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Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Israel*

Note by the Secretariat

This report contains the findings and recommendations of the Special Rapporteur on violence against women, its causes and consequences, on her visit to Israel from 12 to 22 September 2016. The mandate holder will also present a separate report on her official visit to the Occupied Palestinian Territory/State of Palestine that is closely interlinked with this report¹.

* The present document was submitted after the deadline in order to reflect the most recent developments.

¹ A/HRC/35/30/Add.2

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** Circulated in the language of submission only.

I. Introduction

1. At the invitation of the Government of Israel, the Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović, visited Israel and the Occupied Palestinian Territory/State of Palestine from 12 to 22 September 2016. She submits two separate reports but with cross-referencing particularly relating to the general context section.

2. The Special Rapporteur expresses her sincere gratitude to the Government of Israel for its full cooperation. The mandate holder visited Jerusalem, Tel Aviv, Beer-Sheva, Haifa and Nazareth in Israel, as well as Ramallah, Bethlehem, Hebron, Jericho, East Jerusalem and Gaza in the Occupied Palestinian Territory. She met with the Deputy Minister of Foreign Affairs and Member of the Knesset, the Senior Deputy Director General at the Ministry of Foreign Affairs, the Deputy Director General of the United Nations and International Organizations at the Ministry of Foreign Affairs, the Director of the Human Rights Department at the Ministry of Foreign Affairs, the Director General of the Ministry of Justice, the Director General and representatives of the Ministry of Religious Services, the Director General of the Ministry for Social Equality, the Ministry of Social Affairs and Social Services, representatives of the Ministry of Justice, the Ministry of Interior, the Ministry of Public Security and the Police, the Head of the National Security Council, the Ministry of Health, a Judge of the Supreme Court of Israel, the President of the District Court of Family Affairs, the Chairwoman of the Sub-Committee on Trafficking and Prostitution and Member of the Knesset, the Chair of the National Commission on Inquiry of Cyber Violence, the State Comptroller (Ombudsman), representatives of the Coordinator of Government Activities in the Territories (COGAT) both in the Kalandia and Erez crossing points.

3. She also held consultations with civil society organizations, Bedouin women, academics and representatives of UN agencies. She visited two shelters, and met with staff working at the Regional Ambulatory Treatment Center for Domestic Abuse Prevention Care and the Golda Meir Mount Carmel International Training Center. She would like to thank in particular women survivors of violence, who shared their experiences with her throughout the visit.

4. The Rapporteur expresses her gratitude to UNHCR as well as other UN agencies and interlocutors involved in the organization of her visit.

5. She looks forward to a fruitful dialogue with the Government and other stakeholders on the implementation of the report action-oriented recommendations.

II. General context

6. This visit took place in a general context of protracted conflict and prolonged occupation punctuated by frequent incidents of violence and the absence of any prospect of peace that creates a growing despair and hopelessness among the population. This complicated de jure and de facto situation in Israel and the OPT /State of Palestine provides the backdrop for assessing the different forms of violence against women, its causes and consequences in public and private life. This context requires the joint application of international human rights law and principles of international humanitarian law to all persons under States' jurisdiction or territory under their effective control. International human rights law with centrality of the CEDAW provides a broad framework for eliminating violence against women (VAW) and its causes based on inequalities and discrimination against women in war, peace and in conflict situations while humanitarian law provides a specific framework to address some specific conflict-related forms of VAW.

7. The CEDAW Committee has consistently held the view that the Convention as well as humanitarian law are applicable to all persons under Israel's jurisdiction or effective control² in line with the jurisprudence of the ICJ³ and position of other treaty bodies like CERD,⁴ CESCR⁵ and the Human Rights Committee⁶. The Rapporteur shares these positions.

8. The subsequent GA resolution 67/19 recognizing to Palestine the status of Non-member Observer State in the United Nations and Palestine's accession to a number of international human rights instruments have not altered Israel's obligations under human rights law and humanitarian law vis-à-vis the territory under its effective control and people under its jurisdiction.

9. Following her 2004 visit only to the OPT, the former Special Rapporteur on violence against women highlighted a number of issues of concerns related to violence against women that remains unaddressed and unresolved⁷. Additionally various UN bodies have expressed concern about the human rights, humanitarian and security issues that occupation brings, including with regard to the situation of women.

10. While recognizing the imperatives related to security and stability in the region, the Rapporteur highlights the clear linkage between the prolonged occupation and VAW, and she notes, like her predecessor, that the occupation does not exonerate the State of Palestine from its due human rights obligation to prevent, investigate, punish and provide remedies for acts of gender-based violence (GBV) in the areas and for persons under its jurisdiction or effective control. The authorities in Gaza also bear human rights obligations, given their exercise of government-like functions and territorial control.

11. Following the 1995 Oslo II agreement, the West Bank was divided into Areas A, B and C, each of them having a different status of governance. In Area A, representing 18% of the territory of the West Bank, the State of Palestine exercise control over security and civil matters. Area B is administered by the PA, which have the control over civil matters, while the Israeli authorities jointly with the PA have military control. In Area C, which constitutes 62 percent of the West Bank, the Israeli authorities have full control over security, planning and construction.⁸ Within Area C, Palestinians have limited access to water, electricity, education, and other state services.

12. The city of Hebron is divided into two areas: H1, under control of the PA, and H2, representing 20% of Hebron, under Israeli control, that has held all authority and responsibilities for internal security and public order, following the 1997 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.⁹

13. In East Jerusalem¹⁰, Israeli law has been applied and provides the status of "permanent residents" of Israel to Palestinian residents but treats them as immigrants in the occupied territory¹¹. While providing them with some more freedom of movement in comparison to other Palestinians, it discriminate them in comparison to Jewish willing to immigrate to Israel. The blockade of the Gaza Strip has led to a critical socioeconomic and humanitarian situation for Palestinians residing there, particularly women. There is limited access to water, housing, land and property, especially for widowed women, as well as to employment opportunities, higher education and health care.¹²

² CEDAW/C/ISR/CO/3 para. 23; CEDAW/C/IRS/CO/5 para.12; see also CEDAW GR 28, para.12 and GR 30, para.8

³ Legal Consequences of the Construction of a Wall in the OPT, Advisory Opinion, I.C.J. Reports 2004, pp. 171-181 and Armed activities on the territory of the Congo (Democratic Republic of the Congo v Uganda), ICJ Reports 2005, p. 216

⁴ CERD/C/304/Add.45, CERD/C/ISR/CO/13, CERD/C/ISR/CO/14-16.

⁵ E/C.12/1/Add.69E/C.12/1/Add.90, E/C.12/ISR/CO/3.

⁶ CCPR/CO/ISR/3; CCPR/CO/78/ISR, CCPR/C/79/Add.93, CCPR/C/ISR/CO/4.

⁷ E/CN.4/2005/72/Add.4.

⁸ www.ochaopt.org/location/area-c

⁹ A/71/355,para.25-26.

¹⁰ UNSCR 478

¹¹ A/66/356

¹² E/CN.6/2016/6.

14. Since September and October 2015, the security situation in Israel has continued deteriorating due to an increase of violence and clashes between Palestinians and Israelis until the time of the visit.

15. Those complicated and conflicting political and legal regimes are providing equally or even more complicated and conflicting legal context for women victims of VAW and complex due diligence responsibility of different authorities that have shared jurisdiction over security and other issues to prevent VAW, provide services for victims and punish perpetrators.

16. It can be said that in this particular context of Israeli Palestinian conflict that VAW is a phenomenon that occurs across the divide, in both contexts. The Rapporteur will look at VAW against this backdrop and with the conviction that combating and preventing VAW will ultimately contribute to each society's growth, bridge divided communities and contribute to peace by removing obstacles to full participation women in this process.

III. Incorporation of the international framework on violence against women

A. International framework

17. Israel has ratified CEDAW in 1991 with two reservations, namely to article 7(b) which relates to equality in the political participation; as well as to article 16, on equality in all matters relating to marriage and family relations. The reservation to article 16, which is impermissible and contrary to the object and purpose of the Convention, seriously impedes its whole implementation and allows discrimination against women and blocks the application of the principle of equality between women and men in all matters relating to marriage and family relations. An additional obstacle to the CEDAW implementation is the inadequate knowledge about it in society¹³, including among all branches of Government and lack of ratification of the OP-CEDAW.

18. Israel is party to other core human rights instruments, including ICCPR (reservation art. 23); ICESCR; CAT; ICERD (reservation art. 22); CRC and its first two OPs; ICRPD; the UN Convention against Transnational Organized Crime; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The State is a signatory to the Rome Statute but expressed in 2000 its intention not to become a party. It is a party to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Geneva Conventions and the Additional Protocol (III) thereto.

19. Israel has a dualist approach for the incorporation of international treaties into domestic law. Except for international customary law, the incorporation requires specific legislation for the treaties to be applicable. The Supreme Court has clarified that "customary and treaty law affect Israeli law and therefore human rights treaties constitute an important tool for the interpretation of national legislation, and serve to further enhance and entrench international human rights norms in the domestic sphere¹⁴".

20. The Rapporteur would like to commend current work towards the accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Such ratification would be a significant and important step in combating VAW in line with that Convention but also CEDAW and CEDAW GR 19.

21. Following adoption of UNSCR 1325, Israel enacted a law based on principles of the resolution (Equality of Women's Rights Law, amendment No.4, 5765-2005) which mandated the inclusion of diverse women to public bodies established by the Government on issues of national importance, including peace negotiations. The Rapporteur regrets

¹³ CEDAW/C/ISR/CO/5 para.16

¹⁴ Submission from the Ruth and Emanuel Rackman Center

however that at the time of her visit, no National Action Plan on the implementation of UNSCR 1325 had been adopted.

B. Observations of UN monitoring mechanisms

22. The Rapporteur notes with concern a lack of implementation of the 2011 CEDAW concluding observations¹⁵, many of the concerns remaining valid during the visit and followed up in the mandates recommendations.¹⁶ Similarly, she notes with concern the lack of implementation of other treaty bodies' concluding observations relevant for the context of this report, including on the practice of torture and ill-treatment of Palestinian children arrested¹⁷, the legality and use of the "defence of necessity" as a justification of torture; lack of effective accountability and protection from Israeli's authorities from violence perpetrated by Israeli settlers;¹⁸ as well as the unequal treatment of Bedouin women and girls,¹⁹ among others.

IV. Manifestations of violence against women, its causes and consequences including under the occupation and the blockade

23. Israel society is very diverse both in terms of population groups and religions. Jews are the largest ethnic group, composing 75.5 percent of the population. Arabs comprise about 20.2 percent of the population, the remaining percentage accounting for smaller minority groups, including non-Arab, Christians and Asians. There are also over 250,000 Bedouins in more than 30 tribes living in Israel.²⁰

24. The manifestations of VAW, which are listed and analyzed below, need to be understood in a context of a complex political situation and in light of the diversity of Israeli society, with some of its sectors and specific groups or women, including minorities, facing accrued and multiple forms of discrimination.

25. Israel has a very diverse religious landscape with Judaism being the most practiced religion. Within the Arab population, the major religions are Islam, Christianity, or Druze. Different religious laws govern personal status since Israel's founding left matters of marriage and divorce in the jurisdictions of religious courts. The Rapporteur notes however that there has been some recourse to civil courts on some aspects related to divorce.

26. The Rapporteur believes that patriarchal attitudes and gender stereotypes are deeply entrenched in society and petrified and tolerated in the context of conflict and occupation constituting root causes of GBV against women. Below she analyses those manifestations, which were discussed during her visit, while recognizing that these are not exhaustive.

Femicides or gender-related killings of women

27. The Rapporteur received data from various sources in relation to intimate partner and family related femicide or gender-related killings of women. It was later clarified in a written submission from the Government that in 2015, 11 women were murdered by their partners and six were killed by other family members. In the last 15 years, 300 women in total have been killed by their domestic partners in Israel.²¹ While the written information received neither includes non-family related femicides nor indicate any breakdown by ethnicity, Palestinian women citizens of Israel, including Bedouin women are overrepresented among the victims of femicide²². Some of these killings are either by a

¹⁵ CEDAW/C/ISR/CO/5

¹⁶ Ibid

¹⁷ CRC/C/ISR/CO/2-4

¹⁸ CCPR/C/ISR/CO/4

¹⁹ E/C.12/ISR/CO/3

²⁰ <http://www.cija.ca/resource/israel-the-basics/demographics-of-israel/>

²¹ <http://www.wizo.org/wizo-news/news/eliminating-violence-against-women-2015.html>

²² Shadow report submitted by the Working Group on the Status of Palestinian Women Citizens

husband or another member of the family to “cleanse the family’s reputation”. It was reported that investigations are often closed due to lack of evidence and that those prosecuted receive low sentences.

28. As a consequence of the Israeli-Palestinian conflict and in the broader context of protection of national security, private policing armament has increased, resulting in an increase of murders of women by security guards.²³ From 2002 to 2013, at least 33 persons were killed by off-duty arms, out of which 18 women killed at home.²⁴ In 2008, the Firearms law was amended establishing that employees must store their fire arms at work.²⁵ This amendment entered into force in 2013 and as a result, in 2014, no murder was committed with an off-duty fire arm.²⁶ However, this was amended again first temporarily through an executive order in November 2014, following an attack on a synagogue in Jerusalem and since March 2016, through an amendment of the Firearms Law allowing off-duty security employees to carry weapons home for security reasons. While noting that the last amendment stipulates that it shall not apply to a person that has a criminal record due to a violence offence, including domestic violence, the Rapporteur is concerned that this amendment may result in increased killings of women.

Domestic/family violence

29. Between 2014 and 2015, about 200,000 women were victims of domestic violence.²⁷ Yet, according to the Government, 17,939 cases of domestic violence were opened in 2014, out of which 80% filed by women.²⁸ This shows a serious underreporting by women, due to, inter alia, the perception of domestic violence still considered as a private matter, social and cultural pressure to not disclose it, in particular among women from the Jewish Orthodox, Palestinian, Bedouin, and Druze communities, and a lack of trust in the enforcement authorities.

30. The Special Rapporteur notes that the factors contributing to reinforcing the occurrence of violence are patriarchal attitudes, low women awareness of their rights, unemployment, but also the occurrence of early marriages and the persistence of polygamy, in particular in minority communities, among others.

Sexual violence, including rape and sexual harassment

31. The rates of sexual violence, including rape are still high. In 2013, more than 40,000 calls for sexual violence were submitted to sexual assault centers (or rape centers); 41% of the calls involved rape, including gang rape, sodomy and attempted rape, 26% involved incest and 12% were related to harassment in the workplace.²⁹ With regard to calls of sexual assaults, 28% were committed by a family member and 11% by a boyfriend of a spouse.³⁰ The Rapporteur expresses concern that, according to the centres’ statistics, only 15% of incidents received by the rape crisis centers were reported to the police,³¹ perpetuating impunity for perpetrators.

32. The Rapporteur is concerned that despite some progress in the fight against sexual harassment through a 1998 law banning it and a societal attitude change, sexual harassment is still common in Israeli society. According to a survey conducted by the Central Bureau of Statistics, in 2015, 98% of the victims of sexual harassment did not report the crime to the police.³² In 2013, among the 28% of sexual harassment cases reported, about 94% of them were from women and only one out of six persons reported the case to the police.³³

²³ www.researchgate.net/publication/269764270_The_Gun_on_the_Kitchen_Table_The_Sexist_Subtext_of_Private_Policing_in_Israel

²⁴ <http://isha2isha.com/feminism-and-weapons/>

²⁵ Mazali Rela R, Speaking of Guns, International Feminist Journal of Politics, 2016, 292.

²⁶ Ibid.

²⁷ www.wizo.org/wizo-news/news/eliminating-violence-against-women-2015.html

²⁸ Written submission from the Government

²⁹ <http://www.1202.org.il/en/union/info/statistics/arcci-statistics>

³⁰ Ibid.

³¹ Ibid.

³² United States Department of State, Country Reports on Human Rights Practices in Israel for 2015

³³ Ibid.

The RAPPORTEUR is concerned about sexual harassment in the police and in political life, as highlighted by recent high profile cases. According to the IDF, in 2013, there were 957 reports of sexual assault and in 91% of the cases the victim was a woman.³⁴ In 61% of the cases, no complaint was submitted.³⁵

Violence exerted during divorce proceedings

33. Marriages and divorces are conducted in accordance with the personal status laws applying to the parties. Hence, there is no civil marriage and divorce in Israel for couples of same religious communities³⁶ and these issues are adjudicated within the different religious courts. Paragraphs 1 and 2 of Israel's Rabbinical Courts Jurisdiction (Marriage and Divorce) Law (5713-1953) cede jurisdiction over marriage to a sex discriminatory religious law, which provides that divorce depends solely on the will of the husband (the "get"). This discrimination law leads in some cases to violence exerted by husbands against their wives during divorce proceedings known as "get abuse". Without a valid divorce, a woman is religiously forbidden to have relations with any other man, and any children she might have with another man are considered illegitimate and later prevented from marrying in a Jewish marriage ceremony. On the other hand, a married man is completely free to have relations with another woman and have children with her with no legal ramifications. These discrimination provisions create a power gap that allows husbands to refuse to grant divorces, unless their wives concede to their demands that may range from giving up property rights to rights with respect to their children and more.

34. The Rapporteur is concerned about this type of discrimination and violence and notes that women victims of domestic violence requesting divorce are more likely to suffer from the "get abuse"

35. The Rabbinical courts can impose various sanctions on the refusing spouse, through the civil enforcement powers provided by the Sanctions Act such as different types of restraining orders, revocation of driver's license, restricting limitations of one's bank account, stay of exit order, imprisonment and more. She is concerned that such courts reserve the rights to revoke a woman's divorce retroactively if she violates one of the clauses of the divorce agreement. This situation of "retroactive marriage" is legally unprecedented and creates huge vulnerability of women in such a situation. The expert welcomes some recent instances where indeed rabbinical courts have made use of different sanctions to exert pressure on recalcitrant husband in order to secure their consent but find they still do not make sufficient use of such authority.

36. The Sharia Courts also discriminate against women as regards "ease of divorce for women as compared with men; possible deprivation of the custody of children after widowhood or divorce if the woman remarries; women's entitlement under Shari'a to only half the share of inheritance; and the practice of polygamy, which although prohibited is not prevented in practice in some communities"³⁷.

Forced /Child marriage

37. The Rapporteur is concerned about the number of child/forced marriages that are still performed, due to, inter alia, religious laws that govern such marriages, low public awareness, lack of education among girls and their parents and poverty. While acknowledging the amendment 5774-2013 of the Marriage Age Law of 2013, in which the minimum age for girls to marry was raised from 17 to 18, the Rapporteur expresses concern about the lack of its implementation due to lack of their reporting to the authorities before spouses reach 18 years of age. It is estimated that one in four Arab women is married before she reaches 18.³⁸

³⁴ Ibid.

³⁵ Ibid.

³⁶ Civil divorces are made possible for couples of different religious communities or of no religious affiliation through the Family Matter Courts

³⁷ See communication ISR 5/2005

³⁸ Shadow report submitted by the Working Group on the Status of Palestinian Women Citizens of Israel

38. In 2014, 416 cases of child marriage were reported by the Ministry of Interior, but only 37 of these cases were investigated.³⁹ From the cases investigated, the police recommended six indictments, but all the cases were dropped by the State Prosecutor.⁴⁰ Following the recurrence of reports regarding early marriage, a meeting was held between the Qadi's of the Sharia Courts, the Ministry of Justice, the Police and the State Attorney's office to formulate a reporting procedure on polygamy and early marriage.

Polygamy

39. Despite the prohibition of polygamy in the Penal Law since 1977 which made it punishable by up to five years in prison and a monetary fine, the practice persists in the Bedouin communities. According to the Knesset, in 2013, 30% of the members of Bedouin communities in the Negev were involved in a polygamous relationship.⁴¹

40. Women in a polygamous relationship are completely dependent from their husbands exposing them to domestic violence and sexual assault. The first wife is unlikely to ask for divorce, due to the cultural shame, the fear of losing her children,⁴² as well as the fear of retribution and/or isolation by the community itself.⁴³

Groups of women particularly at risk

41. The Rapporteur notes that specific groups of women, including Palestinian women citizens of Israel, Bedouin women, asylum seekers, victims of trafficking, and women belonging to other minority communities face accrued and multiple forms of discrimination and heightened risk of violence. They are also more at risk to commit suicide to escape situations of violence.

42. According to a survey conducted by the Knesset Research and Information Center among Palestinian women in 2016, 73% of them feared discrimination because of their identity, 71% reported feeling the threat of sexual harassment and 74% reported being worried about being harmed by government's agents.⁴⁴

43. Bedouin communities live mainly in the Negev either in recognized (66%) or unrecognized communities (44%).⁴⁵ Communities are labelled as unrecognized as they could not acquire building permits or plans for housing, due to the low issuance of building permits forcing them to build their houses "illegally" and live in inadequate temporary provisional buildings. They are at risk of forced evictions and home demolitions, a situation which affects particularly women. A study showed that Bedouin women's fears focused on the threat of physical forced displacement. They expressed the feeling to be "completely unprotected when their homes are demolished".⁴⁶

44. As a result, in Bedouin communities GBV is pervasive and accepted as a way of life, particularly in polygamous families.⁴⁷ 96.9% of the Bedouin women questioned in a survey described acts of repeated violence, 79% reported being attacked by one spouse, 90% indicated being victims of multiple types of violence, including physical, psychological, economic and sexual violence and 95% of the women who suffered from violence expressed a lack of willingness to enter a shelter for battered women, because of the shame and fear of the community's actions.⁴⁸ Another study showed that Bedouin women mistrust law enforcement institutions, including the police, governmental

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ <http://www.timesofisrael.com/the-sorry-plight-of-bedouin-women-trapped-by-polygamy/>

⁴² Sharia courts use two conditions that if fulfilled denies the custody of the child to the mother: if the mother marries another man or if the children are older than 7 years for a boy and 9 years for a girl.

⁴³ Itach-Maaki, Adv. Insaf Abu-Shared, Report on Violence against Bedouin Women, March 2013.

⁴⁴ http://www.knesset.gov.il/mmm/eng/MMM_Results_eng.asp

⁴⁵ Ibid.

⁴⁶ Sidreh-Lakiya and Temple University, College of Public Health, Unheard Voices of Palestinian-Bedouin Women: A Case Study of Women's Perception of Self and Safety in Bedouin Villages of the Negev, Executive Summary, March 2016.

⁴⁷ Submission from Itach-Maaki.

⁴⁸ Itach-Maaki, Adv. Insaf Abu-Shared, Report on Violence against Bedouin Women, March 2013.

institutional or other organizations⁴⁹ and more than half of the women interviewed felt that there are no services available for Bedouin women survivors of violence. These barriers, coupled with the fact that Bedouin women have the lowest socio-economic status in Israel prevent them to escape situations of violence.

45. The Rapporteur met with some women asylum-seekers who had allegedly fled their countries of origin from fear of killing in the name of “honour”, domestic violence, forced marriages, and other forms of GBV but whose claims for refugee protection based on gender grounds had been declined, the State not having recognized their gender-related forms of persecution as legitimate grounds for asylum.

46. In April 2016, the population of asylum-seekers, mostly from Eritrea and Sudan⁵⁰ was estimated at 42,000 with ⁵¹ about 7,000 women.⁵² While recognized refugees received a temporary residence visa allowing them access to all services provided to Israeli residents and citizens (with the exception of the right to vote), asylum-seekers do not receive a resident visa but a “provisional release from detention” visa, which is valid only for a few months, depending on nationality. Asylum-seeking women in Israel are particularly vulnerable to domestic violence given the absence of family and community support they would otherwise enjoy in their country of origin: indeed, without official work permits, they suffer from chronic lack of employment security and without having access to welfare services and benefits, they must rely on their spouses and community for support, thus making them more vulnerable to exploitation and abuse, including sexual exploitation.

47. Women asylum seekers victims of domestic violence face a number of challenges: for example they do not receive free legal aid in domestic violence proceedings despite the fact that such support is not excluded by the 1972 Law on Legal Aid. This is currently examined by the Supreme court. Further emergency shelters are often inaccessible as there are not sufficient places, they generally do not have interpreters and the treatment is not necessarily adapted to social and cultural differences. They are also not entitled to any allowances while in shelters under the 1995 National Social Security Law.

48. The expert was further informed of inadequacies in the legal framework for protecting women asylum-seekers who are victims of trafficking: the Anti-Infiltration law does not expressly exempt victims of trafficking from detention. The one-year rehabilitation programme, including shelter, medical and psycho-social services and B-1 working visa, is insufficient for asylum-seekers who cannot leave Israel and require longer-term rehabilitation in light of the torture and inhuman/degrading treatment they experienced.

49. A further gap in the protection of victims of trafficking is the lack of a proper screening mechanism for their identification before they are detained. Another significant gap is the lack of shelter and rehabilitation services for victims of torture, in particular in the context of the Eritrean asylum-seekers who fall victim to torture on their route through the Sinai to Israel.

50. It was reported that migrant women, including women being considered for naturalization who are victims of domestic violence, fear to report such cases due to threats of detention and deportation. They therefore are likely to remain trapped in violent and abusive situations.⁵³ The expert notes that despite the introduction in 2007 of some level of protection for abused migrant women through the application of humanitarian protection, the conditions for such a protection to be granted are too stringent. In addition, the abusive husband or partner retain power and control over his wife or partner as he can refuse to attend an hearing at the Ministry of Interior in the process of documenting her two years of residency.

⁴⁹ See note 54.

⁵⁰ With other notable groups of asylum-seekers originating from Georgia, Ukraine, Ethiopia, Sri Lanka, Nigeria and Ghana.

⁵¹ www.gov.il/BlobFolder/reports/foreign_workers_report_q1_2016/he/Q1_2016_0.pdf

⁵² Submission from ASSAF.

⁵³ Submission from the Hotline for Refugees and Migrants

51. She is also concerned about the increase of violence targeting women's rights activists, as well as an increased criminalization of protests. In this connection, she was informed about a civil society initiative, advocating for an amendment to the Sexual Harassment Law to prevent police officers from "treating persons detained or arrested in a disrespectful manner".⁵⁴

52. The Rapporteur observes that there is ongoing pressure on Human Rights Defenders (HRDs) belonging either to Palestinian or Israeli civil society⁵⁵, including WHRDs. There are numerous cases against women addressed to the Special Procedures that indicate a lack of protection⁵⁶, an emblematic case being the arrest of Khalida Jarrar by Israeli authorities in 2015. Khalida, with whom the Rapporteur met, is a Palestinian Parliamentary member, human rights activist and feminist who was sentenced to 15 months in jail for incitement and involvement in terror⁵⁷.

Women and girls in detention

53. In 2015, 106 Palestinian women and girls have been arrested by Israeli forces, representing an increase of about 70% in comparison with 2013.⁵⁸ In August 2016, it was estimated that 60 Palestinian women, including 15 girl children and two female administrative detainees were held in Israeli prisons and detention centres⁵⁹. The Rapporteur is concerned at the use of administrative detention legislation, including for women and children, which allows indefinite detention of detainees on secret information without the laying down of charges or the chance to stand trial.

54. Palestinian women and girls are regularly arrested from the streets, Israeli checkpoints, and during violent night raids on their home during military incursions, during which destruction of household items and property damage takes place. Upon arriving to the interrogation or detention center, female Palestinian detainees are routinely not informed of their rights and the reasons of their detainment. Often they are denied attorney access and kept for several days or months under interrogation⁶⁰. The Rapporteur also met with former women detainees whose experiences confirmed such information. They also indicated having been victims of torture and/or ill treatment while in detention. Beatings, insults, threats and sexual harassment were reported to be common practices as well as intrusive body searches, which often occur before and after court hearings or during the night as punitive measures.

55. The expert is concerned at the overall lack of access to adequate medical services and long delays in providing substandard medical treatments to female detainees. Specialized medical healthcare, such as gynecological services are generally available. Another matter of concern is also the absence of trained Arabic speaking female medical specialists.⁶¹

Access to justice

56. The Rapporteur noted that several communities, in particular Palestinian citizens of Israel and Bedouin women fear and do not trust the police what prevent them from filing complaints about violence perpetrated against them. Women in these communities also fear retaliation, including death threats and stigmatization from their families and communities in case of reporting coupled with the risk of losing economic support for them and their

⁵⁴ Submission from Achioti.

⁵⁵ A/HRC/34/70

⁵⁶ For example, communication JAL ISR 3/2016, 12/2016, 8/2016, 13/2012

⁵⁷ ISR 3/2016

⁵⁸ Submission from Addameer

⁵⁹ Ibid.

⁶⁰ Ibid

⁶¹ Addameer Prisoner Support and Human Rights Association 2016

children⁶². She was informed that for cases relating to violence against Palestinian women citizens of Israel, 89% ⁶³of such cases are archived with no prosecution.

57. Victims of GBV living under occupation face acute lack of access to justice. In Area C, PA do not have the competency to undertake investigations relating to cases of violence against Palestinian women, as these have to be done in coordination with the Israeli authorities, which administrate this Area. As a consequence, such cases –ranging from domestic violence to settler violence – are not investigated by the competent authorities and therefore perpetrators of violence remain unpunished, perpetuating the cycle of violence⁶⁴.

58. Palestinian women tend to neither trust the legal systems, nor believe in their ability to address their needs⁶⁵. It was reported that in some cases, perpetrators of violence living in Area C, escape to Israel and remain unpunished.⁶⁶ Likewise, women living in East Jerusalem are trapped in a situation that requires them to decide either to continue enduring violence for years or to call the Israeli police and encounter the risk of being ostracized among their own family⁶⁷. In the case of a woman victim of violence and holding a West Bank ID, hence not legally residing in East Jerusalem, she encounters even more obstacles.⁶⁸

Gendered impact of house demolitions

59. House demolitions, either in the context of lack of building permits or on punitive grounds (collective punishment) and forced evictions policies have a gendered impact on women.⁶⁹ According to the reports of the Secretary General, construction permits for residential purposes are virtually impossible for Palestinians to obtain.⁷⁰ The fear of demolitions or the actual demolitions of women's home have severe psychological impact on them, causing anxiety and leading to depression. Such fear is compelling women to stay inside and the actual losing of their homes results in family displacement as well as in living in overcrowded relatives' homes. This has led to an increase in the occurrence of violence against women and early marriages.

60. The Rapporteur met with Bedouin women from Khan al Ahmar (hamlet of Wadi Abu Sidr), a highly vulnerable Bedouin Refugee community in the Jerusalem periphery in Area C. These women and their families are at high risk of being forcibly transferred⁷¹. These women also expressed concerns related to the lack of infrastructure for the residents of the community including many children, who live in makeshift home with no running water, sanitation or electricity. Access to health care facilities, done through mobile care unit, is irregular and access to education is daunting, with the long distance to schools, the lack of regular public transportation and the risks of violence girls may face on their way to and back from school. The Rapporteur was informed about the threat of demolition of the only primary school in the area⁷² which was built out of mud and tires and the confiscation in 2014 of playground equipment sponsored by the international community on the grounds that its installation was illegal.⁷³ She notes with concern that this children do not have access to a kindergarten as attempts at building a kindergarten was met by immediate demolition.⁷⁴

⁶² Itach-Maaki, Adv. Insaf Abu-Shared, Report on Violence against Bedouin Women, March 2013.

⁶³ http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ISR/INT_CEDAW_ICSR_ISR_24248_E.pdf

⁶⁴ Submission from Alianza por la Solidaridad

⁶⁵ Access Denied, Palestinian Women's Access to Justice in the West Bank of the occupied Palestinian territory, UN Women, March 2014.

⁶⁶ *ibid*

⁶⁷ In the absence of justice : Embodiement and the Politics of Militarized Dismemberment in Occupied East Jerusalem, UN Women, December 2016

⁶⁸ *Ibid*, p. 23

⁶⁹ See A/HRC/29/CRP.4

⁷⁰ See GA resolution 70/89

⁷¹ See A/HRC/25/38, para 20 and 53, and A/68/513, para. 32.

⁷² A/67/375 and A/69/348.

⁷³ http://www.haaretz.com/middle-east-news/.premium-1.576978?=&ts=_1485167550070

⁷⁴ Shadow report submitted by WCLAC to the CEDAW Committee, June 2016.

Gendered impact of search operations/night raids

61. Search operations, conducted by IDF in the West Bank, including East Jerusalem, have also devastating impact on Palestinian communities, and in particular on women. Women the Rapporteur met confirmed that search operations often take place in the middle of the night and in the close vicinity of Israeli settlements, increase fear among them, as their families are usually waken up in the middle of the night in the sound of shouting or loud banging at the front door.⁷⁵ During such raids, soldiers enter houses, in some cases, accompanied by dogs, increasing the tension and fear among occupants.⁷⁶ While women are generally not victims of direct physical violence, the psychological violence they suffer is such that they experience severe sleeping disorders, severe stress issues and depression. A female refugee explained she was sleeping with her hijab in case she would be woken up in the middle of the night. A 2013 UNICEF⁷⁷ report detailed the devastating impact of repeated night-time military incursions into Palestinian communities. The Rapporteur notes that despite numerous concerns raised by the international community, the army suspended shortly after its adoption a pilot program meant to lessen the number of Palestinian children arrested in night raids.

62. The Rapporteur, who visited Aida Camp, one of the 19 Palestine Refugee Camps in the West Bank, received first-hand information about the way clashes and search operations have impacted them: they reported to be limited in their ability to move, and to take part in the political, social and economic life of the community which has meant, for some of them, being cut-off and isolated. This situation is very hard for school children who live in such secluded communities and whose playground is observed by military forces obstructing their uninhibited use of such places. They have also suffered from exposure to excessive use of tear gas by the IDF during their operations.

Gendered impact of restrictions on freedom of movement and family reunification

63. A combination of physical and bureaucratic obstacles restricts the freedom of movement of Palestinians, including women and girls between East Jerusalem, the West Bank, within the West Bank itself, and Gaza. Restrictions are imposed by the wall and associated legal regime, checkpoints, including mobile checkpoints, closure of roads, permit system and other means. The Rapporteur observes that these restrictions have multiple human rights repercussions impacting women on, inter alia, family and social life, access to education, health, employment and land, freedom of movement⁷⁸.

64. The Citizenship and Entry into Israel Law (temporary order) 5763, an emergency regulation applicable in East Jerusalem, has been continuously renewed since its adoption in 2003. This Order has frozen family unification rights, prohibiting Palestinians from the West Bank and Gaza from obtaining residency or citizenship status in East Jerusalem, including by marriage to an Israeli citizen.⁷⁹ Following amendments introduced in 2005 and 2007, if a husband asks for a permit for his wife, she has to be 25 years old or above, and if the permit is for the husband, he has to be 35 years old or above in order to apply for temporary stay permits for family unification. These permits are only one-year renewable with no prospect of obtaining residency or social security and health insurance and several treaty bodies have found Israel in violation of its human rights obligations⁸⁰.

65. In Gaza, the blockade continuously imposed by Israel since 2007, has a devastating impact on the human rights of its inhabitants, in particular women victims of violence⁸¹ and places severe restrictions on their right to health and education since women who are in need of medical care in the West Bank, East Jerusalem or Israel are dependent on the

⁷⁵ <http://www.wclac.org/english/userfiles/NIGHT%20RAIDS.pdf> and Shadow report submitted by WCLAC

⁷⁶ Ibid.

⁷⁷ https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf

⁷⁸ See also A/HRC/31/44

⁷⁹ Shadow report submitted by the Working Group on the Status of Palestinian Women Citizens of Israel

⁸⁰ For ex CEDAW/C/ISR/CO/5, para 26-27

⁸¹ A/HRC/24/30, para 22

issuance of a permit by the Israeli authorities, described by various sources as a complicated process. The blockade has also impeded the construction of the 17,000 housing units that were badly damaged or destroyed during the 2014 war⁸² which had also profound impacts on women: “700 women were widowed and now face difficulties in providing for their families; This is coupled with women’s limited or no control over benefits including humanitarian assistance and entitlements due to male domination and lack of access to shelters and health care, education and social protection due to the damaged infrastructure and reduced services.”⁸³

Gendered impact of violence perpetrated by settlers

66. The establishments and expansion of settlements has been accompanied by an increase in settlers’ violence against Palestinians, including women and girls.⁸⁴ About 70,000 Palestinians living in Area C have been subjected to settlers’ violence,⁸⁵ including harassment, physical violence and destruction of property⁸⁶. Such violence has a psychological impact on women, as they constantly fear for themselves and their children increasing the pressure on and within the family and being conducive to domestic violence.

67. The Rapporteur visited the Qurduba School in Hebron and met with teachers and pupils who explained being the subject of constant attacks, threat and humiliation from neighboring settlers, but also from some IDF members at those checkpoints they need to cross on their way to school. Reports of delays at checkpoints and their temporary closures without prior notice impede them to fully follow their schooling or work programmes. In some cases, IDF have turned a blind eye to such violence and in others appear to have even taken part in it.⁸⁷ It was reported that only 8.5% of the complaints made by Palestinians for settlers’ violence led to indictment,⁸⁸ which demonstrates the prevailing impunity for such violence.

Gendered impact of excessive use of force by IDF/security forces

68. The Rapporteur expresses serious concern at credible reports of a permissive environment within which IDF soldiers operate and which, in some instances, has contributed to excessive use of force and threatening behavior towards the population under their protection, including women and girls. She received reports on the use of lethal force on Palestinians, including women suspected of violence, responded by excessive use of force by Israeli law enforcement officials/security forces⁸⁹. She also received information about delays in the provision of medical assistance to Palestinian women, allegedly perpetrators of attacks on Israelis, which resulted in some cases in their death⁹⁰.

V. State responses and measures to address violence against women

A. Legislative framework

69. In 1948, the Israel’s Declaration of Independence⁹¹ included sex as a group classification within a guarantee of equality in social and political rights. In 1951, the Women’s Equal Rights Law guaranteed women equality before the law but the Knesset

⁸² <https://www.hrw.org/world-report/2016/country-chapters/israel/palestine>.

⁸³ A/HRC/31/43, para 14. See also CEDAW GR No. 30

⁸⁴ OCHA, 2013.

⁸⁵ Submission from Alianza por la Solidaridad.

⁸⁶ ISR 9/2013

⁸⁷ <http://www.amnesty.org.il/en/cat/use-excessive-force-dispersal-demonstrations-west-bank/>

⁸⁸ Yes Din Data

⁸⁹ A/HRC/31/40, A/71/355, A/71/364 and A/71/355 see cases of Ms. Hadeed al-Hashlamoun, Ms. Tharwat al-Sharawi, Ms. Hadeel Wajih Awwad – a teenager – and Ms. Yasmeen Al-Zaru,

⁹⁰ See for example A/71/355 para 42-43

⁹¹ <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>

expressly excluded it regarding all issues of “prohibition and permission to marry and divorce.”⁹²

70. There is no Constitution in Israel and the principle of non-discrimination is incorporated in several Basic Laws.⁹³ The 1992 Basic Law: Human Dignity and Liberty serves as Israel’s bill of rights⁹⁴ which grants the right to human dignity that has been interpreted by courts as including the principle of equality between men and women. 89. This law upholds equality between men and women, but only in the public sphere. It mostly excludes the private sphere, regulated by the laws on personal status and determined by the different religious courts – the Jewish Rabbinical courts, Muslim Sharia Courts, Christian courts and Druze Courts. These courts, which incorporate a patriarchal concept of women’s role in the family, affect a full participation of women in the public sphere.⁹⁵ As a result, religious and family courts coexist, but with exclusive jurisdiction of religious courts for matters related to marriage and divorce. The Rapporteur is concerned that this key legislation contains neither a general provision on equality between women in all areas of life nor a prohibition of both direct and indirect discrimination against women.⁹⁶

71. The Rapporteur recognizes that a number of legislative measures have been taken to improve the legal framework, including the amendments made to the penal code in relation to rape, abolishing the requirement of corroborative evidence and disallowing examination of the rape victim’s past sexual experience. Additionally, the definition of rape was broadened and marital rape was prohibited. The Prevention of Sexual Harassment Law, 5758-1998 (hereinafter the PSH Law) is progressive legislation and includes a prohibition of all forms of sexual harassment in the workplace; places responsibility on the employer to take preventive measures against sexual harassment and employers failing to meet these preventive requirements are liable both at the criminal and civil level. An amendment to this law (5772-2012) extended the statute of limitations from three years from the date of the commission of the act to seven years. The Rapporteur notes that there have been a number of cases in which Labour Courts have required employers to pay damages to women who were sexually harassed in the workplace. She notes however that sexual harassment committed against women working in the police, in the army and active in politics remain widespread.

72. The Rapporteur welcomes a subsequent amendment to the PSH in 2014 which criminalizes the distribution of pictures or video recording’s with sexual content without the person’s consent, punishes it with five years of imprisonment, in addition to subjecting the perpetrator to civil liability and the duty to pay monetary compensation to the victim.⁹⁷

73. In the area of domestic violence, sections 382 (b) and (c) and section 335 (a1) of the Penal Law consider as aggravated offenses cases of violence in which the affected party is a spouse, family member or a minor. The Law for the Prevention of Violence in the Family 5751-1991 authorizes a court to issue a protection order against a family member who committed violence, or a sexual offence, based on the reasonability to assume that this family member poses a physical danger to this person. In 2008, this law was amended as follows, “except for usual circumstances [...] the court is not authorized to reject a request for a protection order in the absence of a hearing in which the requestor or her/his representative can argue his/her case”.⁹⁸ It is estimated, that each year, about 8,000 requests for protection orders are presented to the courts by virtue of this Law.⁹⁹

74. The 2001 Law on the Rights of Victims of Crime safeguards a wide range of rights of victims during criminal proceedings, including the rights to be notified of the

⁹² <http://jwa.org/encyclopedia/article/equality-religion-and-gender-in-israel>.

⁹³ HRI/CORE/ISR/2008

⁹⁴ *Idem*

⁹⁵ <http://jwa.org/encyclopedia/article/equality-religion-and-gender-in-israel>

⁹⁶ CEDAW/C/ISR/CO/5

⁹⁷ <https://www.loc.gov/law/foreign-news/article/israel-prohibition-of-online-distribution-of-sexual-images-without-consent/>

⁹⁸ www.loc.gov/law/foreign-news/article/israel-prevention-of-domestic-violence/

⁹⁹ www.unwomen.org/~media/headquarters/attachments/sections/csw/59/national_reviews/israel_review_beijing20.pdf

perpetrator's arrest or release. In order to implement this law, the police established a computerized system, where victims can receive such information.

75. In July 2016, the 2014 Litigation Arrangements for Family Disputes Law came into effect and for a trial period of 3 years, making mediation in family law disputes related to divorce proceedings mandatory both in family and religious courts. While several articles and procedures aim to exempt victims of domestic violence from the mandatory alternative dispute resolution, these exceptions are not sufficient, since they do not address for example economic and psychological violence.

76. In relation to economic violence, the Rapporteur welcomes the preparation of a draft law on Prevention of Family Violence (amendments n°16 – preventing economic violence), 2016, on which the public was invited to provide comments and which also foresees the possibility of granting ex parte protection orders which is commendable.

77. In terms of access to justice, the Legal Aid Department of the Ministry of Justice provides legal aid in all civil matters to citizens and residents who meet the eligibility criteria under the Legal Aid Law and the Legal Aid Regulations. The legal aid scheme of this department provides representation for victims of domestic abuse in various proceedings, including in 2015 in relation to 1269 protection orders proceedings and for the “fast track” procedure for protection and preventive orders and the direct liaison vis-à-vis shelters it has established. The Rapporteur however draws attention to some protection gaps: Legal aid is only provided in civil proceedings leaving a protection gap with regard to women's victims and witnesses in criminal proceedings. Families of victims of murder and homicide (including femicide) receive legal assistance¹⁰⁰ in all legal aspects of their lives related to the crime – civil or penal. The Rapporteur highlights that because of the connection between the provision of legal aid and the discriminatory provisions related to divorce, special attention should be given to women victims of domestic violence in divorce proceedings.

B. Policy framework

78. The Rapporteur acknowledges the interesting initiatives taken by the Ministry of Religious Services to train wives of Head Rabbis on domestic violence. She however notes that such training should be expanded to Rabbis themselves and other religious leaders in order to get them to speak out against violence against women.

79. As part of Government efforts to counter violence against women, in September 2014, the Minister of Public Security and the Minister of Social Affairs and Social Services decided to establish an Inter-Ministerial committee on domestic violence. Its findings and recommendations were published in July 2016.¹⁰¹ The Rapporteur would like to commend the establishment of such committee which, since 2003 also analyses, on a monthly basis, cases of intimate partner femicide.

80. The Rapporteur was informed that the Ministry of Health through its hospital based emergency departments offers 24 hour medical assistance to any victim of IPV. Five acute care centers offer services to sexual assault victims 24 hours a day. The National Social Work Service, part of the Department of Family Violence and Sexual abuse, has within its structure a National Coordinator on VAW and 6 regional coordinators running 6 national wide centers which provide 24h comprehensive care with multidisciplinary trained staff and which collaborate closely with all other ministries and agencies. Each district has a Committee for prevention of domestic violence and sexual assault with a multidisciplinary composition. A 2003 circular¹⁰² made the screening of every woman admitted to a medical center mandatory. Since 2011 medical staff specifically trained to recognize victims of domestic violence, is obliged to inform victims of intimate-partner violence about their rights since 2001.¹⁰³

¹⁰⁰ Through the Assistance to Homicide Victims Programme (“SNE Programme”).

¹⁰¹ http://mops.gov.il/English/CrimeAndSocietyENG/domestic_violence/Pages/default.aspx

¹⁰² Ministry of Health Director Circular no. 23/03

¹⁰³ law against family violence - Obligatory informing of rights for IPV victims

81. At the time of the visit, there were 14 shelters for victims of domestic violence and their children in the country, from which two for ultra-Orthodox Jewish women, two for Arab women and two for mixed communities. The Rapporteur visited two shelters and observed a lack of Arab speaking social workers, in particular in mixed cities and the Negev despite the important number of Arab speaking women benefitting from such services.¹⁰⁴ She received information about difficulties to find social workers adequately trained to work in the ultra-orthodox communities. Many interlocutors reported that shelters are often seen by women victims of violence as a form of punishment and as a result many favor the recourse to protection orders.

82. 100 centers and units providing treatment and other services to women victims of domestic violence, and men who have committed violence are operational. There are also 11 rape crisis centers and a national hotline for women and children victims of violence, operated by the Ministry of Social Affairs with Women's International Zionist Organization and other hotlines run by NGOs. The Rapporteur notes that these centers are not properly distributed throughout the territory and are not located in or close to Bedouin communities.¹⁰⁵

83. Women asylum-seekers victims of violence can only access shelters and rehabilitation facilities when there is a threat to their life and for three months. In addition, while in shelters, they are often not provided with social workers who speak their language and have an adequate knowledge of their cultural background. When these women leave the shelter they do not receive follow up support and treatment from social services leaving them at risk from returning to situations of violence. The Rapporteur met with women asylum-seekers in shelters in the South district who did not have access to health services, but only to emergency services which the shelters themselves would need to pay for.

84. The Rapporteur was informed that victims of trafficking are provided with one-year rehabilitation package, which includes a stay in a State-run shelter, the provision of a B-1 visa, which allows her to work, and be covered by health insurance. However, unless these victims are provided with a place in a shelter, they do not benefit from the package.

85. The Rapporteur raises concern, in particular in relation to women and girls suffering from domestic violence and death threats within the Arab and Bedouin communities, about the lack of holistic services and notes a protection gap in terms of rehabilitation services.

C. Institutional framework

86. The Rapporteur notes that in December 2014, the Authority for the Advancement of the Status of Women, established in 1998 as part of the Prime Minister's Office with the purpose to advance the status of women and coordinate among governmental and non-governmental bodies acting to promote the status of women,¹⁰⁶ was renamed the "Authority for the Promotion of Gender Equality" and was transferred to the Ministry of Social Equality which is also responsible for other portfolios. According to the Government such restructuring took place to ensure the delivery on its key functions.

87. The institutions of the State Comptroller and the Ombudsperson are located within an office which has dual functions. The office received 15'000 complaints in 2015 with 33% of them found to be justified. The office has branches located in Nazareth, Lod and Beer Sheba, three cities of low economic status. Any person (including a minor) independently of his/her status can file a complaint to the Ombudsperson on cases of human rights violations by States entities. The Rapporteur was informed that complaints relating to VAW against both the police and welfare services have been handled by the Ombudsperson with some positive results, including the handling of sexual harassment complaints by the IDF.¹⁰⁷ Complaints against the police ranged from demanding the

¹⁰⁴ Shadow report submitted by the Working Group on the Status of Palestinian Women Citizens of Israel

¹⁰⁵ Ibid.

¹⁰⁶<http://www.pmo.gov.il/English/PrimeMinistersOffice/DivisionsAndAuthorities/Pages/TheAuthorityfortheAdvancementoftheStatusofWomen.aspx>

¹⁰⁷ CEDAW/C/ISR/5

acceleration of investigatory actions of the police, mediation between the complainant and the police and pointing out the need to carry out other investigatory actions. Complaints against social workers during proceedings following a divorce and relating to social services given to the victims of domestic abuse were also handled by the office.¹⁰⁸ The Rapporteur notes that Israel does not however have a national human rights institution in line with the Paris Principles.

¹⁰⁸ Presentation from the Office of the State Comptroller and Ombudsman

VIII. Conclusions and recommendations

88. With respect to the observed gaps in implementation of human rights and humanitarian law to all women under its jurisdiction and in fulfilling the State's obligations, including due diligence obligation to prevent violence against women, to protect and provide remedies to women who have been subjected to violence and to prosecute and punish the perpetrators, the Rapporteur would like to address the following recommendations to the Government:

89. Law and policy reform

- a) Urgently remove the reservation to article 16 and to article 7 (b) of CEDAW and ratify its Optional Protocol;
- b) Fully incorporate CEDAW in its legal system and give full effect to its provisions, including through increased training and education on its content and CEDAW jurisprudence;
- c) Amend its Basic Law: Human Dignity and Liberty to explicitly incorporate the principle of gender equality and non-discrimination in public and private sphere to all persons within its territory or subject to its jurisdiction or effective control regardless of their national or ethnic origin;
- d) Continue its work on ensuring compatibility of national laws and policies dealing with preventing and combating VAW with provisions of the Istanbul Convention with the aim of its ratification;
- e) Introduce an option system of civil marriage and divorce as already recommended by the CEDAW Committee, allowing freedom of choice between civil and religious marriages; Furthermore, harmonize religious laws currently governing marriage and divorce with the Convention and eliminate provisions that are discriminatory against women, including by prohibiting the man's unilateral power to grant the Get and the practice of retroactive invalidation of divorces;
- f) Adopt a National Action Plan on the implementation of UNSCR 1325 with participation of all the women comprising Israeli society;
- g) Put in place a comprehensive strategy targeted at women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes about the roles and responsibilities of women and men in the family and in society, as well as harmful practices that discriminate against women, in conformity with CEDAW;
- h) Amend the Litigation Arrangements for Family Disputes Law provisions to render mediation not mandatory in relation of all forms of violence against women;
- i) Take active measures to enforce the legal prohibition of polygamy and child /forced marriages in Arab and Bedouin communities;
- j) Take effective measures to improve the situation of Bedouin women and girls with regard to their access to shelters and other protection and empowerment measures, health care, education and employment and ensure their participation in any process concerning their situation;
- k) Ensures that asylum seeking women victims of GBV and migrant whose residence status depends on that of their spouses or partners, in the event of the dissolution of the marriage or the relationship, are granted an autonomous residence permit in line with CEDAW and its GR 32 and article 59 of the Istanbul Convention;
- l) Provide long-term rehabilitation for women asylum-seekers victims of trafficking; ensure the effective identification of women asylum-seekers victims of torture and guarantee that they receive adequate holistic rehabilitation support and free legal aid when they do not qualify as victims of trafficking;

- m)(m) Recognize that gender-related persecution may constitute legitimate grounds for asylum in accordance with its obligations under CEDAW and its GR 32;
 - n) Extend legal aid to criminal proceedings and provide free legal aid in divorce proceedings for women who are victims of domestic violence;
 - o) Adopt promptly the draft law on economic violence;
 - p) Investigate allegations of ongoing pressure, arbitrary arrest and detention of WHRDs and lack of their sufficient protection;
 - q) Consider revising the Firearms Law allowing off-duty security employees to carry weapons home for security reasons;
 - r) Consider issuing a standing invitation to all special procedures of the human rights council.
90. Investigation, prosecution support services and protective measures
- a) Ensure an effective access to justice for all victims of GBV under Israeli's jurisdiction or its effective control in line with CEDAW GR. 33 on Women's access to justice and address underreporting and lack of investigation of VAW cases due to social pressure of families on one side and lack of trust in police force of Israel which administrate and have full control over security;
 - b) Increase the number of shelters for GBV victims including those for victims of trafficking and torture and crisis centers in remote areas as well as number of social workers in shelters speaking Arabic and languages of other minority groups;
 - c) Address the protection gap related to the absence of holistic, forward looking services for women and girls at risk of domestic/family violence within Arab communities, and in particular : provide appropriate and dedicated out of home care and long term integration and protection services for women within these communities;
 - d) Extend legal aid in criminal proceedings for women and girls victims or witnesses and, in doing so, to consider the option of extending the Assistance to Homicide Victims Programme;
 - e) Establish a procedure to process cases and provide protection to female Palestinian victims of domestic violence who are forced to escape to Israel (including type and duration of support [e.g. access to shelter] and solutions in Israel); set up clear criteria before actions are taken to return battered women to the OPT for the purpose of reintegration/family reunification.
91. National mechanisms
- a) Further promote the work of the Ombudsperson in relation to vaw complaints and consider the establishment of a national human rights institution in accordance with the Paris Principles
92. Collection of data and prevention of violence against women
- a) Establish a "femicide watch" and collect and publish each year data on the number of femicides (intimate partner /family related and all other cases of femicides) disaggregated by age and ethnicity of the victims, and establish a separate body or entrust and exiting body (like the Ombudsperson) with analyzing all cases of femicide in order to identify any failure;
 - b) Collect gender-disaggregated data on all forms of vaw for all women under its jurisdiction including the disadvantaged groups of women, including Palestinian women citizens of Israel, Bedouin women and women asylum-seekers;
93. Measures to mitigate the gendered impact of the occupation

The Rapporteur would like to renew the call for ending the occupation and conflict and to promptly address its gendered impact in line with its obligations under human rights and humanitarian law principles. She addresses the following recommendations to the Government:

- a) Take actions to combat and prevent human rights abuses and violations against women and girls committed by State and non-State actors in the OPT and at checkpoints; promptly investigate these cases and ensure that perpetrators of violence are brought to justice; provide these victims of violence with effective access to legal remedies and adequate compensation;
- b) Refrain from implementing evictions and demolition orders without taking into consideration human rights of women and children concerned including their right to adequate housing; review the housing policy and issuance of building permits to Palestinians in order to ensure the enjoyment by Palestinian women of their right to adequate housing and to family and private life;
- c) Ensure independent and impartial investigations of allegations of settlers violence in line with CEDAW GR 30 and of excessive use of forces by IDF;
- d) Remove obstacle related to access to justice to women victims of GBV and ensure their effective access to justice, including its interrelated components of justiciability, availability, accessibility, good quality and provisions of remedies for victims in line with CEDAW GR 33;
- e) Review its security laws and regulations that restrict women's human rights related to family and family unification ;
- f) Incorporate the united nations rules for the treatment of women prisoners and non-custodial measures for women offenders (the Bangkok rules) and carry out prompt, thorough, effective and impartial investigations into all allegations of torture/ ill-treatment, hold perpetrators accountable and provide victims with effective remedies, including appropriate compensation; Review its practice of administrative detention of women and the use of secret evidence in administrative detention proceedings;
- g) Take effective measures to eliminate discrimination and gender based violence against Bedouin women living in Area C and protect their human rights through empowerment measures, including in the fields of education, employment, health and housing,
- h) Alleviate the pressure of the occupation for women and children living in the refugee camps, and provide safe playgrounds and sports grounds, in cooperation with CSOs and the UN agencies present in these camps;
- i) Lift its blockade of the Gaza Strip and address its gender impact on women including on women victims of VAW and their rights of freedom of movement and provide unrestricted access for the provision of humanitarian assistance and construction materials needed especially for widowed women taking care for children and living in caravans.