



המשלחת הקבועה של ישראל לאומות המאוחדות

PERMANENT MISSION OF ISRAEL TO THE UNITED NATIONS

Please Check against delivery

**Third and Fourth Periodic Reports
on the
Implementation of the
International Convention on the Elimination of all Forms of
Discrimination against Women.**

**Statement
by
Dr. Shavit Matias
Deputy Attorney General
Ministry of Justice, Israel**

New York, 06 July 2005

Honorable Chairperson and Committee members:

It is a great honor for me to present to you today Israel's third and fourth periodic reports on the implementation of the International Convention on the Elimination of all Forms of Discrimination against Women.

These reports are the outcome of the broad collaborative effort of different Israeli government ministries and bodies. Each Ministry devoted much time, thought and attention to gather the data requested.

We were also pleased to receive input from NGOs to parts of this work, in particular to the third periodic report. NGOs were also invited to contribute to the compilation of the fourth periodic report.

The comprehensive reports elaborate in great detail the relevant facts, legislation, court decisions and policies of the Government of Israel with respect to a broad range of issues relevant to the advancement of women. The Status of women in Israel is regularly on the agenda of all governmental offices.

The enhancement and promotion of equality between women and men and the promotion of women's rights have been on the agenda of every Israeli government since the foundation of the State of Israel. Equality is a fundamental principle already enshrined in Israel's Declaration of Independence. And, *the Equal Rights for Women Law, 5711- 1951*, enacted only three years after the State was founded, was a significant impetus to Israel's fundamental legal commitment for ensuring and promoting women's rights. Throughout its existence these issues and principles remain a priority for Israel and are of utmost importance to its government and society.

The government is constantly on the move forward, as we will present to you later today. Clearly, also, there is much still to be done and gaps to be addressed. A positive aspect of Israeli society, in this respect, is that if governmental ministries do not initiate actions to address the gaps on their own, they are many times reminded of these issues by the

Israeli public, and NGOs. NGOs in Israel are also quite active in initiating legislation, raising awareness and assisting women in need, as is quite apparent in the case of victims of trafficking in persons, a topic I will briefly elaborate on in the last part of my presentation.

We are fortunate, in that sense, to have a very open and dynamic society, with a very active media and a Court system ready to actively intervene to remedy wrongs.

I will add, that our accession to the Convention, the need to compile and present reports, and the need to prepare for this presentation, adds an important layer to the otherwise ongoing efforts in this area. During the compilation of the reports and our preparations for this presentation, we have been discussing the numerous issues relevant to the Committee, and debating between ourselves the question whether the measures undertaken in Israel were sufficient, what more should be done, and how to generate greater awareness of these issues. I have to say that we came out of these deliberations quite proud of what has been achieved in Israel in this respect so far. We also came out with a united inter ministerial conviction that more needs to be done. The Convention, the required reporting, and the preparations for this Committee, are extremely important tools, in this respect.

We will try to present to you today the achievements of Israel on the advancement of women, as well as the issues that still no doubt must be advanced. Some of the Israeli experts on these issues are here to present these matters directly to you.

This is a very professional and respectable committee, and we are here before you today to present the professional aspects of this convention. However, before we embark on our professional presentations, and respond to your questions, I would like to share with you a personal note.

The last four years have been tremendously difficult years for Israeli women. Our country was plagued by terrorist attacks, killing and wounding numerous children women and men. The attacks were in coffee shops, school buses, discotheques, and homes, tearing our breath and life from us. We have been living in fear and pain,

dreading daily where the next attack will hit, and who the next innocent victims will be. I cannot begin to tell you what it is like to constantly fear for the life of your child, whether he is on his way to school, in the playground, or even at home.

New winds now seem to be blowing our way. Our Palestinian neighbors have recently elected a new leader, who declares his commitment to the peace process, and Israel has undertaken, unilaterally, a disengagement initiative under which it is removing its population from the Gaza Strip and the northern part of the West Bank. The initiative is a serious attempt to break out of the current stalemate, to reduce friction between Israelis and Palestinians, and to create an opportunity for economic growth and renewed peace negotiations. We very much hope also that this new Palestinian leadership will provide for Palestinian women the well-deserved equality, peace and freedom they deserve. As women, we so much await the day that Palestinian and Israeli women alike, will no longer know the grief of loss, but only the happiness of independence, equality, building and progress.

Women have built, protected, and participated in the governing of Israel since its establishment. Women are a vibrant, lively, vocal, integral part of every aspect of Israeli society. Women are doctors, lawyers, lawmakers, bank directors, businesswomen, journalists, editors, physicists, government ministers, news writers, poets, news anchors, mathematicians, soldiers, and much much more. I think it would probably be safe to say that Women today shape and take part in Israeli society no less than men. Nevertheless, while perhaps being relatively progressive in issues of equality already in its establishment, there was still much to be done to ensure absolute full equality and rights, not only in general terms for all women in Israel, but particularly within the more vulnerable segments of Israeli society. The many actions undertaken by the executive, legislative and judicial branch, since the foundation of the State, and more specifically since the last reporting period, themselves reflect the importance Israeli society as a whole attaches to the promotion of women's rights. We are looking forward to introducing these more current changes to you, to hear your questions and suggestions,

and to conduct an open and constructive dialogue with the Committee on all outstanding issues.

With me in the delegation are several experts and practitioners from the relevant Government ministries who are looking forward to presenting you their work, and listening to your experience and suggestions.

As you will see, the State of Israel has carefully studied the previous Committee's Concluding Comments, and I am pleased to inform you today that many of the areas of concern raised by the Committee have seen dramatic improvements, resulting from measures taken by all relevant ministries and bodies.

Israel has taken a wide range of measures to promote gender equality and abolish discrimination against women. Affirmative action has been used in certain areas where change has been slow. This is not to say that inequality has been completely eradicated, as change takes time, especially in a diverse state such as Israel; yet there is a clear and substantial improvement, an improvement we are confident will further increase in time.

The limited scope of my statement does not permit me to cover all of the improvements pertaining to the implementation of the Convention in Israel, some of which are described in the extensive reports currently before you and in the detailed reply to the List of Issues. However, I will endeavor to address some key topics in which significant improvements have occurred, and then highlight the particular attention provided by Israel to issues the Committee had commented on in the past.

Madam Chairperson,

Since the submission of our previous report, all branches of government have made a concerted effort to promote equality between men and women, Jews and Non-Jews of all ethnic and religious backgrounds alike. As part of this effort, government entities have striven to promote the rights of all Israeli women in accordance with the provisions of the Convention.

Allow me briefly address some of the developments regarding the elimination of discrimination against women in terms of legislative, jurisprudence and administrative efforts.

With respect to the **legislative arena**, here, Israeli legislation in the wake of the 21st century reflects a move into a more mature and sophisticated ability to use the legislative tool in a comprehensive manner, in creating social change in this sensitive area of gender equality and women's status.

Recent legislation, unlike some of the legislation in the preceding decade, is at the same time both more wide-ranging in scope, and more radical in its underlying basic principles. One needs to view the main recent pieces of legislation in total, to be able to assess their combined effect on Israeli society: the 1998 law establishing the Authority for the Advancement of the Status of Women; the 2000 complete revision of the Women's Equal Rights Law; the 1998 Prevention of Sexual Harassment Law and its somewhat complementary 2001 Prevention of Stalking Law; the 2001 Victims of Offences' Rights Law and its 2002 accompanying Regulations – together portray and project a new approach to “women’s legislation”. These pieces of legislation complement and support one another – to address as a whole a wide range of issues relating to women's rights.

These pieces of legislation provide for a broad vision of social change, envisioning a complete transformation of gender power and relationship. Whether it is in the entry into what has traditionally been perceived as the “private sphere” of sexual relations, with the Prevention of Sexual Harassment Law; whether it is in the realm of governmental responsibility for gender equality, to which the Authority for the Advancement of Women Law has made a strong and unequivocal commitment; whether it is in the painful realm of women as victims, where the Victims of Offences' Rights Law was deeply needed after realizing that libertarian ideology may have put too much emphasis on safeguarding the rights of the accused, thus neglecting the rights of the victims; and whether it is in relation to the overall status of women, which the revision of the Women’s Equal Rights Law constructs, in the clearest terms of full personhood.

All these legislative measures clearly signify a totally different conception of gender regime.

As part of the general move against all forms of discrimination, another progressive law was enacted in 2000 - the Prohibition of Discrimination in Products, Services and Entry into Places of Entertainment and Public Places Law, 2000, aimed at prohibiting discrimination in the private sphere, applying to the state as well as to individuals.

Several recent laws and amendments continue the trend described above:

The Limitations on the Return of a Sex Offender to the Surroundings of the Victim of the Offence Law, 2004, granting a court (including a military tribunal) the authority to prohibit an offender from residing - or working - near the location of the victim's residence or employment, enhances the protection of women victims of offences.

The amendment of the Employment of Women Law, from 2004 (extended until the end of April 2007), granting men the privilege to share maternity leave with their wives and the eligibility for maternity leave allowance, attempts to influence social behavior by encouraging men to take on what was traditionally considered a woman's role.

The 2003 enactment of Section 2B of the Public Tender Law stipulating that in a governmental tender, businesses controlled by women shall be preferred, when receiving an equal score to businesses not controlled by women, uses affirmative action to empower women to take on bigger roles in the labor market.

Following on the footsteps of these very significant laws, the subsequent "women's legislation" indeed focuses on implementation. Thus, for example, laws were passed imposing on police-officers and on educators a duty to provide information to victims of domestic violence on assistance and treatment programs available for them.

In the same vein, another substantive law was passed, setting new instructions for bringing to a halt criminal investigation against a suspect in domestic violence, at the

complainant's request. This legislative measure clearly addresses the very sensitive dilemma of reconciling societal responsibility for prevention of violence against women, which often takes a paternalistic shape, with the victim's need to control her life. The new law conditions the halting of the investigation on referring the individual involved to Centers for Prevention of Domestic Violence, thus offering a window of opportunity to treatment.

In the realm of Jurisprudence, Israeli courts, led by the Supreme Court, have continued to play a crucial role in anchoring women's rights and promoting women throughout Israeli society. Two of the more recent precedent-setting decisions of the Supreme Court were:

* High Court of Justice case 5325/01 *The Association for the Advancement of Women's Basketball v. Ramat HaSharon Local Council et al*, in which the Court applied affirmative action in budget allocation and approved a decision of the Ministry of Culture, Science and Sport to grant women's sports activities a budget 1.5 times greater than the budget allocated to men's sports activities.

* High Court of Justice Case 6845/00 *Eitana Niv et al. v. the Klalit Sick Fund*, where the Court discussed early-retirement arrangements for the Fund's employees. The Court held that the Fund must provide women with the same rights as men within retirement arrangements and that the Fund discriminated against women. The Court stated that gender-based discrimination is one of the gravest forms of discrimination, that discrimination against women is clearly contrary to public order and therefore essentially null.

In another important decision, a Family Court in Jerusalem ordered a husband to pay his battered wife 90,000 NIS (approximately \$20,000) compensation, mostly as “punitive damages” (*F.C.C 018551/00 K.S v. K.M (07.06.04)*), for “five years of on going grievance by way of abuse, scorn, humiliation and enslavement”.

In addition to measures taken by the Parliament and the Courts, **the Government** has taken measures to assist in the elimination of all forms of discrimination against women. Examples of such measures include:

- Adding a segment in tender announcements by the Civil Service Commission regarding affirmative action for women. The Civil Service Commission has also established educational programs on the issue of affirmative action for women for members of tender committees.
- The Ministry of Industry, Trade and Labor has introduced a special program to integrate single parents into the labor market, granting its participants incentives designed to increase their income.

There are many more such examples, in the submitted reports.

Naturally, most issues in this area require **comprehensive combined efforts of all relevant bodies**.

One such example, where the Legislative, the Judicial and the Executive in cooperation with civil society, dealt comprehensively together with an issue to try to eradicate it, is the issue of combating trafficking in women for sexual exploitation.

Like many other countries in the world, Israel too is a country of destination for trafficked women. It is estimated that about 2,000 to 3,000 women are trafficked into Israel every year. The sophistication of criminals is growing, and serious innovative tools are necessary to eradicate this grave phenomenon. Since our second periodic Report, significant progress has been made in Israel to combat this abhorrent criminal activity, by all segments of government.

The legislative, the judicial, the law-enforcement, and the welfare authorities all took serious and comprehensive steps in their dealing with these matters. In the year 2000, the Israeli legislature amended the Penal Code to include a specific prohibition against trafficking in persons for the purpose of prostitution, with a maximum punishment of 16 years imprisonment and 20 years for cases where the victim is a child.

A comprehensive commitment to the eradication of trafficking followed, with the establishment of a Parliamentary Investigative Committee on Trafficking in Persons, which created a forum to deal with the problems of victims and to listen to their voices while acknowledging their stories and their pain. The Committee, (which has recently been accorded the status of a permanent sub-committee of the Law, Constitution and Justice Committee), has met with trafficked women and minors, has visited places of prostitution, and has heard testimonies from NGOs working in this area. In addition, the committee serves an oversight function over government agencies and often calls upon highranking officials to explain government policies and listen to problems in their areas of responsibility.

As a result of the Committee's work, an amendment was passed instituting mandatory minimum imprisonment terms for violation of the law against trafficking, allowing victims to testify not in the presence of the accused, authorizing courts to try Israeli citizens who traffic abroad even if trafficking is not a crime in the country where it was committed, and mandating speedy early testimony.

On the level of the executive arm of government, police efforts at enforcement and prosecution have been on a steady rise and the State Attorney's prosecutors have led the battle for a wide interpretation of the trafficking statute, and have entered in appeals in order to heighten the severity of sentences and push for a broad interpretation of the statute. In addition, the judiciary has been handing down increasingly severe sentences and has interpreted the relevant law according to the spirit of the international treaties on this subject.

In November 2000, the Attorney General appointed an Intra-Ministerial Committee to comprehensively evaluate the issue of trafficking in women and submit recommendations on ways and means to combat it. Most, if not all, of the Committee's recommendations, have already been implemented. In early 2002, the State Attorney issued new and much tougher guidelines for the shutting-down of places of prostitution.

On the human and welfare level, commitment to alleviate the distress and suffering of trafficked women has been translated into the establishment of a shelter extending medical and psychosocial treatment. Victims in the shelter are also provided with free legal aid so as to pursue civil suits against their traffickers, and are eligible to work if they so choose. Their safe return to their countries of origin is arranged in cooperation with international law-enforcement bodies, as well as NGOs in their countries of origin and the International Organization for Migration, with the aim of initiating a rehabilitation process. All these efforts reflect a true commitment and deep understanding of the impediments hindering the legal battle against trafficking.

More needs to be done, and will be done in this area. But, this is but one example, of a comprehensive multi agency effort dealing with an issue relating to women. We hope to be able to present to you many more such comprehensive joint efforts today.

I have very briefly touched upon some of the legislative, judicial and enforcements advancements that took place in Israel since the last time we appeared before you. I will now, very briefly, show how we addressed some of **the concerns the Committee has raised** with us in the past. As our dialogue unfolds, we will be able to elaborate further on this subject.

- *In the previous Concluding Comments, the Committee noted discrimination in the percentage of women within the senior leadership of the armed forces.*

Over the last decade, there has been a growing tendency to open more positions to women in the IDF, accompanied by changes in attitudes and norms regarding the role of women in the military. This in turn has lead to a growing number of female soldiers serving in prestigious positions and a smaller number in low ranking, administrative positions. Young women serving as combatants are no longer a rare sight in Israel.

In order to facilitate and accelerate this change, following the abolition of the women corps (Chen), on August 1, 2001, the Chief of Staff appointed a special body, headed by the Advisor on Women's Issues, with a mandate to create an environment conducive to

women better utilizing their abilities in the IDF and advancing equal opportunities, with the objective of empowering women in the IDF and in Israeli society.

This change in attitudes is backed up by the figures. As of 2004, 81% of all positions in the military are open to women, compared to only 56% two decades ago. Women are actually placed in 62% of the positions (compared to 40% in 1990) and efforts are being made to increase these percentages. Female officers make up 26% of the officers in the regular forces and 18% of the career service. In recent years there has been a dramatic increase in the number of female officers in field positions. This number has multiplied itself by 17 since 1997.

- *The Committee also noted the lack of an overall plan or measures to implement the Convention and the Beijing Platform for Action through specific measures and within a definite time-frame and the absence of specific governmental machinery responsible for promoting and coordinating policies for women.*

This concern has been addressed by the enactment of the Authority for the Advancement of the Status of Women Law, 1998, establishing a statutory Authority for the Advancement of Women. This Authority is vested with advisory powers and is authorized to make recommendations to the Government on policies designed to advance the status of women, promote gender equality, eliminate discrimination against women and prevent domestic violence targeted against women. In addition, the Authority supervises the gender policies of the different governmental bodies.

One of the Authority's main functions is to serve as a coordinator between governmental and nongovernmental actors in the area, overseeing their operation, composing overall plans and policies, and processing the complaints of women whose rights have been violated or who have suffered gender discrimination.

The Knesset Committee on the Status of Women has also played a pivotal role as a focal point for women's issues and their advancement throughout Israel. This Committee serves as an important public forum where women's issues and concerns are examined,

discussed, and treated. The Committee's contribution to the advancement of women extends from the formal level of parliament to the more informal level of women's alliance building and the coordination of activities for furthering the common goals of gender equality and social change. The Committee maintains close contacts with various women's NGOs, receives input from women in senior positions in business and academia, and thus serves as a forum where women's voices are officially heard and women's issues can be discussed.

- *Another concern voiced by the distinguished Committee involved the low percentage of women involved in political decision-making posts.*

We are pleased to report that women's representation in Israeli political life has progressed in all fields, although a gap still exists between male and female representation in certain areas of political life. I myself, as a Deputy Attorney General, am often involved in advising the Government on a variety of highly complex and sensitive issues.

There are now 18 female members in the Israeli Parliament (the Knesset) making up 15% of the members - the highest rate ever. One of them serves as Deputy Knesset Speaker, four as heads of Knesset Committees and two as sub-committee heads.

In the Government, three women serve as ministers: in the Ministries of Justice, Education and Communications. Four women serve as deputy-Ministers. In addition, five women are the director-generals of government ministries.

- *Another issue raised by the Committee concerned the large number of advertisements for sex services in daily newspapers.*

This was addressed by an amendment to the Penal Law in 1998 adding Section 205(C)(a), which prohibits the advertisement of prostitution services. In 2005, the Tel Aviv Magistrates Court convicted the head of a newspaper network, the director of the newspaper and the director of the newspaper's advertisement section, of violating this prohibition.

- *The distinguished Committee appealed to the State to take special measures to close the gap between Arab and Jewish schools and address the higher drop-out rates among Arab and Bedouin young women.*

The State has taken steps in this area, and combined also with advancement in social factors, in recent years, there has been a substantial rise in the percentage of students in the Bedouin sector taking matriculation exams (from 19.7% in 1998 to 53.8% 2002), as well as a hike in the percentage of students entitled to a baccalaureate (from 15.5% 1998 to 42.8% 2002). As to higher education, there are currently more Bedouin women studying for their bachelor's degree than men. There are three colleges in Be'er Sheva where the majority of students are Bedouins. Also, the Faculty of Medicine admits a number of qualified Bedouin women on a trial basis even if they have failed the formal entry exams. The Ministry of Education, Culture and Sports grants higher education scholarships to Bedouin students, mostly women. The Ministry has also taken various steps to increase attendance and prevent dropouts in all sectors, as our education expert will later explain. You will hear about these, and more, later today from our experts.

Madam Chairperson,

The delegation sitting before you today is comprised of high-ranking officials from the most relevant Israeli government Ministries. We are looking forward to a constructive and fruitful dialogue between the Committee and these professionals. We have much to present to you today, far more than I have just briefly described, and we hope each of the delegates, who is a foremost professional in her field, will be able to present to you in detail and depth her areas of expertise, which are relevant to the implementation of the convention.

The members of the Israeli delegation include:

- **Dr. Hanna Vinnik**, the Director of the Administration of Science and Technology in **the Ministry of Education**. Dr. Vinnik holds a Ph.D. in Science from the

"Technion" - The Israel Institute of Technology. Dr. Vinnik will focus on the educational system working towards implementing fair opportunities for both male and female students, of all religions and backgrounds. Her goal is an educational system that holds itself responsible for granting optimal conditions to each and every student, thus enabling the students to actualize their potential and attain the maximal results, preparing them for their future in today's modern age. The educational system exerts a great deal of effort in order to grant equal opportunity to both genders and various sectors and implements programs towards affirmative action.

You will hear from her about the Ministry of Education's six major objectives, representing its ideology: programs to bridge social and educational gaps; enhancement of values and tradition; enhancement of values related to the prevention of violence; educating towards equal opportunities for both genders and among various special needs populations; basing the educational system on technological information; investing in the professionalism and training of teachers.

- **Ms. Dana Briskman Gomelski**, is a Director in the Public Law Department of the **State Attorney's office**, and was previously a member of the board and the Legal Director of the Association for Civil Rights in Israel. Ms. Briskman is a graduate of the Hebrew University law school, and holds a masters degree from Harvard Law School. Ms. Briskman will address specific Supreme Court cases regarding the implementation of the Convention in Israel, as well as the Court's general approach towards issues of gender equality. Ms. Briskman and others in her office promote women's interests and are actively involved in shaping Israel's jurisprudence on these issues.
- **Chief Superintendent Nurit Ziv**, holds a degree in law, is the Head of the Victims of Crime Section, Investigations and Intelligence Dept. **in the Israeli Police** and is a member of the Authority for the Advancement of the Status of Women. Chief Superintendent Ziv is the most senior professional within the Israeli Police on all matters relating to Victims of Offenses. In that capacity she is

responsible for the training of the police force on these matters, for creating guidelines and policies, for inter ministerial coordination, for initiating legislation, and more. Chief Superintendent Ziv will discuss police work and efforts on these issues, and others, which come under her very large responsibility. Police estimates today indicate that there are approximately 20,000 domestic violence cases a year, an estimated 17,000 of which relate to women's complaints against their spouses.

- **Ms. Ada Pliel Trossman**, is the Deputy Director of the Department of Services for Girls and Young Women, at **the Ministry of Social Affairs**. She holds a master's in social work from Haifa University, with a particular expertise in the field of women's issues. Ms. Trossman led to the formation of 10 shelters for battered women, including, as far as we are aware, the first one in the world for Arab women. Ms. Trossman recently led to the creation of a shelter for trafficked women, and, in person, established its guiding principles and monitors its operation. Ms. Trossman will describe in detail, among other issues, the two multidisciplinary treatment centers she initiated and recently established for women and girls who were or are victims of sexual abuse. The centers provide women and girls with a bio-psycho-social treatment, in order to enable them to better cope with the trauma they have endured. The Centers also take care of each girl or woman's basic needs, such as housing, day care, occupational skills, etc. The Center's goal is to restore each woman's faith in society, mankind and herself. She will also tell you about the shelter for women victims of trafficking, established by the Government and supervised by the Ministry of Welfare, and discuss the many other issues relating to her work.
- **Ms. Hila Tene**, is an attorney in the Department for International Agreements and International Litigation at the **Ministry of Justice**, specializing in human rights. She is a graduate of law at the Hebrew University in Jerusalem and also holds a degree from the Haifa University in Environmental Management. She was in charge of compiling the fourth periodic report, coordinated the work of its writing between

the different ministries and agencies, and made every effort to bring to you the most updated and comprehensive data from all ministries and agencies.

Honorable Chairperson and distinguished Committee members,

I very much thank you for your attention. I hope that by the end of today you will recognize the level of seriousness with which Israel takes its obligations under the Convention and the remarks of the Committee. Israel has spared no efforts to cooperate with the Committee and we hope that this session will provide us an opportunity to conduct a candid and constructive dialogue with you.

Thank you.