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## **Committee on the Elimination of Discrimination against Women**

### **Concluding observations on the sixth periodic report of Israel\***

1. The Committee considered the sixth periodic report of Israel (CEDAW/C/ISR/6) at its 1542th and 1543th meetings, on 31 October 2017 (see CEDAW/C/SR.1542 and 1543), under the simplified reporting procedure.

#### **A. Introduction**

2. The Committee appreciates the submission of the sixth periodic report of the State party, which was prepared in response to its list of issues prior to reporting (CEDAW/C/ISR/QPR/6). It also appreciates the State party's follow-up report (CEDAW/C/ISR/CO/5/Add.1). The Committee welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue.

3. The Committee commends the delegation of the State party, which was headed by Her Excellency Ms. Aviva Raz Shechter, Ambassador and Permanent Representative of Israel to the United Nations Office at Geneva. The delegation also included representatives of the Ministry of Justice, the Ministry of Labour, Social Affairs and Social Services, the Ministry of Health, the Ministry of Education, the Israel Defence Forces, the Israeli Police, the Israel Prison Service and the Permanent Mission of Israel to the United Nations Office at Geneva.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since its consideration in 2011 of the State party's combined fourth and fifth periodic reports (CEDAW/C/ISR/4-5) in undertaking legislative reforms, in particular the adoption of the following legislation:

(a) Adoption of Amendment No. 6 to the Marriage Age Law, which raised the minimum age of marriage from 17 to 18 years for both women and men, in 2013;

(b) Amendment No. 57 to the Women's Employment Law 5714-1954 which extends the maternity leave period from 14 to 15 weeks, in 2017;

(c) The amendment to the Prevention of Sexual Harassment Regulations which provides for measures to combat sexual harassment in higher education institutions, in 2014;

(d) Amendment No. 26 to the Religious Judges Law (Dayanim) which requires that at least one of the two representatives of each body (the Government, Knesset and

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\* Adopted by the Committee at its sixty-eighth session (23 October-17 November 2017).

Israeli Bar Association) appointed to the Committee responsible for the appointment of judges of the Religious Jewish Courts should be a woman, in 2013;

(e) The amendment of the Rabbinical Courts Law (Implementation of Divorce Judgments) 5755-1955 (“Sanctions Act”) in 2012;

(f) The amendment to the National Health Insurance Law No. 5754-1994 which provides for fertility preservation treatments for women and girls who are supposed to undergo chemotherapy or radiation treatments, in 2011.

5. The Committee welcomes the State party’s efforts in improving its policy and institutional framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) The adoption of an Action Plan for the Implementation of UN Security Council Resolution 1325, in 2015;

(b) The establishment of Community Courts which became operational in 2014;

(c) The establishment of a joint Inter-Ministerial Committee on Preventing Domestic Violence, in 2014;

(d) The establishment of a Gender Equality Unit in the police service, in 2013;

(e) The establishment of a joint inter-ministerial team, headed by the Deputy Attorney General, tasked with the review and implementation of concluding observations of human rights treaty bodies, in 2011.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international treaties:

(a) The Convention on the Rights of Persons with Disabilities, in 2014;

(b) The Private Employment Agencies Convention, 1997 (No. 181) of the International Labour Organisation (ILO), in 2012.

## C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Parliament (Knesset), in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to the Knesset, and to the judiciary, so as to ensure their full implementation.**

## D. Principal areas of concern and recommendations

### Reservations

8. Despite positive developments in the State party, including amendment of the Rabbinical Courts Law (Implementation of Divorce Judgments) 5755-1955 (“Sanctions Act”) in 2012, the Committee notes with concern that the State party maintains its reservations to articles 7(b) and 16 of the Convention notwithstanding its commitment to continuously review them. The Committee notes the State party’s explanation in its follow-up report (CEDAW/C/ISR/CO/5/Add.1) that these reservations relate to the very fabric of the Israeli society, which comprises many religions each having varying degrees of autonomy with regard to certain religious practices. However, it notes that the State party’s courts have invoked article 16 of the Convention in several cases (Annex III of the State party’s report) and that a number of issues regarding family, marriage and divorce law are dealt with by the State Family Courts, which indicates that the reservations can be withdrawn. It welcomes the response by the delegation of the State party that internal

discussions will soon commence regarding the partial withdrawal of the reservation to article 16.

9. **Considering that the age of marriage and other areas of law related to matrimonial property within the legal framework are in line with the Convention, the Committee reiterates its previous recommendation (CEDAW/C/ISR/CO/5, para. 8) that the State party review its reservations to articles 7(b) and 16 of the Convention in order to withdraw them within an established timeframe. It reiterates that the State party's reservation to article 16 is contrary to the object and purpose of the Convention as it undermines the principle of substantive equality between women and men in all matters relating to marriage and family relations.**

#### **Definition of discrimination and non-discrimination**

10. Noting that the Supreme Court has applied a progressive approach to the principle of equality, derived from the Basic Law: Human Dignity and Freedom, the Committee nonetheless regrets that the State party's legislation still does not contain a comprehensive definition of discrimination against women that covers both direct and indirect discrimination against women. It further expresses its concern about the systemic discrimination experienced by national minorities, notably women and girls belonging to the Arab and Bedouin communities.

11. **The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para.11) and recommends the State party to undertake legislative measures to adopt a comprehensive definition of discrimination against women which covers both direct and indirect discrimination in the public and private spheres as well as intersecting forms of discrimination, in line with article 1 of the Convention. It further recommends that the State party adopt a comprehensive strategy to eliminate the systemic discrimination experienced by national minorities, and specifically women and girls belonging to the Arab and Bedouin communities.**

#### **Limitation of freedom of movement, segregation and exclusion of women in public spaces, commercial and educational settings**

12. The Committee notes with concern that, in spite of the response by the delegation and measures taken by the State party, limitations on freedom of movement continue to impact women in public spaces, including transportation, and, at times, have led to their exclusion from educational, commercial and religious environments, by certain ultra-orthodox movements, imposing their observance of religion in a way that contravenes the fundamental rights of women and girls. It is concerned about the recent decision by the Council for Higher Education (MALAG) to expand the segregated campus and introduce fully segregated classrooms within universities.

13. **The Committee recommends that the State party:**

(a) **Intensify its efforts to address the phenomenon of limitation of freedom of movement of women and sex-based segregation by certain religious movements so as to guarantee the right of women and girls to access public spaces including transportation and educational, commercial and religious settings on equal terms with men, and impose sanctions on persons and institutions involved in discriminatory acts;**

(b) **Denounce the segregation of women and girls as an unacceptable practice and as an affront to the dignity of women and girls, which is incompatible with Basic Law: Human Dignity and freedom, and a violation of various articles of the Convention;**

(c) **Eliminate segregation in all spheres, including public spaces, universities and higher education.**

#### **Extraterritorial application of the Convention**

14. The Committee regrets that the State party maintains its position that the Convention is not applicable beyond its own territory such that no information was provided by the

State party regarding the implementation of the Convention in the Occupied Palestinian Territories where the State party exercises jurisdiction or effective control. It reiterates that the State party's position that the Convention is not applicable in the Occupied Palestinian Territories is contrary to the position of the Committee and other treaty bodies of the United Nations, including the Human Rights Committee, Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Elimination of Racial Discrimination, as well as the International Court of Justice (CEDAW/C/ISR/CO/5, para. 12).

**15. The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para.13) that the State party give full effect to the provisions of the Convention as well as implement its obligations under international humanitarian law with regard to all persons under its jurisdiction or effective control. The Committee recommends that the State party provide comprehensive information in its next periodic report on the implementation of the Convention in the Occupied Palestinian Territories where the State party exercises jurisdiction or effective control.**

#### **Access to justice**

16. The Committee notes the State party's efforts to provide legal aid services to women and girls, including the establishment of a legal aid branch in Rahat in June 2016, and to strengthen cooperation between the Legal Aid Administration (LAA) and non-governmental organisations. It also welcomes the recent amendment that extends free legal aid to victims of sexual offences by providing an exemption from the economic eligibility test provided in the Legal Aid Law 5732-1972. The Committee further welcomes the implementation of the amendments to the Law on the Rabbinical Courts (5755-1955) ("Sanction Act") and the strengthening of the family court system to expedite the disposition of cases relating to marriage and divorce. The Committee is, however, concerned that:

(a) Women themselves, including women belonging to minority groups, are not aware of their rights under the Convention and lack the necessary information to claim them;

(b) Women and girls, particularly those belonging to Arab communities, Bedouin, asylum seeking and migrant women experience differential access to justice due to the physical and economic barriers they face in bringing forward complaints of discrimination;

(c) Following the adoption of new guidelines by the Department of Legal Aid in April 2016, there has been a decrease in the number of legal aid appeals in family law matters, including child support and maintenance.

**17. Recalling its General Recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party address all physical and economic barriers that impede access to justice for women, particularly those belonging to Arab communities, Bedouin, asylum seeking and migrant women. It also recommends that the State party:**

(a) **Increase awareness among all women, including women belonging to minority groups, of their rights under the Convention and eliminate the obstacles preventing them from accessing justice;**

(b) **Ensure that the Convention and related domestic legislation be made an integral part of the continuing legal education of the judiciary and all actors in the justice system, so as to cultivate a culture supportive of women's rights;**

(c) **Assess the impact that the new Guidelines adopted in 2016 by the Department of Legal Aid have on women's access to legal aid, particularly with regard to family law matters, including child support and custody cases.**

### Women, peace and security

18. The Committee welcomes Government Resolution No. 2331, which aims to implement United Nations Security Council Resolution No. 1325 (2000) on women, peace and security. It notes the adoption of an associated Action Plan as well as a comprehensive policy plan for the promotion of gender equality. The Committee also notes the representation of women in the Israeli Defence Forces. However, the Committee is concerned that:

(a) The implementation of the policy plan on women, peace and security does not address the situation of women and girls in the Occupied Palestinian Territories as part of the extra-territorial obligations of the State party;

(b) Notwithstanding the State party's efforts to increase women's participation in the peace process, women, particularly Arab Israeli women and women representatives of civil society organisations, remain under-represented;

(c) Sexual violence in the Israeli Defence Forces has increased notwithstanding the adoption of a strategic plan to eliminate sexual harassment in the Defence Forces, which includes the establishment of a Victims Support section (Mahut);

(d) Israeli security forces continue to use disproportionate force in response to acts of violence, protest demonstrations and in its law enforcement operations in the context of counter-terrorism measures, with disproportionate impact on women and girls.

**19. The Committee recommends that the State party give due consideration to the Committee's General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the policy plan on the implementation of United Nations Security Council resolution 1325 (2000) is fully implemented, including through the allocation of adequate human, technical and financial resources and enhanced cooperation with women representatives from civil society organisations representing all perspectives. The Committee also recommends that the State party:**

**(a) Extend the application of the policy plan on the implementation of United Nations Security Council Resolution 1325 (2000) to Occupied Palestinian Territories where the State party exercises jurisdiction or effective control;**

**(b) Establish a mechanism, with set objectives, to recognize and implement women's strategic role in finding a lasting solution for peace and to promote conflict prevention and post-conflict reconstruction efforts, including through their direct role in decision-making, in line with United Nations Security Council resolution 1325 (2000), and take into consideration the full spectrum of the Security Council's women, peace and security agenda, as reflected in resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015);**

**(c) Continue to investigate, prosecute and punish perpetrators of sexual violence in the Israeli Defence Forces, and ensure that a zero tolerance policy to sexual abuse and exploitation by security officials is strictly applied;**

**(d) Ensure that the use of force against women and girls in response to acts of violence, protest demonstrations and in law enforcement operations in the context of counter-terrorism measures is proportionate and complies with the Basic Principle on the Use of Force and Firearms by Law Enforcement Personnel.**

### National human rights institution

20. The Committee welcomes that the State party accepted the recommendation made under the universal periodic review procedure before the United Nations Human Rights Council (A/HRC/15, para. 136.25 and A/HRC/25/15/Add. 1, para. 9) to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) adopted by General Assembly resolution 48/134. However, the Committee is concerned that no such institution has been established to date.

21. **The Committee recommends that the State party establish an independent national human rights institution for the promotion and protection of human rights, with a mandate to protect and promote women's rights and ensuring parity in the representation of women and men in its composition including leadership positions, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) adopted by General Assembly resolution 48/134.**

#### **National machinery for the advancement of women and gender -mainstreaming**

22. The Committee commends the State party on the substantial increase of financial resources for the Authority for the Advancement of the Status of Women, the development of an overarching gender mainstreaming policy and plan of action, which incorporates action on meeting the Sustainable Development Goals and that involves governance structures at both the national and local level. The Committee also welcomes the adoption of Government Resolution No. 36 in May 2015, which establishes a Ministerial Committee on Social Equality that is mandated to promote gender equality in various areas covered by the Convention. The Committee notes the "gradual gender analysis" of the State budget, and efforts to define the responsibilities of the Gender Equality Supervisors assigned to each Ministry, as well as the development of policies to promote the equality of women from Arab and Bedouin communities. However, the Committee notes an insufficient coordination of gender-mainstreaming activities undertaken by the Gender Equality Supervisors assigned to government Ministry and the insufficient involvement of all the necessary actors, including judges and law enforcement personnel, to reinforce its plans and strategies.

23. **The Committee recommends that the State party:**

(a) **Continue to strengthen coordination and the provision of adequate resources to the Authority for the Advancement of the Status of Women, to enable it to carry out its activities effectively, including by monitoring progress in the implementation of the Sustainable Development Goals;**

(b) **Provide an evaluation in the next periodic report regarding implementation and coordination of the gender-mainstreaming activities undertaken by Ministries following the official defining of duties to Gender Equality Supervisors, which should include tracking the progress made by each Ministry to ensure that activities financed from the State budget comply with set gender-budgeting evaluation criteria, and that Ministries that are not in compliance are sanctioned;**

(c) **Reinforce the Round Table projects to increase cooperation with civil society organizations representing women's interests, and particularly those representing the interests of women from minority communities and groups in situations of disadvantage, including Arab and Bedouin women.**

#### **Temporary special measures**

24. The Committee commends the State party on its efforts to accelerate the achievement of substantive equality of women and men, such as the increase in the representation of women, including Israeli Arab women as directors in government companies through the use of the "Team of Directors" which sets quotas in that regard. The Committee also commends the State party on Amendment No. 12 to the Municipal Council Law (Funding of Elections) No. 5774-2014, which provides for 15 per cent additional funding for political parties with at least one-third of their elected and serving members being women. The Committee is however concerned that this amendment only applies to elections of city and local councils and that it does not extend to regional councils. The Committee is also concerned that no temporary special measures have been adopted by the State in certain areas under the Convention such as higher education.

25. **The Committee recommends that the State party increase the use of temporary special measures, including statutory quotas, in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as regional councils and decision-making positions in higher education. The Committee recommends that such**

measures include specific targets and timeframes, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to ensure the achievement of substantive equality of women and men in all areas of the Convention where women, particularly Israeli Arab women are underrepresented or disadvantaged.

#### **Stereotypes and harmful practices**

26. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as the adoption of Amendment No. 6 to the Marriage Age Law, which raised the minimum age of marriage from 17 to 18 years for both women and men. The Committee also welcomes the adoption of Resolution No. 2345 which established an Inter-Ministerial Committee mandated to address the issue of polygamy and to develop a strategic plan to eliminate this harmful practice. The Committee is, however, concerned that:

(a) Discriminatory stereotypes based on restrictive religious interpretations concerning the roles and responsibilities of women and men in the family and in society persist in the State party, particularly among ultra-Orthodox Israelis;

(b) Married women who are unable to divorce for lack of receiving the *Gett* continue to suffer stigma and discrimination when they bear a child with men who are not their husbands;

(c) Polygamous and forced marriages continue to persist, particularly among the Arab and Bedouin communities, notwithstanding the State party's efforts to eliminate these harmful practices.

27. **Recalling joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and in line with Sustainable Development Goal 5.3 to eliminate all harmful practices such as child, early and forced marriage, the Committee recommends that the State party:**

(a) **Adopt a comprehensive strategy to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, which should include a monitoring mechanism to assess the impact of the measures taken and design remedial action;**

(b) **Expand public education and other programmes to eliminate stereotypes and stigma towards women who have children out of wedlock;**

(c) **Take further legislative and educational measures to eliminate polygamous and forced marriages in the State party, particularly among the Bedouin population.**

#### **Gender-based violence against women**

28. The Committee commends the State party on its efforts to address gender-based violence against women such as the Amendment No. 11 of 2014 to the Crime Victims' Rights Law No. 5761-2001 that will enter in force in January 2018, which provides that victims of sexual violence are entitled to choose the gender of their investigator. It notes that the State party is taking steps to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). However, the Committee remains concerned at:

(a) Reports of intimate partner violence including femicide and crimes committed in the name of so-called honour;

(b) The prevalence of sexual and domestic violence in the State party as also noted by the Special Rapporteur on violence against women, its causes and consequences (A/HRC/35/30/Add.1, paras. 29-32);

(c) Psychological violence and abuse exerted by husbands against their wives during divorce proceedings through the withholding of consent to divorce (also known as *Gett* abuse);

(d) The high rates of sexual harassment experienced by women and girls in all settings.

**29. Recalling its General Recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, and in line with Sustainable Development Goal 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:**

**(a) Intensify efforts to combat gender-based violence against women, including femicide and domestic violence, by ensuring that acts of violence against women are effectively investigated, prosecuted and that adequate sentences are imposed on the perpetrators of such acts;**

**(b) Ensure that women are protected from psychological violence and abuse exerted by husbands during divorce proceedings (*Gett* abuse), including through the imposition of appropriate sanctions by courts;**

**(c) Implement a zero-tolerance policy for sexual harassment, ensuring the full prosecution and punishment of all such acts of violence perpetrated against women and girls;**

**(d) Expedite the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).**

#### **Violence against and harassment of women in the Occupied Palestinian Territories**

30. While noting the complexity of the situation, particularly regarding the local administration, the Committee expresses concern that Palestinian women and girls continue to be subjected to excessive use of force and abuse by the State party's security forces and by Israeli settlers, including physical, psychological, verbal abuse and sexual harassment as well as violations of their right to life. The Committee is also concerned that:

(a) Due to restrictions on freedom of movement in the Occupied Palestinian Territories, Palestinian women and girls continue to be subjected to harassment at check points and by settlers on their way to and from school and work;

(b) The practice of night raids employed by Israeli security forces disproportionately affects women and girls.

**31. The Committee reiterates its previous concluding observations (CEDAW/C/ISR/CO/5, para.23) and recommends that the State party:**

**(a) Immediately put an end to all human rights abuses and violations perpetrated against women and girls in the Occupied Palestinian Territories, and remove any restrictions on freedom of movement;**

**(b) Combat impunity for human rights violations and ensure remedies for victims;**

**(c) Ensure that the practice of night raids complies with due process guarantees and rights under the Convention.**

#### **Evictions and house demolitions**

32. The Committee recalls its previous concluding observations (CEDAW/C/ISR/CO/5, para.28) and notes with concern that the State party continues to undertake demolitions of property, homes and schools, as well as forced evictions, particularly in the Occupied Palestinian Territories including East Jerusalem that are under its jurisdiction or effective control. The Committee notes that the practice of punitive demolitions affecting entire



families without distinction constitutes collective punishment and is a violation of international humanitarian law. The Committee is concerned that:

(a) The State party's authorities resumed the practice of punitive house demolitions following its suspension in 2005, which punishes families and disproportionately affects women and girls, particularly female-headed households;

(b) The use of discriminatory planning and zoning policies in Area C of the West Bank, including East Jerusalem, results in the lack of housing permits for Palestinians, and the issuance of eviction and demolition orders.

**33. The Committee reiterates its previous recommendation (CEDAW/C/ISR/CO/5, para. 29) that the State party:**

**(a) Revoke all policies on the practice of punitive demolitions and forced evictions, which have a harmful impact on the physical and psychological well-being of Israeli Arab women and girls, and Palestinian women and girls in the Occupied Palestinian Territories;**

**(b) Immediately cease the implementation of eviction and demolition orders that are based on discriminatory planning and zoning policies;**

**(c) Revise the discriminatory policy concerning housing permits for Palestinians.**

#### **Trafficking and exploitation of prostitution**

34. The Committee notes the State party's efforts to penalise the purchase of sexual services. The Committee also notes the State party's efforts to combat trafficking in persons including through the conduct of regular training sessions for government officials and the provision of free legal aid to victims of trafficking in persons. However, the Committee is concerned that the State party remains a destination country for trafficking in women and girls for purposes of sexual and labour exploitation. It is particularly concerned at:

(a) The lack of early identification of women and girls victims of trafficking for sexual exploitation, who often arrive in the State party as labourers, as well as inefficiencies in the identification of trafficking victims;

(b) The lack of information on mechanisms in place to inspect the agricultural sector to identify victims of trafficking;

(c) The low rate of prosecution of human traffickers due to the lack of coordination between the police and migration services personnel;

(d) Insufficient information on sexual exploitation of women engaged in prostitution and on exit programmes for women wishing to leave prostitution.

**35. The Committee recommends that the State party:**

**(a) Ensure that the National Anti-Trafficking Unit strengthens the mechanisms for the early identification of women and girls who are victims of trafficking;**

**(b) Strengthen the coordination between the entities responsible for monitoring implementation of the laws combatting trafficking and the exploitation of prostitution;**

**(c) Provide information in the next periodic report on the extent of exploitation of prostitution in the State party as well as on the mechanisms in place to identify victims of trafficking for sexual exploitation or the exploitation of labour in the agricultural sector;**

**(d) Enhance bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers;**

**(e) Introduce exit programmes for women wishing to leave prostitution**

### Participation in political and public life

36. The Committee notes that the State party has made commendable progress in promoting women's participation in the judiciary, the civil service and on State boards. It welcomes the appointment of two women to the position of Director of Human Resources at the Rabbinical Courts Administration and to serve as a judge (*Qadi*) in a Muslim Religious court, respectively. However, the Committee remains concerned at:

(a) The low number of women in the *Knesset* (Parliament), ministerial positions, senior academic and diplomatic positions, and at the fact that women cannot serve as judges in Rabbinical courts;

(b) The low participation of Israeli Arab and Bedouin women in political and public life;

(c) The lack of concrete measures to address discrimination by ultra-Orthodox parties, namely *Yehadut Hatorah* and *Shas*, whose party regulations bar women from being appointed as members of political parties or from being candidates and therefore elected to the *Knesset*, municipal and regional councils, and at the State Attorney's opinion that there is no legal basis for invalidating these regulations or for excluding these political parties from participating in elections, despite the fact that party statutes should not be allowed to derogate from the Basic Law: human dignity and freedom and Basic Law: the *Knesset*.

37. **The Committee recommends that the State party:**

(a) **Continue to take targeted measures to further increase women's representation in political and public life, particularly in the *Knesset* (parliament), ministerial positions, senior academic and foreign service positions; and initiate consultations with relevant stakeholders for introducing reforms regarding the participation of women as Rabbinical judges;**

(b) **Introduce temporary special measures, such as quotas, to increase the participation of Israeli Arab and Bedouin women in political and public life;**

(c) **Adopt legislation that prohibits any political party that has discriminatory regulations precluding women from being appointed as members of political parties or from being candidates and therefore elected to the *Knesset*, regional and municipal councils, in violation of article 7 of the Convention and of the Basic Laws, especially Basic Law on Human Dignity and Freedom, from participating in any election.**

### Human rights defenders and non-governmental organizations

38. The Committee is concerned that following the adoption of the Anti-Boycott Law and Naqba Law in 2011, human rights defenders, including Israeli and Palestinian women, have been subjected to severe restrictions on their activities, including through limitations to their financing.

39. **The Committee recommends that the State party take specific steps, including through legal amendments, to create an enabling environment in which Israeli and Palestinian women human rights defenders and non-governmental organizations working on gender equality and women's empowerment may freely conduct their activities without undue restrictions, including on funding by foreign sources.**

### Nationality and family reunification

40. The Committee notes with concern that the 2003 Citizenship and Entry into Israel Law (Temporary Order), which was intended to be temporary but continues to be extended, prohibits the granting of status to the spouses of Palestinian Israelis or Palestinian permanent residents in Israel. The Committee notes that the ban is absolute for inhabitants from Gaza whereas Palestinians from the West Bank can obtain limited temporary resident permits since 2005. The Committee is particularly concerned that:

(a) The 2003 Citizenship and Entry into Israel Law (Temporary Order) prohibits the granting of any status (residency or citizenship) to Palestinians from the Occupied

Palestinian Territories who are married to Israeli citizens or residents of East Jerusalem solely based on their nationality, whereas foreign spouses of other nationalities can obtain such permits;

(b) Due to the 2003 Citizenship and Entry into Israel Law (Temporary Order), couples must choose to (i) live separately, with one spouse deprived of seeing their children grow up; (ii) live together with the spouse from the Occupied Palestinian Territory being considered illegal, deprived of basic rights and subject to deportation if found living in East Jerusalem; and (iii) live in the West Bank in which case the Israeli spouse risks losing their Israeli citizenship, and the permanent residents risk losing their residency status;

(c) Although the 2003 Citizenship and Entry into Israel Law (Temporary Order) now allows the granting of temporary residence permits for humanitarian reasons or a permit residence under special circumstances, the granting of temporary residence permits requires the fulfilment of strict security and age conditions, and the withdrawal of such permits can be arbitrary;

(d) Based on Government decision No. 3598 of June 2008, family reunification of Palestinians who have Israeli residency or citizenship with individuals from Gaza is prohibited outright.

**41. The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para.24) that the State party should objectively balance its security concerns with the human rights of persons affected by its laws and policies and review them in order to facilitate family reunification of all citizens and permanent residents of the State party. In this regard, the State party should review the 2003 Citizenship and Entry into Israel Law (Temporary Order) and Government decision No. 3598 of June 2008 to ensure that they comply with articles 9 and 16 of the Convention, for instance by providing for targeted measures, applied on a case by case basis, while respecting the principles of equality and proportionality.**

### **Education**

42. The Committee appreciates the State party on its high level of literacy and education and further welcomes the measures taken to further improve women's and girls' access to quality education, particularly as regards women and girls from ultra-Orthodox communities such as the *Maharim*, as well as the five-year programme aimed at integrating women and girls from ultra-Orthodox communities in the education system. The Committee further welcomes Amendment No. 4 (2014) to the Pupil's Rights Law 5761-2000, which includes sexual orientation and gender identity as prohibited grounds of discrimination against pupils. Nevertheless, the Committee is concerned at:

(a) Gaps on equal access to education experienced by Israeli Arab, Bedouin and ultra-Orthodox women and girls who as result continue to have higher drop-out rates and poor outcomes in higher education;

(b) The fact that women remain under-represented in high-level academic positions and in science;

(c) Information that textbooks used in the Arab education system still contain negative stereotypes concerning the roles and responsibilities of women and men notwithstanding the adoption in 2015 of Director General Guideline No. 6 on teaching Methods, which requires that all textbooks undergo "gender-focused editing" before approval by the Ministry of Education.

**43. The Committee recommends that the State party:**

**(a) Strengthen its strategies, including through the use of temporary special measures such as targeted scholarships, to improve education outcomes among Israeli Arab, Bedouin and ultra-Orthodox women and girls, as well as the use of Attendance Officers in the Ministry of Education to prevent their dropout from school;**

**(b) Intensify the use of measures, including temporary special measures, to address the under-representation of women in high-level academic positions;**

(c) **Conduct an assessment of textbooks in the Arab educational system to identify and remove discriminatory stereotypes.**

### **Employment**

44. The Committee welcomes the adoption of Amendment No. 5 of 2014 to the Male and Female Workers (Equal Pay) Law 5756-1996, which provides that public bodies that have an obligation to submit reports regarding employees' salaries should include a "gender account". The Committee also welcomes the adoption in 2013 of Regulations for Encouraging the Incorporation and Promotion of Women in Employment and Adapting Employment Positions for Women 5774-2013, which provides for the selection process of employers who are entitled to a financial grant or achievement award for promoting gender equality. However, the Committee is concerned at:

(a) Labour market segregation and women's concentration in traditional career paths and the persistent gender wage gap which, in the civil service, is partly due to variable salary components such as a vehicle allowance and over-time hours;

(b) The limited participation of Bedouin and ultra-Orthodox women in the labour market;

(c) Information that Israeli Arab women continue to face barriers in accessing employment;

(d) Increased reports of sexual harassment cases and insufficient sanctions within the Israeli Defence Forces (IDF), which the State party attributes to increased reporting, and at the lack of information on the impact on women's career progress in the IDF following the integration of ultra-Orthodox men in the military.

45. **The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para. 37) and reiterates that the State party:**

(a) **Intensify its efforts to guarantee equal opportunities for women in the labour market by combating segregation in the labour market; and take concrete measures to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value and intensifying the use of wage surveys;**

(b) **Establish training and vocational courses to ensure the equal participation of women in the development of digital technology;**

(c) **Adopt concrete measures, including the use of temporary special measures, to improve the participation of Bedouin and ultra-Orthodox women in the labour market, and remove barriers faced by Israeli Arab women in accessing employment;**

(d) **Intensify efforts to combat sexual harassment, particularly within the Israeli Defence Forces, through the enforcement of the Prevention of Sexual Harassment Law, and conduct an assessment on the impact on women's career progress in the Israeli Defence Forces following the integration of ultra-Orthodox men in the military.**

### **Health**

46. The Committee appreciates the efforts made by the State party to ensure that a high standard of health care provision is available and that advances are made in medical research, while noting that there is still discrimination in accessing it. It welcomes the steps taken by the State party to improve healthcare for women and girls in the State party. It notes the development of an intervention programme and an action plan to eliminate discrimination in the health sector, particularly to address racism against persons of Ethiopian descent and to reinforce health care infrastructure and personnel in rural areas. However, the Committee is concerned that:

(a) Women and girls of Ethiopian descent continue to face discrimination when accessing health care services in the State party;

(b) Due to restrictions on freedom of movement at checkpoints, Palestinian women and girls in the Occupied Palestinian Territories experience hardships in accessing health care facilities such as hospitals, clinics, as well as emergency care and specialised treatment;

(c) Israeli Arab and Bedouin women and girls continue to register poor health outcomes, particularly infant and maternal mortality, and largely suffer from obesity and lung cancer;

(d) While abortion is permissible under prescribed grounds such as rape, incest, threat to the physical and mental health the pregnant woman and when a foetus has a serious mental or physical defect, as provided by the Penal Code of 1977, women still undergo complex and onerous administrative procedures in order to obtain approval for abortion before the Termination of Pregnancy Committee.

**47. The Committee recommends that the State party:**

**(a) Adopt appropriate intervention programmes and action plans, including the strict application of relevant criminal law provisions, to address discrimination in the health sector, particularly against women and girls of Ethiopian descent;**

**(b) Continue to strengthen efforts, such as the implementation of the national screening plan for breast cancer and the treatment of ovarian and lung cancer, in order to improve health outcomes among Israeli Arab and Bedouin women, particularly with respect to obesity, lung cancer, infant and maternal mortality;**

**(c) Conduct an impact assessment study and ensure that the administrative procedures for obtaining approval for an abortion before the Termination of Pregnancy Committee do not hinder women and girls from accessing safe abortion services.**

**Economic empowerment of women**

48. The Committee notes the State party's efforts to promote women's economic empowerment and social welfare. It also welcomes the State party's adoption of a transition strategy from the Millennium Development Goals (MDGs) to the Sustainable Development Goals (SDGs) in 2015. However, the Committee is concerned at:

(a) The lack of information on access to loans and credit facilities by women and girls in the State party and on efforts to enhance their capacity building in entrepreneurship and the use of digital technologies;

(b) The lack of information on measures taken by the State party to implement the Sustainable Development Goals and ensure women's participation in these processes.

**49. The Committee recommends that the State party:**

**(a) Provide detailed information in the next periodic report on women's access to loans and other forms of financial credit, as well as on efforts to enhance the capacity of women and girls in entrepreneurship and their use of digital technologies;**

**(b) Ensure the participation of women in efforts to meet the targets of the 2030 Agenda for Sustainable Development.**

**Disadvantaged groups of women**

*Refugee and asylum seeking women and girls*

50. The Committee welcomes that in January 2013 the Ministry of Health opened a clinic in southern Tel Aviv-Jaffa for foreign residents who are not covered by the state health insurance. However, it remains concerned that asylum-seeking women continue to experience a state of uncertainty due to the low number of refugee claims that are accepted by the State party, thereby greatly hindering their full access to the education, employment, health care and justice systems.

51. **The Committee reiterate its previous recommendation (CEDAW/C/ISR/CO/5, para. 47) that the State party repeal the provisions of the Prevention of Infiltration Act, so as to facilitate the processing of claims by asylum-seeking women and ensure their access to essential services.**

*Women in detention*

52. The Committee reiterates its concern about the increased number of Palestinian women and girls who are subjected to prolonged administrative detention and forcible transfers from the Occupied Palestinian Territories to places of detention in Israel, and reports of their limited access to justice and health care services.

53. **In line with the United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok rules), the Committee recommends that the State party address prolonged administrative detention by ensuring that Palestinian women and girls who are detained are promptly brought before a judge. It further recommends that the State party improve conditions of detention and ensure access to justice and health services.**

**Rural women**

*Bedouin women*

54. The Committee notes that the State party operates a “Safe Space” project for adolescent Bedouin girls in distress with a view to preventing school drop-out and enhancing their economic empowerment. The Committee notes that in February 2017, the State party approved Resolution No. 2397, which is a five-year plan to develop Bedouin localities in the Negev desert, including by improving education and health infrastructure. However, the Committee notes with concern that:

(a) The plan to develop Bedouin localities is accompanied by forced urbanisation, evictions and displacements, and that the State party continues the demolitions of homes and schools in Bedouin communities such that Bedouins are forced to relocate;

(b) The lack of information on Bedouin women’s access to social services, credit facilities and the use of modern technologies;

55. **The Committee recalls its previous recommendation (CEDAW/C/ISR/CO/5, para. 45) and recommends that the State party:**

(a) **Take concrete measures to improve education, employment, health, and housing outcomes for Bedouin women and girls, including by ensuring that action plans for their empowerment have clear indicators and benchmarks and that their implementation is monitored and regularly evaluated;**

(b) **Provide information in the next periodic report on Bedouin women’s access to social services, credit facilities and the use of modern technologies.**

**Marriage and family relations**

56. The Committee welcomes several legislative developments in the area of marriage and family relations including the adoption, in 2012, of an amendment to the Rabbinical Courts Law (Implementation of Divorce Judgments) 5755-1955, which requires Rabbinical courts to monitor progress in the enforcement of divorce judgments. The Committee also notes that the Law was further amended in 2017 (Amendment No. 8), such that different sanctions can be imposed on male spouses who refuse to grant consent for a divorce (*Gett*). It further notes that in 2016, the State Attorney issued Guideline No. 2.24, which regulates the prosecution and punishment policy in respect of failure to comply with a judicial order of the Rabbinical court regarding granting or receiving a *Gett*, in order to reduce the number of women who are *Agunot or Mesorevet-Get* (women whose husbands cannot or refuse to grant the *Gett*). The Committee notes the establishment of procedures related to the jurisdiction of family rules in the civil and religious courts, and the need to take measures to fight against the “race of jurisdiction”. The Committee is concerned that:

(a) Women suffer from discrimination in divorce matters as they are under the influence of discriminatory religious laws. Given that under Jewish law, only men can grant consent for a divorce (*Gett*), women are susceptible to extortion by their husbands and concede to certain marital terms in return for a *Gett* while Muslim women fear losing custody of their children should they embark on a new relationship;

(b) The law does not provide for civil marriages, and even spouses who contract civil marriage outside the State party are still subject to the jurisdiction of religious courts in divorce cases;

(c) Following the recommendation of the Schnitt Committee to remove the “Tender Years Presumption” under the Legal Capacity and Guardianship Law 1962, which provided that children up to the age of 6 shall be under the custody of their mother, there has been an increase in applications for joint custody by men in order to reduce their child support payments, and that this change in the interpretation of the law is also being used as a tool to extort concessions from women and has led to an increase in family disputes before courts;

(d) Polygamy and bigamy persist in the State party and are legitimised under religious laws governing personal status, including the possibility of retroactive annulment of a divorce even when the ex-spouses have remarried, which has negative consequences for women.

**57. Recalling its previous recommendations (CEDAW/C/ISR/CO/5, para. 49) and in line with the Committee’s General Recommendation No. 21 (1998) Equality in Marriage and Family Relations and General Recommendation 29 (2013) on economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Repeal discriminatory provisions governing divorce which grant men the unilateral power to grant consent to divorce (*Gett*) and, in the interim, intensify the use of penal sanctions for husbands who deliberately withhold the *Gett*, and expand the supervisory powers of Rabbinical courts in ensuring compliance with its orders in this respect;**

(b) **Introduce an option for individuals to contract civil marriages and to divorce in civil courts, at least in cases when civil marriages are contracted outside the State party;**

(c) **Harmonize religious laws governing marriage and divorce with the Convention;**

(d) **Undertake a study to assess the impact of the “Tender Years Presumption” and the introduction of joint child custody on the increase of custody disputes, the increased poverty within female headed households and the use of joint custody or the threat of such as a tool applied by men to extort concessions from women;**

(e) **Intensify efforts to enforce the prohibition of bigamy and polygamous marriages, as well as the retroactive cancellation of a divorce, through the strict imposition of sanctions as already introduced in the civil service, as well as through educational and awareness-raising programmes.**

**Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

**58. 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 (1) of the Convention concerning the meeting time of the Committee.**

**Beijing Declaration and Platform for Action**

**59. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

### **2030 Agenda for Sustainable Development**

60. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

61. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament and to the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

62. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of all Persons from Enforced Disappearance.

#### **Follow-up to concluding observations**

63. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13 (a), 53 and 57(a) & (b) above.

#### **Preparation of the next report**

64. The Committee invites the State party to submit its ninth periodic report, which is due in November 2021. The report should be submitted on time and should cover the entire period until its submission.

65. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

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