (a decrease of 43.3%).

503. The Ministry of Health has taken in the recent years several important steps aimed at reducing smoking rates in Israel which include, *inter alia*, the issue of a computerized educational software for the prevention of smoking (2007); the

preparation of a unique educational program intended for prevention of smoking among teenagers and providing assistance to local municipalities in the implementation of the "city free of smoking" policy.

## Mental Health

504. As of the end of 2005, there were 50,891 people treated as outpatients in state owned mental health clinics, 27,576 were men and 23,315 were women. The number of women is higher in the 45-64 and 65+ age groups.

505. In 2005, 14,649 people were admitted to inpatient care and day hospitalization, 5,969 (40.7%) of them were women. This data reflects an increase compared to 2002, when 13,295 persons were admitted to inpatient care and day hospitalization, 5,490 (42.1%) of them were women. Hereinafter are additional data regarding mental health in Israel.

Table 45 - Mental Health Patients by Gender and Age (2006)

| Age group | Percentages | | | Rates per 1,000 persons | | | |
|---|---|---|---|---|---|---|---|
| | Total | Males | Females | Total | Males | females | Male-Female Ratio |
| **Total** | **100.0** | **100.0** | **100.0** | **0.522** | **0.686** | **0.362** | **1.893** |
| 5-17 | 5.2 | 4.8 | 5.9 | 0.117 | 0.137 | 0.096 | 1.419 |
| 18-24 | 11.4 | 12.4 | 9.5 | 0.531 | 0.738 | 0.317 | 2.330 |
| 25-44 | 37.4 | 40.4 | 31.8 | 0.727 | 1.020 | 0.434 | 2.352 |
| 45-64 | 36.2 | 35.7 | 37.2 | 1.006 | 1.342 | 0.696 | 1.927 |
| 65+ | 9.8 | 6.7 | 15.6 | 0.518 | 0.536 | 0.505 | 1.061 |

*Source: The Ministry of Health, 2008*

Table 46 - Standard Number of Beds for Mental Health by Wards (2000- 2006)

| Type of institution and ward | 2000 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|---|
| Active Psychiatry | 1,691 | 1,681 | 1,733 | 1,733 | 1,705 | 1,884 |
| Psychiatry - rehabilitation | 593 | 561 | 561 | 561 | 561 | 25 |
| Extended Active Psychiatry | 1,592 | 1,582 | 1,582 | 1,582 | 1,582 | 1,602 |
| Active Psychiatry - children | 335 | 345 | 345 | 345 | 354 | 350 |
| Psychogeriatrics | 1,017 | 919 | 919 | 860 | 801 | 179 |
| Psychiatry - triage and intensive care | 110 | 100 | 100 | 100 | 100 | - |
| Internal Psychiatry | 76 | 76 | 76 | 76 | 76 | - |
| Legal Psychiatry | 172 | 172 | 140 | 140 | 140 | 200 |
| Hostel | 18 | 18 | 18 | 18 | 18 | - |
| Children with Autism | 15 | 15 | 15 | 15 | 15 | - |
| Total Psychiatry | 5,619 | 5,469 | 5,489 | 5,430 | 5,334 | 4,240 |
| Drug rehabilitation | 638 | 719 | 747 | 741 | 688 | 673 |

*Source: The Ministry of Health, 2008*

Table 47 - Number of Beds Intended for Mental Health Patients by Districts (Per 1,000 Persons, 2000- 2006)

| District | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|---|---|---|---|---|---|---|---|
| **Total** | **0.882** | **0.845** | **0.825** | **0.813** | **0.79** | **0.763** | **0.596** |
| Jerusalem | 0.819 | 0.76 | 0.744 | 0.728 | 0.71 | 0.661 | 0.488 |
| Northern district | 0.395 | 0.384 | 0.371 | 0.364 | 0.358 | 0.36 | 0.312 |
| Haifa | 2.116 | 2.022 | 2.001 | 1.984 | 1.902 | 1.818 | 1.4 |
| Central District | 1.194 | 1.159 | 1.113 | 1.088 | 1.063 | 1.039 | 0.876 |
| Tel-Aviv | 0.583 | 0.58 | 0.58 | 0.595 | 0.589 | 0.567 | 0.36 |
| Southern district | 0.471 | 0.424 | 0.413 | 0.405 | 0.398 | 0.391 | 0.308 |

*Source: The Ministry of Health, 2008*

506. According to data of the Mental Health Communal Center in the city of Sderot, in 2007 alone, more than 652 new cases of stress and trauma victims due to the rockets launched by terrorists, were reported in Sderot and the western Negev (a 200% increase compared to 2006), and more than 4,860 persons received Psychiatric, psychological or mental treatment for symptoms of stress, anxiety and trauma following rockets explosions (a 400% increase compared to 2006)[1]. A large percentage of those effected are women.

507. According to the Mental Health Communal Center in the city of Sderot, about 30% of the trauma victims were diagnosed as suffering from severe anxiety and trauma. The severe cases include uncontrolled crying, fainting, temporary lose of the ability to speak, and other symptoms. In many cases the situation is so severe that medications are necessary as treatment. The number of anxiety, stress and trauma injuries is very difficult to assess and is considered to be even higher, since not all those suffering from it, turn to seek immediate medical help. Furthermore, the affects of anxiety, trauma and stress may appear in later stages (post-trauma) and not necessarily at the moment of the traumatic event[2]. Therefore, the number of anxiety, stress and trauma victims is estimated at thousands of people.

508. A recent study that was conducted in 2007 found that 28.4% of the adult population in the city of Sderot reported symptoms of post-traumatic syndrome. That is 3 times higher then that of the control group - a city outside the range of the rockets. Moreover, the frequency and severity of the psychiatric symptoms

[1] Mental Health Communal Center in the city of Sderot, January 23, 2008.
[2] The threat of rocket from Gaza strip 2000 – 2007 Information center for intelligence and terror, 2007.

among Sderot residents are much higher then those who live in cities outside the range of the rockets.

## AIDS

509. The cumulative number of AIDS patients up to 2006 was 1,092 (808 male and 284 female). The cumulative number of HIV-positive cases up to 2006 was 3,907 (2,337 male, 1,465 female and 105 of unknown gender). The percentage of women diagnosed as HIV-positive have slightly decreased, from 39.2% in 2004 to 37.4% in 2006.

Table 48 - Newly Reported Cases of HIV and of AIDS by Gender (Absolute Numbers)

| Year | Grand total | AIDS | | | HIV | | | |
|---|---|---|---|---|---|---|---|---|
| | | Females | Males | Total | Females | Males | Gender unknown | Total |
| **Up to 2000** | 2,992 | 152 | 535 | 687 | 803 | 1,400 | 102 | 2,305 |
| 2001 | 359 | 8 | 10 | 18 | 149 | 186 | 6 | 341 |
| 2002 | 335 | 12 | 20 | 32 | 131 | 167 | 5 | 303 |
| 2003 | 303 | 7 | 20 | 27 | 124 | 151 | 1 | 276 |
| 2004 | 315 | 2 | 4 | 6 | 97 | 212 | - | 309 |
| 2005 | 350 | 9 | 15 | 24 | 118 | 207 | 1 | 326 |
| 2006 | 336 | 4 | 15 | 19 | 117 | 200 | - | 317 |
| 2007 | 360 | 3 | 11 | 14 | 110 | 234 | 2 | 346 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

510. 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.

511. 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. 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.

# Women in Health Care

## Women in Medical Schools

512. Women make more than half of the Medicine students in all degrees (53.3%). In 2007, there were 2,247 women students among total of 4,217 students, which studied Medicine. In the Para-Medicine field the share of women was especially high and reached to 80.1%.

## Women as Medical Personnel

513. The majority of medical personal are women. In 2007, there were 169,000 persons employed in health services, of which 123,100 (72.9%) were women. 65,400 of the women worked in hospitals and 36,400 in clinics and medical institutions. Also that year, there were 113,900 salaried women employees, compared to 37,600 men.

Table 49 - Employed Persons and Employees in Health Services, by Gender, 2007

(Thousands)

| | Total | Thereof: | |
|---|---|---|---|
| | | Hospitals | Clinics and medical institutions |
| **Employed Persons** | | | |
| Total | 169.0 | 90.0 | 47.5 |
| Males | 45.9 | 24.6 | 11.1 |
| Females | 123.1 | 65.4 | 36.4 |
| **Employees** | | | |
| Total | 151.5 | 89.6 | 44.9 |
| Males | 37.6 | 24.4 | 9.5 |
| Females | 113.9 | 65.2 | 35.3 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

514. In 2007, 546 licenses to practice medicine were issued, 48.5% to women. That year, 614 licenses for specialists physicians were issued, 51% of which were issued to women. Also, 331 new pharmaceutical licenses were issued, 55.2% to women.

# Infant Mortality

515. In 2007, the overall infant mortality rate was 4.1 per 1,000 births (compared to 5.5 in 2001). Among the Jewish population the rate was 3.0, and among the

Arab population the rate was 7.2. The trend in infant mortality rate per 1,000 live births has been as follows:

Table 50 - Infant Mortality 2004-2007

| Year | Total population | | Jews | | Arabs | | Christians | | Druze | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Absolute numbers | Rates | Absolute numbers | Rates | Absolute numbers | Rates | Absolute numbers | Rates | Absolute numbers | Rates |
| 2004 | 670 | 4.6 | 315 | 3.1 | 319 | 8.8 | 8 | 3.3 | 11 | 4.3 |
| 2005 | 628 | 4.4 | 313 | 3.1 | 277 | 8.1 | 8 | 3.2 | 15 | 5.9 |
| 2006 | 594 | 4.0 | 312 | 3.0 | 252 | 7.3 | 4 | - | 13 | 5.0 |
| 2007 | 586 | 4.1 | 309 | 3.0 | 250 | 7.2 | 7 | 2.8 | 15 | 6.0 |

*Source: The Ministry of Health and the Israel Central Bureau of Statistics, Abstract of Israel, 2008*

516. A large part of the decrease in infant mortality rates is attributed to the decrease in mortality caused by infectious diseases, decrease in prenatal mortality and pneumonia. Death from congenital disorders is also showing a downward trend.

517. 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. The gap between the populations stems from a number of factors, among them the high rate of consanguineous marriage - approx. 35% among the Arab population and approx. 60% among the Bedouin population, religious prohibition against abortion even in medically recommended cases, as well as socio economic differences.

## Health Care for Women in the Arab Population

518. In 2005, a report regarding the Health condition of the Arab population in Israel was published by the Israeli Center for Disease Control (ICDC). The report shows positive changes in the health conditions of the Arab population. According to the report, infant death rate decreased, and so did the death rate of heart and vascular diseases. The rate of population vaccination coverage had increased and so did the use of mammography for early detection of breast cancer.

519. According to the report, there is a noticeable improvement of the level of healthcare services and accessibility to these services among the Arab

population. As of 2005, there is at least one primary medical clinic and at least one family healthcare station in every Arab locality. On the other hand, the report shows an increase of illnesses such as diabetes, and obesity, especially among older Arab women. An additional increase is found in the numbers of malignant neoplasms (note that except lung cancer, the rates of malignant neoplasms among the Arab population is lower then that of the Jewish population).

# Article 13 - Social and Economic Benefits

## Legal Developments

520. In January 2004, The Knesset approved the *Retirement Age Law*, 5763-2004 (the *"Retirement Age Law"*), implementing more equable norms regarding retirement age. The enactment of the new Law, which replaced the *Equal Age of Retirement for Men and Women Law* 5747- 1987 (the "*Equal Age of Retirement for Men and Women Law*"), following a thorough examination of the social and economical implications of retirement age determination, and of the equalization of men's and women's retirement age. The examination was carried out by a public committee appointed in September 1997 by the Minister of Finance and the Minister of Labor and Welfare at the time.

521. The new Law equalizes the mandatory retirement age (67) and the early retirement age (60) for both men and women. As for the retirement age which grants the right to Old Age Benefit - commencing on April 1, 2004, the retirement age is gradually raised until it will eventually reach 67 for men and 62 for women. Regarding women who were born in 1950 and onwards, the Law orders the Minister of Finance to appoint a public committee, comprised of Government, employees' and employers' representatives, for the examination of the retirement age for women. The Law stipulates that the public committee must submit its recommendations until 30 June, 2011.

522. A mentioned above, in 2006 and 2007, a number of significant amendments were made to the *Women's Employment Law*. *Inter alia*, these changes prohibit the employment of women during their maternity leave; prolong the period of

leave permitted after hospitalization; prolong the period during which an employer is prohibited from dismissing an employee returning from maternity leave to 60 days; prolong the period during which dismissal of a female employee staying in a battered women's shelter is not permitted, to 90 days (also requiring the consent of the Minister of Social Affairs and Social Services); extends maternity leave from 12 to 14 weeks; and notably alters the pre-existing conditions so that after 6 weeks maternity leave should a new mother decide to return to work, or otherwise waive her remaining leave, the father will be permitted permanent (previously temporary) leave in her stead, for the duration of the maternity leave.

523. On August 24, 2006, the Jerusalem District Labor Court ordered compensation to be paid by the ISS Ashmoret Company Ltd. to their employee, who was illegally dismissed from her job when 7 months pregnant, without the approval of the Women Labor Supervisor in the Ministry of ITL (*La.C. 001452/04 Ayenalem Ababito v. ISS Ashmoret Company Ltd*). The Court accepted all of the plaintiff's claims, and determined that the respondents had illegally dismissed her from her job when they discovered she was pregnant. In accordance with the *Equal Employment Opportunities Law*, the Court imposed personal responsibility on both the branch director, and the regional director of the employee.

The Court also ordered that the ISS Company pay the employee approximately 300,000 NIS ($75,000), in compensation for dismissal, mental anguish, loss of earnings and loss of maternity allowance.

524. On November 20, 2007, the State Labor Court ruled that "freedom of contract" does not justify discrimination such as that evidenced by paying different salaries to men and women performing the same tasks. The court stated that in these circumstances, the principle of equality prevails over freedom of contract: (*La.A. 1156/04 Orit Goren v. Home Center (Do It Yourself) Ltd.*). The plaintiff resigned after 4 months of work, after her employer denied her claim that she was being discriminated against in salary. She had compared her salary to that of another male worker who received 1,500 NIS ($375) more than she did, even though they both performed the same duties. In response, the respondent

claimed that the difference in salary was the end result of negotiations held with all workers before they were hired to work, and during which the plaintiff had demanded less money than the other worker. The Lower Court ruled that there was no justification for the distinction in salaries paid to the plaintiff and her colleague, and stated that the plaintiff was being discriminated against based solely on her gender.

The State Labor Court rejected the position that "freedom of contract" justified discrimination between salaries, and unanimously approved the Lower Court's decision, granting 7,000 NIS ($1,750) compensation to the plaintiff for her 4 months of work, based on the *Male and Female Workers (Equal Pay) Law*. However, the majority opinion ruled that as the difference in salary was the result of negotiations made prior to employment, the plaintiff had not been discriminated against based on the *Equal Employment Opportunities Law*, and therefore had no right to compensation for non-pecuniary damage in contrast to the Lower Court's ruling. Nevertheless, the dissenting opinion of the State Labor Court's President, argued that there was no difference in the level of proof required for granting compensation for violations of both laws, and accepted the Lower Court's ruling, granting additional compensation to the plaintiff based on the *Equal Employment Opportunities Law*.

525. In *La.C. 8704/06 Nadav Fitusi v. N&B Bogin Sports Center Ltd*., (27.12.07) the plaintiff was employed by the respondent as a gym instructor and was dismissed from work following the respondent's desire to replace him with a female instructor. There was no disagreement among parties that the dismissal was due solely to the plaintiff's gender.

In its decision, the Tel-Aviv Labor Court held that "any discrimination based on gender is a negative social phenomenon that is to be uprooted completely. The prohibition on discrimination derives not only from the provisions of the *Equal Employment Opportunities Law*, but also from the general principle of equality which is part of our legal system and anchored in *Basic Law: Human Liberty and Dignity*".

The Court held that in order to prove discrimination, the worker needs only to convince the Court that such prohibited consideration was actually a factor for the employer's decision, even if it was not the main reason. Based on Section 10 of the *Equal Employment Opportunities Law*, the Court ordered the respondent to pay compensation in the amount of 30,000 NIS ($7,500) to the plaintiff, considering the specific circumstances of the case.

526. Section 135 to the *National Insurance Law* stipulates that once a widow remarries, she is entitled to receive two benefit payments, but forfeits her claim to the monthly dependence allowance. The Law defines a wife to include what is referred to as a cohabitating one who cohabitates with a man and is jointly responsible for the household.

527. In *Na.In.A. 1407/04, The National Insurance Institute v. Nehama Freeman (8.11.06)*, the National Labor Court debated whether a widow who became a cohabitator, did not remarry, and attained a higher economic status than other widows, shall continue to enjoy the dependence allowance granted to widows. The Court held that although the economic status of a cohabitator is better than that of a widow, it is still not a relationship as stable as marriage - since the parties may separate at any given moment, the woman may be suddenly returned to the economic status of a widow. According to the decision, the equalization tendency found in the legislation and in the rulings of courts is aimed at equalizing the rights and benefits received by a cohabitator to those received by married women. However, the issue raised was the negation of a benefit; the Court found that such negation needs to be interpreted narrowly and that therefore, if the legislator wishes to negate a right or a benefit it must be explicitly written in the Law.

## Social Benefits and the Welfare State

### Social Benefits

528. As stated in Israel's previous report, Israel has an advanced social insurance system, protecting against major contingencies of income loss prevalent in a modern society. This includes long-term payments, guaranteeing resilience to those permanently unemployed due to old age or disability, to dependents and to

families struggling with the economic burden of raising children, and short-term payments substituting the wages of those temporarily unemployed (on account of dismissal, work injury, child bearing or military reserve service). The National Insurance Institute (NII) is the governmental body responsible for the administration of the social insurance programs.

529. A large percentage of Israeli women are among the social benefits recipients; a figure mostly derived from women's longer life span and their employment patterns.

530. The following will present developments and changes in social benefits affecting women that occurred since the submission of Israel's previous report.

**Social security branches in Israel**

531. Commencing on 2006, all social security benefits are indexed to the Consumer Prices Index, and not the average wage.

**Maternity Allowance**

532. The ceiling of payment of maternity allowance to mothers and fathers has been raised to five times the average wage, from twice the average wage previously.

533. Both employed and self-employed women are entitled, upon giving birth, to a Maternity Allowance from the NII for the period of their Maternity Leave from work. As of January 1, 2006, thanks to the linking of the maternity file of the NII with that of the insured population, self-employed women receive the allowance automatically, without having to submit a claim.

534. As mentioned above, under Amendment No. 37 to the *Women's Employment Law*, the Maternity Leave was lengthened from 12 to 14 weeks, out of which 7 weeks or less may be taken before the birth. The change is relevant to women who began their Maternity Leave on May 8, 2007 or thereafter.

535. A woman who gives birth to more than one child in the same birth is entitled to extend her maternity leave for an additional period for every child born in the same birth, beginning with the second child. Under Amendment No. 37 to the *Women's Employment Law*, this additional period was extended from two

weeks to three weeks. The *National Insurance Law* was amended accordingly, and an additional Maternity Allowance is paid to a woman who extends her maternity leave due to her giving birth to more than one child in the same birth – for an additional three weeks, if she is entitled to the full maternity allowance, and for an additional two weeks, if she is entitled to the partial maternity allowance. This change too is in effect regarding women who began their maternity leave on May 8, 2007 or thereafter.

***Extended maternity leave due to hospitalization of mother or child***

536. Under a change in effect as of April 1, 2004, aimed at compensating women for a particularly long hospitalization of their newborn child, a woman whose infant must be hospitalized for at least 12 consecutive weeks in the course of her maternity leave may extend her maternity leave for 4 additional weeks, and is entitled to additional Maternity Allowance accordingly.

537. A mother who gives birth, and she or her newborn baby is hospitalized during the period of her maternity leave for a period of more than two weeks, may extend her maternity leave and in such a case, is entitled to Maternity Allowance for a longer period (up to four weeks, but not longer than the period of her hospitalization). Under Amendment No. 34 to the *Women's Employment Law*, the above also applies to mothers whose period of hospitalization (for themselves or their babies) is not consecutive. The change applies to women whose Maternity Allowance began on June 5, 2007 or thereafter. Previous to the change, a hospitalization period of at least 15 consecutive days had been considered necessary for permitting an extension of the maternity leave.

***Special payment of Maternity Allowance for fathers***

538. Under Amendment No. 39 to the *Women's Employment Law*, a man can replace his wife on maternity leave if his wife is not capable of caring for their infant due to her health condition (in accordance with a physician's written authorization), even if six weeks have not yet elapsed since the birth – if the infant is in the father's custody and in his sole care. This maternity leave for the father includes extension of the leave due to a multiple birth or hospitalization

of the infant, but does not include extension of the leave due to hospitalization of the mother.

539. Section 49 of the *National Insurance Law* was amended accordingly, and Maternity Allowance will be paid for this leave, in accordance with the qualifying period of the father, to the mother's bank account. The change applies to parents whose infants were born on September 6, 2007, or thereafter.

540. Previous to the change, a father could replace his wife on maternity leave only if six weeks had elapsed since the birth – even if she was not capable of caring for their infant due to her health condition. It should be noted that the other conditions of entitlement to Maternity Allowance for fathers – completion of a qualifying period for both parents and the father's actual maternity leave of at least 21 consecutive days – remain unchanged.

541. Data indicate a steady moderate rise in the number of men receiving maternity allowance. In 2005, the number of men receiving maternity allowance was 157, in 2006 the number of male recipients was 199 and in 2007 the number was 246.

***Changes in risk pregnancy benefit - Sick pay for women with risk pregnancy***

542. A woman who must cease work due to the need for precautionary rest – for at least 30 days – as a result of a high-risk pregnancy is eligible for a Risk Pregnancy Benefit from the National Insurance Institute (NII). One of the conditions of entitlement to this benefit is non-receipt of payment for the period of absence from work (due to the risk pregnancy) from any other source, such as sick pay from the employer.

543. Under an Amendment to the *Women's Employment Law*, employers are now obligated to pay sick pay for periods of absence from work of less than 30 days due to high-risk pregnancy, since the woman in such cases is not entitled to the Risk Pregnancy Benefit from the NII.

544. Also commencing on January 1, 2006, women who are unable to work owing to their high-risk pregnancy are to receive a Maternity Allowance for a period of at least 30 days. The amount per day is the lower of the following: the basic

amount divided by 30 - 232 NIS, ($58); or the woman's salary divided by 90. Following the Emergency Economic Plan and the Recovery Plan for the years 2002-2006, the sum of Maternity Allowance was reduced by 4%.

***Work that endangers a pregnant woman or her fetus***

545. Section 58 of the *National Insurance Law* pertaining to the Risk Pregnancy Benefit was amended so as to expand the definition of risk pregnancy. Under the Amendment, the former definition – "a medical situation stemming from the pregnancy and endangering the woman or her fetus" – has been expanded to include also "a type, place or method of work endangering the pregnant woman or her fetus […] if no alternative suitable work has been found for her". A written authorization of a physician remains a basic condition of entitlement to the Risk Pregnancy Benefit.

546. Both of the above changes are in effect regarding women who submit a claim for benefit after September 6, 2007.

547. In 2007, 147,767 women received Maternity Grants, a 4% increase compared to 2003 figures. The average age of women who received the Maternity Leave Allowance, in 2007, was 31. Also, 96% of these women were salaried employees, a figure resulting from the nature of women's participation in the labor market. In 2007, maternity insurance's portion of all National Insurance payments was 6.8% - compared to 6.1% in 2003. The increase in Maternity Allowance payments is attributed to the increase in number of women receiving these allowances, the increase in Hospitalization Allowance and the longer Maternity Leave.

Table 51- Women Receiving Maternity Grants, Maternity Allowances, and Risk Pregnancy Benefits, 2007

| Year | Women receiving maternity grants | | Women receiving Maternity Allowance | | Women receiving Risk Pregnancy Benefit | | Men receiving Maternity Allowance | | % of Maternity grants of total NII payments |
|---|---|---|---|---|---|---|---|---|---|
| | Number | % of change | Number | % of change | Number | % of change | Number | % of change | |
| 2004 | 143,287 | - | 77,505 | - | 4,420 | - | 150 | - | 5.4 |
| 2005 | 142,560 | -0.5 | 77,025 | -0.6 | 4,670 | 5.7 | 157 | 4.7 | 5.7 |
| 2006 | 143,688 | 0.8 | 83,285 | 8.1 | 5,588 | 19.7 | 199 | 26.8 | 5.9 |
| 2007 | 147,767 | 2.8 | 88,147 | 5.8 | 6,744 | 20.7 | 246 | 23.6 | 6.8 |

*Source: National Insurance Institute, 2008*

**Maternity Grants**

548. As of January 1, 2005, the NII pays a Maternity Grant, which is provided to post-natal new mothers in order to help cover the cost of a layette for the newborn child, directly into the mother's bank account and granted approximately one month after the date on which she gave birth. The Maternity Grant was previously paid by means of a check given to the mothers in the hospital where the birth took place.

549. As of January 1, 2008, a Maternity Grant given to a new mother upon the birth of her first baby, or to the adoptive parents upon adoption, will equal 1,489 NIS, ($372). The Maternity Grant for a second child will be equivalent to 670 NIS, ($167), and for every third and additional child to the family it will be the equivalent of 447 NIS, ($112).

550. The NII pays a benefit to a mother who has given birth to three or more children in one birth, and again at the end of a 30-day period after the date of birth, if at least three of these children have survived. The Childbirth Allowance is paid, in addition to the Maternity Grant, for the period from the first day of the month following the birth, up until 20 months from this date.

**Old Age and Survivors' Benefits**

551. As of August 2006, the Survivor’s Pension is paid automatically to the following groups: widows to whom a dependant’s increment had been paid to their husbands’ Old-Age Pension; and widows who receive an Old-Age Pension by virtue of their having accumulated a qualifying period, at the same bank account as their husbands.

552. Applications for Old-Age Pensions are initiated by the NII. Every man and woman, approximately two months before reaching pension age, receives a claims form for Old-Age pension from the NII, together with an accompanying explanatory letter.

553. In 2007, approximately 623,700 persons received Old-Age Pension (compared to 617,800 in 2004), of which 58.2% were women. That year 105,200 persons

received Survivors' (remaining relatives) Benefits (compared to 104,400 in 2004), of which 93.1% were women. These changes mainly reflect the growing number of elderly population, as the population gentrifies.

554. As of December 2007, the majority of those eligible to both Old-Age and Survivors Benefits were women – 94.5% of the 83,200 persons eligible to these two benefits. The high rate of women is mainly because more men than women were insured so their wives had Survivors' Benefits, and women usually marry older men and have a longer life expectancy. There is a difference between the genders in the rank of the two benefits: the average level of benefits that men are eligible to receive is higher due to seniority increments and postponed retirement increments. Also in 2007, of the 125,000 people who received Nursing Pension, 71% were women.

Table 52 - Recipients of both Old Age Pensions and Survivors Benefits from the NII, 2004 - 2007

| Year | Old Age Pension | | Survivors Benefits | |
|---|---|---|---|---|
| | Total | % of Women | Total | % of Women |
| 2004 | 617,800 | 57.0 | 104,400 | 93.5 |
| 2005 | 614,900 | 57.3 | 105,000 | 93.3 |
| 2006 | 622,300 | 57.6 | 105,200 | 93.2 |
| 2007 | 623,700 | 58.2 | 105,200 | 93.1 |

*Source: The National Insurance Institute, 2008*

Table 53 - Elderly Population Receiving Both Old Age Pensions and Half of the Survivors Benefits, December 2007

| | Total | Men | Women |
|---|---|---|---|
| Total number | 83,200 | 4,500 | 87,700 |
| % of persons receiving income support | 7.1 | 13.9 | 6.7 |
| Average allowance | 2,277 NIS ($570) | 2,353 NIS ($588) | 2,273 NIS ($568) |
| Of which: Half of Survivors Benefit | 778 NIS ($195) | 671 NIS ($168) | 784 NIS ($196) |

*Source: The National Insurance Institute, 2008*

Table 54 - Persons Receiving Nursing Pension of the NII, 2004 – 2007 (thousands)

| Year | Total | Men | Women | % of Women |
|---|---|---|---|---|
| 2004 | 113.4 | 31.9 | 81.5 | 71.9 |
| 2005 | 115.0 | 32.8 | 82.2 | 71.5 |
| 2006 | 120.4 | 34.5 | 85.9 | 71.3 |
| 2007 | 125.4 | 36.4 | 89.0 | 71.0 |

*Source: The National Insurance Institute, 2008*

555. On March 19, 2007, the *Electricity Economy Law* 5756-1996 (the "*Electricity Economy Law*"), was amended and Section 31A was added. According to the new section, women and men who reach the retirement age and are entitled to Income Support are entitled to a 50% discount on the first 400 KWH for domestic monthly use. The new section further invests the Minister of National Infrastructure with the authority to determine, in consultation with the Minister of Social Affairs and Social Services, other populations who may also be entitled to the reduced payment benefit.

**Alimony Payments**

556. In 2007, 21,771 women received monthly Alimony Payments from the NII - a 4.2% decrease compared to the previous year. In 2008 (3rd quarter) the number further decrease to 21,129. Since 2003, there was a sharp decrease of 17.9% in the rate of women receiving alimonies from the NII. As of the 3rd quarter of 2008, the average amount of the Alimony Payment paid by the NII was 1,464 NIS ($366). Divorced women with no children received 919 NIS ($230), divorced, separated or single women with one children received 1,076 NIS ($269), and with two children - 1,824 NIS ($456). Divorced women with one child who remarried received 1,002 NIS ($250) and 1,719 NIS ($430) if they have two children.

## Single-Parent Families

557. The number of single-parent families in Israel has slightly increased in the recent years. In 2007, there were 128,322 single-parent families In Israel, approximately 13.0% of all the families (compared to 12.3% in 2004 and to 9.3% in 1995). In 2006, the rate of single-parent families with children up to the age of 17 was 6.0% - about 99,600 families with a total of 170,000 children. Women head 90.5% of single-parent families with children aged up to 17 and in 30.9% of them the parent is a new immigrant.

## General Disability Pension

558. Disability insurance provides entitlement to a Disability Pension, meant to guarantee a minimum income for subsistence to persons with disabilities. The Disability Pension is paid to residents of Israel between the ages of 18 and retirement age who meet all the conditions of entitlement. There are two main groups of entitled persons, according to the entitlement test: disabled persons whose earning capacity has been lost or reduced as a result of their impairment (henceforth: "earners") and disabled housewives whose capacity to function in their household has been lost or reduced (henceforth: "housewives").

    558.1. **Earner**: an insured person who, as a result of a physical, mental or emotional impairment stemming from an illness, accident or birth defect, meets one of the following conditions: a) he/she is unable to support him/herself from work or occupation, and does not earn a sum equivalent to 25% of the average wage; b) his/her capacity to earn a living from work or occupation, as well as his/her actual earnings, were reduced as a result of his/her impairment by 50% or more.

    558.2. **Housewife**: a married woman who has not worked outside her household for a period determined by law and who, due to a physical, mental or emotional impairment stemming from an illness, accident or birth defect, does not have the capacity to function and carry our regular household chores, or her such capacity has been reduced by at least 50%.

559. There are two stages in the process of determining entitlement to a Disability Pension for an earner or housewife. In the first stage, a physician on behalf of the NII determines the medical disability percentage. Entitlement to pension is examined only for earners for whom a medical disability percentage of at least 60% has been determined (or 40%, if at least 25% is determined for him/her from a single impairment) and for housewives for whom a medical disability percentage of at least 50% is determined.

560. After the medical disability percentage is determined, the claims officer determines the degree of incapacity to earn/function after consultation with an authorized physician and a rehabilitation clerk. The determination of the

incapacity degree is based mainly on the earner's personal characteristics, such as his/her ability to return to his/her previous job (on a full-time or a part-time basis), or to work at a different job, or to learn a new profession (taking into account his/her education level, physical capacity and health condition). Under certain conditions the opinion of the rehabilitation clerk regarding the incapacity degree may be influenced by other variables such as the labor market situation in the disabled person's area of residence. Regarding housewives, the examination of capacity loss is based on functioning in the home.

561. The rate of the pension paid to a disabled person stems from the degree of incapacity that was determined for him/her. A disabled person is entitled to a pension and to a dependent's increment for his/her spouse and for up to two children. A "housewife" is not entitled to an increment for his/her spouse.

562. As of December 2007, 189,000 disabled persons received General Disability Pension, of which 17,000 were housewives and 64,000 were women "earners" – a total of 43% of all those who receive the pension. This rate has remained stable since 2004 as demonstrated by the following table:

Table 55 - Persons Receiving General Disability Pension, By Gender (2004 – 2007)

| Year | December 2004 | | December 2005 | | December 2006 | | December 2007 | |
|---|---|---|---|---|---|---|---|---|
| | number | percent | number | percent | number | percent | number | percent |
| Total | 164,909 | 100.00 | 171,156 | 100.00 | 181,747 | 100.00 | 189,146 | 100.00 |
| Housewives | 15,497 | 9.5 | 15,747 | 9.1 | 16,630 | 9.2 | 16,817 | 8.9 |
| Earning women | 55,301 | 33.4 | 57,666 | 33.8 | 61,283 | 33.7 | 64,132 | 33.9 |
| Men | 94,111 | 57.1 | 97,743 | 57.1 | 103,834 | 57.1 | 108,197 | 57.2 |

*Source: The National Insurance Institute, 2008*

## Financial Credit

563. As stated in Israel's previous report, women in Israel make use of bank loans, mortgages and other forms of financial credit in a manner equal to men.

## Recreational Activities

564. As stated in Israel's previous report, women participate in all aspects of recreational activities, including sports and cultural life, as detailed in Article 10 above.

# Article 14 - Rural Women

## General

565. A very high percentage of the Israeli population lives in urban localities – 91.7%. Rural population makes up 8.2% of the general population. The majority of this population lives in “Moshavim” (cooperative localities) (41.7%), Kibbutzim (20.5%), and communal localities (12.6%). In these aforementioned localities, 99.6% of the population is Jewish. The rest of the rural population is Muslim, Christian, Bedouin, Druze and Circassian living in various forms of rural localities.

## Bedouin Women

566. There are more than 170,000 Bedouins living in the Negev desert area. Most of them live in urban and suburban centers which have been legally planned and constructed. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

567. There are 6 existing Bedouin towns in the Negev: Laqiya, Hura, Kseife, Arara, Tel-Sheva and Segev Shalom, in addition to the city of Rahat. Although the seven existing towns can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that another 9 new towns for Bedouins should be established. The Government did so in order to accommodate the needs of the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format.

568. Of those nine new planned towns, Tarabin is now being populated and 100 new houses have been built, Abu Krinat and Bir Hadaj are under construction, and Kasar A-Sir, Marit (Makhol), Darjat, Um Batin, Mulada and El Seid are all undergoing planning procedures. Further three towns are undergoing statutory approval procedures: Ovdat, Abu Tlul, and El-Foraa. A regional council called "Abu Basma" was founded for the new towns. It was officially declared on February 3, 2004.

## Education

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

570. As mentioned above, in July 2007, The *Compulsory Education Law* was amended in order to broaden its scope and apply compulsory education to youth between the ages of 15 - 17 (inclusive) attending the 11th -12th grades. Prior to the Amendment, education for the 11th-12th grades was free, yet not compulsory. The Amendment's aim is to protect the youth in this vulnerable stage from negative influences, and to prepare them and provide better tools for their successful integration as productive adults in the future by providing an obligating educational framework rather than an optional one. Another desired effect to the Law, is a decrease in dropout and removal of pupils rates, by compelling the provision of solutions within the education system to all pupils in this age group. The Law is to be fully implemented until 2009 to pupils attending the 11th grade and until 2010 to those attending the 12th grade.

571. The Amendment to the *Compulsory Education Law* is gradually implemented, and a high priority was given to the Bedouin towns, which are characterized by a high dropout rates compared to the Jewish population. This priority was given to the towns of Rahat, Arara, Abu-Basma and others. One of the most important goals of this Amendment is to drastically reduce the dropout rates among female pupils.

572. In July 2005, the Government resolved to establish the Regional Council of Abu-Basma, which was assigned with attending to the Bedouin population's needs in areas such as education, infrastructures, employment, transportation, agriculture etc. Abu-Basma Regional Council is responsible for 10 Arab villages, of which 6 are Bedouin villages. The resolution further states that the Ministry of Education will build 300 classrooms and kindergartens which will be operated by the Abu-Basma Regional Council.

573. Since 2004, three high schools were established for the first time in the illegal villages of Abu-Krinat, Al-Huashlla and Bir-Hadge. These schools were

connected to the main electricity network, and access roads were paved towards them, a major improvement compared to the other illegal villages. The schools established contributed greatly to the prevention of dropout rates, especially among Bedouin girls, who previously were not sent to school by their parents, due to the distance of the school from the village and on account of religion and Bedouin tradition. In addition, since 2004, 14 inspectors position were added including general and vocational inspectors for schools in Bedouin localities, in order to improve the quality of education in them.

574. Following the Ministry of Education multi-year plan to reinforce the education system in Bedouin localities and several Government Resolutions on the matter, funding was allocated to fund new education facilities in Bedouin localities (including kindergarten, schools and special education institutions). Funding was also allocated towards establishing and upgrading of science and computer laboratories. Furthermore, pedagogic counsels provided assistance to school principals in preparing the school's work plan and funding were allocated for reinforcement hours for pupils in need in all levels of education, in order to diminish pedagogic gaps, including improving entitlement to matriculation certificate rates.

575. As of 2006, every first and second grade classes in Bedouin localities which consisted of more than 28 pupils, were divided in to two classes and received additional 10 reinforcement hours per week.

576. The 'New Horizon' (Ofek-Hadash) reform - in 2007/8 school year, 9 schools in the north and 31 in the south were included in the reform, followed by 6 schools in the north and 17 in the south in the 2008/9 school year. This reform is intended to give pupils with poor performance an opportunity to improve their accomplishments and to fulfill their potential.

**New Special Education Frameworks**

577. Currently there are four special education schools (in Kseife, Arara, Rahat and Segev-Shalom), three regional support centers (in Rahat, Abu-Basma and Hura), as well as 25 treatment kindergartens for special education serving the Bedouin population in the southern part of Israel. In 2008, two additional regional

support centers were opened, as well as 10 classes in primary schools. In addition, all primary and intermediate schools received additional reinforcement teaching hours.

578. In the northern part of Israel - a new school for pupils with severe mental deficiencies was opened, as well as 6 special education kindergartens. In addition, 4 advancement classes in secondary schools were added, as well as 3,000 hours of integration.

**New Educational Programs**

579. A new program to provide Arabic language skills in primary schools began in 2008 and will continue until 2011. In addition, new educational programs of culture and heritage were added as well as a program to teach the Hebrew language and literature in primary and secondary institutions. Furthermore, the education program in history was adjusted in order to be suitable for primary, intermediate and secondary schools.

580. The 'Daroma' (South) program – in 2004, the Ministry of Education commenced a program to improve educational achievements among exceptional pupils in the 10-12 grades. The program now operates in 5 High-Schools (approximately 300 pupils). The purpose of the program is to advance theses pupils in Mathematics and English, and to develop their learning skills. The pupils participate in courses in academic institutions such as the Ben-Gurion University.

581. The Ministry of Education will fund a similar program, "Atidim", in the two local authorities beginning in 2008. In the north, a similar program entitled "Atidim Launch" operates in two local authorities. During 2009, another program for achievement of excellence will be opened in Kaabia High school, also funded by the Ministry of Education.

582. In addition, two classes of diagnostic learning skills were opened, one in the college of Sakhnin (north), and the second in Be'er-Sheva (south) in the framework of the Open University funded by the Ministry of Education.

583. Psychologists - additional positions for psychologists in both regions were added but there is still a shortage of position per pupils and a shortage of educational psychologists.

584. Guidance Council - since 2004, 3 frameworks for training guidance councils were opened - 2 in the north and one in the south. There has also been an addition of visitation officers in some of the authorities; however, there is still a shortage.

Table 56 - Number of Schools (North/ South) 2007

| Level of school | North | South | Total |
|---|---|---|---|
| Elementary | 25 | 64 | 89 |
| Junior high school | 2 | 1 | 3 |
| Junior and high school | 6 | 13 | 19 |
| High school | 2 | 8 | 10 |
| Special education (day-care centers) | 1 | 4 | 5 |
| Total | 36 | 90 | 126 |

*Source: The Ministry of Education, Supervisor of Bedouin Education, 2008*

Table 57 - Number of Pupils in the Bedouin Population (by Gender) 2007

| Level of school | North | | | South | | |
|---|---|---|---|---|---|---|
| | Males | Females | Total | Males | Females | Total |
| Elementary (1st-6th grades) | 4,334 | 4,157 | 8,491 | 16,444 | 15,681 | 32,125 |
| Junior high school | 1,585 | 1,513 | 3,098 | 3,693 | 3,463 | 7,156 |
| High school | 1,145 | 1,351 | 2,496 | 3,833 | 3,616 | 7,449 |
| Total | 7,064 | 7,021 | 14,085 | 23,970 | 22,760 | 46,730 |

*Source: The Ministry of Education, Supervisor of Bedouin Education, 2008*

**Higher Education**

585. In 2008, the Ministry of Education announced its intention to grant Bedouin students studying engineering, technology and science with tuition grants and scholarships in the amount of 5,000 NIS ($1,250) each for 2008/9 academic year. The scholarships are intended to continue encourage Bedouin students to achieve higher education.

586. The Authority for the Advancement of the Status of Women issued an announcement regarding the distribution of scholarships for female Bedouin students from north, as well as for female students from the Druze and Circassian populations. These scholarships are granted in accordance with Government Resolution No. 412 and 413 issued on August 15, 2006. These

scholarships are intended for the 2008-2009 academic school year in recognized academic institutions, in the fields of medicine, pharmaceutics, nursing, law, engineering, and other medical related professions. The total budget allocation for this purpose for 2009 is 500,000 NIS ($125,000), with each scholarship amounting up to 6,000 NIS ($1,500).

## Employment and Welfare

587. The Bedouin population has a high rate of unemployment and low socio-economic state. Several measures are being implemented to change these statistics. One example, mentioned above is a business entrepreneurship course for Bedouin women in cooperation with the Center for Fostering Entrepreneurship.

588. Employment for persons belonging to minorities in the Negev - According to Government Resolution No. 1591 (April 22, 2007) regarding encouragement to rural areas, it was determined that enterprises in the fields of services or tourism that will admit 4 new local employees from the Bedouin or Ultra-orthodox populations in the Negev, will receive a 20% benefit for men and women from the cost of the monthly wage of these employees for a period of 5 years.

589. On November 20, 2005 the Government adopted Resolution No. 4415 according to which a national strategically program was created for the development of the Negev. In order to promote the realization of the program's goals in the economic and employment aspects, the Headquarters for Development and Employment in the Negev developed chosen projects in cooperation with Governmental Ministries, local authorities and Israel's Small and Medium Enterprises Authority. Below are the projects descriptions and the benefits which Bedouin women may enjoy as part of the Negev program.

590. Vocational Training – Over the course of the past few years, there has been an increase in the rates of employment among Arab women, yet these rates remain relatively low. Academic education and vocational training are the key components for the integration of Arab women into the work force, yet various barriers are inhibiting their integration into these educational and training systems: Education - traditional professions are substituted with professions that

require specific know-how; the study of many technological professions requires knowledge in mathematics and English. Social/Cultural Barriers - The traditional stands and cultural stigmas among the Arab population define the acceptable limits to traveling alone to school and work. Arab women are often reluctant to attend courses that require traveling to other towns. Not all vocational courses are available in the women's residential towns, often because of lack of proper framework, candidates, and future job opportunities.

591. Due to the above, many Arab women attend "traditional" courses that are local, and are likely to enable them to meet the requirements of local job opportunities, whether full or part time. This is not the case with regard to education, computers, graphics or technical assistants/engineering. Additionally, the employment opportunities in these fields, in some of the residential towns, are very limited.

592. Special vocational training and unique programs for the Bedouin population were developed, in order to enhance the numbers of employed Bedouin - men and women, develop the human capital and enlarge the number of students, both male and female, enrolled in higher education courses. The unique training for women include: accredited assistants, care givers for young children, designing and manufacturing of furniture, hair design and fitness trainers. In addition, classes for practical engineering were opened in the technological center in Be'er Sheva, in the fields of chemistry and air condition and about 30% of the candidates that were accepted were women.

593. Employment Centers for the Bedouin population - In the framework of cooperation between the Ministry of Industry, Trade, and Labor and the American Jewish Joint Distribution Committee it was decided to create unique employment centers in the Bedouin towns. These centers will handle the variety of issues relating to solving the employment problems that exist solely in the Bedouin localities: to enhance the numbers of employed persons, to aid in the creation of small businesses and enterprises, to enlarge the income of individuals and families in the Bedouin localities, to change the employment related perceptions and norms in the Bedouin population and encourage the

employment of women while supplying them with unique training for that purpose.

594. Small Businesses - In order to enhance the exposure of businesses in the Negev to the services of the Center for the Nurturing Entrepreneurship (a body of Israel's Small and Medium Enterprises Authority), in order to overcome the large distances between the localities and the operating centers, and to allow larger accessibility of business owners to the services of the center, it was decided to establish 3 extensions which will be subordinate to the Center in Be'er-Sheva. One of these extensions operates solely in Bedouin localities and as such it serves as a central address accessible to the entrepreneur to receive the verity of services of the Center, including reply to the unique needs of the Bedouin population. The uniqueness of these extensions is the fact that they can assist women that tend to remain in the localities (due to cultural and social norms).

Creation of employment places for those who report to the Israeli Employment Service and are about to terminate their right to unemployment benefits. The focus of this project is the Bedouin population.

Creation of an economic model for independent employment of women from Bedouin localities in weaving, needlework and cooking, where the women market their products in special fairs and abroad. The women will be prepared for the process that includes building a business organization model, creation of a unique product line and the proper means of marketing. The project will last three years, during which the women will open independent businesses. Currently, the project runs in the village of Kseife and 20 women operate in it.

595. In order to complement the revised *Encouragement of Capital Investments Law* 5719-1959 (the "*Encouragement of Capital Investments Law*"), the Government decided to establish an additional program to increase employment in the remote areas of Israel and other areas of high unemployment. Eligibility requires that the participating companies employ a minimum number of workers earning at least minimum wage. Among the areas affected are the "Furthest

Periphery", and designated towns of minority populations (such as Arab, Druze, Circassians), as well as the Ultra-Orthodox Jewish population.

596. As mentioned in Israel's previous report, in May 2004, the Center for the Welfare of the Bedouin Family was established in Be'er-Sheva by the Ministry of Social Affairs and Social Services. The Center has two main goals: to provide assistance to the Bedouin community in matters related to conflict and tension resolution in the family, as well as to provide therapeutic interventions; to serve as a center for the prevention of, and education on, domestic violence. The center is financed and supervised by the Ministry of Social Affairs and Social Services and is operated by the Bedouin association of "Elwaha" which is manned by specialized social workers.

597. Social Services operate in the Bedouin towns, as well as in illegally constructed Bedouin villages. There are around 30 monthly appeals to social services from Bedouin women. Each receives individual care. There are also several Bedouin couples undergoing couple therapy. Note that the operation of the abovementioned center has improved the treatment of domestic violence in the Bedouin population, enabling matter-of-fact, focused and efficient care to be provided, free from community and family pressures.

598. The Service for Girls and Young Women handles about 250 Bedouin young women annually, providing both individual and group treatment.

## Health

### Infant Mortality

599. According to a report of the Ministry of Health, that was published in February 2009, the infant mortality rate of Bedouin infants in 2008 was 11.5:1000, representing a decline from the rate in 2005 (15:1000). The high rate is mostly attributed to high rates of congenital anomalies and hereditary illnesses due to the high rate of consanguineous marriages. Another element impacting upon 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. It should be noted that the infant mortality rate among Bedouin

infants living in illegal villages was actually lower than that among Bedouin infants living in established towns. The Government is continuing to open Mather and Child Health Clinics in illegally constructed villages and new Clinics are being built to serve the population.

600. Furthermore, the Government has been funding several special projects to improve the health and expand the health-care services provided to Bedouin living in illegally constructed villages. One of these programs is a special long-term intervention program to decrease infant mortality among the Bedouin. The program is community-based and boasts a wide-consortium 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 Ben-Gurion University of the Negev.

601. 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 for which an available genetic test is above 1:1000.

602. On December 2005, the *Population Registry Law* 5725-1965 (the "*Population Registry Law*") was amended for the regulation of births occurring outside a medical institution. The purpose of the Amendment was to ensure that illegal adoptions, exploitation of women and trafficking in babies would not be possible. All requirements set by the Law for the registration of newborns are meant for the prevention of deception with regard to the mother's identity. Nothing in the Law is designed to create delay or deprive women of rights to which they are entitled after the registration of their child in the population registry; in this regard, although it is true that some Bedouin women give birth at home, these women constitute about 2% of all Arab women in the Negev. No Bedouin woman resident of the Negev had given birth at home due to lack of access to modern maternity services.

**Other Health Indicators**

603. Clinics in illegal Bedouin villages located throughout the Negev are all computerized, air conditioned, and are all equipped according to the standards upheld by all the Health Funds (HMOs) in the country. In addition to the thirty-two Health Fund medical clinics already existing in the Bedouin towns, 9 Health Fund medical clinics have been built to provide for the medical needs of Bedouins living in illegal villages. These clinics are also fully equipped according to the standards that exist in all other Health Funds in the country.

604. 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 ambulance ensures constant access between the hospital and the community. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization. Additionally, the ambulance transports patients to the hospital and back when they are in need of emergency care. The cost of a visit to the clinic is identical throughout the country. That is, a visit will generally be cost-free.

605. In addition to the existing stations, the eighteen Mother and Child Health Clinics ("Tipat Halav") located in Bedouin towns, and a mobile family care unit, six new Mother and Child Health Clinics, fully equipped, have recently been constructed in the illegal villages. These Clinics are equipped in the same manner as any other Mother and Child Health Clinics in the country.

606. The Government, as well as the main Health Fund serving the Bedouin population, undertake major efforts to train and recruit Bedouin physicians and nurses. The Government provided all the funding required for three classes of Bedouin students to complete their training as registered nurses, including funding their transportation to the nursing school, a meal allowance during their studies, and special remedial lessons to assist those who needed it. The Government has similarly provided special funding to hire Arab physicians and nurses.

607. A course for qualified Bedouin nurses was opened in 1994. Currently there are 32 students that are undertaking nursing studies. It should be noted that students participating in the third course are committed to serving their first three years of practice after graduation wherever the Ministry of Health decides their services are needed. This will guarantee that the trained nurses serve the target population, the Bedouins. In addition, the first female Bedouin physician in Israel, Rania al-Oqbi, has recently completed her degree. She was part of the special "Cultivating Medicine in the Desert" program aimed at incorporating more Bedouin into the health sector. Currently, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

608. Other major improvements in the past decade include, for example, improved immunization coverage of Bedouin infants in the Negev which resulted in a significant decrease in vaccine-preventable infectious diseases. Recent 2006 figures indicate that 90-95% of the Bedouin children have completed all necessary vaccinations by age three – a sizeable improvement compared to a rate of 27% in 1981. Two mobile immunization teams managed by the Ministry of Health also provide home immunizations to infants in Bedouin families living outside of permanent towns, whose families do not bring them to one of the Mother and Child Health Clinics for treatment. A computerized tracking system allows the Ministry of Health to identify infants who are behind on their immunization schedule and to send one of the mobile immunization teams to immunize them.

609. 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 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 first-cousin marriages, as well as cultural-

religious-social barriers to pre-marital and pre-natal screening for inherited diseases.

610. There has been a decline in the incidence of infectious disease among Bedouin infants over the past decades. There is, however, generally a higher rate of infectious disease among Bedouin infants than among Jewish infants of the same age. Bedouin infants and children have lower rates of pertussis, tuberculosis and HIV infection. Furthermore, due to high immunization coverage among Bedouin infants, indicating good access and utilization of preventive health care services, there have been no cases of measles since 1994 and no cases of polimyelitis, diphtheria, congenital rubella, neonatal tetanus or tetanus in Bedouin children of the Negev since 1990.

611. Specialty physician services are being provided to the Bedouin community in the Negev, including: Gynecology and Obstetrics, Pediatrics, General Internal Medicine, Neurology, Family Medicine, Dermatology, Ear, Nose and Throat, Ophthalmology, Orthopedics, Gastroenterology, Cardiology, Surgery and Trauma, Pediatric Surgery and Pediatric Pulmonary Medicine. In addition, every resident has equal access to all the specialty clinics at the Soroka University Medical Center, with no discrimination between Bedouin or Jewish patients.

612. On July 2008, Physicians for Human Rights-Israel, an Israeli NGO - published a report titled: “Ana Huna (I am here) – Gender and Health in the Unrecognized Villages of the Negev”. The report is critical of the healthcare services granted to Bedouin women in the Negev, as well as the problems on providing of infrastructure and public transportation, making it difficult for Bedouin women to reach distant healthcare centers in cases where the villages has no clinic or has one that lacks full services. The report also stipulates that the communication between the medical staff and some of the women is problematic due to language barriers. An issue that is being promoted, as detailed throughout this Article.

**Ritual Female Genital Operation (Female Circumcision)**

613. In 2007, a new study examined whether the practice of female genital mutilation still exists in Israel. Approved by Helsinki Ethics Committee of Ben Gurion University and after receiving consent of each patient, young Bedouin women who underwent prenatal genital physical examinations, were asked about having experienced female genital mutilation. In addition, the gynecologists looked for any signs indicating that such operation took place. Over 150 women from different Bedouin tribes, that were previously reported to perform ritual female genital mutilation, were examined, and no woman under the age of 30 was found to have any evidence of female genital mutilation, not even minor scars.

614. Although the existence of rare sporadic cases can not be ruled out, it seems that the practice of female genital mutilation have been eradicated in Israel. The causes for this change include increased education of the Bedouin population, increased medical care, increased standard of living and other positive developments.

615. Recent data indicates that over the last few years, except for one case of ritual female circumcision that occurred in 2008, in one of the southern Bedouin villages, there were no other reports of women who underwent female genital mutilation in Israel.

# Article 15 - Equality before the Law and in Civil Matters

## General

616. The Israeli Judiciary provides equality to men and women in all areas of law, including all aspects of civil matters, as detailed throughout this report.

617. In civil matters, women enjoy an identical capacity to that of men, including the right to conclude contracts, administer property and equal treatment in all stages of procedure in courts and tribunals. Women also enjoy the same benefits regarding the movement of persons and the freedom to choose their residence and domicile, as detailed throughout this report.

## Religious Courts

618. Overall, Religious Courts have an exclusive jurisdiction over all matters of marriage and divorce, except when the couple is not affiliated to any religion or of different religions. Regarding these exceptions, in matters relating to divorce, the jurisdiction is granted to the Family Matters Courts or to the Religious Courts. In Matters concerning women's and children's alimony, property issues, child maintenance, guardianship, violence and in the case of Muslims, also parental matters, Family Matters Courts and the Religious Courts have a parallel jurisdiction, with certain differences between the various religious communities.

619. Inheritance, guardianship and adoption – the Family Matters Courts have the main jurisdiction, the Religious Courts jurisdiction is subject to the consent of all relevant parties and certain limitations stipulated in the Law. Child abduction, marriage approvals under the *Marital Age Law* 5710-1950 (the "*Marital Age Law*") name changing, determination of age, surrogacy, parenthood (except for Muslims) and other disputes among family members, in matters not mentioned above – are all subject to the exclusive jurisdiction of the Family Matters Courts.

620. In reference to certain aspects of personal status laws, Israel has entered a reservation due to commitments to various religious communities in Israel. Further details regarding this reservation are provided in Article 16, below.

# Article 16 - Equality in Marriage and Family Life

## General

621. Israel's reservation to Article 16 regarding personal status is reviewed periodically. At present, Israel has not changed its position in this matter. This reservation stems from Israel's constitutional system and respect for religious pluralism, as well as its granting autonomy to religious communities in matters of personal status.

622. The religious law limits the marriage option for a number of groups in Israel. This issue remains in the heart of the Israeli discourse and remains a major challenge before the Israeli society. Consequently, certain couples prefer to forego the imposed religious marriage because it contradicts their perceptions of marriage and marry abroad, as detailed below.

## Legal Developments

623. The Knesset recently amended the *Division of Property between Spouses Law* 5733-1973 (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 incidence 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.

624. In a recent decision by the Tel-Aviv Family Matters Court, the Court awarded the plaintiff the amount of 700,000 NIS ($175,000) as non-pecuniary damage for over 10 years she was held in marriage against her will, since her husband refused to give her the divorce (also known as, 'Get'). The plaintiff and the defendant were married by an arranged marriage, however, they lived together for only three months after the marriage, after which the plaintiff fled from the house due to the severe violence inflicted upon her. Since then, the plaintiff filed for a divorce, and tried to receive her 'Get', but due to her husband reluctance, the imposition of different conditions by him, including the waiver of alimony support, and his lack of appearance in court hearings, the divorce was not granted. The plaintiff immense suffering is based on the fact that she is a religious woman, therefore, until receiving her 'Get', cannot rehabilitate her life and find a new partner for the creation of a family. The Court stressed the importance of the ability of each individual to enter or terminate a relationship, including the creation of a family, and emphasized this ability as part of the human dignity and liberty for all. This is especially important for religious women, as their social status is affected of their marital status, therefore refusal to give a 'Get' to such women, humiliates them and injures their sense of value. The Court refused however, to issue pecuniary damage since in its opinion they are to be determined in the divorce proceedings before the Rabbinical Court (*F.M.C. 24782/98 Anonymous v. Anonymous* (14.12.2008)).

625. On July 25, 2007, the legislator extended the powers granted to the Rabbinical Court when dealing with a husband reluctant to give his wife a 'Get', thus preventing her from re-marrying. Amendment No. 6 to the *Rabbinical Courts (Upholding a Divorce Decree) Law,* enables the Rabbinical Courts, in certain circumstances, to foreclose or withhold pensions and other allowances in a

progressive manner as stipulated in the Law, as well as possessions including personal effects and real estate.

626. On July 21, 2008, the Jerusalem Family Matters Court, compensated a woman in the amount of 550,000 NIS ($137,500) due to her husband lack of compliance to the order of the Rabbinical Court, stipulating the need for a divorce between the couple. The woman filed for divorce at the Rabbinical Court in 1998, and in 2006 that Court ordered the husband to grant a divorce to his wife. The Family Matters Court determined that due to the lingering of the divorce process the husband inflicted extensive emotional suffering upon his wife, even more so after his refusal to comply with the order of the Rabbinical Court. The Family Matters Court determined that in his refusal to grant a divorce the husband violated Section 287(a) to the *Penal Law* which stipulates that a person failing to comply with a Court Order is subject to two years imprisonment, as well as Section 63 to the *Torts Ordinance* (*New Version*) stipulating that breach of an obligation inscribed in a law establish a right of compensation. The Court also found that the husband acted in negligence after the Rabbinical Court ordered the divorce, as he must have been aware at that point of the suffering his refusal inflicts on his wife. Therefore, the Family Matters Court decided to compensate the woman for the emotional pain she suffered. However, this decision does not cancel the need to receive the husband's consent to the divorce in order for it to become valid (*F.M.C. (Jerusalem) 6743/02 K. v. K.* (*21.6.08*))

## The Family in Israel: Some Demographic Data

627. As discussed in Israel's previous reports, Israel is a family-oriented society. The Central Bureau of Statistics' data indicates that in 2006, only 3.2% of Israeli couples (47,000) cohabitated without marriage (44,800 of those are Jewish couples). The age composition of couples cohabitated without marriage is relatively younger than in married couples, in more than half (55%) of the cases the woman's age is up to 34 years old, compared to only 27% among married women.

## Marriages

628. The status of married persons in Israel is illustrated by the following table:

Table 58 - Persons Marrying, By Age, Previous Marital Status and Religion, 2006

| | Jews | | Christians | | Muslims | | Druze | |
|---|---|---|---|---|---|---|---|---|
| | **Never married** | **Total** | **Never married** | **Total** | **Never Married** | **Total** | **Never married** | **Total** |
| **Men** (Total) | 29,728 | 33,880 | 652 | 707 | 5,575 | 9,273 | 695 | 772 |
| Average Age | 27.7 | 29.3 | 29.4 | 29.8 | 27.2 | 27.7 | 27.0 | 28.5 |
| **Women** (Total) | 30,630 | 33,880 | 658 | 707 | 8,835 | 9,273 | 723 | 772 |
| Average Age | 25.5 | 26.6 | 24.4 | 24.7 | 22.1 | 22.3 | 22.6 | 22.9 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

629. In 2006, the average age of first marriages in Israel was 27.7 for Jewish men, 27.2 for Muslim men, 27 for Druze men and 29.4 for Christian men. Among women the average age of first marriages was 25.5 for Jewish women, 22.1 for Muslim women, 22.6 among Druze women and 24.4 among Christian women. It should be noted that since 1970, the average marital age has risen by three years, mostly due to the increase in cohabitation and women's participation in the labor market and in higher education.

## Polygamy

630. 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 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.

**Polygamy among the Arab and Bedouin population in Israel**

631. On November 11, 2006, the Knesset Committee on the Status of women held a discussion with regard to polygamy among the Bedouin population. A report, which had been prepared for the Committee by the Research and Information Center of the Knesset reveals, that estimating the scope of the phenomenon is rather impossible due to the fact that most polygamous marriages are not registered. Nevertheless, during the discussion, MK Jamal Zchalka had explained that the polygamy phenomenon is being gradually reduced, and already been decreased from 17% of the Bedouin marriages several years ago, to 12% today.

632. According to the Israeli Knesset Research and Information Center the number of polygamy cases decreased significantly in the past few years. In 2005, the total number of registered Muslim polygamy marriages was 24 (18 in Israel and 6 conducted abroad) in comparison to 40 cases in 2004 (of which 34 were conducted in Israel) and to 54 cases in 2003 (of which 47 were conducted in Israel). In 2006, 15 police investigations were opened regarding polygamy marriages, 11 of them in the Arab population and two of those cases in the Bedouin population.

## Divorces

633. Israel's divorce rate in the years 2004-2005 has been relatively steady, as indicated by the following table:

Table 59 - Persons Divorcing, By Age, Gender and Religion, 2004 - 2006

| | | 2004 | | 2005 | | | | 2006 | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Rates (per 1,000 married persons) | | Absolute numbers | | Rates (per 1,000 married persons) | | Absolute numbers | | Rates (per 1,000 married persons) | |
| | Age | Wives | Husbands | Wives | Husbands | Wives | Husbands | Wives | Husbands | Wives | Husbands |
| **Total Population** | 15+ Total | 8.0 | 8.0 | 11,030 | 11,030 | 7.9 | 7.9 | 13,439 | 13,439 | 9.4 | 9.4 |
| | Up to 19 | 18.1 | - | 153 | 29 | 21.4 | - | 158 | 23 | 16.3 | - |
| | 20-24 | 12.5 | 12.3 | 973 | 379 | 13.5 | 14.7 | 1,068 | 417 | 13.5 | 13.5 |
| | 25-29 | 12.1 | 12.1 | 1,832 | 1,281 | 11.6 | 11.9 | 2,274 | 1,483 | 13.9 | 13.2 |
| | 30-34 | 10.8 | 11.6 | 2,108 | 2,053 | 11.2 | 11.6 | 2,602 | 2,519 | 13.4 | 13.6 |
| | 35-39 | 10.3 | 10.8 | 1,664 | 1,826 | 10.1 | 10.7 | 2,129 | 2,323 | 12.5 | 13.1 |
| | 40-44 | 9.6 | 10.2 | 1,408 | 1,549 | 9.2 | 9.7 | 1,738 | 1,975 | 11.4 | 12.4 |
| | 45-49 | 8.2 | 9.1 | 1,209 | 1,371 | 8.1 | 8.9 | 1,387 | 1,614 | 9.4 | 10.5 |
| | 50-54 | 6.1 | 7.6 | 866 | 1,124 | 6.0 | 7.3 | 942 | 1,225 | 6.6 | 8.1 |
| | 55+ | 2.1 | 3.0 | 799 | 1,407 | 2.2 | 3.1 | 1,005 | 1,660 | 2.7 | 3.6 |
| Thereof: | 15+ Total | 9.2 | 9.1 | 9,767 | 9,767 | 9.0 | 8.9 | 11,392 | 11,392 | 10.3 | 10.2 |

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Jews | Up to 19 | 21.9 | - | 58 | 18 | 27.6 | 38.8 | 76 | 13 | 24.7 | - |
| | 20-24 | 15.9 | 12.0 | 671 | 254 | 17.0 | 14.6 | 742 | 291 | 16.5 | 13.5 |
| | 25-29 | 15.2 | 14.4 | 1,589 | 1,009 | 14.7 | 14.1 | 1,859 | 1,118 | 16.6 | 14.8 |
| | 30-34 | 13.5 | 14.4 | 1,907 | 1,800 | 13.8 | 14.3 | 2,202 | 2,085 | 15.3 | 15.8 |
| | 35-39 | 12.8 | 13.6 | 1,511 | 1,639 | 12.4 | 13.4 | 1,874 | 1,971 | 14.9 | 15.5 |
| | 40-44 | 11.8 | 12.7 | 1,294 | 1,403 | 11.3 | 12.1 | 1,520 | 1,731 | 13.5 | 15.1 |
| | 45-49 | 9.5 | 10.8 | 1,137 | 1,269 | 9.5 | 10.5 | 1,253 | 1,429 | 10.7 | 12.0 |
| | 50-54 | 6.9 | 8.5 | 824 | 1,053 | 6.8 | 8.3 | 867 | 1,130 | 7.3 | 9.1 |
| | 55+ | 2.3 | 3.2 | 760 | 1,312 | 2.4 | 3.3 | 927 | 1,531 | 2.9 | 3.8 |
| Thereof: Muslims | 15+ Total | 5.8 | 5.8 | 1,136 | 1,136 | 5.8 | 5.8 | 1,134 | 1,134 | 5.5 | 5.5 |
| | Up to 19 | 16.7 | - | 85 | 11 | - | - | 73 | 9 | 12.5 | - |
| | 20-24 | 9.3 | 14.4 | 272 | 105 | 10.5 | 15.7 | 251 | 99 | 9.1 | 13.0 |
| | 25-29 | 6.6 | 9.4 | 217 | 251 | 6.3 | 9.4 | 230 | 227 | 6.4 | 8.2 |
| | 30-34 | 5.3 | 6.0 | 172 | 218 | 5.5 | 6.2 | 160 | 210 | 4.9 | 5.7 |
| | 35-39 | 4.8 | 5.1 | 142 | 170 | 5.3 | 5.4 | 109 | 156 | 4.0 | 4.8 |
| | 40-44 | 4.2 | 4.6 | 105 | 131 | 4.6 | 4.7 | 108 | 122 | 4.5 | 4.2 |
| | 45-49 | 4.3 | 4.2 | 68 | 93 | 4.1 | 4.6 | 66 | 95 | 3.8 | 4.4 |
| | 50-54 | 3.5 | 4.3 | 37 | 66 | 3.0 | 4.4 | 41 | 59 | 3.2 | 3.8 |
| | 55+ | 2.0 | 2.7 | 36 | 90 | 1.8 | 2.8 | 39 | 77 | 1.8 | 2.3 |

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

## Minimum Marital and Parenthood Age

634. The phenomenon of underage marriage still takes place in certain segments of Israeli society, including those of the ultra-orthodox Jews, Jews originating from Georgia and Arabs. According to the Central Bureau of Statistics, in 2006, more than 1,500 girls, younger than 17, were married (3.4% of the total women married that year), of which 78% were Muslim girls. Additionally, 40.8% of single Arab women were married before the age of 19. In 2005, the rate of marriage for Muslim girls was more than 2.5 times higher than that of Jewish girls. Also in 2005, 30 requests to allow the marriage of minors were submitted to Family Matters Courts – 17 were approved. During the years 1997-2005, more than a half of the 251 requests for marriage of minors were approved. During the years 2000-2006, 41 complaints were submitted to the Police due to violations of the *Marital Age Law*. In half of these cases criminal files were opened and in all other cases it was decided not to prosecute.

635. In 2007, 549 young women up to the age of 17 gave birth, of which 444 were Muslim and 71 were Jewish. To about 8% of them it was not the first birth. Also in 2007, 1,226 young women (up to 17), applied to the Commission for Pregnancy Terminations, 81% of them were Jewish, 13% were without religious classification and only 3% were Muslim. 98% of them were single and almost all the applications were approved.

Table 60 - Marriage of Young People up to Age 19, 2006

| Gender | Age | Jews | | | Muslims | | Christians | | Druze | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Divorced | Never-married | Total* | Thereof: never-married | Total | Thereof: never-married | Total | Thereof: never-married | Total |
| Men | Up to 17 | - | 23 | 23 | 35 | 35 | - | - | - | - |
| | 18 | - | 258 | 258 | 81 | 85 | - | - | 13 | 13 |
| | 19 | 1 | 809 | 810 | 222 | 222 | 2 | 2 | 23 | 23 |
| | Up to 19 | 1 | 1,088 | 1,091 | 338 | 342 | 2 | 2 | 36 | 36 |
| Women | Up to 16 | - | 4 | 6 | 138 | 150 | - | - | - | - |
| | 17 | 1 | 245 | 248 | 1,036 | 1,050 | 11 | 11 | 73 | 73 |
| | 18 | 4 | 919 | 923 | 1,283 | 1,290 | 24 | 24 | 87 | 87 |
| | 19 | 5 | 1,814 | 1,819 | 1,176 | 1,185 | 47 | 47 | 77 | 80 |
| | Up to 19 | 10 | 2,982 | 2,996 | 3,633 | 3,675 | 82 | 82 | 237 | 240 |

** Including marital status widower/widow and unknown*

*Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008*

636. Usually under-age marriages take place in closed communities, and are not published, therefore the likelihood of acquiring evidence of the marriage or proving their very existence, is quite low. Furthermore, for the reason mentioned above, violations of this Law do not come to the knowledge of the Police or other relevant bodies.

637. In a recent case, the Krayot Family Matters Court denied a request to grant a marriage permit for a 16 years old girl to marry a 28 years old man, determining that the reason presented does not relate to the girl's best interest according to the *Marital Age Law* and therefore is not a sufficient reason for granting a marriage permit. Here, the request was based on the fact that the expected groom's mother was diagnosed with a terminal illness, and the parties involved wished her to be present at the wedding. The petitioners informed the Court that prior to the diagnosis, their intention was to wed the couple when the girl will turn 18. The Court held that the reason presented in this case, however unfortunate, does not give rise to the issuing of such permit, as it is not a reason relating to the young girl in question and her best interest (*F.M.C. 6980/08 Anonymous et. al. v. The Haifa District Attorney* (*17.07.08*)).

## Dissolving of Marriage

638. The *Dissolving of Marriage Jurisdiction (Special Cases and International Jurisdiction) Law* 5729-1969 (the "*Dissolving of Marriage Jurisdiction Law*"),

concerning the dissolution of marriage of persons with no religious affiliations or different religions was amended in July 2005 to allow for either spouse to apply directly to a Family Matters Court in matters of marriage dissolution, instead of applying first to the president of the Supreme Court. In suitable cases, the Family Matters Court may seek consultation from the relevant religious court to determine whether it is necessary to dissolve the marriage according to the religious law of either spouse in order to allow him or her to remarry. The amended law also includes international jurisdiction provisions of Family Matters Courts.

## Civil Marriages

639. On November 21, 2006, the Supreme Court took a significant step of recognizing civil marriages which had taken place between Jewish Israeli residents and citizens outside of Israel. A Jewish man, who wanted to divorce his wife after having been civilly married outside of the State, turned to the Rabbinical Court which stated that the marriage should not be recognized and are therefore dissolved. The wife, who did not want to divorce her husband, petitioned the decision to the High Court of Justice based on her fear of loosing her right to alimony. The Court determined that the Rabbinical Court could not dissolve the marriage based on the fact that the marriage was not performed according to Jewish religious law. It further noted that civil marriages are indeed valid in Israel and created a status which could not only be considered as for the purpose of registration. (*H.C.J. 2232/03 Anonymous v. The Rabbinical Court of Appeals*)

The Supreme Court decided that the Rabbinical Court may dissolve such a marriage and grant a divorce verdict, if it is convinced that it is unfeasible to accomplish domestic peace between the spouses, but it can not do so based on the religious causes for divorce. This sort of divorce can be defined as "divorce with no blame" (not owing to religious causes of blame), and is considered to be rather like a civil divorce. The Supreme Court raised the concern that "divorce with no blame" may damage the right of women to receive alimony, but emphasized that the solution can not be found through retaining the institution of formal marriage. Instead the economic aspects of the relationship should be

resolved in a Family Matters Court, rather than as part of a divorce procedure in the Rabbinical Court.

## Spouses

640. On April 15, 2007, the Nazareth Family Matters Court rejected a lawsuit brought by the two children of a deceased man against his second wife. In the claim, the children requested the rights to a property of their father's that the second widow had inherited. The plaintiffs claimed that their father's widow had a new spouse and that according to a condition in their father's testament, she lost the right to the property under those circumstances and the children were subsequently to inherit it (*Nazareth F.M.C. 1180/04 A.Z and P.Z v. V.Z and the Land Registry*).

The Court held that the meaning of the word "spouse" as it appeared in the aforementioned testament should be interpreted as a relationship characterized by economic management of a family unit, stemming from a joint family life. This meaning complied with the testimony's objective that the children would inherit the property only if the wife developed a serious and permanent relationship with her new partner, similar to the one she had with the deceased. The Court decided that in this case, the relationship between the respondent and her partner was based on friendship and intimacy, but could not be characterized as incorporating the economic management of a joint family unit. Therefore, the new couple could not be considered as ‘spouses’ according to the terms of the testament, and the lawsuit was rejected.

## Same-Sex Couples

641. In recent years, there were many judgments and decisions promoting the rights of same-sex couples in Israel, some of them are detailed below.

642. On November 21, 2006, the Supreme Court handed down a landmark decision concerning the rights of same-sex couples. It held that a wedding certificate from a foreign country in which same-sex marriages are recognized, could allow the couple to be registered as married by the Ministry of the Interior. Five gay couples who held wedding ceremonies abroad petitioned to the Supreme Court following the Ministry of the Interior's refusal to register them as married

(*H.C.J. 3045/05 Ben-Ari v. The Ministry of the Interior, H.C.J. 3046/05 Bar-Lev v. The Ministry of the Interior, H.C.J. 10218/05 Herland v. The Ministry of the Interior, H.C.J. 10468/05 Lord v. The Ministry of the Interior and H.C.J. 10597/05 Remez v. The Ministry of the Interior*).

The Supreme Court based its decision on a previous Supreme Court ruling (*H.C.J. 143/62 Fonk Shlezinger v. The Minister of the Interior*) in which a distinction was made between the duty to register marriages, and the question of recognition of their status. The Supreme Court determined that the Ministry of the Interior must not discriminate against same-sex couples who hold a wedding certificate from a foreign country that permits same-sex marriages. Nevertheless, the Supreme Court notes that by doing so, it does not grant a new status to same-sex marriages, and reiterated that it is the role of the Knesset to endow as much.

643. On April 19, 2007, The Haifa Labor District Court accepted a claim against the "Mivtachim" pension fund, and determined that a surviving partner of a lesbian relationship was eligible to the legal rights of an "insured widow", and not of an "insured widower". Following this decision, the plaintiff is to be paid a survivors' pension of 40% as opposed to only 20% (*La.C. (Haifa) 1758/06 Moyal-Lefler v. Mivtachim*).

The Court concluded that in this instance, the plaintiff was the deceased's spouse, and was publicly recognized as her cohabitator. Therefore, she was eligible to a survivors' pension, according to the rules of the pension fund. The Court stated that "the distinction between men and women in the rules of the respondent and the *National Insurance Law* derives from a similar rationale - a reflection of the economic situation in which we live, where women's incomes are lower than men's, and their promotion in the labor market is more difficult. Therefore there is a justification for the preference of female widows as it narrows the existing gap between men and women". The Court held that the plaintiff should be classified as a female widow, and not as a male widower. She was therefore eligible for the rights of an "insured widow", and the pension as stated in the rules of the pension fund.

644. On March 3, 2008 the Court of Family Matters in Tel-Aviv issued an adoption order regarding a minor to the petitioner. The petitioner is the same-sex spouse of the minor's parent. The Court determined that according to the examination conducted by the welfare officer, the minor is a happy child and sees both males as his parents, therefore there is no prevention from granting the adoption order, and it is in the child's best interest to do so. The Court further stipulated that granting the adoption order does not negate any rights of the father and his extended family (*Ad.C. (Tel-Aviv) 58/07 Giora Shavit Shadiv et. al. v. The Attorney General (20.03.2008)*).

645. On December 20, 2006, the Tel-Aviv Family Matters Court determined that a prenuptial financial agreement between a same-sex female-couple is valid regarding its property distribution between the couple; however its signature does not affect the personal status of the couple, and may not be seen as changing their status to married. The Court emphasized that significant changes in public opinions regarding women issues occurred in the last century, including same-sex relations, and therefore the public morality changed and now recognizes the right of same-sex couples to enjoy the same rights as married couples, i.e. recognizes their right to equality and equal treatment. However, the definition of marriage depends on the legislator and it is not in a hurry to change the current definition (*F.M.C. 47720/06 Anonymous et. al. v. Anonymous (20.12.2006)*).

646. In a decision dated January 23, 2005, the Attorney General established a new precedent in which the State is willing to grant legal status to same-sex adoptions of the birth-child or adopted child of the other spouse. Furthermore, it states that the State is willing to allow the adoption of a non-biological child by same-sex couples, while considering the best interest of the child. This position regards the legal aspects of same-sex adoptions; however the decision regarding a specific case shall remain in the hands of the relevant social service.

## New Reproductive Technology and Surrogacy

647. The accumulative number of applications for surrogate motherhood, as of December 2007, is 450, resulting with 194 children in 160 successful child

births (due to 32 labors of twins and one triplet). Out of the 450 applications some were made by couples for the second time after a success or a failure to conceive on the first application. Some of the applications never reached the stage of signing an agreement. At least two of the prospective parents gave birth to children unaided by a surrogate after approval of their surrogacy agreement.