



Committee on Elimination of Discrimination against Women considers Report of Israel

Committee on Elimination of Discrimination
Against Women

18 January 2011

The Committee on the Elimination of Discrimination against Women has considered the combined fourth and fifth periodic report of Israel on how that country implements the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

Aharon Leshno Yaar, Permanent Representative of Israel to the United Nations Office at Geneva, in introductory remarks, said the State of Israel remained committed to promoting women's rights in law and in practice and it had undertaken great strides to meet the only acceptable benchmark of achieving full equality. Israeli Supreme Court rulings and subsequent Attorney General Directives in 2003 had all determined that appropriate representation must be interpreted as being equal representation. The principal achievements in the status of women were expressed within Israeli legislation and the mechanisms that were established in various areas.

Also introducing the report, Shavit Matias, Deputy Director General for International Affairs of the Ministry of Justice of Israel, noted that the advancement and promotion of gender equality and the promotion of women's rights had been on the agenda of every Israeli Government since the foundation of the State of Israel. Equality was a fundamental principle already enshrined in Israel's Declaration of Independence. In addition, the Equal Rights for Women Law 1951, enacted only three years after the State was founded, was a testimony to the emphasis placed on gender-related issues from the State's inception. Throughout its existence, these issues and principles had remained a priority for Israel and were of the utmost importance to its Government and society. There was always much to be done and there were plans for future improvements. It was important to note however that the Government was constantly moving forward.

Questions and issues raised by Experts during the interactive discussion included questions regarding the rights of Palestinian women in the Occupied Palestinian Territories, their treatment, and their access to legal remedies. Several Committee members also asked for more information about the Authority for the Advancement of the Status of Women, its budget, the scope of its mandate, and its powers. The delegation was also asked about the involvement of women in the peace process and conflict resolution, the application of the Convention by courts, training for judges, lawyers and law enforcement officials on the Convention and its provisions, and the dissemination of information about the Convention to the public. Other lines of questioning concerned domestic violence and services available to both Israeli and Palestinian women in this regard; the possibility of Israel establishing a national human rights institution in accordance with the Paris Principles; Israel's adherence to international human rights law in the Occupied Palestinian Territories; the need for the State party to adopt an explicit law criminalizing gender based discrimination and enshrining equality of men and women; the State party's reservation to Article 16; and the role of rabbinical courts and their treatment of women.

In concluding remarks, Ms. Matias said the delegation truly appreciated the in-depth exchange with the Committee. They had gained a lot from the discussion today and they would take the Committee's valuable input back home, share it with their colleagues and give it serious consideration. The delegation looked forward to receiving the Committee's concluding observations.

Also in concluding observations, Silvia Pimentel, Committee Chairperson, commended the State party for its initiatives in many areas to further implement the provisions of CEDAW at the domestic level in the legislative, judicial and executive areas, but noted with concern the lack of overarching legislation with regard to discrimination against women in accordance with the Convention, discrimination against women with respect to family law matters and the need for enacting a civil law regarding such matters, gender based violence, the situation of women migrant workers and the treatment of women minorities in the country.

The delegation of Israel included representatives of the Ministry of Justice, the Ministry of Health, the Ministry of Social Affairs and Social Services, the Ministry of Education, the Ministry of Foreign Affairs, the Israel Defence Forces, the

Affairs and Social Services, the Ministry of Education, the Ministry of Foreign Affairs, the Israel Defense Forces, the Authority for the Advancement of the Status of Women, and the Permanent Mission of Israel to the United Nations Office at Geneva.

The next public meeting of the Committee will be on Wednesday, 19 January at 10 a.m., when the Committee will begin its consideration of the seventh periodic report of Kenya (CEDAW/C/KEN/7).

Report of Israel

The combined fourth and fifth periodic report of Israel (CEDAW/C/ISR/4-5) states the Police Special Task Force for Treatment of Domestic Violence Offences is specifically trained to provide improved treatment of sex offences. The Task Force training educates those involved with an overview of legal and judicial aspects, rape trauma, theoretical aspects of the rape offence, sexual harassment, events analysis, collaboration techniques with treatment bodies within the community; the training also includes special seminars discussing techniques for encouraging victims to come forward, and for making preliminary inquiries of suspects.

Domestic violence is an alarming social phenomenon that requires special treatment by the Police Victims of Crime Unit, from both a societal and criminal point of view. New procedures were subsequently issued for the treatment of domestic violence offences, violations of protection and prevention orders, and stalking and sex offences. These procedures are occasionally updated. In addition, special training has been introduced focusing specifically on the issue of domestic violence. Collaboration between Police, welfare and community bodies is also being developed in accordance with legislative amendments and other developments. The Victims of Crime Unit is intimately involved in manifesting societal change in this area, and takes part in all the relevant social processes, including that of creating legislation, steering committees and inter-ministerial committees.

Recent police figures show that murder in the name of so-called “family honor” has decreased dramatically in recent years among the Arab population. According to the data, in 2005, seven Arab women were murdered in the name of “family honor,” in 2006, six Arab women were murdered for that reason, in 2007 one Arab woman was murdered for “family honor,” and that was also the figure for 2008. Murder is a severe crime in Israel, punishable by life imprisonment. The Police, as well as the Israeli legal system, regard any murder as such, and investigate it vigorously, regardless of the murderer’s motives. Israeli law does not recognize any mitigating circumstances in such cases, and prosecutes, indicts and punishes the perpetrators in all severity.

In recent years, there has been a sharp decline in the number of women trafficked to Israel for prostitution. This decline is evident in the number of trafficking victims located by law enforcement agencies, as well as reports issued by the Knesset Subcommittee on Trafficking in Women and NGOs. Only 12 trafficking victims for prostitution were transferred by the Police to the “Maagan” shelter for Victims of Trafficking in Persons in 2008, most of them were trafficked several years ago.

Introductory Statements

AHARON LESHNO YAAR, Permanent Representative of Israel to the United Nations Office at Geneva, began his opening remarks by saying that despite the severe security situation which threatened Israel’s very existence, it had done well on many fronts, including with regard to the status of women.

The State of Israel remained committed to promoting women’s rights in law and in practice and it had undertaken great stride to meet the only acceptable benchmark of achieving full equality. Israeli Supreme Court rulings and subsequent Attorney General Directives in 2003 had all determined that appropriate representation must be interpreted as being equal representation.

The principal achievements in the status of women were expressed within Israeli legislation and the mechanisms that were established in various areas. The Authority for the Advancement of the Status of Women, active since 1992, monitored and supervised the implementation of the obligation for appropriate representation in political processes. Further, following UN Security Council Resolution 1325, the Law for the Equality of Women’s Rights was amended to require appropriate representation for women in bodies that shaped national policy in all matters. Israeli women held high the ranking positions of Prime Minister, Foreign Minister, Justice of the Israeli Supreme Court and Speaker of the House.

Extensive legislation on gender mainstreaming, equal distribution of familial functions, personal status, equal employment opportunity and domestic violence had also been adopted. The mechanisms for eliminating stereotypes, campaigns and establishments such as the authority for the advancement of the status of women, held in cooperation with various non-governmental organizations, aimed to realize equality for all women on the ground.

Mr. Yaar said he understood that Israel's record on women's rights may fall short of being perfect. However, he believed that Israel had in place appropriate judicial and administrative mechanisms to correct those flaws and imperfections with guidance from the Committee. He looked forward to a professional, candid, fair assessment of Israel's report by the Committee, with the hope that members would keep in mind all the unique challenges that Israel faced.

SHAVIT MATIAS, Deputy Director General for International Affairs of the Ministry of Justice of Israel, in presenting the combined fourth and fifth periodic report of Israel, noted that the advancement and promotion of gender equality and the promotion of women's rights had been on the agenda of every Israeli Government since the foundation of the State of Israel. Equality was a fundamental principle already enshrined in Israel's Declaration of Independence. In addition, the Equal Rights for Women Law 1951, enacted only three years after the State was founded, was a testimony to the emphasis placed on gender-related issues from the State's inception. Throughout its existence, these issues and principles had remained a priority for Israel and were of the utmost importance to its Government and society.

There was always much to be done and there were plans for future improvements. It was important to note however that the Government was constantly moving forward. There had been significant undertakings by the Israeli Government on these issues even since their last appearance before the Committee.

Ms. Matias turned to the Israeli-Palestinian situation. She said that the situation in the Middle East was a very complex and volatile one. The last time Israel had presented a report before the Committee, it had been in the process of implementing a disengagement plan from Gaza with the hope of resuming negotiations towards peace with their Palestinian neighbours. Unfortunately, negotiations were currently on hold, yet they hoped that negotiations would be revived and that the peace process would resume. Gaza had come under Hamas control and the Palestinians under the control of Hamas in Gaza appear to have changed their legislation and adopted more repressive practices with respect to women, taking a turn toward extremist and religious laws. In the West Bank, however, vigorous Palestinian institution building had been initiated and undertaken by the Palestinian Authority, with extensive involvement and aid from the international community and it appeared to be leading Palestinians living in the West Bank down a different path, striving towards modernization, transparency and the rights of its population.

Ms. Matias said that the delegation would make its best effort to answer questions regarding Israel and the Palestinian territories, but she cautioned that the data, statistics and information relating to the status of women in the Palestinian territories was not available to them, but rather to the Palestinians in control of those areas, whether in Gaza or the West Bank.

In terms of legislative efforts that had been undertaken, Ms. Matias said that a few recent examples included the enactment of the Public Protection from Sex Offenders Law in 2006, aimed at protecting the general public from sex offenders and preventing them from repeating their crimes, and the Gender Implications of Legislation Law of 2007, which required the Authority for the Advancement of the Status of Women to submit an opinion regarding the gender implications both of bills and regulations. The Authority's position was carefully considered and given serious weight in the final decision-making process. Finally, the Encouragement of the Advancement and Integration of Women in the Workforce and the Adjustment of Workplaces to Women's Needs Law of 2008 was intended, among others, to generate a change in the business culture in Israel and promote public awareness of women's rights, in order to encourage employers to advance and integrate women in the workplace.

Ms. Matias said that in the judicial realm, Israeli courts, led by the High Court of Justice, had continued to play a crucial role in anchoring and promoting human rights in general and women's rights in particular in Israeli society. A very recent and significant example of the prominent role played by the Israeli judiciary in safeguarding women's rights was the conviction of the former President of the State of Israel, Moshe Katzav, of committing serious sex offences. The Court's central role in the promotion of human rights was also evident in a landmark decision in which the Court held that a marriage certificate from a foreign State in which same sex marriages were recognized qualified the couple to be registered as married with the Israeli population registrar.

The Government had also taken measures to assist in the elimination of all forms of discrimination against women. Examples of such measures included a 2007 resolution which resolved the Government to act to facilitate the reintegration of mothers into the workforce. It was decided to increase the budget of the day care division of the Ministry of Industry, Trade and Labor in order to fund meals for children of working mothers and day care centres for working mothers. Another Government resolution passed in 2007 determined that equal gender representation shall be achieved in the boards of government corporations within two years of the resolution. As a result, the rate of female directors in government corporation boards had increased to 42 per cent as of October 2010. The Government had also devised a National Plan to Combat Trafficking in Persons for the purposes of prostitution and a National Action Plan to combat slavery and trafficking in persons for the purposes of slavery or forced labour.

The number of female judges continued to rise according to Ms. Matias, as did the number of women in civil service. The Advancement and Promotion of Women in the Arab population was also a priority for the State of Israel. In recent years more and more Arab girls and women were attending high school, institutes of higher education and vocational training and served in influential positions. Ms. Matias said that Israel had a very diverse and pluralistic society, some more traditional than other and changes in the role of women in some segments of the population were invariably more difficult and required more time, effort and attention than some situations.

Questions by Experts

A Committee member began by pointing out that the scope of the Convention applied to a State party in all of its territories or those under the effective control of the State party, so for Israel this included the Palestinian territories. The member also said the Convention applied to everyone in the State party's territory including refugees, asylum seekers, migrant workers and others and the provisions of the Convention were not to be suspended during armed conflict, natural disasters or humanitarian disasters. Having outlined those starting points, the Committee member then asked whether Israel accepted these starting points, because it was unclear from the opening statement whether the State agreed with this.

Also, what role did the Convention play in the State's judicial system and to what extent had it actually been used or implemented by courts? How was the Convention domesticated and how was it incorporated into the education of judges and lawyers?

What could the delegation tell the Committee about its implementation of the fourth Geneva Convention and what legal remedies were available to those whose human rights were impacted due to the war and settlement activity?

Another Committee member said that it seemed that the concluding observations that were adopted in 2005 still seemed to be relevant today. In connection to this, the delegation was asked to explain the main obstacles to passing a comprehensive gender equality law and what progress was being made in removing the State's reservations to Article 16, which blocked implementation of Article 2, relating to the principle of equality between women and men. For example, women could not serve on rabbinical courts and equality had to apply to all areas.

The delegation was also asked about the rights of Palestinian women and what affirmative measures had been taken to increase and ensure their participation in civil society and the protection and promotion of their rights under the Convention. Also, how was the Convention transmitted to the broader society? Were rabbinical courts aware of their obligations under the Convention and how was it ensured that they followed the law?

Another Committee member asked about Palestinian women in prisons and the conditions they experienced.

A Committee member asked the delegation whether the work of the Equal Employment Commission was limited to employment complaints, or did it also handle other gender discrimination complaints. Did it issue guidance or instructions that carried the weight of law? Could it submit briefs to courts? Who monitored the impact of existing laws? Had any government organ collaborated with civil society on gender discrimination issues? Which organ of the State party was responsible for implementing the Committee's concluding observations?

How much money was budgeted for the Authority for the Advancement of the Status of Women? What was the role of the Authority in promoting gender mainstreaming and was there a national coordinating body responsible for ensuring that gender perspectives were incorporated into policy? How were local and municipal governments meeting their obligations under the government resolutions to have more women in public life and to hire gender perspective advisors and what were the consequences when policies were not implemented in a timely fashion? Also, what were government corporations and what were the consequences if they did not meet their targets of having equal gender representation on their boards? Also, did these targets include Palestinian women and other minorities?

Could the delegation elaborate on measures taken and national action plans created to address the needs of minority women? The Committee member also asked for more information about the Government's collaboration with non-governmental organizations and other civil society organizations. How were women involved in the peace process?

Did Israel envision establishing a national human rights institution that would be compliant with the Paris Principles? What discussion was there in Israeli society regarding religion and its impact on women?

Response by Delegation

The delegation of Israel said that in terms of questions regarding the Palestinian territories it would answer to the best of its ability and then the delegation members would move on to questions relating to Israel and its reports. The delegation said CEDAW was implemented throughout the State and that the Convention was not applied directly, but rather was applied through domestic legislation and court rulings. The applicability of the Convention to Gaza and the West Bank had been the topic of debate over the last few years and it had to be considered against the backdrop of international human rights law, the law of armed conflict and the practical realities. It was Israel's view that the two systems of law (international human rights law and the law of armed conflict) remained distinct and applied in different circumstances. The delegation maintained that the Convention did not apply to areas outside of its national territory and could not be applied in the Gaza Strip, as Israel did not have effective control of this area, which was controlled by Hamas, and it had limited involvement in the West Bank which was controlled by the Palestinian Authority.

In terms of women's involvement in the peace process, there was a 2000 law which required government teams and committees involved in peace building, conflict resolution and post-conflict recovery to have equal gender representation and this was enforced by the Authority for the Advancement of the Status of Women, reporting to the Knesset.

In terms of demolitions in the West Bank, the delegation said they were carried out with due process and following the law. The process was subject to judicial review without distinction on any basis and was open to all. The demolition of certain structures could also be done as part of security measures to cut down on terrorist activity, which was often conducted from heavily populated areas, and thus it was dictated by operational necessity to cut down on security risks. Care was taken to ensure the safety of the civilian population not involved in terrorism.

On terms of conditions in detention facilities, the delegation said that conditions were dictated by the Israeli Prison System and the security risks posed by individual prisoners. Disciplinary procedures were used based on Israeli Prison System guidelines. Cells were ventilated and prisoners were given cleaning materials to clean their cells and prisons employed doctors, dentists, psychologists and other medical personnel including gynaecologists when necessary for female prisoners. Inmates were allowed to communicate with their families via letters and postcards and family visits were also allowed as well as access to legal council. The International Committee on the Red Cross inspected prisons and diplomatic missions also had access to prisons. Inmates were given recreation time, were allowed to have access to books and periodicals and to keep personal items in their cells and they had access to recreational time outside.

Turning to the applicability of the Convention in the Israeli legal system, the delegation said international conventions were not applied directly, but rather were applied through domestic legislation. Regarding the reservations expressed by Israel to certain provisions of the Convention, the delegation said the reservations were related to the very fabric of Israeli society, which was made up of many religions. There were no plans to ratify the Optional Protocol at this time either. The concluding observations of every treaty body committee were given to the appropriate government body to enact, but there was talk about establishing a body for the examination and implementation of concluding observations. Civil society was invited to submit comments, data and information prior to the compilation of the periodic reports and their contributions were presented in the reports. The report was then sent on to high level government officials.

On the question of training of judicial officials on gender issues, there were lectures, seminars and courses on a range of issue including family violence, human trafficking, sexual harassment, human rights and international law, and other gender specific topics as well as more general topics such as the rights of people with disabilities. More than 50 gender awareness seminars were also held for members of the judiciary each year.

Rabbinical and religious courts controlled some aspects for marriage and divorce, unless the couple did not belong to that religion. Family Matters Court had parallel jurisdiction on some matters such as alimony and child support, while the court had exclusive jurisdiction over other items such as child abduction. Women could appeal to civil courts for redress if they did not agree with the rulings of the religious courts.

Returning to the application of humanitarian law in the Occupied Palestinian Territories, the delegation said that Israel had taken it upon itself to apply all international humanitarian law and they did it to the best of their ability. Israel was created from the ashes of the Holocaust and they were fully aware of their obligations and the need for humanitarian law. A Committee member had noted that the suffering of Israeli women was not the same as that of Palestinian women and the delegation said that women from both communities suffered due to the instability of the situation. They did not shy away from their humanitarian issues and obligations and they discussed them with anyone who raised these issues. In terms of the Fourth Geneva Convention, it was fully applicable to the West Bank and they were routinely invoked before the High Court.

Regarding the advancing of the status of Arab women, the delegation said scholarships were granted to Bedouin, Druze and Circassian students to encourage their continued academic studies among other affirmative measures.

Questions by Experts

In a second round of questions and comments, Experts asked if there was the possibility of amending domestic laws to create an explicit law prohibiting discrimination based on gender and enshrining equality between women and men if Israel did not plan to withdraw its reservations to articles of the Convention. Would Israel consider adopting temporary special measures? Was there raw data on the number of women in civil service?

Was there any information on the impact of the measures taken to protect women from gender based violence, such as shelter laws against domestic violence and other measures? Was the sex offenders' law comprehensive, did it deal with marital rape, what were the sanctions provided and was their data on convictions under the law? What was being done to ensure that Palestinian women had access to the financial assistance that was offered to Israel women when they were victims of domestic or other violence?

Another Committee member asked whether Palestinian women were allowed to have their children visit them in prison and if there were Arab investigators in police forces. What was done to ensure Palestinian women's safety when crossing check points? What was being done to address physical and verbal abuse and intimidation of settlers against Palestinians? There was a right to housing and a right not to have one's residence demolished, but the situation in East Jerusalem seemed to indicate that Arab inhabitants were having their homes demolished and were not being granted building permits, which undermined the rights of women and their children.

Did the State's anti-trafficking statutes provide for internal trafficking as well as cross-border human trafficking? The Committee received information that there was trafficking from Israel to Occupied Palestinian Territories and vice versa. The dire socio-economic circumstances of Palestinian women and previous experiences called for proper protections to adequately address this form of trafficking. In terms of female asylum seekers and refugees, there was information that women transiting the Sinai were abused by State and non-State actors. What was being done to address that as well as preventive measures against labour exploitation of migrant women?

Gender based violence was related to gender stereotyping so what was being done to combat these stereotypes in private and public life? Who was responsible for monitoring the implementation of the anti-trafficking laws? What was the status of the draft legislation that would criminalize people who paid for sexual services, versus the women who provided the services?

Response by Delegation

Responding to questions regarding domestic violence and battered women, the delegation said this was a very difficult problem. There were presently 13 shelters for battered women and their children. There were two shelters for Arab women, one that accepted both Jewish and Arab women and another that accepted Orthodox and ultra-Orthodox Jews. Regarding grants for women leaving shelters, the delegation said these grants were used to help women restart their lives and to keep them from returning to abusive relationships because they did not have the means to start their lives over. A committee decided on the allocation of these grants and decisions were based on financial need, number of children, and the availability of other financial support such as alimony. No woman whose life was deemed to be in danger would be turned away from a shelter and a national hotline was available in several languages. Pamphlets were also published listing where women could get help. There were also six sexual abuse centres in Israel that took a multidisciplinary approach to treatment that included medical, legal, and psychosocial services.

The delegation then addressed the issue of settler violence that had been raised by an Expert. Any incident of violence was investigated thoroughly regardless of the identity of the perpetrator. The issue of law enforcement in the settlements was handled by an inter-ministerial group that also addressed issues of disorderly conduct, land disputes and other matters. The investigative process was made more difficult due to the reluctance of both sides to cooperate with the police and their failure to appear in court in many cases. The numbers available until September 2008 showed an increase in the number of prosecutions against Israeli settlers for violence.

On the question of abusive treatment of Palestinian women at checkpoints, the delegation said that training of Israeli Defence Forces had been increased and special emphasis was given to human dignity as well as cultural and religious issues. The Israel Defence Forces also offered other seminars on human rights and dignity in addition to the trainings mentioned above. Female soldiers were also stationed at various crossings to facilitate the crossing of women. Any complaints were taken seriously and could lead to disciplinary action or criminal charges when the evidence warranted.

Regarding refugees, the State did not have specific refugee legislation, but this did not impact the status of refugees and asylum seekers. Women and children were housed in separate facilities in detention centres for asylum seekers and they were

regularly visited by teachers and social workers. Special attention was given to the cases of unaccompanied minors, people with mental disabilities, and victims of violence.

Regarding the numerous questions raised about the Authority for the Advancement of the Status of Women, the delegation said the Authority had 10 full time employees and soon they would add two more to deal with issues of women's empowerment in the Arab community. The budget was recently doubled to \$ 902,000 in 2011 from \$ 473,000 in 2010. In 2011 there would also be a specific budget earmarked for the advancement of Arab women totalling \$ 136, 000. The Authority was also working on legal channels for the promotion of women's rights. There was also a law that required public bodies to publish data disaggregated by gender and the Authority monitored the implementation of this law to track the gender implications of public policy and legislation. The opinions of the Authority were given weight in the final opinions of courts.

Data indicated a steady increase of Arabs, Druze and Circassians in the civil service. The number of Arab women employed in the civil service had also increased by 23 per cent in 2009 to more than 1,500 compared to a little over 1,200 in 2007.

Marital rape was punishable by law with 16 years imprisonment or 20 years imprisonment under aggravated circumstances. The offence of trafficking in Israel was much broader than what was contained in the international instruments and it covered internal trafficking as well. However, the delegation was not aware of any incidents of internal trafficking. The National Coordinator was in charge of coordination and implementation of the national plans dealing with human trafficking. Moving on to migrant workers, the delegation emphasized that the Government had in place numerous prevention and protection workers to protect the rights of migrant workers before and after their arrival in Israel and during their stay.

The number of domestic violence complaints had decreased, and the delegation felt this was a testament to better policing and prosecution. There were several instruments and mechanisms in place to ensure that any claims of maltreatment by detainees were thoroughly investigated and handled and this applied to all detainees. The delegation was not aware of any allegations of torture in detention facilities, and it reminded the Committee that torture was prohibited in Israel and was dealt with harshly. There were currently no female Palestinian minors in detention centres and children were allowed to visit detainees.

Questions by Experts

In a further series of questions and comments, Experts asked what reasons the State party had for not applying a quota system to political parties so that Parliament would be more representative. Women shared the duties of the State, such as compulsory military service, but they do not share the benefits. If all women were completing military service, why were there not more women in high ranking military positions? Also, what sort of complaints did the Employment Commission receive from female civil servants and how were they resolved?

An Expert also asked about allegations of arbitrary detention of Palestinian women.

What mechanism was in place for integrating women into the peace process? With regard to the nationality law of 2002, which was supposed to be temporary, was there any movement to remove the constraints governing family reunifications. An Expert asked if it were true that female migrant workers could lose their residency status if they became pregnant and had the child.

What was the jurisdiction of religious courts and had the Government considered reviewing, and possibly limiting, the areas in which rabbinical courts could adjudicate? The rabbinical courts were exclusively male. What training did these judges receive on the Convention and their obligations under its provisions? Experience had shown that when there were dual justice systems the traditional or customary justice system was almost always discriminatory against women. This had nothing to do with Article 16, to which the State party had expressed a reservation, but rather Article 15 on equality of men and women before the law. This discrimination was not in line with a democracy or modernity. What was the justification of the State party for this dual justice system? What action was the State taking to increase the minimum marriage age to 18?

Response by the Delegation

An Expert had raised the issue of the proposed monitoring of non-governmental organizations (NGOs) in Israel and the delegation said that people in Israel from across the political spectrum supported NGOs and the work they contributed on various issues. However, there was a debate about whether to require greater transparency and disclosure about the funding of non-governmental organizations through the work of a parliamentary panel of inquiry. There had been a great deal of outcry and political debate in Israeli civil society about the idea of a panel of inquiry for NGOs, but the matter was still under consideration and would continue to be debated.

The delegation said reservations to articles were evaluated from time to time, but for now Israel maintained its reservation to Article 16 despite periodic criticism and debate.

Article 10, despite periodic review and debate.

In terms of the jurisdiction of family courts versus religious courts, there were measures to balance between the two systems. They enjoyed parallel jurisdictions on things like property rights, child maintenance and guardianship, although the family courts enjoyed dominance on issues such as adoption. Child abduction, surrogacy, underage marriage and a few other areas were under the exclusive jurisdiction of family court. According to Jewish religious law, it was impossible to compel a man to divorce his wife against his will and it was impossible to compel a woman to accept a divorce decree, so ultimately both parties had to agree. The religious court had jurisdiction in terms of dissolution of marriage. The distribution of property was done according to general Israeli law. As a general rule, at the time of divorce the couple split the assets if they were married after the passage of the law in 1973. In 2008 the law was amended to allow for the division of property before the divorce was finalized. This was done to prevent a spouse from forcing their partner to relinquish their property rights as a condition for their consent for a divorce.

Migrant workers did not have an automatic route for residency in the country. Migrant workers usually came for very short periods of time, no longer than seven years. In terms of care givers in particular, they usually arrived for full time live-in employment and they were usually not allowed to bring in relatives, except a sibling. Foreign workers were covered under the social security law for pregnancy and birth as well as maternity leave. After a woman had a baby, she could profit from her maternity leave, but after that she had to return to her home country, but she could come back within two years. It was unclear if she could bring the child with her at that time or would have to leave the child in her home country when she returned to Israel.

Currently there were 43 judges from the Arab population serving in the judicial system.

Questions by Experts

In additional questions and comments, Experts asked about the unequal access of Arab women to education in Israel. Could the delegation explain why this was so and what was being done to address it?

Turning to employment and the labour market, a Committee member said there were huge pay gaps in the country. There was also clear gender segregation in the labour market with an over-representation of women in part-time work. What effect had improvement of childcare facilities had on women in the workforce? A matter of concern was that the Equal Employment Commission had only dealt with five cases of sexual harassment in the workplace between 2009 and 2010. Was this really effective? Migrant workers were excluded from work and rest hour legislation by a Supreme Court decision, which was in contravention of International Labour Organization conventions as well as the CEDAW Convention. This group of employees also had no access to the Ombudsman and if they became pregnant or got married they could be sent back to their home country. Was the same true for male migrant workers, and if the answer was no did the delegation see this as equal treatment? What measures had been taken to facilitate the importation of supplies needed by women to start and maintain small businesses in the West Bank and Gaza Strip? Was the retirement age for men and women in Israel the same?

In terms of health coverage, an Expert noted a disparity between the Arab and Jewish populations in life expectancy and child mortality rates. What did the delegation attribute this to and what was being done to eliminate it? Did the Government plan on joining the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? How were women who were victims of trafficking cared for? The report referred to abortions and it showed that the majority of abortions were requested by single women who were trying to avoid having a child outside of marriage. The Expert felt this might show that there was insufficient sexual education and insufficient use of contraception and wanted to know what the State was doing to prevent abortion from becoming a form of contraception. How did sexual education deal with homosexuality, as gay men remained those most vulnerable to AIDS?

Turning to access to credit, did women need their husbands' consent to get personal lines of credit? Did women also need consent of their husbands to start businesses or conduct other transactions?

The delegation was asked about what was being done to ensure that women living in divided areas, such as behind the wall and near settlements, had access to their farm lands. There was also information that these women living in the seam zone also could not access healthcare and checkpoints prevented doctors, ambulances, and other medical treatment from getting to them. What was being done to ensure that rural Palestinian women had access to healthcare?

Response by the Delegation

On these questions of education and health, the delegation said that as far as education was concerned there was no such thing as an illegal child and all children received free education no matter what their status was or the status of their parents. They

were given the same treatment as citizens and they were given affirmative action because the gaps between these children and other children were wide and needed to be closed. There was affirmative action in terms of hiring in the Ministry of Education as well. Gender stereotyping was being removed from Arabic, Hebrew and English textbooks in Israel. Stereotypes had to be tackled from kindergarten through graduation so there were plans for teachers, students and parents to eradicate these stereotypes from an early age. There were teacher education plans for gender equality and human dignity to be used in the classroom as well.

In terms of measures taken for Arab students, the system of financing schools had changed in the last few years and the new system was that the money allocated to schools was in accordance to the socio-economic conditions so Arab schools received much more money now. Class sizes were smaller and additional instruction was also available. There were also scholarship grants for Arab students to encourage them to finish school and go on to higher education.

Concerning differences in life expectancy and child mortality rates, a study was underway to look into these issues and to help bridge the gap in healthcare outcomes between communities. Some of the child mortality figures could be attributed to intermarriage which resulted in congenital defects and led to higher child mortality rates. The fertility rates of Arabs, Druze and Muslims were also higher than Jewish women and the Bedouin fertility was also higher. The Ministry of Health was also training healthcare workers from minority communities, such as Bedouin nurses. Comprehensive health insurance was available for everyone in the country, but they had to encourage people to use the services for things like prenatal care so they did not wait until they were far along in their pregnancies.

There was sexual education in the country and abortions were more prevalent among women in their 30s; teen pregnancy was not such a big problem. Migrant workers had access to healthcare and to the social security system; HIV/AIDS treatment was also available to migrant workers. Inequality in health was a major goal that the Ministry would continue to deal with in the future.

Questions by Experts

In a last round of follow-up questions, an Expert said there had been no answer to questions regarding participation of Arab women in political life. Had any women been denied entry into their country for the purposes of receiving medical care?

Were any Palestinian women included on the planning committee for East Jerusalem?

Did the Government envision any legislation that would address the rest and work hours for migrant workers?

Response by the Delegation

The delegation returned to the issue of education and outlined numerous sexual, family and gender education curriculum initiatives undertaken by the Ministry of Education. Illiteracy had been eradicated among girls from ages 7 to 15 years old and nutritional programmes, programmes for gifted and talented girls and vocational training were also initiatives that had been undertaken to close the educational gap.

Domestic migrant workers were not expected to work 24 hours a day, but if they were working for elderly or disabled people they sometimes needed round the clock care, but these people also lived where they worked so a distinction had to be made between actual working hours and hours when they were just in the place where they lived. The working conditions were being looked into and taken care of and Israel did provide protections. Domestic caregivers could use the services of the Ombudsman, but the ombudsman could not bring a lawsuit against an elderly or disabled employer on behalf of a foreign worker.

Concluding Remarks

In concluding remarks, SHAVIT MATIAS, Deputy Director General for International Affairs of the Ministry of Justice of Israel, said the delegation truly appreciated the in-depth exchange with the Committee. They had gained a lot from the discussion today and they would take the Committee's valuable input back home, share it with their colleagues and give it serious consideration. The delegation looked forward to receiving the Committee's concluding observations.

Also in concluding observations, SILVIA PIMENTEL, Committee Chairperson, said that the Committee commended the State party for its initiatives in many areas to further implement the provisions of CEDAW at the domestic level in the legislative, judicial and executive areas. The Committee however would also encourage the State party to take further measures, including special temporary measures, for the purposes of a more comprehensive implementation of the provisions of the Convention

throughout the State of Israel and territories effectively under its control. In particular the Committee noted with concern the lack of overarching legislation with regard to discrimination against women in accordance with the Convention, discrimination against women with respect to family law matters and the need for enacting a civil law regarding such matters, gender based violence, the situation of women migrant workers and the treatment of women minorities in the country.

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