



STATE OF ISRAEL

Ministry of Justice

Annex No. II - Attached to the

Initial Report Concerning

THE IMPLEMENTATION OF

**THE CONVENTION ON THE RIGHTS OF PERSONS
WITH DISABILITIES**

2017

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PART 1 - CASE LAW SUMMARY

THE ROLE OF THE HIGH COURT OF JUSTICE IN THE ESTABLISHMENT OF DISABILITY RIGHTS

1. The Supreme Court has played a major role in the establishment of disability rights in Israel:
 - a. Prior to the enactment of the *Equal Rights for Persons with Disabilities Law* 5758-1998 (the "*Equal Rights Law*"), it was the High Court of Justice decision in the case of **Shahar Botzer** in 1996 which made the legal breakthrough. The Court ruled that Shahar, a minor with disabilities, was entitled to access all areas in his school, which laid down the underlying principles of the new rights-based approach to disability issues. The Court stated that: "In the past the predominant view was that a person with disability is different from others and therefore has to be treated by way of segregation from society ("separate but equal"). The current approach is that a person with disability should be integrated into society and guaranteed equality of opportunity ("integrated and equal"). Indeed, the modern attitude is that segregation deepens inequality and perpetuates discrimination. A person with disabilities is a human being who deserves equal rights. Neither outside society nor on its margins, a person with disability is an ordinary member of his society. The purpose of the [Regulations in question] is not to improve the quality of his isolation, but rather **to integrate him** - on occasions using affirmative action - into the regular fabric of society." (H.C.J. 7081/93 *Shahar Botzer et. al. vs. Makkabim-Reut Local Council* (12.3.1996)).
 - b. Within months of the enactment of the *Equal Rights Law*, the High Court of Justice, in the case of **Abretz**, whilst albeit denying the petition at hand relating to accessibility of polling stations on account of excessive delay, turned to the broader picture and heralded the new disability rights age in bold terms: "Not long ago, society related to a person with disabilities as one who is out of the ordinary and to whom society has no obligation. In today's society we think otherwise. There is no reason on earth for us to violate a person with disabilities' right to vote, to listen to a concert, to go to a movie, to study in a regular school or university, and to be, in short, just like any other human being". Proceeding to describe the *Equal Rights Law* as "a Law which speaks

to us in the noble language of a Basic Law", the Court called upon Israeli society to translate the fine words of the new law into tangible reality (H.C.J. 6790/98 *Abretz et. al. vs. The Jerusalem Municipality Elections Officer et. al.* (29.10.98).

2. In decisions handed down in recent years, the High Court of Justice has continued to give strong general constitutional backing to disability rights in Israel (for examples please see: the case of **Lior Levi** (presented in detail below) and the case of **Rami Mahmali** (presented in detail below).

CASE LAW SUMMARY - FOLLOWING THE ARTICLES OF THE CONVENTION

3. This part of the Annex is devoted to a summary of decisions regarding the rights enshrined in the Convention, handed down by the Israeli courts in the last few years.

ARTICLE 5 - EQUALITY AND NON-DISCRIMINATION

4. On December 2, 2015 the Krayot Magistrate Court ruled that a restaurant that refused to allow a visually impaired woman accompanied by a guide dog to enter it, shall pay compensation. The Court approved a settlement reached between the Commission, which filed the lawsuit, and the restaurant manager for compensation to the plaintiff in the amount of 7,500 NIS (1,968 USD). The restaurant did not submit a defense to the Court, and therefore the Court ruled compensation in the amount of 20,000 NIS (5,249 USD) to be paid separately, and in addition to the compensation from the manager. In total, the Court ordered 27,500 NIS (7,217 USD) in compensation for the plaintiff due to the violation of her rights under the *Prohibition of Discrimination against Blind Persons Accompanied by Guide Dogs Law* and the *Equal Rights Law* (C.C. 9157-05-14 *The State of Israel v. Dagey HaMusht Restaurant Ltd. et. al.* (2.12.2015)).
5. On November 12, 2013, the High Court of Justice rejected a petition submitted by a potential candidate for the academic reserve track at the IDF, who claimed that he was qualified for the academic reserve track despite his failure in the psycho-technical exams. His claim was that he had not been provided proper adjustments for his learning disabilities during the exams. The Court ruled that the IDF had provided many adjustments that were sufficient to equalize the starting point for all candidates, including those with learning disabilities and therefore the petitioner

did not prove discrimination (H.C.J. 1844/13 *Tamari v. The Minister of Defense et. al.* (12.11.2013)). The petitioner requested an additional hearing of the case and the request was denied (8.12.2013).

6. On September 17, 2013, the Jerusalem District Court accepted the request of a group of persons with disabilities, submitted in the framework of a request to certify a class action suit against several insurance companies in order to disclose some of their documents. The petitioners claimed that these insurance companies were not treating all persons equally throughout the insurance process, and that they were discriminating against persons with disabilities by refusing to insure them or by imposing impossible provisions. The Court issued an order for the plaintiffs, so they can access certain documents of these insurance companies as proof of their discrimination and in order to base such a class action suit (C.A. 43232-05-12 *Anonymous v. Migdal Insurance Co. Ltd. et. al.* (17.9.2013)).

ARTICLE 9 - ACCESSIBILITY

7. On May 1, 2016, the Tel Aviv-Jaffa Rent Court accepted the lawsuit of an 80 year old man with disabilities who uses a wheelchair and lives on the third floor of a building with no elevator, and ordered the owner of the building to permit the installation of a wheelchair lift at the plaintiff's expense. The company that is the owner of the building argued that a wheelchair lift would harm the aesthetic appearance of the building. The Court ruled that despite the fact that the company owned the staircase of the building, the plaintiff has the right to access his apartment, and the wheelchair lift is an essential basic necessity for the appellant to live in his apartment (R. 24557-11- 14 *Polani v. Micha Company for Investments Ltd.* (1.5.2016)). Following this ruling, on June 23, 2016 the respondent appealed to the Tel Aviv-Jaffa District Court. The appeal is pending (C.A. 49844-06-16 *Micha Company for Investments Ltd. v. Polani* (23.6.2016)).
8. On July 9, 2008, the NGO "Access Israel" submitted a petition to the High Court of Justice against several Government Ministries and relevant Knesset Committees for their failure to submit and approve Accessibility Regulations required under Chapter 5 of the *Equal Rights Law* in order to establish accessibility adjustments parameters for public transportation, health, construction, education, communications, etc. The petitioners argued that according to the *Equal Rights Law*, these Regulations should have been submitted to the relevant Knesset Committees by November 2006. The Court noted the importance of the swift

passage of these Regulations and requested that the relevant Government Ministries provide information as to when they expected the submission of these Regulations. In addition, the Court issued an *order nisi* in November 2010, requiring the respondents to explain why these Regulations had not been submitted and approved. The Court noted, however, that an effort was being made to enact various Accessibility Regulations (between 2009 and 2011 Regulations in the fields of telecommunications, existing public buildings, and educational institutions had been approved).

On February 2, 2012, the Court issued a partial judgment, ordering the respondents to submit the remaining regulations for approval of the relevant Knesset Committees. Subsequently, extensions were granted to the respondents to conclude the process. Since then, additional Accessibility Regulations have been enacted in such areas as public transportation, institutes of higher education, and health. During 2016 the State has submitted to the Knesset all the required Regulations, and the vast majority of the Regulations were finalized. The case is still pending as the Court continues to monitor the progress with regard to those Accessibility Regulations which have yet to be approved (H.C.J. 5833/08 *Access Israel v. The Minister of Transportation et. al.* (pending)).

ARTICLE 10 - RIGHT TO LIFE

9. In 1986, the Supreme Court recognized that there are two (2) separate claims following negligent behaviour regarding "wrongful birth": the claim of the parents, and the claim of the child her/himself. The child's claim is often referred to as "wrongful life", while the claim of the parents is referred to as "wrongful birth". The Court unanimously ruled that a "wrongful birth" claim can be recognized within the framework of negligence and in accordance with the general principles of torts. In a majority opinion the Judges also recognized the "wrongful life" claim, however they were disputed on this issue (C.A. 518/82 *Zaytzov v. Katz* (18.2.1986)) (hereinafter: the "Zaytzov decision"). Subsequently, great difficulties remained in implementing the general principle of recognizing this legal claim, which has led to inconsistent implementation.
10. On May 27, 2012, the Supreme Court ruled on a number of petitions concerning several fundamental issues raised in the Zaytzov Decision, and held that it is impossible to legally establish that a person should never have been born, thereby eliminating "wrongful life" claims by a child who believed her/his doctors should

have prevented her/his life. The Court held that recognition of the child's claim for "wrongful life" is impossible due to the rule of the law and that it contradicts the basic principles of the system including: the principle of sanctity of life, protection of human dignity and the recognition of the rights of persons with disabilities for respect and equality. The Court ruled however, that courts deliberating on this matter may provide a significant response to the majority of the child's needs that arise from his/her disability, within the framework of the parents claim for "wrongful birth". The Court allowed and expanded the claim for "wrongful birth" in the case of parents who believe their doctors should have prevented the birth of their child with severe disabilities, by which the parents will be able to receive compensation that will cover their expenses for raising and treating the child for his/her entire life. The Court noted that in order to prove the "wrongful birth" claim, the parents must prove causation between the doctor's negligence to notify the parents of the disabilities of the fetus, and the actual disabilities of the child. The Court further imposed a "transitional instruction" according to which this decision will not apply to pending cases in which a "wrongful life" claim was filed by a newborn and in which her/his parents did not file a "wrongful birth" claim, and such cases will continue to be heard by the courts (C.Ap. 1326/07 *Lior Hamer v. Professor Ami Amit* (28.5.2012)) (hereinafter: the "Hamer decision").

11. In 2014, the Supreme Court rejected a second appeal filed in the Hamer case. The appeal was filed against the decision of the Haifa District Court in C.Ap. 745/02 *Lior Hamer v. Professor Ami Amit* (26.12.2006), which rejected the plaintiff's claim of medical negligence that had caused a "wrongful life". The "Hamer Decision" did not resolve this matter fully and therefore the plaintiff filed this appeal; mainly against the ruling of the Court that respondent 3 is not responsible for the damages caused to the plaintiff, in spite of her negligence. The Court ruled that in this specific case, an "adapted Hamer Decision" should be applied, by which the child will continue with his petition according to the cause of action of "wrongful life". However, the rules upon which the petition should be trialed will be affected by the "Hamer Decision". Thus, it appears that there was a lack of causal connection between the doctors' negligence and the damage caused to the new-born (C.Ap.1326/07 *Lior Hamer v. Professor Ami Amit* (21.5.2014)).

ARTICLE 12 - EQUAL RECOGNITION BEFORE THE LAW

12. On November 9, 2015, The Family Matters Court in Nazareth cancelled the appointment of a guardian from the Fund for treatment of persons that a guardian was appointed to who had been responsible for the personal and medical matters of a woman (who suffered a stroke and remained partially paralyzed), and appointed her son instead. However, due to the problematic financial management of her son, and in order to protect the woman's interests, the Court appointed an external guardian for her property matters.

The Court mentioned that there were several disadvantages in maintaining her son as her guardian for personal and medical matters, as the Judges thought that she should be transferred to a professional institution that would provide better care for her than in her home. Nevertheless, the Court ruled that in cases where a person that a guardian was appointed to is capable of making decisions concerning her/his life, and is completely aware of her/his actions and results, it is appropriate to allow her/him to make such a decision, even if this decision could cause damage to the remaining quality of her/his life. The Court stated that the right of a person to live with dignity and to have her/his remains treated with dignity includes the right to die in dignity, and it will not intervene in the decision of the woman to remain living in her own home until her death and under the care of her son (F.C. 31216-09-14 *S.N v. The Israeli Center for Legal Guardianship Haifa* (9.10.2015)).

13. On September 17, 2015 The Family Matters Court in Haifa ruled that the Sheffer Guardian Association (hereinafter: "Sheffer") should remain the guardian of a person with disabilities, despite many flaws and omissions in its functioning. Initially the Court found that Sheffer rarely visited the person that a guardian was appointed to, maintained contact mainly through the telephone, and were at fault in their financial conduct. The Court found that over time Sheffer's behaviour changed, they visited more often, and took greater responsibility and care of the person. In general the Court ruled that Sheffer mended its ways, even though the Court noted that this change occurred only following its intervention and the legal proceedings. Therefore, the Court ruled that for the time being, Sheffer should maintain its role as a guardian conditionally, under enhanced supervision. The Court appointed a guardian *ad litem* to represent the person in his legal proceedings and he was represented by the Legal Aid Administration (L.G. 10176-04-10 *The Attorney General v. Sheffer Guardian Association* (17.9.2015)).

14. On July 6, 2015, the Nazareth District Court ruled that a person with schizophrenia who asked the Court not to appoint him a guardian for property matters would be appointed a "Supporter of decision-making" instead. The Court stated that the respondent managed his property in a manner that did not require intrusive intervention of the Court by the appointment of a guardian, as this would infringe upon his autonomy and liberty. Therefore, the Court rejected the State's request to appoint a Guardianship Association as the guardian for the respondent's property matters. The Court appointed his Legal Aid lawyer, who represented him in the legal proceedings as his guardian *ad litem*, as a "Supporter of decision-making" for a period of four (4) months that may be extended upon request (L.G. 34820-03-15 *The Attorney General v. A.H* (6.7.2015)). This ruling was given prior to the April 2016 amendment of the *Legal Capacity and Guardianship Law* and was based on the ruling of the Court in L.G. 43640-01-15 *A.B. v. The Attorney General* (8.4.2015) that established the "Supporter of decision-making" in Israel.
15. On April 8, 2015, the Haifa Family Matters Court granted a joint plea submitted by a 78 year old woman with Alzheimer, the Bar Ilan University Clinic for Holocaust Survivors and Older Person's and others, to appoint a "Supporter of decision-making" in lieu of a guardian. The petitioner, who was incapable of caring for herself and did not leave her home without her trusted friend, refused the appointment of a guardian and instead applied to appoint her friend to assist her in managing her financial matters as a "Supporter of decision-making". The Court ruled that this model empowers the person and assists her/him in making her/his own decision, consistent with Article 12 of this Convention. The Court further noted that the "Supporter of decision-making" model has many advantages, as it provides the person with autonomy, independence and control over her life but allows her to receive the assistance she needs under supervision of the Haifa Social Services. Therefore, the Court ruled that "Supporter of decision-making" is the appropriate model in this case, and in the petitioner's best interest (L.G. 43640-01-15 *A.B. v. The Attorney General* (8.4.2015)).
16. On April 3, 2015, The Family Matters Court in Haifa cancelled the appointment of a Guardianship Association as the guardian of a woman diagnosed with Alzheimer and mental disabilities due to its poor functioning. The Court ruled that the Association did not visit her frequently and regularly, her health needs

were not cared for and the representative of the Association did not speak her language so they were not able to communicate. The Court held that the guardian's impact on the quality of life of the person in its care is substantial, and the Court can not accept or ignore the current situation, as the Association will continue with the same practice. Therefore, the Court appointed another Guardianship Association temporarily for a year, which will be closely supervised (L.G. 1481-10-14 *M.B. v. The Attorney General* (3.4.2015)).

17. On December 7, 2014, the Family Matters Court in Be'er-Sheva ruled against the appointment of a guardian to an IDF veteran with disabilities who has to be accompanied 24 hours a day by a caregiver employed by the Ministry of Defense, but required a mechanism to protect his property matters from any possible abuse by his caregiver. The respondent's brothers submitted a request to be appointed as guardians over his medical, personal and property matters, as they argued that the caregiver was taking advantage of his physical and mental state, and due to the dependent relationship that has developed between them, a guardian had to be appointed to protect his best interest. The respondent refused the appointment of guardians and claimed that in spite of his physical disability, his mental functioning is intact, he is clear-headed, and is capable of making decisions. The Court ruled that a guardian shall not be appointed, but in order to protect the property matters of the respondent from any possible abuse it issued an order forbidding sale, rental or other legal disposition of the apartments in his possession, until the Court shall decide otherwise. The Court mentioned that the current situation, in which the caregiver and the respondent live together, and that he is entirely dependent on the caregiver physically and mentally, is a troubling situation which requires the supervision of the relevant bodies. The Court emphasized that the State has a responsibility to protect and take care of IDF veterans with disabilities and their interests and to ensure they are not abused or pressured by their caregivers, upon which they are highly dependent on. The Court further ruled that it is the responsibility of the Ministry of Defense to monitor the working conditions of the caregivers, and to include obligations and prohibitions in their employment contracts in order to pre-empt the possibility of abusing veterans with disabilities (L.G 13458-07-12 *Anonymous v. Anonymous* (7.12.2014)).

ARTICLE 13 - ACCESS TO JUSTICE

18. On March 14, 2012, the High Court of Justice ordered that a complaint by a woman with minor intellectual disability on sexual abuse will be returned for further investigation by a special investigator in accordance with the *Investigation and Testimony Procedures (Adjustments for Persons with Mental or Intellectual Disabilities) Law*. Despite her disability, the Petitioner's complaint had been closed by both the Police and the State Attorney's Office without being investigated by a special investigator (H.C.J. 6210/11 *Anonymous et. al. v. The Attorney General et. al.* (14.3.2012)).
19. On January 29, 2009, the Tel Aviv-Jaffa Magistrate Court ruled on a civil suit filed by a person with mental disability who claimed that he was subject to violence during his arrest by the Police. The plaintiff refused to vacate his hotel room and therefore was evacuated violently by the Police without any consideration of his mental disability. In addition, due to his injuries he was taken to several hospitals while being handcuffed and physically restrained by the Police officers. The Court determined that the Police officers should have understood the complexity of the situation and should have acted proportionately, as there was no threat towards them or anyone's life. The Court awarded the plaintiff 125,000 NIS (32,808 USD) as compensation (C.C. 73358/00 *M.V. (Anonymous) v. Alon Evra et. al.* (29.1.2009)). An appeal submitted by the plaintiff to the Tel Aviv-Jaffa District Court was accepted, and the compensation was increased to 220,000 NIS (57,919 USD) (C.A. 1398/09 *Anonymous v. State of Israel et. al.* (04.09.2011)). A Request to appeal submitted by the plaintiff to the Supreme Court was denied (Rq. C.A. 7237/11 *Anonymous v. The State of Israel et. al.* (18.1.2012)).

ARTICLE 14 - LIBERTY AND SECURITY OF THE PERSON

20. On June 29, 2015, the High Court of Justice accepted an appeal filed by Yashar Marisi, a 59 year old man with 100% disability rate, who was convicted of driving Palestinians entering illegally into Israel. The Magistrate Court sentenced him to eight (8) month imprisonment. During the appeal to the Central District Court, the community service supervisor rendered an opinion to the Court that the defendant was unsuited to serve his imprisonment through community service, due to his health condition. The District Court decided to reduce the sentence to five (5) months imprisonment to be served in prison. The defendant's request to appeal to the Supreme Court was accepted and during the proceedings, the

Supreme Court instructed the community service supervisor to re-examine the possibility of community service for the defendant. With the consent of the State, the Supreme Court ruled that the defendant will serve the five (5) months imprisonment through community service (Rq.Cr.A. 513/15 *Yasher Marisi v. The State of Israel* (29.6.2015)).

21. On June 7, 2015, the Supreme Court ruled on a request for appeal filed by a homeless appellant suffering from active and contagious tuberculosis, against the District Court's decision to issue a compulsory hospitalization order and provide him with treatment while handcuffed, in an Israeli Prisons Service (IPS) medical facility.

Due to the infringement on the respondent's liberty, the Tel Aviv-Jaffa Magistrate Court had rejected the State's request to issue a compulsory hospitalization order according to the *National Health Ordinance - 1940*, to be carried out in an IPS medical facility. Following the State's appeal, the Tel Aviv-Jaffa District Court overturned the Court's decision and accepted the request. A request was filed to appeal that decision, and the Supreme Court accepted the Appeal. The Court noted that the appellant was homeless and threatened to escape treatment while suffering from active and contagious tuberculosis. However, the Court further stated that the decision to hospitalize a non-criminal person was disproportionate, and therefore the principles of liberty and proportionality require finding another adequate arrangement for him. The Court approved the Ministry of Health's position to hospitalize the appellant at a civilian hospital "Shmuel Ha'rofe Medical Center" in a locked room where he would be entitled to up to six (6) hours daily walks in the hospital facility escorted by the hospital security guards, in order to ensure he would not escape and endanger public health (Rq.C.A. 3808/15 *Anonymous v. The State of Israel et. al.* (7.6.2015)).

22. On March 31, 2015, the Supreme Court accepted an appeal by an appellant with intellectual-developmental disabilities, who was charged with sexual offences - sodomy and indecent acts in the family on a 10 year old minor, regarding alternatives to his detention until completion of proceedings. The appellant requested alternative detention (house arrest or at a special institution) given the determination by a diagnosis committee at the Ministry of Labor, Social Affairs and Social Services that he is a person with intellectual-developmental disabilities, as his mental age was like that of an 11 year old child and his mental

functioning was limited. The Court ruled that the case would be remanded to the District Court in order to review the alternatives to imprisonment that would be less harmful to the appellant given his condition, and that a special effort should be made in order to find alternatives for arrest for persons with severe intellectual-developmental disabilities (Cr.V.R. 1872/15 *Anonymous v. The State of Israel* (31.3.2015)).

23. On February 3, 2015, the Supreme Court decided to accept an appeal against the verdict of both Magistrate and District Courts decisions and ruled that a person who carried out an offense while in a state of mental insanity shall be acquitted under Section 34(h) of the *Penal Law* on these grounds. Prior to this decision, persons who met the condition of mental insanity by law would be acquitted due to reasonable doubt. The Court noted that mental insanity should not be treated differently from any other conditions in the *Penal Law* for which a defendant may be acquitted, such as self-defense, intoxication, minority etc. The Court ruled that the classification of "acquittal due to reasonable doubt" might cause confusion and vagueness regarding the guilt of a person with mental disabilities and therefore should not be used in such cases (Rq.Cr.A. 2675/13 *The State of Israel v. Vahnun* (3.2.2015)). The Supreme Court rejected a request for further hearing of the case that was submitted by both sides (Cr.A.H. 1237/15 *The State of Israel v. Vahnun* (5.7.2015)).
24. On September 11, 2014, the Supreme Court decided to accept an appeal by a woman indicted for assault and assault of a helpless person - her mother. According to the District Psychiatrist's opinion, the appellant was unfit to stand trial. The State Attorney's Office was willing to stay the proceedings against her but the appellant, who did not agree with that opinion, asked to continue in order to shed light on her guilt in this case. The Court ruled that in such cases where even if the defendant will be found guilty she/he would not be convicted due to the psychiatrist's opinion, which was accepted by the State Attorney's Office, she/he may not be held in detention until completion of proceedings. In this case the Court did not issue a hospitalization order but instead issued a restraining order prohibiting the appellant from approaching her mother (Ot.Cr.Rq. 6002/14 *Anonymous v. The State of Israel* (11.9.2014)).
25. On August 20, 2013, the Supreme Court rejected an appeal by a person with a minor intellectual-developmental disability with special therapeutic needs who

requested to serve his imprisonment term in a closed facility appropriate for his needs. The appellant was convicted of sex offences against minors and was sentenced to nine (9) years imprisonment. The Court noted that according to the *Welfare (Treatment for Persons with Intellectual-Developmental Disabilities) Law*, the Court can decide whether serving the sentence in a closed facility is appropriate under the circumstances. However, in this case, the appellant had special therapeutic needs due to his cognitive condition, and it appeared there was no therapeutic framework suitable for him either in prison or in a closed facility. In addition, the appellant was not prepared to receive treatment, making the benefits of allowing him to serve his sentence in a closed facility unclear. Hence, considering the severity of the appellant's offences, the appeal was rejected (Rq.Cr.A. 2059/12 *Anonymous v. The State of Israel* (20.8.2013)).

26. On August 11, 2013, the Haifa District Court ruled in the case of a defendant who was subject to a compulsory hospitalization order. The Court ruled that the defendant is not to be restrained to a bed during the night or chained with hand and leg cuffs during the day, whilst residing in the psychiatric hospital. The Court stated that restricting the defendant in this manner is disproportionate, does not sufficiently take into consideration the medical implications of such restrictions and does not properly balance the risk posed by the defendant with the psychiatric damage he may sustain. The Court further noted that it was not persuaded that the risk posed by the petitioner cannot be mitigated by placing him in a closed ward or even in a psychiatric hospital of the IPS (subject to coordination with medical professionals) (P.A. 9027-08-13 *Jossef Panunu v. Israeli Prisons Services* (11.8.2013)).

27. On June 26, 2013, the Supreme Court rejected a request to appeal a decision of the District Court to schedule a detainee's hearing in a week, due to the fact that the detainee is held in a psychiatric hospital and would continue to be chained by leg-cuffs pending this hearing. However, the Court noted that the Police should examine its approach, since it is hard to justify leg chaining of any murder suspect under psychiatric observation, 24 hours a day, merely by the severity of the offense and the inherent fear of escape from hospital.

On July 30, 2013, the Be'er-Sheva District Court accepted a petition filed by the same prisoner, and ruled on the removal of the leg-cuffs chaining him to his bed. The Court mentioned that the State has already declared that detainees would no

longer be chained in the section of the hospital in which the petitioner was located and the fact that he was indicted and is now a prisoner should not change the situation. Therefore, the Court ordered the immediate removal of the leg-cuffs. (Rq.Ap. 4603/13 *Josfef Semani v. Israel Police* (26.6.2013)) and Pr.P. 50913-07-13 *Josfef Semani v. The State of Israel - Israel Prison Service* (30.7.2013)).

ARTICLE 16 - FREEDOM FROM EXPLOITATION, VIOLENCE AND ABUSE

28. On July 17, 2016, the Be'er-Sheva District Court sentenced four (4) caregivers at the Be'er-Sheva psychiatric hospital who had assaulted and mistreated patients with severe mental disabilities. They were convicted of attacking helpless persons that depended on them as caregivers in the hospital, causing them physical and mental harm, and they were sentenced to 6-12 months imprisonment and suspended imprisonment. The Court mentioned the severity of these cases that took place over a period of 18 months, and called upon the Ministry of Health to take appropriate steps in order to prevent the reoccurrence of this grave phenomenon (Cr.c. 13-11-27526 *The State of Israel v. Avraham Lusky et. al.* (17.7.2016)).
29. On February 26, 2015, the Haifa District Court convicted four (4) caregivers at the "Elisha Nursing Hospital" of assault under aggravated circumstances of helpless persons who were hospitalized in the institution and sentenced them to 6-13 months imprisonment, suspended imprisonments and compensation ranging from 12,000-26,000 NIS (3,149-6,824 USD) to be paid to their victims. The Court ruled that attacks against helpless persons are extremely reprehensible, especially when carried out by employees responsible for the wellbeing of these vulnerable persons. The Court further emphasized its responsibility to protect hospitalized persons with disabilities and eradicate acts of violence and abuse by caregivers against their patients by setting appropriate punishments that would deter others and demonstrate the aversion from such physical and mental assault (Cr.C. 48994-10-13 *The State of Israel v. Alexander Panishev et. al.* (26.2.2015)).
30. On September 30, 2013, the Jerusalem District Court sentenced a number of high ranking employees at the "Eitanim" Psychiatric Hospital, including its director. The defendants were charged with severe offences, and the severity of their offences stems from the fact that their victims were helpless patients.

Defendant 1, the director of Eitanim Psychiatric Hospital, was convicted of abandonment of persons under care, being aware of the abuse occurring in the hospital that he was responsible for but not taking any action to prevent it. He was sentenced to 400 hours of community service, nine (9) months suspended imprisonment, and a fine of 10,000 NIS (2,624 USD) or two (2) months imprisonment.

Defendant 2 served as a senior nurse in the department where the abuse occurred. She was convicted of abandonment of persons under care and a plea bargain for nine (9) months suspended imprisonment was approved.

Defendant 3 served as director of the department in which the abuse occurred. He was convicted with abandonment of persons under care, abuse and improper employment of coercive measures. He was sentenced to six (6) months community service, eighteen months of suspended imprisonment, and a fine of 15,000 NIS (3,937 USD) or three (3) months imprisonment.

Defendant 4 served as a nurse in charge of the department. She was convicted of abandonment of persons under care, abuse and improper employment of coercive measures. She was sentenced to nine (9) months imprisonment, eighteen months suspended imprisonment and a fine of 15,000 NIS (3,937 USD) or three (3) months imprisonment.

Defendants 5-7 were convicted in a plea bargain and were sentenced to six (6) months of community service and six (6) months of suspended imprisonment.

Defendants 8 and 9 were acquitted of the charges against them (C.C. 2184-06 *The State of Israel v. Dr. Yaacov Margolin et. al.* (30.9.2013)).

Defendants 1, 3 and 4 appealed their conviction and sentences, as detailed above. On December 8, 2015, the Supreme Court accepted the appeal of defendant 1 and he was acquitted, the appeal of defendant 3 was denied, and the appeal of defendant 4 was partially accepted, her punishment was reduced to six (6) months community service, and her suspended imprisonment was cancelled (Cr.A. 704/13 *Yaacov Margolin et. al. v. The State of Israel* (8.12.2015)).

31. In 2012, following reports of violence and abuse towards persons with disabilities at the "Neve Yaakov" facility, seventy caregivers at this private institution were investigated regarding alleged assault of helpless persons. Following this investigation, three (3) employees were indicted on charges of violent offences and their proceedings are pending before the courts. In 2013, the institution was

closed since the private contractor who operated the facility did not meet the requirements according to the governmental tender. Three (3) civil suits of eight (8) residents of "Neve Yaakov" facility were submitted to the courts, some of them against the State, and are pending.

32. On June 20, 2011, the High Court of Justice rejected a petition submitted by "Bizchut" - The Israel Human Rights Center for Persons with Disabilities (hereinafter: "Bizchut"), against the Ministries of Health and of Social Affairs and Social Services and "Ilanit Institution", which is under their supervision. According to the petition these Ministries, sent persons with mental impairments, intellectual disabilities and autism to the institution, despite information regarding constant neglect, mental and physical abuse, humiliation and violence by the employees towards the disabled residents in this institution. Bizchut claimed that over the years, employees at the institution regularly infringed upon human rights. The High Court of Justice struck out the petition, while ruling that it raised important issues regarding the treatment of persons with disabilities in general and in "Ilanit Institution" specifically. The parties agreed that Bizchut would be able to conduct surprise visits at the facility, albeit with prior coordination with the Ministries. The Court decided at this time not to intervene in the Ministries' decision to continue working with this institution under stringent supervision (H.C.J. 2815/11 *Bizchut v. The Ministry of Health et. al.* (20.6.2011)).

ARTICLE 17 - PROTECTING THE INTEGRITY OF THE PERSON

33. On July 29, 2013, the Petah Tikva Family Matters Court denied a request by guardians of a 40 year old pregnant woman, declared legally incompetent by the Court in matters relating to her body during her pregnancy. The request was to order a tubal ligation surgery while she awaited a Caesarean section, after which the baby would be given up for adoption, in order to avoid reoccurring pregnancies. The woman's mother and brother were appointed as her guardians for medical and personal matters for one (1) year. The Court ruled that a tubal ligation would disproportionately infringe upon the woman's rights to bodily autonomy, parenthood, bodily integrity, and dignity. The Court noted that alternative, reversible means were available instead (L.G. 21169-06-13 *A.K. et. al. v. T.Z.N.M. et. al.* (29.7.2013)).

ARTICLE 19 - LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY

34. On May 4, 2016, The High Court of Justice ruled on a petition submitted by Bizchut and others on behalf of persons diagnosed with "dual disabilities", meaning persons with both mental and physical disabilities - requesting to establish protective out-of home residential arrangements which would accommodate for their needs, without being hospitalized.

During the prolonged proceedings, The Ministry of Health informed the Court that it is in the process of establishing a facility aimed at treating persons with "dual disabilities" by a "rehabilitative-ecological model". The rehabilitative-ecological model includes the establishment of treatment and rehabilitation programs fitted to the needs of each resident according to an intervention model based on ecological methods. The Ministry of Health declared that the establishment of the rehabilitative-ecological framework is appropriate for the integration of persons with a dual diagnosis of both mental and physical disabilities and that a procurement tender had been published and that the new treatment model had been set out in an internal procedure of the Ministry of Health.

The model presented by the Ministry of Health was based on the following principles: comprehensive residential services for persons diagnosed with "dual disabilities", a professional staff with expertise in serving this population, flexible and modular service fitted to the particular needs of each resident with the goal of improving her/his ability to function in her/his daily life as well as improving her/his quality of life, intervention methods based on the "ecological model" adapted for this population, and lastly a model that combines residential spaces accommodated to the population and content centers for community accessibility. The model was formulated for three (3) target groups: residents with complex physical disabilities, residents exhibiting with self-harmful behaviours, and residents with severe functioning difficulties regarding their ability to perform basic activities of daily living. According to the Ministry of Health's model, the aims of the service are to develop functional skills in various fields of life in order to achieve the highest degree of functioning and independence and a better quality of life, promotion of less intensive and more independent arrangements, while avoiding to the greatest extent possible the need for hospitalization in mental health facilities.

In light of this update presented to the Court by the State, the High Court of Justice struck out the petition and left to the petitioners' discretion, the option of filing a new petition in the future if in their opinion it is needed (H.C.J. 1596/12 *Bizchut v. The Ministry of Social Affairs and Social Services et. al.* (4.5.2016)).

35. On July 23, 2012, a petition to the High Court of Justice was filed by Bizchut, on behalf of two (2) individuals with mental disabilities and nursing needs, against the Ministries of Labor, Social Affairs and Social Services and of Health. The petition concerns persons with complex physical disabilities or dual disability who are currently placed in facilities that do not accommodate their needs. The Petitioners argued that in the absence of such appropriate frameworks, hundreds of persons with disabilities who require long term care are placed in geriatric hospitalization departments for the rest of their lives.

In 2013, the respondents appointed an Inter-ministerial Committee which included representatives of the Ministries of Labor, Social Affairs and Social Services, Health, and Justice. The Committee held various meetings with representatives of Bizchut, "ALYN" Hospital for youth with disabilities, and persons with disabilities who require long term care and their families. In addition, a sub-committee was established by the Ministries that formulated the criteria to distinguish between persons with disabilities who require long term care and are suitable for living in care facilities in the community and those who need to be in hospitalization frameworks.

In 2015, the Committee issued its report, which includes discussion of potential care facilities for persons with disabilities who require long term care including pricing and budgeting questions. The Committee recommended a pilot program according to which two (2) additional care facilities designated for persons with disabilities who require long term care should be established:

- a. Residential facilities in the community;
- b. Hospitalization departments for those who have medical problems that require their extended hospitalization, and who can not be integrated in other care facilities.

The implementation of these recommendations would commence with the establishment of two (2) pilot programs, and would include: nine (9) apartments within the community, each housing six (6) persons and two (2) additional

residential facilities housing 14-18 persons, four (4) hospitalization departments for up to 24 persons in each department.

The petition is still pending (H.C.J. 5723/12 *Anonymous v. The Ministry of Social Affairs and Social Services et. al.* (pending)).

36. On January 29, 2012, the Haifa Magistrate Court rejected a request for a temporary restraining order submitted by the potential neighbours of an apartment for persons with disabilities asking the Court not to permit its forthcoming opening in their neighbourhood. The petitioners expressed their concern regarding possible effects on real estate value in the neighbourhood. The Court stated that this is a common phenomenon called "NIMBY - Not In My Back Yard" and that the petitioners did not present convincing evidence of the possible infringement upon their rights. The Court mentioned the importance of the inclusion of persons with disabilities within the community and rejected the request (C.C. 50900-01-12 *Dubinsky v. Shacham* (29.1.2012)).
37. On February 3, 2010, The High Court of Justice rejected a petition filed by persons with severe intellectual-developmental disabilities claiming that they were entitled to out-of-home care facilities within the community. However their request for such facilities was denied by the Ministry of Labor, Social Affairs and Social Services, which stated that according to the relevant criteria, the petitioners are to be placed in dormitory facilities. The petitioners argued against these criteria, claiming their rights for equality, dignity, privacy and freedom of movement were infringed. The respondents presented the Court with their updated position concerning the guiding criteria for living in the community and noted, *inter alia*, that the new criteria required an individual examination of the eligibility for living in the community. The respondents further noted that certain limitations were removed from these criteria and thus expanded the array of accommodations in the community for persons with severe mental disabilities. The respondents further announced the establishment of residential facilities for 16-24 residents. On November 16, 2009, the respondents issued a further update to the Court in which they noted that a residential facility was being established in Jerusalem for the benefit of persons with severe intellectual-developmental disabilities which would be completed by January 2010. Following this update, the petitioners also issued a notice to the Court, in which they noted their refusal of the solution offered by the respondents, since their accommodation in such

residential facilities does not conform with their right for true and meaningful integration in the community. They further claimed that the characteristics of the neighbourhood and the lifestyle and services it offers do not conform to their integration needs. The Court ruled that the respondents made great efforts in order to promote the vital purpose of integrating persons with disabilities into the community and that the State's actions prove their intent to promote the equality of persons with disabilities and protection of their rights for dignity and integration in society. The Court also made an important statement concerning the vital importance of the right of persons with disabilities to live in the community: "There is no doubt that the measures taken in the field of living in the community are a central component in the broad and essential process of promoting the equality of persons with disabilities, together with their right to dignity and active participation in society. It is to be hoped that this multi-faceted process will prove to be a true revolution in the field of disability rights, which to a great extent reflects the image of society and the state of the rights of the individual in society. Needless to say this process demands the investment of resources, thought and long term planning with a view to adapting the existing infrastructure to the needs of this sector of the population." (H.C.J. 3304/07 *Lior Levi et. al. v. The State of Israel, Ministry of Social Affairs and Social Services* (3.2.2010)).

ARTICLE 20 - PERSONAL MOBILITY

38. On August 11, 2016, the Jerusalem Magistrate Court ruled that a taxi driver, who refused to drive a visually impaired woman, since she was accompanied by a guide dog, shall pay compensation. The plaintiff and the Commission on her behalf filed the law suit and requested the maximum compensation possible according to the *Equal Rights Law*, which shall not exceed 61,175 NIS (16,014 USD), without proof of actual damage. The Court ruled that the respondent's actions were in violation of the *Equal Rights Law*, however, since he apologized and understood his wrongful behavior, the Court ordered 10,000 NIS (2,777 USD) in compensation to the plaintiff (Civ.C. 16589-09-15 *The Commission for Equal Rights of Persons with Disabilities v. Zeev*. (11.8.2016)).
39. On May 29, 2016, a petition to the HCJ was filed by *Bizchut*, against the MOTRS, the Jerusalem Municipality and several transportation operators. The petitioners claimed that the respondents failed to ensure the accessibility of

public transportation in the eastern neighborhoods of Jerusalem, according to the requirements set in the *Equal Rights for Persons with Disabilities (Arrangement of Accessibility to Public Transportation Services) Regulations*.

The respondents noted that the development of public transportation in the eastern neighborhoods of Jerusalem including its accessibility, is gradually taking place, and in recent years actions have been taken in order to regulate public transportation in these neighborhoods. However, there are some remaining difficulties. Firstly, the delay in the enforcement of these regulations is a result of both historical and administrative circumstances. Throughout the years, these neighborhoods have developed an unregulated system of public transportation that does not meet the regulation standards of public transportation. Hence, in these neighborhoods there is a need for a primary regulation procedure of public transportation, and only afterwards it would be possible to make it accessible. Secondly, the transportation infrastructure in these neighborhoods is unsuited for accessible transportation, which affects the ability of the Municipality in the process of making the inner-city bus stops accessible.

The respondents informed the Court that in order to encourage transportation operators to purchase accessible vehicles, the Ministry of Transportation and Road Safety would provide subsidies. Furthermore, currently there are 141 inner-city bus stops that are accessible; the respondents estimated that until 2018, there would be a total of 520 inner-city bus stops accessible in these neighborhoods. Additionally the Ministry of Transportation and Road Safety is participating in 24 infrastructure projects in these neighborhoods. The petition is pending (H.C.J. 4267/16 "*Bizchut - The Israel Human Rights Center for Persons with Disabilities v. The Ministry of Transportation and Road Safety et. al.* (pending)).

40. On July 31, 2012, the Jerusalem District Court accepted a settlement agreement in a class action suit submitted by two (2) plaintiffs, claiming that two (2) major bus service companies violated their legal obligations to provide accessibility services for blind and visually impaired persons in their busses and bus stations. The Court had ruled that the two (2) companies had indeed violated the *Equal Rights Law* and the *Equal Rights for Persons with Disabilities (Access to Public Transport Services) Regulations* and Regulation No. 427 of the *Transportation Regulations 5721-1961*. Following this decision, the parties reached a settlement,

according to which the bus companies agreed to accelerate the implementation of accessibility adjustments, namely signs at bus stations and the operation of automatic public address systems. Moreover, the companies took upon themselves the obligation to provide sensory accessibility, which is not included in the current regulations, namely on intercity coaches and electronic information kiosks at bus stops. On February 18, 2016, a new settlement was approved by the Court, ordering the respondents to install additional electronic information kiosks at various bus stops and donate 30,000 NIS (7,920 USD) to the Central Library for the Blind and Visually Impaired, since they did not implement the previous settlement agreement on schedule (C.A. 9177-07 *Reuven Baron et. al. v. The Egged Cooperative et. al.* (31.7.2012)).

ARTICLE 22 - RESPECT FOR PRIVACY

41. On June 1, 2011, the Tel Aviv-Jaffa District Court partially accepted an appeal of a woman with mental disabilities, and accepted her request to remove information regarding a lawsuit about an accident she was involved in, from the internet and legal websites. The Court ruled that since the Courts' decisions in this case revealed private information that significantly infringes upon the appellant's right to privacy, her request to remove her name and additional identifying information from the Court decisions should prevail in this case over the principle of public hearing and should be granted (C.A. 2319/08 *Anonymous v. Anonymous* (1.6.2011)).

ARTICLE 23 - RESPECT FOR HOME AND THE FAMILY

42. On April 16, 2014, the Tel Aviv-Jaffa Labor Court ruled in favour of a plaintiff, a widower with mental disabilities who was denied a pension by the insurance company that had insured her deceased husband, since she lived separately from him. The Court ruled that the insurance company is obligated to take into its consideration the special needs and the disabilities of the plaintiff, who is mentally disabled, and to provide her the legal benefits that go along with her status as a widower (P.F. 39041-01-12 *D.Y. v. Pension and Insurance Company for Dan Associates Ltd.* (16.4.2014)).

ARTICLE 24 - EDUCATION

43. On December 19, 2013, the High Court of Justice approved the agreement between Bizchut and the Ministry of Education, to make textbooks used by pupils in the school system more accessible for blind and visually impaired pupils. The

Court determined that the Ministry of Education should commit to making the textbooks more accessible, as follows: offer four (4) formats of the textbooks (Braille, enlarged font, voice recordings, and digital files) prior to the beginning of the school year, provide accommodated internal learning materials, reference the obligation and commitment to make schools more accessible to blind and visually impaired pupils in the forthcoming Circular of the Ministry of Education Director General, and make the matriculation examination accessible in Braille (H.C.J. 8536/11 *Bizchut v. The Ministry of Education* (19.12.2013)).

44. On May 11, 2010, the Haifa Administrative Affairs Court issued a landmark ruling granting all benefits and services afforded under the *Special Education Law* to children with special needs whose medical conditions do not enable them to receive education outside of their homes. The Court rejected the State's claim according to which, the term "educational program" should be read as merely requiring teaching and study hours, as it is unacceptable to allow a child's poor health to become a barrier to full educational opportunities. The Court ruled that in the absence of Regulations that determined the precise meaning of the term "educational program" established by the *Free Education for Ill Children Law* 5761-2001 for homebound children, the term should be interpreted as intending to provide ill children rights that are equal to those of children with special needs in accordance with the *Special Education Law* (A.A. 34429-12-09 *H.G v. The Ministry of Education* (11.5.2010)).
45. On January 31, 2010, the Haifa Magistrate Court ruled that Karmiel Municipality (the respondent) breached the terms of the *Equal Rights Law*. The municipality informed the plaintiff, a physically disabled pupil who used a wheelchair at all times, and her parents, that an intermediate School within the municipality was the most suitable and best accommodated place for a pupil with disabilities, despite the fact that there was no elevator installed in the school at the time. The municipality promised to make the utmost effort to install an elevator in the school in order to enable the plaintiff to commence her studies, since her classroom was located on the third floor. However, the elevator had not been installed for more than a year since she began her studies there, thus she was forced to study in unsuitable conditions. The Court noted the anguish, suffering and humiliation of the pupil due to the respondent's actions, the suffering of her parents due to the need to conduct a legal and public struggle, none of which

were refuted by the respondent. The Court ruled in the plaintiff's favour and ordered compensation in the amount of 40,000 NIS (10,498 USD) to the pupil, 25,000 NIS (6,561 USD) to her parents and additional 15,000 NIS (3,937 USD) as legal fees (C.C. 9440/07 *Anonymous v. Karmiel Municipality* (31.1.2010)).

46. On January 18, 2009, the Nazareth Magistrate Court ruled on a civil suit filed by a person with disabilities (cerebral palsy) whose registration to Tel-Hai Academic College was cancelled due to the institution's determination that she would not be able to complete her academic assignments. The Court ruled that the College cannot deny the student her rights and take such pre-emptive action, before providing her with equal opportunity and before proving that she will not be able to complete her assignments. The Court determined that by doing so, the College had violated the plaintiff's right to make decisions relating to her life in accordance with her own desires and preferences, as guaranteed by Section 4 of the *Equal Rights Law*. The Court subsequently awarded the plaintiff 45,000 NIS (11,811 USD) (C.C. 3939/06 *Aelia Abu Al-Huf v. Tel-Hai Academic College* (18.1.2009)).

ARTICLE 25 - HEALTH

47. On August 6, 2014, the Tel Aviv- Jaffa Regional Labor Court ruled in favour of an employee (the plaintiff) who had been fired illegally due to her disabilities and awarded her 243,256 NIS (63,846 USD) in compensation. The plaintiff was employed by the respondent for several years, and in the months before her dismissal she had been diagnosed with an illness that allowed her to work no longer than six (6) hours a day while refraining from lengthy travel (all in accordance with a physician's decision). The Court found that, in addition to procedural violations concerning her dismissal, the employer had violated the *Equal Rights Law*. The Court also noted that the plaintiff was a person with disabilities pursuant to the Law, that she proved that no apparent conduct or action on her part had warranted her dismissal, and the respondent had failed to demonstrate that her disabilities were not the reason for her dismissal (the burden of proof having shifted). In addition, the respondent failed to demonstrate how adjustments for the plaintiff would constitute an undue burden. The Court further noted that the respondent also violated the Law in the two (2) months prior to the dismissal by pressuring the plaintiff to resign and by requiring her to move to an

inferior position which lead to a considerable pay cut (La.D. 59662-05-12 *Anonymous v. Anonymous* (6.8.2014)).

ARTICLE 26 - HABILITATION AND REHABILITATION

48. On November 25, 2014, the Haifa District Court rejected an appeal of a deaf and mute prisoner sentenced to six (6) years imprisonment, claiming he was deprived of his rights to rehabilitation and treatment activities while serving his sentence for sexual offences. In this case, after hearing both sides, the Court noted and reiterated that maximum efforts should be made in order to integrate persons with disabilities in treatment and rehabilitation frameworks within the IPS. The Court further noted that Section 2 of the *Equal Rights Law* is implemented within the IPS facilities with the relevant modifications as required, and according to IPS duties to protect the public and the prisoners themselves. Here, however, the Court rejected the petition due to a report by the Mental Health Services that work with the IPS indicates that the appellant did not wish to receive rehabilitative treatment. The Court further determined that this prisoner's request to have a prison guard assist him during his calls to his family was unreasonable since it required a special allocation of human resources and budget, and the prisoner had other available options to accommodate his needs (for example, other prisoners to assist him, writing/typing messages and open meetings without partitions) (Pr.P. 32437-09-14 *Anonymous (Prisoner) v. Prisoner Department at The Israel Prison Service et. al.* (25.11.2014)).
49. On March 15, 2009, the Tel Aviv-Jaffa Administrative Court accepted an appeal of a two (2) year old minor with disabilities. In this case the municipalities of Ramle and the Lod Valley Regional Council both claimed that the petitioner does not live in their municipal area and therefore both refused to provide him with transportation and day-care services, which he is entitled to by Law. The Court ruled that since the applicant received 100% Disabled Child Allowance from the National Insurance Institute and qualified as a "disabled minor" under the *Rehabilitation Day-Care Law*, he was therefore entitled to day care rehabilitation treatment at a proper day-care rehabilitation center and free transportation to the center and back home, according to the Law, without regard for the socio-economic status of his family or neighbourhood. The Court further deliberated on the matter of the relevant municipality responsible to provide the petitioner with day-care rehabilitation and transportation services and determined that the Lod

Valley Regional Council is the authority responsible for these services. The Court awarded the petitioner 20,000 NIS (5,249 USD) as costs and legal fees (C.C. 2399/08 A.A (*Minor*) v. *Lod Valley Regional Council et. al.* (15.3.2009)).

ARTICLE 27 - WORK AND EMPLOYMENT

50. On March 21, 2016, the Tel Aviv-Jaffa District Labor Court accepted a lawsuit filed by a person with disabilities who faced discrimination in the employment application process by two (2) different companies. The plaintiff was not hired as a pollster (a position that requires the use of computer software and a telephone) at two (2) research and survey companies due to his disability (blindness); although he claimed that special computer programs designed for the blind could have assisted him in performing the job successfully. At one company (respondent No. 2) his interview was cancelled and at the second company he was rejected after it refused his request to install the software on its computers. Prior to the lawsuit, the company expressed concerns that security issues may result from the installation of such software. However, a professional expert opinion confirmed that the computer program is safe, secure, and operational at the Israel Defense Forces and Government Ministries. With regard to respondent No. 2, the Court ruled that it made no effort to examine necessary adjustments in order to hire the plaintiff, did not prove that such adjustments would pose an "undue burden" and was not able to refute that it discriminated against the plaintiff. In regard to respondent No. 1, the Court ruled that it did not make a sufficient effort to examine the possibility of hiring the plaintiff by carrying out necessary adjustments and that it illegally refused to continue the recruitment process. The Court awarded the plaintiff 35,000 NIS (9,186 USD) in compensation and 10,000 NIS (2,624 USD) legal fees (La.Ct. 46240-06-13 *Hisham Chushan et. al. v. Midgam Yiutz Umechkar Ltd. and Shiluv Israel Olinik Ltd.* (21.3.2016)).
51. On May 5, 2014, the High Court of Justice ruled in favour of an Israel Prison Service officer, ruling that due to his disabilities he had been wrongfully discriminated against regarding his promotion. Accordingly, the Court ruled that he would earn an immediate promotion to Chief Superintendent. However, the Court elaborated at length on the employment-related obligations, both negative and positive, in the *Equal Rights Law*. These include the duty to create working conditions suitable for persons with disabilities, the obligation of employers to

promote proper opportunities for persons with disabilities and the need for relevant adjustments. The Court emphasized that discriminating against persons with disabilities undermined their personal autonomy and dignity, since the workplace is not solely a source of livelihood, but is also a means for self-realization and self-respect. The Court noted that the initial burden of proof rested on the claimant, who was obligated to demonstrate discrimination due to disabilities. To this end, the Court relied on Article 2 of the Convention. The Court ruled that once such discrimination had been *prima facie* demonstrated, the burden shifted to the employer to show that all efforts had been exhausted to find a suitable position for the disabled employee, that making the necessary adjustments to the workplace would impose an undue burden, and that the distinction had been based on the substantial requirements of the workplace and position. In the case at hand, no effort had been made to promote the petitioner and accordingly, the promotion was ordered to be effective retroactively, since the date of the Court's initial interim order. In addition to dealing with the case at hand, the High Court of the Justice turned to the broad picture of disability rights. Pointing to the world-wide wave of disability rights legislation the Court noted that "In our age, the legal world has placed on a pedestal the rights of those who were pushed to the edge of society in a previous era, namely persons with disabilities". The Court stated further that the "importance of this judgment, beyond the specific case at hand, is thus the need to give expression to society's new approach to persons with disabilities as determined by the legislature, by way of generous interpretation of the *Equal Rights Law* which is at the same time fair to all" (H.C.J. 6069/10 *Rami Machmali v. The Israel Prison Service* (5.5.2014)).

52. On April 24, 2014, the Nazareth District Labor Court ruled in favour of an employee who claimed he has been fired illegally due to his disabilities. The Court ruled that the plaintiff had indeed been illegally dismissed due to his disabilities and that the employer had failed to carry out the necessary adjustments under the *Equal Rights Law* and had not even contemplated doing so. The Court noted that this led to a presumption of discrimination, which the employer had failed to refute. The Court awarded the plaintiff compensation of 93,000 NIS (24,409 USD) (La.D. 3854-11-11 *Daniel Kadosh v. Melgam City Services Ltd.* (24.4.2014)).

53. On October 29, 2009, the National Labor Court accepted an appeal to disqualify a trial judge in a case concerning the appellant's employment as a traffic inspector after he became disabled and was dismissed from his job, due to the Judge's comment during the hearing at the Haifa's Labor Court that the plaintiff was incapable of working as a traffic inspector and made a mistake by applying to such a position. The plaintiff felt the comment was discriminatory against persons with disabilities and requested the disqualification of the Judge from his case. His request was initially declined, however the appellant then petitioned the National Labor Court. The National Labor Court approved his request and stated that such a comment is relevant both to the core of the dispute between the parties and the main legal proceeding and there is a real possibility that such a comment will lead to prejudice by that Court. The National Labor Court ordered the Haifa Regional Labor Court's President to direct the case to another panel of Judges (Ot.Ap. 39/09 *Nadav Katz v. Eshed Resources, Logistics and Engineering Ltd. et. al.* (26.10.2009)).

ARTICLE 28 - ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

54. On March 3, 2009, the High Court of Justice rejected a petition that claimed that the Government of Israel violated the right to equality and of living with dignity by restricting new benefits for the elderly with disabilities under Amendment No. 54 to the *National Insurance Law*, from applying to persons who had already passed the retirement age. The Court determined that although Amendment No. 54 limits the applicability of improved benefits to some elderly persons with disabilities and therefore in fact infringes the right to equality, it meets the conditions of the "Limitation Clause" in the *Basic Law: Human Dignity and Liberty* and therefore is constitutional (H.C.J. 1662/05 *Shoshana Levi et. al. v. Israeli Government et. al.* (3.3.2009)).

ARTICLE 7 - CHILDREN WITH DISABILITIES

55. On May 10, 2012, the Supreme Court rejected an appeal by the appellant, who was working as a driver for minors with intellectual disabilities, and was convicted of multiple cases of rape, sodomy and indecent acts against a minor with intellectual disabilities. The appellant was sentenced to 10 years imprisonment, two (2) years suspended imprisonment and ordered to compensate the complainant with NIS 100,000 (26,246 USD). The Court noted the

importance of the *Investigation and Testimony Procedures (Adjustments for Persons with Mental or Intellectual Disabilities) Law* which was used in this case: the victim was accompanied by her relatives throughout the investigation and testimony, she testified in the absence of the defendant, who watched her testimony using closed circuit television. Furthermore, the Court noted that certain balances were made between the rights of the victims or witnesses with disabilities and the due process rights of the defendants. These balances assisted the Court to reach the truth. Thus, the District Court did not attribute great weight to certain inconsistencies in the victim's testimony that were caused by her difficulty to evaluate the passage of time, due to her intellectual disability (Cr.C. 5382/11 *Anonymous v. The State of Israel* (10.5.2012)).

PART 2 - ADDITIONAL INFORMATION

ARTICLE 8 - AWARENESS-RAISING

General

1. The Commission considers raising awareness to be one of its main priorities. The Commission's activities towards this end include:
 - a. Working with Israeli media in order to introduce news items increasing awareness. This is done through news announcements, responses, meetings with reporters and initiating articles.
 - b. Launching an annual public awareness-raising campaign to promote the rights of persons with disabilities and the accessibility requirements of public places. Such campaigns were held during the years 2011-2016 and included television, radio, internet, new-media and newspaper campaigns, and were broadcasted in Hebrew, Arabic and Russian; the annual budget of these campaigns has been in the past years 1,500,000 NIS.
 - c. Publishing on the Commission's website and Facebook page various information and articles regarding PWD rights in Israel, the Convention, and the accessibility requirements. There are approximately 20,000 entries to the website each month and an average weekly exposure of over 20,000 viewers to the Facebook page.
 - d. Distributing informational brochures, education software, presentations, books, etc. including publishing and distributing a guide for the public on the Convention and a simplified language guide for persons with intellectual disabilities.
 - e. Distributing printed information in Arabic and conducting lectures, organizing activities and seminars for the Arab population. Additionally, in cooperation with the "Mesira" project of the JDC, the Commission has published a brochure in Arabic explaining human right terminology concerning persons with disabilities.
 - f. Conducting an annual conference and directing awareness-raising activities as part of International Disability Rights Day. For example, in 2014, the Commission ran a project including several hundreds of activists and persons with disabilities, aimed to guide small business owners on how to make their businesses accessible to persons with disabilities. In 2016, the Commission's

awareness raising activities were aimed at the general public, conveying the message that inaccessible environments produce barriers.

- g. Raising awareness in schools. On International Disability Rights Day in 2015, an educational program was launched in hundreds of schools throughout the country to raise awareness with the use of interactive activities run by persons with disabilities.
- h. Publishing statistical data reports regarding the status of persons with disabilities in Israel in various areas of life such as education, employment, socio-economic status, community inclusion and usage of internet, etc.
- i. Organizing approximately 20 conferences and seminars annually for various sectors of the population, in order to explain disability rights, the accessibility requirements, and their implementation. In addition, each year the Commission holds an estimated 180 lectures for various groups all over Israel.
- j. Organizing courses and lectures aimed at professionals on issues regarding the implementation of the Convention in 2014-2016. The Commission was involved in organizing conferences for social workers, special education practitioners, and attorneys at the State Attorney's Office. These lectures addressed topics such as inclusive education, self-advocacy, and the right to decision-making of persons with disabilities.
- k. Holding courses for activists with disabilities each year, in order to enhance PWD's knowledge of their rights.

Raising the Awareness of Elderly Persons with Disabilities

- 2. The Ministry for Social Equality issues a senior rights booklet for senior citizens that is updated every year, and sent automatically to the homes of persons who reach the age of retirement (women from the age of 62 and men from the age of 67).
- 3. Additionally, the Ministry operates a call-center for senior citizens, reachable by telephone, fax, mail or Facebook. The call-center is designated for the implementation of the rights of senior citizens, particularly senior citizens with disabilities, and it provides information and assistance on issues such as disabled persons parking permits, treatment of complaints of accessibility, assistance in receiving public housing adapted for persons with disabilities, etc. The call-center is also available in Arabic, and a person can ask to receive information on her/his rights in a form in Arabic available at the Ministry's website.

4. The population of senior citizens in Israel, assisted by the call-center can be classified into four (4) groups of persons with disabilities:
 - a. **Persons with general disability prior to the age of retirement:** This population receives their rights from the National Insurance Institute (NII). In general, whoever is a recipient of a senior citizen pension and receives an additional disability allowance is further entitled to a benefit package and discounts in electricity bills, municipal tax, medicines, etc. The call center is responsible to update, in written form, anyone who inquires about their rights, to inquire whether they have exercised all their rights, and to assist them in benefitting from their rights.
 - b. **Disabled due to Work-Related Accidents:** Persons who are disabled due to work-related accidents are entitled to an expanded allowance according to the degree of disability, and they can claim that the degree of their disability will worsen even after the age of retirement. The call center provides assistance to these persons.
 - c. **Holocaust Survivors with Disabilities:** Holocaust Survivors with disabilities are a unique group of persons with disabilities, and their rights are stipulated in the *Benefits to Holocaust Survivors Law 5767-2007*. The call center assists them with information related to the deterioration of their medical condition, the resulting increase in the degree of their disability, and the corresponding allowance. The call center provides assistance with the bureaucratic processes to receive a social pension from Germany for those who are eligible, as well as assistance exercising their rights vis-à-vis various governmental bodies in Israel or abroad.
 - d. **Persons with Disabilities after the age of retirement:** If a senior citizen is affected by illness or accident, she/he will receive a long term allowance instead of the allowance for persons with disabilities. The long term allowance of the NII is provided to this population in order to assist them in their activities of daily living in their homes. The NII provides hours of nursing care based on the degree of disability and groups according to three (3) levels (100% disability, 150% disability and 168% disability being the maximum level). These senior citizens are entitled to discounts in municipal tax, water, and electricity bills. The call center helps them receive nursing care hours and other benefits.

ARTICLE 9-ACCESSIBILITY

Implementation Processes of the Accessibility Regulations

5. Government Ministries have taken action to promote the implementation process of accessibility legislation. For example:
 - a. The Government Accommodation Unit at the Ministry of Finance appointed a professional team for implementing the Regulations, which conducted a general survey of the accessibility of all government buildings and is proceeding to make the buildings accessible according to a designated plan.
 - b. The Ministry of Health appointed a network of Accessibility Officers and provided instructions on the application of the accessibility requirements to the various health services.
 - c. The Ministry of Interior has provided information regarding accessibility and also funded and conducted accessibility surveys of public buildings, public areas and streets in most local authorities. Furthermore, in 2013-2014, the Ministry allocated 40,000,000 NIS (11,111,111 USD) of its annual budget toward making public buildings and areas in some local authorities accessible. In 2015-2016, 20,000,000 NIS (5,555,555 USD) was allocated toward this goal.
 - d. The Nature and Parks Authority has prepared an action plan for making its sites accessible and is gradually implementing it. Some of the accessibility adjustments were made in consultation with disability-related NGOs, specifically the Center for the Blind in Israel.
 - e. The Ministry of Labor, Social Affairs and Social Services has conducted a survey and is implementing a program for accessibility of services. The scope of the program includes the accessibility of residential accommodations for persons with intellectual disabilities-for example by providing cognitive accessibility, and augmentative and alternative communication.
 - f. The Ministry of Transportation and Road Safety published an extensive accessibility plan in order to make all urban public transportation, railways, ports and stations accessible by 2014.
 - g. The Ministry of Justice conducts surveys regarding accessibility and accessibility adjustments in all its units that provide services to the public. Furthermore, an internal procedure for the provision of accessible service has been drafted, and accessibility training has been provided to all employees who provide services to the public. Accessibility adjustment services are also

provided to the public upon request, such as: translation of documents into Braille language, and provision of services in sign language.

ARTICLE 20-PERSONAL MOBILITY

Assistive Aids and Equipment Publicly Provided

6. Guide dogs are provided by the State, as well as financial assistance in covering their on-going costs and a training course for the visually impaired, in accordance with the Ministry of Labor, Social Affairs and Social Services ' internal guidelines. Currently, out of 23,000 persons who are recognized as blind, 220 have guide dogs.
7. In accordance with the *Prohibition of Discrimination against Blind Persons Accompanied by Guide Dogs Law 5753-1993*, and the *Equal Rights Law*, a person with a guide dog or service animal must be allowed entry into any public place and must be allowed access to any public service. According to these Laws, restricting such entry or access shall be considered discrimination.
8. On 4 July 2016, the Knesset approved Amendments to the *Prohibition of Discrimination against Blind Persons Accompanied by Guide Dogs Law*. According to these Amendments, restricting the right of a blind person to enter a public place or use public transportation when accompanied by a guide dog will result in a fine of up to 150,000 NIS (39,267 USD). Other fines according to this Amendment include fines for preventing entrance of training dogs to public places, fines for employers who refrain from employing someone because she/he is blind and accompanied by a guide dog. Moreover, a blind person, a guide dog coach, or an organization representing blind persons, can file civil claims in these matters, for an amount of up to 50,000 NIS (13,888 USD), without having to prove any damages.
9. Furthermore, specialized mobility teachers for the visually impaired provide assistance in mobility in the home and work environment. Additional assistance is provided upon changing the place of work or place of living.
10. Persons with visual impairments are also provided with an allowance for personal mobility assistance, with greater amounts being given to persons who are employed so as to help cover mobility costs and support their inclusion into the work force.

ARTICLE 22-RESPECT FOR PRIVACY

11. Section 17 of the *Welfare Law (Treatment for Persons with Intellectual-Developmental Disabilities)* stipulates that when information on a person with intellectual-developmental disability is obtained by a social worker, she/he shall keep it confidential unless authorized by a court, or if there is a need to reveal it in order to implement any law or to a person that has a justified interest in receiving such information.
12. Section 2 of the *Equal Rights Law* stipulates that the purpose of this Law is to protect the dignity and freedom of a person with a disability. Section 17 of the *Equal Rights for Persons with Disabilities (Accessibility Adjustments for Professional Training) Regulations* stipulates that "in the event that someone comes across information about a person according to these Regulations, she/he will keep it confidential, will not reveal it later and will not make any use of it, besides according to these Regulations or according to a court order".
13. According to Section 24 of the *Youth (Care and Supervision) Law* publication of a minor's name or any other information or photograph which may lead to her/his identification, including by creating a link between the minor and HIV diagnosis; psychiatric diagnosis or hospitalization; and any information related to her/his physical or mental medical situation during a judicial proceedings is a criminal offence.
14. Moreover, Section 70 of the *Courts [Consolidated Version] Law 5744-1984*, prohibits the publication of any information without the Court's consent of the details of a minor, in accordance with Section 24 of the *Youth (Care and Supervision) Law*. The Court may also forbid any publication of information, inter alia, in order to prevent a severe violation of the privacy of a party with intellectual or mental disabilities, as defined in *Investigation and Testimony Procedures (Adjustments for Persons with Mental or Intellectual Disabilities) Law*.

ARTICLE 23 - RESPECT FOR THE HOME AND THE FAMILY

Marriage, Partnerships and Parenthood

15. In order to promote the rights of persons with disabilities to establish a family, to enjoy family life, and to provide the support required for the implementation of such rights, the State of Israel provides the following supports:

a. Marriage and Partnership-The Ministry of Labor, Social Affairs and Social Services operates through service providers, counseling and care centers with the aim of assisting persons with mental and developmental disabilities who are in a relationship, including on issues such as marriage and parenthood. In addition, in 2014 the Ministry began operating an experimental program for several dozens of persons who are in a relationship and who wish to develop the unique skills required.

b. Parenthood with disabilities-Programs and services that are provided to parents in the general public at large are also provided to persons with disabilities. In accordance with the *Service Accessibility Regulations*, such services should be made accessible to persons with disabilities.

In some cases, parents with disabilities are assisted by social workers of relevant care facilities and institutions, as well as by local authorities who provide training sessions and information that include counseling services and parenting guidance. In the past two (2) years, a program has been operated in cooperation with the Jewish Joint Distribution Committee (JDC) to train parents with disabilities to mentor other parents with disabilities. Other programs include a mothers-oriented program operated at the Adler Institute and several special family care centers established to provide counseling services to families in the community. Recently, the Ministry of Labor, Social Affairs and Social Services opened a pilot program for parents with cognitive disabilities, as well as learning disabilities.

c. "Special families"-support of families with disabled children-Families with children with disabilities are generally provided support in order to allow the children to stay with their families. In recent years, various services have been developed in order to assist families with the care of young children with disabilities. For example, according to the *Rehabilitative Day-care Centers Law*, the State provides a rehabilitative and educational full care environment during the day for every disabled child from birth until the age of three (3) who meets the eligibility requirements of the Law (for further elaboration, please see Article 7 below). In addition, twelve special care centers for families in the community have been established, aimed at making information on the rights of such families accessible.

d. Additional projects involving parental empowerment include:

- The Family Center-various family services for assorted needs are provided under the same roof through providing information, lectures, workshops, urban activities, individual and group support, social and community activities, parental leadership development, and a system of volunteers.
- Full Family Rehabilitation-a program operated at community, group, and individual levels. The program is based on support of parents by parents, through personal experience, and the development of personal empowerment through parental leadership, and integration in various workshops.
- "Better Together" Special Needs-a foundation program that is a subsidiary of "Better Together", a community program intended for children in certain localities. The program includes a round table held in local municipalities aimed at increasing the coordination between various authorities, departments, organizations and parents, in order to develop parental leadership and tools for cooperation in responding to the needs of parents and children with disabilities.

ARTICLE 24 - EDUCATION

Measures Taken to Ensure Education is Delivered in The Most Appropriate Languages, Modes, Means of Communication, and Environment for The Individual

16. The Ministry of Education has a training and support system for education personnel that provides guidance to education staff working with pupils with disabilities on how to effectively adapt the environment and learning materials for these pupils.

Hearing Impairment

17. There are eight (8) regional educational centers in Israel that specialize in providing services for deaf and hearing impaired children. The professional staff employed at these centers accompanies the child and her/his family in selecting the educational setting most suited to the child. Most of the districts in Israel offer various educational settings along the integration spectrum, to enable most of these children to learn within a setting that is best suited to them. The program for each child is individually tailored within a budget framework and may include: communication clinician treatments, occupational therapy, emotional therapy,

and/or a teaching specialist for hearing impaired pupils. In some cases, there is a possibility of translation into sign language in integrated classes.

18. A training and instruction system accompanies the education facilities in which deaf and hearing impaired pupils of all ages are integrated. Such a system ensures that the educational staff is aware of the means, modes of communication, scholastic adjustments and environment adaptations required by hearing impaired pupils. Individualized training is given to teachers who are instructing hearing impaired pupils.
19. The Ministry of Education provides funding to local authorities for the purpose of providing acoustic accessibility to classrooms attended by hearing impaired pupils.

Availability of Services for Children in Sign Language

20. In the Israeli education system, it is the parents who choose the desired mode of communication for a young child who is deaf or hard of hearing. Upon reaching the age of adolescence, the pupil too is involved in choosing the mode of communication. The customary modes of communication in the Israeli special education system are total communication (i.e. the simultaneous use of sign and spoken language) or aural-oral communication (hearing rehabilitation and imparting a spoken language only). Such teaching facilities exist across the country. However, today the education system in Israel does not offer the option of a fully bilingual model of instruction with Israeli sign language.

Visual Impairment

21. There are twelve centers in Israel that specialize in providing therapeutic, educational, emotional, social and technological services to visually impaired pupils. These centers employ teachers who have university training in working with special education pupils, and they study for two (2) more years to specialize in the area of visual impairment.
22. The program for each pupil is individually tailored following a functional evaluation of the pupil made by a senior staff member. Based on the pupil's functioning, a decision is made regarding the type and scope of resources required by the pupil. This sometimes includes the support of an assistant who accompanies the pupil the whole day on a daily basis.
23. A training and instruction system accompanies the education facilities in which blind and visually impaired pupils of all ages are integrated. Such a setup ensures

that the educational staff is aware of the means, modes of communication, scholastic adjustments and environment adaptations needed by visually impaired pupils. Individual training is given to teachers instructing the visually impaired pupil.

Availability of Services for Imparting Specific Skills to Children in Braille

24. Reading in Braille is taught by teaching specialists to visually impaired children starting at preschool age. The Ministry of Education ensures that every Braille-using pupil is equipped with a Braille machine and Braille sheets. The machine accompanies the pupil throughout her/his years in the education system. Recently, the Ministry of Education has begun equipping the pupils with technology kits adapted for the blind, containing a Braille monitor, and with technology kits adapted for visually impaired, containing a camera for close up and far away views.
25. Section 28A of the *Copyright Act 5767-2007* provides that the making of accessible format copies will be permitted for the purpose of making works accessible to persons with disabilities. Amongst the entities entitled to make such accessible format copies are Government Ministries and certain educational institutions. Thus, the Ministry of Education renders textbooks and learning materials accessible to blind and visually impaired pupils.

Availability of Services for Learning to Communicate using Augmentative and Alternative Communication Systems

26. When a pupil is found to need an augmentative and alternative communication system, the educational staff of the institution-led by a communication clinician, works on adjusting the communication system to best suit the pupil's needs. The process of matching and implementing the communication system is done with the full cooperation of the pupil's parents.

Availability of Services for Children with Mobility Impairment

27. The adjustment of mobility measures (wheelchair, motorized chair or ancillary accessories) is determined by physiotherapists and occupational therapists in conjunction with the Ministry of Health. These professionals also train the instruction teams that work with the pupil to provide accessibility to the scholastic environment and extramural activities the pupil participates in.

Availability of Services to Children with Other Disabilities

28. There are 67 Local Support and Resource Centers in Israel specializing in providing therapeutic, educational, pedagogic, emotional, social and technological solutions to pupils with disabilities. These centers employ specialists in the various areas of disabilities who have special education training: teachers, paramedical staff, medical personnel and social workers. These teams spend part of their time working directly with the pupils, and part of their time training their teachers. The Ministry of Labor, Social Affairs and Social Services works towards early detection of the special needs population by referring children that might be suffering from intellectual-developmental disabilities to be diagnosed by a diagnosis committee via social workers in the local authorities. During the diagnosis process, the children's abilities are tested in order to allow the diagnostic committee to make a decision regarding the best treatment methods in the various fields, including in the educational field. Adapting an educational facility to the child's needs is an inseparable part of the diagnostic committee's decisions.

ARTICLE 25 – HEALTH

Specification of Services Provided to the Elderly

29. When a senior citizen contacts the Ministry of Labor, Social Affairs and Social Services, her/his eligibility for services is reviewed according to set criteria. Services for the elderly are provided to elderly persons who require assistance in their everyday functioning, as listed below:
- a. **Elderly persons with physical or mental disabilities:** aid through day centers in which food is provided, as well as assistance with washing and social activities, including transportation from their home to the day center.
 - b. **Disabled elderly persons with difficulties in everyday activities at home:** aid is offered at home or in placing and arranging retirement homes that are licensed and supervised by the Ministry of Labor, Social Affairs and Social Services. As of the end of 2014, there were 2,400 elderly persons who received such aid.
 - c. **Disabled elderly persons** also receive personal care and assistance at home, as well as assistance with transportation to medical treatments.

- d. **Elderly with dementia:** Under the *Legal Capacity and Guardianship Law* special authorized social workers assist in the appointment of a legal guardian for persons when necessary.
- e. **Helpless elderly at risk due to abuse or neglect:** care programs are offered in the community free of charge, in conjunction with legal counseling and the aid of specially authorized social workers under the *Safety of Protected Persons Law*. In 2013 there were 4,486 elderly persons assisted.

ARTICLE 26 - HABILITATION AND REHABILITATION

Rehabilitation Services

- 30. In 2016, the rehabilitation division of the NII provided rehabilitation programs for 23,320 persons. Rehabilitation programs may include: rent payments, tuition and other payments, auxiliary classes, accessibility adaptations etc. In 2016, 280,000,000 NIS (77,777,777 USD) were allocated for these programs by the rehabilitation division of the NII.

Training Services and Existing Plans

- 31. Rehabilitation services and programs are provided to persons with disabilities by the relevant bodies:
 - a. **The Rehabilitation Department at the Ministry of Defence** offers specifically adapted rehabilitation services to persons with disabilities, in accordance with the *Persons with Disabilities (Allowance and Rehabilitation) Law* which applies to Israel Defence Forces soldiers in mandatory service, military reserve service, and military regular service who were injured or fell ill during and/or as a result of their service and also to those who serve in the Israel Police, Israel Prison Service, Israel Security Agency, Israeli Secret Intelligence Service and the Knesset's Guard. The assistance includes payment of tuition fees, monthly living expenses, and other expenses. Currently, the Rehabilitation Department at the Ministry of Defence provides a variety of services for 56,000 veterans with disabilities. The programs include the following subjects: assessment; completion of high school education and high school exams in a regular or special education institute; engineering preparatory course and academic preparatory courses; aid in acquiring a profession in professional training institutes, regular education institutes or in educational technical/engineering rehabilitation centers; aid in acquiring a

profession in academic institutes; aid in financing supplementary lessons; aid in acquiring a Master's degree (in exceptional cases); and aid in acquiring alternative medicine education.

- b. **The Rehabilitation Department at the Ministry of Labor, Social Affairs and Social Services** provides rehabilitation services through social service offices. The professional vocational training service includes assessment, preparation for work and professional training. In addition, personal care programs are operated for persons in out-of-home care facilities for acquisition of skills in all spheres of life, social skills, use of community services and integration in employment programs. These programs are developed in cooperation with the person for whom they are intended. The Unit for the Care of the autistic spectrum Population at the Ministry of Labor, Social Affairs and Social Services offers a number of programs in the work field aimed for professional training and rehabilitation of persons with autism.
- c. Rehabilitation training and services of persons with mental disabilities in the community are provided by the **Ministry of Health**, to persons eligible to this service according to a rehabilitation committee, in accordance with the rehabilitation basket of services stipulated in the Addendum to the *Rehabilitation of Persons with Mental Disabilities in the Community Law*. These include, among others, assistance with employment, housing, completion of education, society, leisure and more. The rehabilitation program is developed in accordance with the desires, needs and abilities of the individual.
- d. In accordance with the *National Insurance Law* the **Rehabilitation Department of the NII of Israel** is responsible for the occupational rehabilitation of persons for which a disability degree of at least 20% has been determined, who meet the terms of eligibility for rehabilitation in accordance with the Law, and upon their request. Persons for whom a rehabilitation program is approved are accompanied by a rehabilitation worker throughout the process until her/his placement at the workplace. The rehabilitation program is developed specifically and gradually for each person, in accordance to personal data, abilities, skills and wishes, and in accordance with the functional implications of their disability. The program may include professional assessment, group programs for personal empowerment and skills

improvement required in the labor market, professional training in various areas of the free market, certificate studies and higher education in all academic professions.

Throughout the rehabilitation program, participants receive all the required assistance in order to enable their integration into the workplace at the end of the program. This assistance includes various accessibilities and supplemental assistance lessons for those who require it.

The rehabilitation program includes tuition financing, rehabilitation fees for persons who study at least 20 hours per week and do not receive allowances, travel expenses, assistance with rent for persons who study more than 40 km away from their home and assistance with the purchase of study supplies.

- e. **The Ministry of Health, together with the Ministry of Labor, Social Affairs and Social Services** operate programs for the transition from school to the work that prepare teenagers with disabilities to work. These programs are operated both in several special education schools and are provided to some children with disabilities integrated into the general school system. They include: practical work experience, development of vocational skills, preparation for a meaningful military or national service, and accompaniment throughout the process.
- f. **Military and national civil service for persons with disabilities** - as military service in Israel is mandatory, and since this service constitutes an important bridge to acquire professional and life experience, persons with disabilities are entitled to volunteer for military service or national civil service. Several programs have been established in recent years to assist persons with disabilities, including intellectual disabilities and autism, to serve in meaningful roles, in various positions in the IDF. These programs are financed by the relevant Government Ministries including the Ministries of Defense and Labor, Social Affairs and Social Services.

Availability of Rehabilitation Aids and Assistive Technologies

- 32. The Department of Services for the Blind at the Ministry of Economy and Industry operates several financial assistance options that are open to any company that conducts research and development of products, including an option dedicated to encouraging technological solutions for persons with disabilities. This option is open to companies for which the period between the

time of their establishment and the time of submitting the request is less than two years, as well as for associations. In accordance with the provisions of the relevant option that was chosen, companies are entitled to support grants of 65% and associations are entitled to support grants of 85%. Each request is limited to a grant of 600,000 NIS (157,068 USD) for a maximum period of two years.

33. In 2015, the Ministry of Science, Technology and Space published a call to submit offers and proposals for the development of scientific and technological infrastructures in the field of science, technology and innovation for the third age population. Many of the proposals can also serve persons with disabilities (for example, medical and rehabilitative robotics, material engineering for wheel chairs, vehicles, and public space adjustments). For the purpose of these studies the Ministry has allocated 15,000,000 NIS (3,926,701 USD).

International Cooperation for Assisting Technologies Exchange

34. Israel, through MASHAV-Israel's Agency for International Development Cooperation within the Ministry of Foreign Affairs (hereinafter: "Mashav"), implements several programs in the field of rehabilitation, both in Israel and abroad:

- a. **Programs in Israel:** Rehabilitation of Pre-schoolers who are deaf or have hearing disabilities; physical and psychological Community-based Rehabilitation.

- b. **Programs abroad:** Basic Approach to Developing a Community-based Healthcare Facility and Rehabilitation Program for Children with Special Needs (Nepal); Therapeutic Care for Children with Disabilities (Russia); Early Childhood Education for Children with Special Needs (Russia); Therapeutic Care for Children with Special Needs (Uzbekistan); Methods for Working with Autistic Children (Vietnam).

- c. **Rehabilitation of the persons with disabilities abroad:** Civil wars have left a large percentage of amputees in the populations of many countries. Extensive assistance in this area has been given by MASHAV to Angola, Cameroon, Guatemala and Uzbekistan, including the dispatch of equipment such as wheelchairs and accessories for persons with disabilities, as well as setting up workshops to maintain the equipment and the accessories sent.

Another such program is the medical eye-care missions abroad, for many years MASHAV has been conducting 3-4 annual medical eye-care missions in

developing countries to treat patients suffering from various degrees of disability due to blindness and ocular diseases. These missions are undertaken by teams of two (2) Israeli ophthalmologists and operate on the premises of local hospitals or clinics. Capacity building and training are integral parts of these medical missions and hundreds of sight-restoring surgical procedures are performed by the visiting Israeli teams together with the local staff and personnel. Upon completion of the missions, ophthalmologic equipment and supplies are donated by Israel.

ARTICLE 27-WORK AND EMPLOYMENT

Programs and Projects for the Encouragement of Employment

Programs for Working Placement and Inter-Sector Cooperation

35. "Revadim" Employment Center for Persons with Disabilities - This "One Stop Center" is a unique model of operation, aimed to allow coordination between the various authorities responsible of the provision of services as part of the welfare system and part of the system to encourage employment. Persons with disabilities approaching this center are entitled to a broad range of services including: necessary provisions of accessibility for integration in the center (psychical accompanying, translation into sign-language, assistance lessons), vocational diagnosis and refunding of travel expenses. In addition, the recipients of the service are entitled to receive a grant for diligence at their work for the amount of their salary (up to 5,000 NIS (1,308 USD)).

The duration of the service provided by the centers is limited to two years, and afterwards if necessary, the service recipient will be referred to further support in the frameworks suitable for her/him in the community, within the framework of this program, the first center was opened in Tel Aviv-Jaffa as a primary pilot.

36. "Rampa" - The Program for the Promotion of Employment of Persons with Disabilities - The program was developed by JDC-Israel in collaboration with the Ministry of Labor, Social Affairs and Social Services aiming to increase the rate of participation of persons with disabilities in the labor market by providing accessibility to the services of employment centers within the community and open them to persons with disabilities.

37. "Siftach" project - In September 2016, a new program was initiated by JDC-Israel in cooperation with the Administration for the Integration of persons with

disabilities at the Workforce in the Ministry of Labor, Social Affairs and Social Services. The aim of the program is to increase the perimeter of academics with disabilities in the workforce and to ensure that they are employed in an occupation that is suitable to their education and skills. The program will initially operate as a pilot in seven institutions.

38. National Insurance Rehabilitation employment placement service - The service is provided by three manpower companies which assist in work placement.
39. In 2010, an inter-sector partnership was founded for the employment of persons with disabilities, with the goal of enlisting for action all the stakeholders: Government, NGOs, the private sector, employers and the largest trade union in Israel, the "Histadrut". The partnership began by identifying barriers divided by occupational areas. One of the products of this partnership was the Charter for the Employment of persons with disabilities which was signed by all the partners.
40. During 2016, the Administration for the Integration of persons with disabilities at the Workforce in the Ministry of Labor, Social Affairs and Social Services continued to develop an innovative program in cooperation with the Ministry of Health and the NII for the integration of persons with mental disabilities as employees in psychiatric hospitals. At present, 11 such workers are integrated in two hospitals.

ARTICLE 28-ADEQUATE STANDARD OF LIVING AND SOCIAL PROTECTION

Equal Access by Persons with Disabilities to Clean Water Services

41. The *Water Rules (Determining the Recognized Amount)* 5776-2016, stipulate that persons entitled to various disability allowances are eligible for an additional 3.5 cubic meters per person per month in the basic rate, thus increasing their given quantity while holding a fixed low rate. The right to the recognized amount was expended to institutions of protected persons who cannot disclose their personal details to the water supplier.
42. On April 1, 2015, the *Water and Sewage Corporation Rules (Disconnection of Water Supply)* 5776-2015, came into force. These rules set the instances and conditions for which it is allowed to disconnect the water supply as an instrument to guarantee payment, but not as an instrument for collecting past debts. The purpose of these rules is to guarantee that a home consumer would not be cut off

her/his water supply due to lack of payment of her/his debt, and to avoid cutting off the necessary water supply for persons with disabilities, unless she/he is unwilling to pay their debts or misuses the fact that she/he was not disconnected. According to these rules, the disconnection should be authorized by the Director of Israel's Water and Sewage Authority, while minimizing the harm to the consumer and examining usage of alternative tools. The Rules enable the water corporation to place a request to the Water and Sewage Authority only when there is a debt higher than 1,000 NIS (261 USD). As part of the process of deciding on disconnecting the water supply, all customers in severe economic distress, including persons with disabilities, are eligible to appeal to the corporation or directly to the Water and Sewage Authority prior to the disconnection of their water supply. Moreover, these Regulations prohibit the disconnection of Water supply due to debt in certain institutions, including institutions in which persons with disabilities reside.

43. In addition, the *Water and Sewage (Criteria and List of Eligible for Reduction in Payment for the Fiscal Year 2014) Regulations 5775-2014*, establish criteria for discounted tariffs, among others, to persons with disabilities.

Access to Housing

44. The Ministry of Construction and Housing operates a unique assistance project in order to make self-owned or State-owned apartments accessible to persons with disabilities. This assistance is given as a grant or loan, according to income test and family size. Persons with disabilities are eligible to public housing according to the following:
 - a. Loans: eligible persons with disabilities can receive enlarged assistance in loans for purchasing apartments. The loan is given in accordance with the *Loans for Housing Law 5752-1992, Loans for Housing (Loan Amount for Housing, its Interest Rate and the Period for its Return) Regulations 5752-1992*, and internal directives of the Ministry of Construction and Housing.
 - b. Rent Assistance: rent assistance is provided to eligible persons with disabilities who are living on disability allowances and evaluated with a diminished working capacity of 75% or more. The amount of assistance is 770 NIS (211 USD) per month.

- c. Public Housing: public housing is given to those who are eligible, according to the *Public Housing (Rights of Acquisition) Law 5759-1988*, specifically to families and wheelchair users. The supply of apartments in the public housing sector is very limited, especially in central Israel. Public housing is aimed for persons with disabilities who are living off disability allowances and evaluated as diminished working capacity of 75% or more. In cases where public housing apartments are not available, a monthly rent allowance is provided according to the family composition (i.e. couples, couples with children, or single parent families).
- d. Apartments that are purchased as Assets: the Ministry of Construction and Housing purchases approximately ten (10) accessible apartments each year for wheelchair users who are eligible for public housing.

ARTICLE 29 – PARTICIPATION IN POLITICAL AND PUBLIC LIFE

45. The *Knesset Elections [Consolidated Version] Law* and the *Local Authorities (Elections) Law* establish several arrangements aimed to ensure that persons with disabilities are exercising their right to vote, as detailed below:
- a. **Accessible polling stations**: Section 68A of the *Knesset Elections Law* and Section 31A of the *Local Authorities (Elections) Law* stipulate that in each locality there must be at least one (1) polling station that is physically accessible to persons with disabilities, with few exceptions, guided by the goal of gradually making all polling stations in Israel accessible. Section 68A(d) of the *Knesset Elections Law* and Section 31A(e) of the *Local Authorities (Election) Law* provide that a person with limited mobility may vote at any accessible polling station, and she/he is not obligated to vote at the polling station where she/he is registered.
 - b. **Voting in hospitals and in institutions by persons with limited mobility**: Chapter J3 of the *Knesset Elections Law* stipulates that at hospitals, nursing care facilities and institutions where persons with limited mobility are hospitalized, there must be an exception to the rule that binds a person to a particular polling station, in order to allow such persons to exercise their right to vote.
 - c. **Voting with the assistance of another person**: Section 75(b) of the *Knesset Elections Law* and Section 61(b) of the *Local Authorities (Elections) Law*

stipulate that a voter who is unable to perform by her/himself the practical actions required to vote in the polling booth may be accompanied by another person to assist her/him in the act of voting, provided that this is recorded in the protocol of the Ballot Committee, that the other person does not accompany more than two (2) voters on the day of elections, and that she/he does not hold a position at the institution where the voter is staying.

- d. **Transportation to polling station:** Public transportation by inter-city buses on the day of elections for the Knesset is provided free of charge to the entire population, also benefitting persons with disabilities. Some parties in the Knesset elections also arrange for drivers and volunteers to drive voters who convey their wish to vote for them.
46. The Central Elections Committee acts constantly to ensure that each voter with disabilities is able to exercise her/his right to vote:
- a. **Information:** The Committee distributes various information sheets explaining the method of elections and the ways of voting. The information is also published on its website in a simplified language. The Committee also publishes an instructive video for the public, part of which is devoted to voting instructions for persons with disabilities.
 - b. **List of accessible polling stations:** A list of accessible polling stations is published on the website of the Central Elections Committee, and this information can also be obtained via a call center, fax, SMS message, orally or in writing as necessary.
 - c. **Deployment of accessible polling stations:** The Central Elections Committee has a team of permanent staff tasked with touring the country all year round in order to designate locations for accessible polling stations. As a result of the team's efforts since 2001, the percentage of accessible polling stations in the different localities throughout Israel has increased greatly from 4.2% to 28% as of March 2016, meaning there are 2,937 accessible polling stations out of 10,461 polling stations in Israel.
 - d. **Development of a new website** with level AAA conformance to web content accessibility.

ARTICLE 30-CULTURE AND SPORTS

Sports Activities

47. The Ministry of Culture and Sport acts to enable persons with disabilities to participate in various sports by financing associations that encourage and promote athletes among persons with disabilities. The support tests of the Ministry for Sports Associations equate Olympic and Paralympic organizations for the purpose of financing their activity, employing coaches and preparing for competitions, and even giving preference to persons with disabilities. In 2014, the Ministry provided support funds to a number of associations in a sum of over 4,000,000 NIS (1,047,120 USD). In addition, the Ministry supports sport activities in local authorities for persons with disabilities. In 2014, dozens of local authorities enjoyed financial support of 5,000 to 25,000 NIS (1,302 to 6,544 USD) for sport activities for persons with disabilities.
48. The Sports Gambling Council, established in accordance with the Arrangement of Gambling in Sport Law 5727-1967, allocates sums for distribution as support to various sports bodies. In 2014, it allocated around 200,000 NIS (52,356 USD) to the IDF Disabled Veterans Organization and the Paralympics Association for equipment. The Board also allocated funds to sport associations, including associations for persons with disabilities in such sports as biking, bowling, judo, tennis, basketball, swimming, athletics, shooting, rugby, etc., in a total sum of 1,900,000 NIS (497,382 USD). In addition, the Disabled Persons Association received 3,000,000 NIS (785,340 USD), the Paralympics Association received around 300,000 NIS (78,534 USD), the Lawn Bowls Association (Petanque) for the Blind received around 300,000 NIS (78,534 USD), and the Sport Association for the Deaf received around 460,000 NIS (120,418 USD). The Board's program called "20:20" contains installations for athletes with disabilities, including dedicated sports centers.
49. In recent years, the State of Israel has been awarding prizes to Israeli athletes who had won medals in world championships or European championships, including athletes with disabilities. This is done in an official ceremony in the presence of the Minister of Culture and Sport. In 2014, two (2) athletes with disabilities won a silver medal in the world Paralympic championship, as well as prizes from the Ministry of Culture and Sport.

50. In addition, the Ministry of Culture and Sport operates sport programs for children and youth with the aim of identifying athletes with disabilities in schools, so as to integrate them in the sports system, using a budget of 1,000,000 NIS (261,780 USD) over five (5) years.

ARTICLE 32-INTERNATIONAL COOPERATION

The Commission Activities in Collaboration with the Ministry of Foreign Affairs

51. Several side-events have been held by the Permanent Mission of Israel to the United Nations in New York and the Commission, in collaboration with NGOs and other state parties:
- a. 2012 - Access to Justice in the Criminal System for persons with disabilities: Implementation and Challenges, organized in cooperation with Bizchut.
 - b. 2013- Persons with Disabilities Role in Developing Accessible Environments, organized in cooperation with International Disability Alliance.
 - c. 2014 - Changing Attitudes and Fighting Stereotypes for an Inclusive Society, with International Disability Alliance, Permanent Mission of Federal Republic of Germany to the UN and Beit Issie Shapiro.
 - d. 2015 - The Technology Revolution: Innovating for a Better Quality of Life for Persons with Disabilities, with the Permanent Mission of the Federal Republic of Germany to the UN and Beit Issie Shapiro.
 - e. 2015 - Sensory stimulating dinner for UN diplomats, with 'Access Israel organization'.
52. Also, in 2015, the Trade and Economic Mission at the Israeli Embassy in Vietnam initiated a series of conferences regarding social innovation for the inclusion of the elderly and persons with disabilities, in cooperation with the Vietnamese authorities and the Vietnam office of the UN Population Fund (UNFPA). It was also in cooperation with six Israeli companies and attended by the Israeli Commissioner. The purpose was to distribute Israeli technologies and social innovations for the inclusion of persons with disabilities, as well as provide information on the implementation of the CRPD in Israel.

MASHAV's Activities

53. Israel's contribution and technical assistance for the integration of persons with disabilities, especially children and youth, in developing countries focuses on

training and capacity building programs. These programs are implemented by MASHAV.

54. MASHAV aims to ensure social, economic and environmental sustainable development, by joining the efforts of the international community in implementing the newly adopted 2030 Development Agenda and the Sustainable Development Goals, and providing a better livelihood for millions across the world. MASHAV concentrates on institutional and human capacity-building programs in developing countries by sharing Israel's experience and expertise in many fields, including those relevant to persons with disabilities, by sharing knowledge and transferring innovative technologies and tested methodologies that are adaptable to the needs of developing countries. This is done by training, both in Israel and abroad, as well as by short and long-term consultancy missions and projects in developing countries. MASHAV's training programs are offered annually in English, Spanish, Russian, French and Arabic.
55. Within the framework of MASHAV's professional courses, participants experience multi-purpose programs, learn about Israel's different facilities, and visit different programs and projects aimed at supporting children with disabilities and their families. Participants are exposed to techniques and skills used in relevant educational facilities. This provides a unique opportunity to examine different facilities and programs which can be later adapted to their own countries.
56. The following are professional training programs in the field offered within MASHAV's International Development Assistance Program in Israel between the years 2012-2016 - Focus on Diversity: Children with Special Needs; Community Services for the Elderly; Multidisciplinary Approach to the Comprehensive Care of the Chronically Ill and their Families; Working with Children on the autistic spectrum; Psycho-social Care, Support, Education and Protection of Children and Adolescents Infected and/or Affected by HIV and AIDS; Special Education; Early Childhood Education for Children with Special Needs; Integration of Children with Disabilities into the General Education; Creative Thinking in the Field of Special Education; Boys and Girls with Different Abilities; Special and Inclusive Education.