



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-third session 5-22 July 2005

Concluding comments: Israel

1. The Committee considered the third periodic report of Israel (CEDAW/C/ISR/3) at its 685th and 686th meetings, on 6 July 2005.

Introduction by the State party

2. In introducing the report and up-to-date information, the representative indicated that these were the result of a collaborative effort by various government bodies, together with inputs from non-governmental organizations. Equality and the promotion of women's rights were of the utmost importance to the Government and society. The representative emphasized that Israeli women were a vibrant, vocal, integral part of every aspect of society, which they shape and take part in as members of every profession. Drawing attention to progress in many areas, the representative noted remaining gaps still to be addressed. Since the submission of the previous report, concerted efforts had been made, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, to promote equality between men and women, Jews and non-Jews of all ethnic and religious backgrounds alike. The representative emphasized that Israeli women awaited the day when they and Palestinian women, especially under the new Palestinian leadership, will no longer know the grief of loss but only the joy of equality, building and progress.

3. Efforts to eliminate discrimination against women in the legislative arena had been wide-ranging. Recent laws complemented one another, representing a new approach of "women's legislation". These laws covered a variety of issues including women's equal rights, sexual harassment, stalking, governmental responsibility for gender equality, the rights of women victims and prevention of discrimination in the private sector. They provided a broad vision of social change and complete transformation of gender power and relations. Measures had also been taken to guarantee implementation.

4. The Government had taken steps, including affirmative action, to eliminate discrimination against women, for example in supporting the integration of single mothers into the labour market. The courts continued to play a crucial role in promoting women's rights. Recent decisions approved governmental affirmative action measures in funding women's sports activities; secured women's equal retirement rights and granted a battered wife punitive damages for abuse suffered.

5. The representative stressed that combined efforts were necessary to eliminate discrimination against women as demonstrated through action taken by the legislative, judicial and executive branches, in cooperation with civil society, to combat trafficking in women for sexual exploitation. These included the amendment of the Penal Code to include a prohibition against trafficking in persons for purposes of prostitution, followed by the establishment of a Parliamentary Investigative Committee on Trafficking in Persons. That Committee interacted with victims and exercised oversight function over government agencies. Its work had resulted in further legislative progress, including mandatory minimum imprisonment for violations of the law and expansion of victims' rights. Additionally, an Intra-ministerial Committee had been established to recommend measures, which have been adopted and implemented, to combat trafficking more effectively. Law enforcement and prosecution of traffickers had been enhanced, and courts had been issuing more severe sentences and interpreted the law in accordance with the spirit of relevant international treaties. Operational guidelines issued by the Attorney General on combating trafficking had been implemented. Shelters provided medical and psychosocial treatment and free legal aid to trafficking victims. Cooperative arrangements were in place, including with the International Organization for Migration and non-governmental organizations, to arrange for victims' safe return to countries of origin and to initiate rehabilitation processes.

6. Turning to measures taken in response to some of the Committee's concerns expressed in its previous concluding comments, the representative noted the growing number of women in prestigious positions within the Israel Defense Forces and the establishment, in 1998, of the statutory Authority for the Advancement of Women. The Knesset Committee on the Status of Women had also played a pivotal role in women's issues. Women's representation in political life had progressed with 18 members, or 15 per cent, in the Knesset — the highest rate ever, 3 ministers, 4 deputy ministers, and 5 director-generals of Ministries.

7. Addressing another of the Committee's concerns, the representative drew attention to the substantial rise in Bedouin students taking matriculation exams and receiving baccalaureates. More Bedouin women were studying for Bachelor's degrees than men. Steps were being taken to increase the number of Bedouin women admitted to the faculty of medicine, while the Ministry of Education, Culture and Sports granted scholarships to Bedouin students and had taken steps to increase attendance and prevent dropouts.

8. In conclusion, the representative stressed that the delegation, consisting of high-ranking officials from the relevant ministries, was prepared to engage in a constructive and fruitful dialogue with the Committee on the implementation of the Convention.

Concluding comments of the Committee

Introduction

9. The Committee expresses its appreciation to the State party for its third periodic report, which is in compliance with the Committee's guidelines for the preparation of the periodic reports. It commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation.

10. The Committee commends the State party for its delegation, made up of representatives of different ministries with responsibility for several areas of the Convention.

11. The Committee notes that Israel continues to retain its reservations to articles 7 (b) and 16 of the Convention.

Positive aspects

12. The Committee notes with appreciation the significant law reform undertaken since the consideration of its combined initial and second reports (CEDAW/C/ISR/1-2) in 1997, aimed at the promotion of gender equality and elimination of discrimination against women and at achieving compliance with the obligations under the Convention, including amendments to the Women's Equal Rights Law, the Employment of Women Law (Amendment 19), the Prevention of Violence in the Family Law and the Civil Service Law (Appointments) and enactment of the Prevention of Sexual Harassment Law (1998), the Victims of Offences Rights Law (2001), the Prevention of Stalking Law (2001) and the Local Councils Law (Adviser on the Status of Women) (2000).

13. The Committee welcomes the establishment of the Authority for the Advancement of Women in 1998.

Principal areas of concern and recommendations

14. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to the Knesset so as to ensure their full implementation.

15. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in its previous concluding comments adopted in 1997 (A/52/38/Rev.1). In particular, the Committee finds that its concerns reflected in paragraphs 170, 171 and 173 have been insufficiently addressed.

16. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.

17. The Committee is concerned that the right to equality between women and men and the prohibition of both direct and indirect discrimination against women has not been reflected in the Constitution or in a basic law.

18. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, as well as provisions on the equal rights of women in line with article 2 (a) of the Convention, be included in the new Constitution that is in the process of being drafted, or in a basic law.

19. The Committee is concerned that only some provisions of the Convention have been incorporated into the domestic legal order. The Committee is also concerned about the lack of mechanisms to monitor and ensure the compatibility of domestic laws with the State party's obligations under the Convention.

20. The Committee urges the State party to fully incorporate the provisions of the Convention into its legal order and regularly assess the compatibility of its domestic laws with its obligations under the Convention. The Committee recommends that the State party implement training and awareness-raising programmes to familiarize judges, prosecutors and other members of the legal profession with the provisions of the Convention.

21. The Committee is aware that the persistence of conflict and violence hinders the full implementation of the Convention and notes that recently, steps have been taken towards its resolution. In this regard, the Committee welcomes the draft law on women in peacemaking, which will require 25 per cent participation of women in the peacemaking process.

22. The Committee encourages the State party to continue its efforts towards conflict resolution and to fully involve all women concerned in all stages of the peace process.

23. The Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the State party refuses to report on the status of implementation of the Convention in the Occupied Territories, although the delegation acknowledged that the State party had certain responsibilities. The Committee further regrets that the delegation did not respond to questions by the Committee concerning the situation of women in the Occupied Territories. The Committee notes that the State party's view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture and also of the International Court of Justice, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories.

24. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories, and to provide in its next periodic report detailed information on the enjoyment by all women, including if still relevant, women living in the Occupied Territories, of their rights under the Convention.

25. The Committee remains concerned that the State party continues to retain its reservations to articles 7 (b) and 16 of the Convention. The Committee is particularly concerned at the State party's statement that such reservations are "unavoidable at this point in time" and its position that laws based on religious values cannot be reformed.

26. The Committee urges the State party to consider withdrawing its reservations to articles 7 (b) and 16, which are contrary to the object and purpose of the Convention.

27. While welcoming the establishment of the Authority for the Advancement of Women as an important measure towards strengthening the national mechanism for the advancement of women, the Committee is concerned that the Authority may not have sufficient power, visibility, and human and financial resources for the effective promotion of the advancement of women and gender equality.

28. The Committee calls on the State party to strengthen the Authority for the Advancement of Women. In particular, it calls on the State party to ensure that the Authority is provided with the power, location within the executive branch of Government and necessary human and financial resources so as to enable it to carry out effectively the promotion of the advancement of women and gender equality throughout all sectors of Government.

29. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including ratification of the United Nations Convention against Transnational Organized Crime in 2000 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, in 2001, the establishment of a Parliamentary Investigative Committee on trafficking of women and an amendment to the Penal Law prohibiting trafficking, the Committee is concerned that domestic legislation has not been brought into conformity with international obligations. While noting that a bill to broaden the definition of trafficking is under preparation, the Committee is concerned that the current definition of trafficking in the Penal Law addresses trafficking only for prostitution and bondage and does not cover trafficking for other forms of exploitation. The Committee also expresses concern about the lack of a comprehensive plan to prevent and eliminate trafficking in women and to protect victims, as well as the lack of systematic data collection on this phenomenon.

30. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by expanding the provisions in the Penal Code to bring it into line with the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Committee also urges the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking, and improve prevention of trafficking through information exchange. The Committee urges the State party to continue to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. The Committee further calls on the State party to take all appropriate measures to suppress exploitation of prostitution of women, including discouraging the male demand for prostitution. The Committee calls on the State party to ensure that

trafficked women and girls have adequate support to be in a position to provide testimony against their traffickers.

31. While noting the increase in the number of women in the Knesset, the Committee remains concerned about the low level of representation of women in decision-making positions in local authorities. It is also concerned that the number of women in high-level positions in the civil service and foreign service remains low. The Committee is further concerned about the low level of representation of Israeli Arab women in these areas.

32. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life.

33. The Committee is concerned about the State party's temporary suspension order of May 2002, enacted into law as the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, which suspends the possibility, subject to limited and subjective exceptions, of family reunification, especially in cases of marriages between an Israeli citizen and a person residing in the Occupied Territories. The Committee notes with concern that the suspension order, which has currently been extended through August 2005, has already adversely affected the marriages and family life of Israeli Arab women citizens and Palestinian women from the Occupied Territories.

34. The Committee calls on the State party to balance its security interests with the human rights of persons affected by such policies, and to reconsider them with a view to facilitating family reunification of all citizens and permanent residents. It calls on the State party to bring the Nationality and Entry into Israel law (Temporary Order) of 31 July 2003 into line with articles 9 and 16 of the Convention. It requests the State party to provide, in its next periodic report, detailed statistical information and analysis of the short- and long-term impact of this Order on affected women.

35. While appreciating the progress made in the fields of women's education and health, the Committee is concerned that Israeli Arab women remain in a vulnerable and marginalized situation, especially in regard to education and health. While efforts have been made to eliminate gender stereotypes from textbooks, the Committee is concerned that these persist in the Arab education system.

36. The Committee recommends that the State party take urgent measures to reduce the drop-out rates of Israeli Arab girls and increase the number of Israeli Arab women at institutions of higher education, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee also urges the State party to review and revise textbooks in the Arab education system in order to eradicate gender stereotypes. The Committee recommends that the State party allocate adequate resources to improve the status of Israeli Arab women's health, in particular with regard to infant mortality, and to provide in its next periodic report a comprehensive picture of the situation of Israeli Arab women.

37. The Committee is concerned about the number of incidents at Israeli checkpoints which have a negative impact on the rights of Palestinian women, including the right of access to health-care services for pregnant women.

38. The Committee calls upon the State party to ensure that the Israeli authorities at the checkpoints are instructed to ensure the access to health-care services for pregnant women, while protecting the security of Israel.

39. The Committee is concerned that Bedouin women living in the Negev desert remain in a vulnerable and marginalized situation, especially in regard to education, employment and health. The Committee is especially concerned with the situation of Bedouin women who live in unrecognized villages with poor housing conditions and limited or no access to water, electricity and sanitation.

40. The Committee requests the State party to take effective measures to eliminate discrimination against Bedouin women and to enhance respect for their human rights through effective and proactive measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in the fields of education, employment and health. The Committee calls upon the State party to provide, in its next periodic report, a comprehensive picture of the situation of Bedouin women and girls in regard to their educational opportunities and achievements, and access to employment and health-care services, and to provide an assessment of the impact of policies in those areas that directly affect them.

41. The Committee is concerned by the State party's assertion that it is not in a position to implement the law prohibiting polygamy and enforce the minimum age of marriage due to respect for the privacy rights of persons engaging in such practices. The Committee is further concerned that petitions for under-age marriage of girls are regularly granted.

42. The Committee urges the State party to take active measures to enforce the prohibition of polygamy and adherence to the minimum age of marriage. The Committee recommends that the State party take comprehensive and effective measures, including public awareness-raising campaigns, aimed at eliminating the practices of polygamy and early-age marriage.

43. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

44. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

45. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs and requests the State party to include information thereon in its next periodic report.

46. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Israel to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

47. The Committee requests the wide dissemination of the present concluding comments in order to make all people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

48. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention, which is due in November 2008.

Notes

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
