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## Committee on Economic, Social and Cultural Rights

### Implementation of the International Covenant on Economic, Social and Cultural Rights

Third periodic reports submitted by States parties under  
articles 16 and 17 of the Covenant

**Israel\***

[20 January 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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## Introduction

1. This is the Third Periodic Report of the Government of the State of Israel, submitted to the United Nations Committee on Economic, Social and Cultural Rights, in accordance with the requirements of articles 16–17 of the International Covenant on Economic, Social and Cultural Rights. (hereinafter referred to as the “Covenant” or the “CESCR”). This report has been compiled by the Human Rights and Foreign Relations Department at the Ministry of Justice, in cooperation with the Ministry of Foreign Affairs and other Government bodies. Israeli Non-Governmental Organizations (“NGOs”) were also invited to submit comments prior to the compilation of the present report, both through direct application, and a general invitation to submit remarks posted on the Ministry of Justice website. Their contributions were given substantial consideration.

2. Since the submission of the Second Periodic Report (UN document – E/1990/6/Add.32), many legislative, administrative and judicial developments relevant to the implementation of the Covenant occurred. A short summary of the main changes is included below. This report provides a comprehensive account of these developments. It also addresses the comments made in the concluding observations by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.90) dated May 23, 2003.

3. In terms of legislation, since the submission of Israel’s previous periodic report, noteworthy steps have been taken to promote economic, social and cultural rights issues. Some of the more prominent new laws include the *Increasing Participation in the Work force and Reducing Social Gaps (Negative Income Tax) Law 5767-2007*, (the “*Increasing Participation in the Work force and Reducing Social Gaps (Negative Income Tax) Law*”) which endeavours to reduce poverty and increase work force participation rates, providing remuneration for labor to low income-earners. In accordance with an amendment to the *Equal Employment Opportunities Law 5748-1988*, dated January 3, 2006, an Equal Employment Opportunities Commission was established within the Ministry of Industry, Trade and Labor.

4. In 2008, the Knesset enacted the Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Work places to Women’s Needs Law 5768-2008, (the “Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Work places to Women’s Needs Law”) granting monetary incentives to employers in the private sector who endeavour to integrate and promote women in their business, as well as employers who modify the workplace and work conditions to the needs of women and parents.

The Women’s Employment Law 5714-1954 (the “Women’s Employment Law”), was amended several times between 2006 and 2008, to ensure a full range of rights for working women, including different aspects of job security (further detailed below) as well as further elaborating and enhancing the maternity protection of women.

In 2007, the Knesset enacted the Gender Implications of Legislation Law (Legislative Amendments) 5676-2007 (the “Gender Implications of Legislation Law”), which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset.

In 2008, the Law of Execution, 5678-2008, was amended (Amendment no. 29) in order to strengthen the protection provided by the Law to the right to adequate housing, stipulating that in situations of evictions due to debt, mortgage or pledge, the provision of an alternative housing prior to the eviction is obligatory.

In 2007, The *Compulsory Education Law 5709-1949*, was amended in order to mandate compulsory education to youth between the ages of 15–17 (inclusive) – attending the 11<sup>th</sup> and 12<sup>th</sup> grades.

The *Free Education for Sick Children Law 5761-2001*, was enacted in 2001, aimed at advancing equal opportunity in education for sick children and providing a suitable educational framework for children in hospitals or at home due to long term illness.

5. The fundamental rights protected by the Covenant are effectively protected through *legislation*, judicial decisions and otherwise. However, Israel has not enacted any further basic laws (*Israel's* constitutional law) on economic, social and cultural rights since the submission of its previous periodic reports.

6. With respect to judicial decisions, the Supreme Court has continued to play a major role in the implementation of the rights protected by the Covenant. In 2005, while addressing the issue of standard of living, the Supreme Court residing as High Court of Justice *held* that the State is obligated to maintain a ‘safety net’ designed to ensure that the condition of the underprivileged would not deteriorate to one of existential deprivation in the sense of a shortage in food, places of residency, sanitation, health-care services and such (H.C.J 366/03 *The Commitment to Peace and Social Justice Association v. The Minister of Finance*).

On November 21, 2006, the Supreme Court took the laudatory step of recognizing civil marriages which had taken place between Jewish Israeli residents and citizens outside of Israel (H.C.J 2232/03 *Anonymous v. The Rabbinical Court of Appeals*).

Several important Judiciary developments have occurred since the submission of Israel’s previous report, broadening the meaning of family in administrative practice, with regard to same-sex couples. On November 21, 2006, the Supreme Court handed down a landmark decision concerning the rights of same-sex couples. It held that a wedding certificate from a foreign country in which same-sex marriages are recognized, could allow the couple to be registered as married by the Ministry of the Interior. In a significant decision dated January 2005, the Supreme Court accepted the appeal of two women, a same-sex couple, to adopt each other’s children.

7. Lower Court instances also significantly contributed to the protection of human right, as the National Labor Court concluded that a decision of the Minister of Transport and Road Safety to allow transport operatives other than those on strike to provide transportation in the midst of a cessation of services in the city of Beer-Sheva, caused severe, direct, and intentional damage to the workers’ right of association and their right to strike (L.C 57/05 *The New Histadrut v. The Minister of Transport* (3.3.05)).

In April 2008, the District Court of Tel-Aviv, while residing as an Administrative Court, reaffirmed the importance of protecting workers’ rights when it annulled a tender issued by the Municipality of Bat-Yam due to a concern that the winning company could not uphold its obligations regarding the workers’ rights (Ad.P 1464/07 *Preach Hashaked Inc. v. The Municipality of Bat-Yam et. al.* (14.4.2008)).

In July 2007, the District Labor Court further broadened the legal protection of the right to organize in trade unions under Israeli jurisprudence, ordering the reinstatement of the petitioner following his wrongful dismissal stemming from his unionizing activity (C.M. 6726/07 *Alon Leigh Green v. Excellent Coffee Ltd.* (18.7. 2007)).

8. The Following report addresses the main issues raised by the Covenant in the period between the submission of the Israel’s previous Periodic report and December 2008, as well as concerns raised by the Committee on Economic, Social and Cultural Rights.

## **Article 1**

### **Self-determination**

9. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

## **Article 2**

### **General principles: State responsibility, non-discrimination and international cooperation**

#### **State responsibility**

10. Economic, social and cultural rights continue to be widely recognized in Israel, whether directly by law, regulations or case law, or indirectly by administrative programs.

11. The trend of legalization of welfare in Israel, described in previous reports, has continued, as detailed throughout this report.

12. The Courts in Israel often refer to the provisions of the ICESCR when discussing issues concerning the various rights enshrined in the Covenant. The High Court of Justice, for example, addressed the Covenant in relation to Article 13 regarding the right to free primary education (H.C.J 7351/03 *Rishon Lezion Municipal Parent Organization et. al. v. The Minister of Education, Culture and Sports et. al.* (18.7.2005)). Other examples can be found in the High Court of Justice's references to the Covenant in relation to Article 11 regarding the right to an adequate standard of living (H.C.J 366/03 *The Commitment to Peace and Social Justice Association v. The Minister of Finance* (12.12.05)), as well as in relation to Article 12 regarding the right to the highest attainable standard of health (H.C.J 3071/05 *Gila Luzun v. The State of Israel* (28.7.08)).

13. District Courts and Labor Courts also refer to the Covenant in their rulings. For example, the Jerusalem District Court addressed the Covenant in relation to Article 11 regarding the right to an adequate standard of living, concerning the right for housing (C.A (Jerusalem) 6184/05 *Moshe Zrihan v. "Amidar" – National Housing Company* (20.3.2007)).(A.C. (Haifa) 518/06 *Ishmael Abu-Tzalih et. al. v. The Governmental Authority for Water and Sewage et. al.* (07.02.2008)).

14. Considerable educational resources are also dedicated to the advancement and promotion of the rights enshrined in the Covenant through the continuation and enhancement of human rights education, as also encouraged by the committee in its concluding observations to Israel's previous periodic report. Further information on this matter is provided in Article 13 below.

#### **Economic, social and cultural rights as constitutional rights**

15. As mentioned above, economic, social and cultural rights are widely protected in legislation, and continue to be recognized as having a constitutional status in Israeli jurisprudence, led by the world renowned Israeli Supreme Court for its professionalism and relentless efforts to enshrine human rights. Various judicial decisions of this nature will be detailed in subsequent parts of this report.

16. In 2007, the Government adopted a Socio-Economic Agenda geared towards reducing socio-economic gaps in the Israeli society, while maintaining a growth-oriented policy. In order to implement the Socio-Economic Agenda and formulate appropriate measures, an inter-ministerial committee was established, headed by the General Director of the Ministry of Finance. The committee set up various working groups engaged in defining targets for improving the socio-economic situation, creating tools for encouraging

employment and monitoring the application of these tools and the manner in which their efficiency is measured.

17. The Socio-Economic Agenda is based on short, medium and long-term measures, focusing on improving the situation of the weaker strata by increasing employment rates and wages, and reducing poverty. Accordingly, following the inter-ministerial committee's activity, the Government adopted two objectives for medium-term socio-economic policy: employment objective – increasing the employment rate among the 25–64 age group from 69.1% to 71.7% by 2010; and poverty reduction objective – the income of the lowest quintile will increase by 10% more than the per capita GDP growth rate in the years 2008–2010, while the proportion of income from labor in the lowest quintile's income will increase from 43% to 45%.

18. In order to attain these objectives, various short, medium and long term measures were formulated, taking under consideration the specific needs and characteristics of the weak populations in Israeli society. Among the measures developed, further elaborated throughout this report, are specifically designated vocational training programs, including programs to encourage vocational training for occupations in-demand in the labor market; establishing the Authority for Economic Development of the Arab Population; measures for integrating income maintenance recipients in the labor market; measures to promote women's employment such as extending assistance provided by means of day-care centers, a measure that supports the employment of women and increases the disposable income; and advancing the integration of persons with disabilities in the work force.

19. The earned income tax credit (EITC – that is, negative income tax), is an additional innovative mean for reducing poverty among working families and raising work force participation rate. This, by increasing the remuneration for labor to low income-earners. A detailed program for applying EITC in Israel has already been compiled, and began to operate in recent months in accordance with the *Increasing Participation in the Work Force and Reducing Social Gaps (Negative Income Tax) Law*, enacted on December 27, 2007.

20. The amount of remuneration is determined as a function of the employee's income, the number of children in the family and the total income of the household. The program will be applied in stages, initially concerning paid-employees in 17 municipalities (including 5 Arab and the new regional Bedouin municipality of Abu-Basma), and by 2010, the program will be extended to cover the entire country, and apply to both self-employed workers and paid-employees. A quarter of a million households will be eligible for the benefit once the program is applied nationwide.

21. As mentioned above, one of the Agenda's objectives is to increase the rate of employment among the 25–64 age group to 71.7% by 2010. As a result of the substantial improvement in the labor market during recent years, the employment rate reached 71.2% in the second quarter of 2008.

22. The Government acknowledges the importance of education as a catalyst for reducing socio-economic gaps and increasing social mobility. For this purpose, a broad reform was consolidated and gradually implemented in order to advance the educational system. The reform, further elaborated in Article 13 below, includes the extension and alteration of the teachers' workweek, creation of a rewarding wage system and flexibility in management per individual school, enhancing professional training and reducing the number of pupils in each class. In 2008, the reform is applied in 813 primary and post-primary schools throughout the country. In 2009, the reform will be applied in 700 additional schools, thus being applied in most primary schools in Israel.

23. Alongside the Socio-Economic Agenda, the Government adopted a program for the encouragement of the periphery areas. The gap between the periphery and the center is expressed in employment rate, socio-economical variants, and the realization of capital,

physical and human potential. The need to reduce gaps between the periphery and the center, obligates specific designated resources.

24. Another aspect of the activity to promote the peripheral regions in the country is the *National Strategic Plan for the Development of the Negev*, established by Government's Resolutions .no 4415 (20.11.05), no. 3489 (31.3.05) and no. 4092 (9.8.05). The Government's comprehensive plan covers a nine year period, from 2006 through 2015, and seeks to develop the Negev by improving infrastructure and the educational system, increasing employment and the population in the Negev and reducing discrepancies in income between Negev residents and the rest of Israel. Between the years 2006 and 2015, the Government plans to allocate, directly and/or indirectly, 17 billion NIS (\$4.47 billion) to the development of the Negev.

### **Non-discrimination**

25. In its concluding observations with regard to Israel's previous periodic report, the Committee expressed concern "that the State party's domestic legal order does not enshrine the general principles of equality and non-discrimination". We wish to reiterate in this regard, that the principle of equality is a fundamental principle in the Israeli legal system as portrayed both in legislation and adjudication, has already been described in detail in Israel's initial and periodic reports.

26. The *Basic Law: Human Dignity and Liberty* purports to protect basic guarantees of personal liberty within the framework of Israel's Jewish and democratic character. The goal of the Basic Law is "to defend Human Dignity and Liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic State."

27. The Basic Law stipulates, *inter alia*, the following: There shall be no violation of the life, body or dignity of any person as such; There shall be no violation of the property of a person; All persons are entitled to protection of their life, body and dignity; There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise (unless as provided by law); There shall be no violation of rights under this Basic Law except by a law befitting the values of the State of Israel, enacted for a proper purpose, and to an extent no greater than is required.

28. Furthermore, many laws emphasize the principle of equality, as detailed extensively in Israel's initial and periodic reports.

29. The principle of equality is also enhanced through adjudication, as the Supreme Court of Israel plays a pivotal role in its promotion through the development of jurisprudence dealing with contentious and highly charged political and security-related issues, for example:

- 29.1. **H.C.J. 11163/03, The High Follow-up Committee for the Arab Citizens in Israel et. al. v. The Prime Minister of Israel** (27.02.06) – The High Court of Justice has affirmed the principles of equality and non-discrimination of any kind, and asserted that the allocation of resources on the basis of any discriminatory criteria is unacceptable. A unanimous ruling was issued to cancel the Government's Resolution establishing national priority areas in Israel, alleging it as discriminatory on the basis of national origin. The Supreme Court held that the Government must respect the principle of equality and is prohibited from discriminating against the minority citizens of Israel. The Court stated that all governmental acts must be performed in conformity with the Basic Laws and in conformity with the values of Israel as a Jewish and democratic State. The Court emphasized that the basic values of Israel are human dignity, liberty, equality, the right to property, etc. The Court noted that the prohibition to violate these values became even stronger following the legislation, in 1992, of *Basic Laws: Human Dignity and Liberty* and *Freedom of*



*Occupation*, which granted these values a higher and more significant status in the Israeli legal system.

Note that the issue of implementation of this decision is currently pending before the High Court of Justice.

- 29.2. **H.C.J. 3939/99 *Kibbutz Sde-Nahum et. al. v. Israel Land Administration et. al.*** (29.08.02) – The High Court of Justice held that the Israel Land Administration must administer State lands while protecting the public interest, which includes the protection of the land for the benefit of the larger public, and refraining from granting unjustified land-related benefits to others. As expected from any other administrative body, the Administration must act fairly to promote the general principle of distributive justice in allocation of public resources. The Court also noted the difference between discrimination and legitimate distinction. Consequently, the Court held that a decision to allocate lands exclusively to a specific population, not based on a legitimate distinction, is prohibited.
- 29.3 **H.C.J. 1113/99 *Adalah et. al. v. The Minister of Religious Affairs, et. al.*** (18.4.00) – the Supreme Court accepted the petitioners demand to instruct the Minister of Religious Affairs to establish clear, non-discriminatory criteria for the distribution of resources to all cemeteries. The Court ruled that the Minister of Religious Affairs should allocate money designated for cemeteries on an equal basis and according to the proportionality test (population percentage). Furthermore, the Court ruled that: “The resources of the State, whether land or money...belong to all citizens and all citizens are entitled to enjoy them according to the principle of equality, without discrimination based on religion, race, gender or other prohibited consideration”. In his judgment, the former President of the Supreme Court, Justice Aharon Barak, stressed that the right to equality is a constitutional right incorporated in the right to human dignity.

30. A further detailed account of recent applications of the non-discrimination principle is given throughout the report. Mentioned here are only issues of general and broad implications. Special attention has been given to the Committee’s concerns and observations in its concluding observations following the presentation of Israel’s second periodic reports.

#### **The Law of Return 5710-1950**

31. This issue has been extensively discussed in Israel’s previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **Non-discrimination on the basis of age**

32. As detailed in Israel’s previous reports, the *Equal Employment Opportunities Law* 5748-1988 (the “*Equal Employment Opportunities Law*”), prohibits discrimination of an employee by his employer on the basis of several characteristics detailed in the Law, including age. In H.C.J 10076/02 *Dr. Yuri Rosenbaum et. al. v. The Israel Police Inspector General and the Israel Prisons Service Commissioner* (12.12.2006), the High Court of Justice upheld the prohibition of age discrimination, while discussing a petition regarding mandatory retirement age in the Civil Service. The *Civil Service Law (Retirement) (Integrated Version)* 5730-1970 (the “*Retirement Law*”), requires the mandatory retirement of employees in the civil service upon reaching the age of 65 (currently 67, as elaborated in Article 3 below). The Law excludes the Police and the Israel Prisons Service’s (hereinafter: “IPS”) employees from the mandatory retirement arrangement, empowering the Police Inspector General and the IPS Commissioner to allow police officers and wardens employed for more than 10 years, to retire upon reaching the age of 55 (currently 57).

Therefore the Police and IPS consolidated internal procedures which determined the age of 55 as the mandatory retirement age for police officers or wardens employed for more than 10 years.

Here, two wardens and a policewoman appealed against their mandatory retirement at the age of 55, claiming that the retirement age constitutes a discrimination against them, in comparison to other Civil Service employees who are required to retire at the age of 65. The Court held that the relevant comparison group is Civil Service employees as a whole, as the State is considered the employer of all Civil Service employees. Therefore, the State cannot define different mandatory retirement age for different sections in the Civil Service, as it constitutes age discrimination as defined in section 2 to the Equal Employment Opportunities Law.

The Court accepted the appeal, declared the annulment of the Police and IPS internal procedures and ordered the reinstatement of the petitioners. However, due to the wide implications of this judgment on the Police and IPS, the annulment of the mandatory retirement age internal procedures was delayed for a period of 18 months in order to complete all necessary adjustments. Consequently, in November 2008, a revised internal police procedure was published.

33. In another case, the Tel-Aviv District Labor Court awarded an employee pecuniary damages for unlawful termination of employment, and non-pecuniary damages for the termination of employment on discriminatory grounds. The Court determined that the employer, Iberia Spanish Airlines, had discriminated against its employee on the basis of her age, as it fired her when she reached the age of 60, and for that reason alone. The company claimed that the termination of employment was conducted willingly, as the employee expressed her wish to early retirement. However, the Court found this claim to be unfounded. The Court held that there were no indications of dissatisfaction regarding the employee's performance, or that the termination of employment was conducted in the course of cutbacks or due to the employee's wish. Therefore, the Court found that the termination of employment constituted a violation of section 2 of the *Equal Employment Opportunities Law*, as it discriminated against the employee based on her age (La. (Tel-Aviv) 2539/03 *Barbara Hollestein v. Iberia Spanish Airlines* (19.10.2006)).

#### **Non-discrimination of minority populations in Israel**

34. As detailed in Israel's second periodic report, in October 2000, the Government consolidated a comprehensive multi-year plan addressing all aspects of development for the Arab population (hereinafter: "the 2000 multi-year plan"). The 2000 multi-year plan operated from 2001 until December 31, 2004, during which the Government successfully implemented 87% of the plan.

35. Although the economic situation has led the Government to decide on an overall cutback during these years, figures show that during 2001 and 2002, the implementation rate of the plan was 90%, in 2003 – 81%, and in 2004 – 85%.

36. Incomplete implementation of the plan in some cases is due to the aforementioned cutbacks, as well as bureaucratic barriers and budget deficits in some of the municipalities where cooperation is required for the successful implementation of the plan.

37. In August 2006, the Government resolved to commence on two additional multi-year plans (2006–2009) for the socio-economic development of Arab localities in the North, particularly concerning education, housing and employment: Resolution no. 412 on the development of the Druze and Circassian populations, in the amount of 447 million NIS (\$120 million), and Resolution no. 413 for the development of the Bedouin population, in the amount of 318 million NIS (\$85 million).

38. The consolidation of the multi-year plans by the Government lasted for several months, as the preparations of the plans involved the heads of the Druze, Circassian and Bedouin municipalities respectively, as well as representatives of the relevant Government Ministries. Additional input was sought from a wide range of sources.

39. The new development plans focus on three main issues: investment in human resources with a special emphasis on the empowerment of women, economic development, and employment – including the development of tourism as a source of income.

40. The budget required for the implementation of the plans was allocated by the relevant Government Ministries, in addition to a special budget of the Prime Minister's Office designated to the non-Jewish population. The current implementation rate of both Resolutions is 88%.

41. Note that these plans continue on from previous multi-year plans implemented and completed since the submission of Israel's previous periodic report.

42. Furthermore, Government Resolutions no. 412 and no. 413 are supplemental to the development budgets that the Ministry of the Interior allocates to local municipalities, the subsidies given to retired soldiers in purchasing land plots and housing construction, and segments of the budget set aside for the rehabilitation of Northern Israel, adopted following the Second Lebanon War.

43. Concerning the Bedouin population in the Negev (South), reference should be made to the aforementioned National Strategic Plan for the Development of the Negev. The Plan was devised, in part, to assist the Bedouins living in the Negev. For example, one of the plan's goals is adding approximately 20,000 jobs for the Negev population within 10 years. Among the endeavors to attain this goal, the plan seeks to encourage businesses and employment within the Bedouin population through financial assistance to entrepreneurs, vocational training and developing commercial areas and joint industry zones.

44. **The Authority for Economic Development of the Arab Population, including Druze and Circassian.** On February 15, 2007 the Government decided to establish, within the Prime Minister's Office, the Authority for Economic Development of the Arab Population, including the Druze and Circassian (hereinafter: the "Authority"). The aim of the Authority is to realize, to its maximum, the economic potential of the minority population, through the encouragement of productive economic activity within this population, and its integration into the national economy. Among its functions, the Authority will operate as coordinator for the purposes of integration and supervision with regard to government activities concerning the economic advancement of the Arab population.

45. The establishing of the Authority is in progressive stages. Recently, Mr. Aiman Dar Saif, a former executive in the Prime Minister's Office, was appointed as the Authority's director. Alongside the Authority, an Advisory Committee will operate, with half of its members being Arab experts and business men and women.

46. **Investment Fund for Businesses in the Arab Population.** In December 2006, the Director General of the Prime Minister's Office (PMO) announced the decision to establish a private equity *fund*, in cooperation with the private sector. The fund will invest an overall sum of 160 million NIS (\$42.1 million) over 7 to 10 years in businesses in Arab localities. Any factory, company or business will be able to apply for 2–4 million NIS (\$526,315–\$1,052,631) in financing, thus enabling 40–80 companies to receive financing assistance in exchange for stocks.

47. **Development of industrial zones.** In 2006, following Government Resolution no. 249, the *Encouragement of Capital Investments Order (Development Areas) 5763-2002* (the "*Encouragement of Capital Investments Order*"), was amended in order to include all

minority localities in the definition of “Development Area A”, thus enabling plants in industrial areas in these localities to receive various tax benefits and grants as stipulated in the Order and the *Encouragement of Capital Investments Law* 5719-1959 (the “*Encouragement of Capital Investments Law*”). Furthermore, on January 7, 2007, the Government resolved to expedite the marketing of lands for industrial purposes in “Development Area A”, thus facilitating the expedition of land marketing in these localities, as well as subsidizing the land development expenses, as stipulated in the Resolution.

48. Between the years 2005 and 2008, activities in industrial zones in Arab and Druze localities were subsidized by the Ministry of Industry, Trade and Labor, in sums amounting to 28,665,967 NIS (\$7,543,675.5). As part of these activities, 1,008 square kilometers of State-owned land in these areas was marketed.

49. In 2005 and 2006, the Government made 2 additional resolutions (Resolution No. 3957 dated July 22, 2005, and Resolution No. 632 dated November 5, 2006), establishing a plan for the development and expansion of new and existing industrial zones, as well as assistance to small businesses in Arab, Druze and Bedouin localities. The Government allocated a total of 119 million NIS (31,315,789\$) in the years 2005–2006 for this purpose.

50. **Development of road infrastructure.** In accordance with the aforementioned multi-year plan of October 2000, between the years 2001 and 2004, the Ministry of Transport and Road Safety allocated a budget of 180 million NIS (\$48 million) for the development of intra-municipal road infrastructure and safety projects (45 million per year), and a budget of 325 million NIS (\$87 million) for the development of inter-municipal road infrastructure (81.25 million NIS – \$21.96 million per year) in various Arab localities.

51. During the years 2005–2007, the Ministry continued to advance the development of intra-municipal infrastructure in the Arab localities. Furthermore, the Ministry continues to develop inter-municipal infrastructure through the allocation of budgets to the local municipalities towards their development of infrastructure in their jurisdiction, or through managing companies. During these years, 94,386,900 NIS (\$25,509,972) was allocated for development projects for the Druze and Circassian population, 69,652,880 NIS (\$18,825,102) for projects in the Bedouin towns in the North, 34,790,000 NIS (\$9,402,702) for the Bedouin towns in the Negev and 230,448,321 NIS (\$62,283,330) towards Arab localities.

52. During the first half of 2008, the Ministry allocated a budget of 52.2 million NIS (\$14 million) towards the development of intra-municipal infrastructure, from which 7.8 million NIS (\$2.1 million) for Bedouin localities in the Negev, 11.8 million NIS (\$3.19 million) for Bedouin localities in the North, 6.1 million NIS (\$1.64 million) for the Druze and Circassian localities and 26.4 million NIS (\$7.13 million) for Arab localities. Furthermore, during this period of time, the Ministry allocated an additional 29.3 million NIS (\$7.19 million) for development of infrastructure and safety projects in these localities.

53. According to the Ministry’s estimates, by the end of 2008, the Ministry will have allocated another 20 million NIS (\$5.4 million) for additional funding of uncompleted projects.

54. The inter-municipal infrastructure development is performed by ‘Ma’atz’ – Israel National Road Company Inc., according to a five-year plan which determines the projects to be carried out. The current plan is for the years 2005–2009. According to the five-year plan, 2.333 billion NIS (\$630,540,540) was allocated for the development, maintenance and reconstruction of inter-municipal infrastructure in the Arab localities.

55. According to information provided by ‘Ma’atz’, by the beginning of 2008, a total of 315.26 million NIS (\$85.2 million) was invested in the development of inter-municipal

infrastructure in the minorities' localities. An additional amount of 1.0111 billion NIS (\$273,270,270) will be allocated for the completion of remaining projects. Furthermore, during 2008–2009, another 1.0065 billion NIS (\$272,027,027) will be allocated according to the five-year plan, for the development, maintenance and reconstruction of inter-municipal infrastructure in minorities' localities.

56. **National-Civil Service.** The Public Commission for National-Civil Service (hereinafter: the “Commission”), which had been established on August 1, 2004, was mandated to examine the issue of civil service for populations not performing military service. In February 2005, the Minister of Defense adopted the Commission's recommendations advising that all Israeli citizens and residents, not recruited to military service such as most ultra-orthodox Jews and most of the Arab population, will perform civil service.

57. Government Resolution no. 4598, dated December 18, 2005, stressed the importance of promoting the possibility to perform either military or civil service as part of equality and division of the burden among the Israeli society. During the Government meeting that resulted in the above Government Resolution, instructions were set with regard to the realization of the civil service initiative. It also established the Civil Service Administration (hereinafter: “the Administration”).

58. Government Resolution no. 2295, dated August 19, 2007, establishes a new National-Civil Service Administration. The new administration mandate is to regulate and coordinate the implementation of the National-Civil Service program in order to enable youth from all segments of the population exempt from military duty, to take part in the program for a period of 1–2 years, performing activities aimed at promoting the society in general and weak populations in particular, thus enhancing the linkage between the individual and the State.

59. The Resolution stresses the voluntary nature of the National-Civil Service, and its help in reducing inequality between people who serve in the military or any other voluntary service, and those who do not serve, and will increase the possibility of all those serving to integrate in the civil life.

This Resolution encountered strong resistance from different Arab leaders and from the Arab High Monitoring Committee.

60. However, according to a survey conducted, the majority (74%) of the Arab youth are willing to take part in such program. Moreover, since the application of the Government Resolution, the numbers of National-Civil Service members have been increasing steadily – from 240 applicants in 2006, to 628 in 2007, and 1,050 in 2008.

61. The National-Civil Service is an independent body, without linkage to the military system and the military service. That is excluding issues relating to the postponement of the military service for yeshiva students according to the *Service Postponement to Yeshiva Students who's Torah – their Craft Law 5767-2007* (the “*Service Postponement Law*”).

62. The main challenges the Administration faces are the creation of attractive service options for youth from the different populations, countering opposition in different sectors and providing professional training where needed.

63. The Administration is responsible to present to the Government, after consultation with a public committee, a program for long-term operation, including ways to extend the volunteering group, and other plans of action. Furthermore, the Administration is in charge of initiating programs needed in order to present information, raise awareness, and broaden the public involvement in the National-Civil Service subject.

64. The Prime Minister's Office is currently promoting legislation to anchor the National-Civil Service program, and to equalize the conditions and entitlements of those who perform military service with those who perform National-Civil Service.

#### **Appropriate representation**

65. **The Civil Service.** In 2000, *the Civil Service (Appointments) (Amendment no. 11) (Appropriate Representation) Law 5760-2000* (the "*Civil Service (Appointments) Law*"), was enacted by the Israeli Knesset in order to ensure that minorities and under-represented populations such as women, persons with disabilities, and the Arab, Druze and Circassian populations are represented in the Civil Service according to their proportion in the eligible work force population. The Law requires appropriate representation of the various groups throughout the Civil Service, at all levels and in all professions.

66. On November 30, 2003, the Government consolidated Resolution no. 1073 concerning appropriate representation for persons with disabilities in the Civil Service. Among the measures set out in the Resolution is the appointment of Equality for Persons with Disabilities Supervisors in each Ministry, whose task it is both to promote the employment of persons with disabilities in the Civil Service and to make the Ministry more accessible to persons with disabilities in general. The Government further decided to give priority to persons with severe disabilities in appointments and promotions in the Civil Service.

67. The *Civil Service (Appointments) Law* was amended in 2005, in order to include persons of Ethiopian origin among the various groups entitled to appropriate representation in the Civil Service. Following this amendment, the Government accepted Resolution no. 1665 concerning allocation of positions in the Civil Service for persons of Ethiopian origin and giving them priority in appointments and promotions.

68. On March 12, 2006, the Government decided (Resolution no. 4729), based on section 15A of the *Civil Service (Appointments) Law*, to designate 337 employment positions towards the integration of the Arab population, including Druze and Circassians, into the Civil Service between the years 2006 and 2008. In addition, the Government decided to establish an inter-ministerial team charged with examining further ways of promoting appropriate representation of Arabs in the Civil Service. On July 16, 2006, the inter-ministerial team submitted its recommendations.

69. On August 31, 2006, the Government adopted Resolution no. 414 adopting most of the inter-ministerial team's recommendations, including: determination of new objectives for advancing appropriate representation of Israeli Arabs in the Civil Service, such that Arabs would constitute 8% of all Civil Service employees by the end of 2008, and 10% by the end of 2010. In addition, it was decided that until the end of 2008, 20% of all new positions would be allocated for Arabs. Previous decisions to give priority to Arab-Israelis in appointments and promotions were extended by a further four years. Each Ministry was required to appoint a supervisor charged with the advancement of Arab representation and an inter-ministerial team to ensure the implementation of the Resolution would be established.

70. On November 11, 2007, the Government adopted Resolution no. 2579 amending the previous Resolution no. 414. According to the new Resolution, Arabs, including Druze and Circassians, are to consist of 10% of all Civil Service employees by the end of the year 2012. In addition, 30% of all new positions until 2012 are to be allocated to this population. In order to achieve these objectives, the Resolution requires all Government Ministries to consolidate a five-year working plan. The Resolution further requires that priority be given to Israeli-Arabs appointments and promotions until the end of 2012. The Resolution establishes an Inter-ministerial team headed by the Director General of the Ministry of

Justice to follow-up on the implementation of the provisions detailed above by every Government Ministry and look into ways of removing barriers from the integration of Israeli Arabs into the Civil Service. Following this Resolution, the Civil Service Commission is in constant contact with each Ministry, monitoring its progress in moving towards the goals set by the Government.

71. Data indicates a steady increase in the rates of Arab, Druze and Circassian employees in the Civil Service. As of November 2008, 6.5% of employees in the Civil Service were Arabs, Druze and Circassians (in comparison to 6.17% in 2007).

72. Furthermore, 8.7% of all new employees integrated in the Civil Service in 2007 were Arabs, Druze and Circassians, In comparison to 6.9% in 2005, and 4.26% in 2003. It should be noted that the rates of women among the Arab, Druze and Circassian newly integrated employees are also on the rise. In 2007 39.8% of all recently accepted Arab, Druze and Circassian integrated employees were women, in comparison to 37.7% in 2005, and 34.2% in 2003.

73. An increase is also evident in the employment of Arab, Druze and Circassian academics in the Civil Service. In 2007, 46.82% of Arab, Druze and Circassian Civil Service employees had an academic degree, in comparison to 43.7% in 2006. This trend is correlated with the general trend of allocating positions intended for the integration of Arab, Druze and Circassian academics.

74. Data also indicates an increase in the number of Arab employees in senior ranks – 376 employees in 2007, in comparison to 347 in 2006.

75. On March 12, 2006, the Government of Israel made a resolution, at the request of the Ministry of Justice, in the matter of suitable representation among interns in the Ministry of Justice (Resolution no. 4730). The Government decided, *inter alia*, as follows:

“A. In accordance with the provisions of section 15A(b)(2) of the *Civil Service (Appointments) Law* to designate, insofar as possible, some ten per cent of the annual class of interns in the Ministry of Justice solely for the employment of candidates who qualify for an internship in the Ministry of Justice and fulfill one of these:

*the candidate is a member of the Arab population, including Druze and Circassian;*

*the candidate or one of his/her parents was born in Ethiopia;*

*the candidate is a “person with a severe disability” within its meaning in section 35.252 of the Civil Service Regulations...”*

76. In accordance with the aforesaid resolution, it was decided to compile a directory of candidates that will effectuate the aforesaid Government Resolution with respect to “suitable representation” and will include candidates who meet the criteria set forth in the Government’s Resolution and whose particulars and qualifications make them suitable for internship. Accordingly, in 2008, the Ministry of Justice announced, for the second year, the creation of such a directory of candidates for internship positions for September 2008 and March 2009.

77. **Local municipalities.** In the 88 local councils or municipalities which serve towns and villages where the population is primarily composed of Arabs, Druze, Bedouins or Circassians, the employees of the local government bodies are almost exclusively composed of members of those minorities. In larger municipalities with mixed populations, such as Jerusalem, Haifa and Lod, members of minorities are employed at a level which approaches their overall representation in the population, although less so at the most senior positions.

78. **Government Companies.** Under an amendment to the *Government Companies (Amendment 11) Law 5735-1975* (the “*Government Companies Law*”), dated June 11, 2000, the Arab population (defined as including people of Druze and Circassian origin) must be appropriately represented on the board of directors of every government company and statutory corporation. According to data gathered in December 2008, 47 out of 586 directors, (8.02%), were of Arab origin, including Druze and Circassian, in comparison, to 10 (1.7%) in 2001.

79. In H.C.J. 10026/01 *Adalah v. the Prime Minister of Israel et. al.* (02.04.03) the Court discussed the issue of the appointment and representation of Arabs, specifically women, to the boards of directors of government companies, as the petitioner claimed that the implementation pace of the *Government Companies Law* by the Government was unsatisfactory and inconsistent with its obligation. The Court dismissed the petition, determining that the gradual implementation of the Law is inevitable, and pointing out that the petitioner itself agreed that an appropriate representation of the Arab population cannot be achieved in two or even several years. The Court further held that the Government endeavors to implement the Law and fulfill its obligations are sufficient.

80. On June 27, 2007, the Jerusalem District Court determined that an Arab citizen could not be disqualified from being appointed to the board of directors of Keren Kayemeth Le’Israel (KKL) – the Jewish National Fund, which is a dual entity committed to the principal of equality (OP 5299/06 *Uri Bank v. Keren Kayemeth Le’Israel KKL*). The petitioners requested the Court to annul the election of new directors to KKL which had taken place on July 13, 2006, due to fundamental deficiencies in the process, and the election of Mr. Radi Sfori, an Israeli Arab elected as a representative of the Meretz Party.

The Court discussed whether the procedure of appointing new directors to KKL was in line with the *Companies Law 5759-1999*, and whether an Israeli Arab could be appointed as director of a corporation defined as being “trustee of the Jewish people in the land of Israel”. The Court stated that the appointment procedure was not deficient, and refused to annul the elections. It held that former court decisions acknowledged the duty of every authority in Israel to treat all different individuals in the State equally. Although KKL is a private company – it shall apply the principle of equality since it is a dual entity.

81. **The Judiciary.** In the last 10 years there has been a significant increase in the number of Arab citizens working in the Israeli judicial system. This is greatly the result of the increase of appointments of members of minority populations within the Ministry of Justice. Currently, 38 out of 576 judges are members of minority populations, half of which were appointed in the last 10 years. The distribution of appointments within the Arab population is as follows: 14 Muslim judges – 8 were appointed in the last 10 years, 17 Christian judges – 12 were appointed in the last 10 years, 7 Druze judges – 5 were appointed in the last 10 years.

82. **Minorities’ terms of employment in the Civil Service.** In addition to increasing representation of minority groups, the Civil Service Commission has also taken steps to better accommodate the various needs and lifestyles of minority employees at work. Holiday and vacation time is provided according to the relevant religious holidays, such that Muslim employees are entitled to a day off during the Ramadan, and Christians can choose Sunday as their day off from work.

83. Furthermore, members of the Arab population employed in the Civil Service enjoy a unique benefit in the form of State participation in the rent paid by them for apartments in the vicinity of their workplace and funding of weekly commute expenses.



### Arab cooperative societies

84. All Israeli NGOs are treated equally. In 2007, The Registrar of Cooperative Societies published on its internet web site a document in Arabic entitled the “The Proper Administration of Cooperative Societies”, which is a translation of a document in Hebrew first issued in October 2002. Additionally, the Registrar employs an Arab lawyer who handles applications in Arabic, a contractor lawyer who is fluent in Arabic and is involved particularly in registration, and two other Arab accountants who examine NGOs’ files. The Registrar and its representatives took part in a number of conferences organized by Arab representatives and attended lectures concerning the different requirements of the Registrar.

85. **Land allocation.** The Supreme Court ruling in H.C.J. 6698/95 *Ka’adan v. The Israel Lands Administration (ILA)* was discussed in Israel’s previous periodic report. In response to that judgment, the ILA, in cooperation with the Jewish Agency for Israel, issued new admission criteria to be uniformly applied to all applicants seeking to move into small, communal settlements established on State-owned land. These criteria stipulate that the applicants must be over the age of 20, have applied as an individual or a couple (including families), maintain sufficient economic resources, and be suitable for a small communal regime.

If the Committee rejects an application for admission, the reasons for rejection are to be based upon an objective, professional, and independent opinion. Any criterion for admission is to be examined in advance by the Administration and publicized.

The decisions of the committee are subject to review by a Public Appeals Committee, which is to be chaired by a retired judge. Application forms and the rules of procedure of the Appeals Committee are to be made available to the public.

86. On January 22, 2007, the High Court of Justice had rejected the petition of “Hasolelim” Rural Community Association Inc., filed against the decision of the Israel Lands Administration (ILA), dated March 2, 2006, to allocate a lot for residence to Ibrahim and Hilda Dwiri in the neighborhood of Kibbutz Hasolelim (“Nof-Alonim”) despite the pre-requisite for admission to the neighborhood, of military service.

The Court explained in its decision, that the Israel Lands Council is the authorized body to set the land policy of Israel, and the ILA is the authorized body to act upon such policy and to supervise its realization.

Although the Court had established that in light of the above it did not need to address the petitioners’ claims with regard to the justifications to reject the admission of the Dwiri family, it nevertheless emphasized the extraordinary severity of differentiation on the basis of nationality. (H.C.J. 7574/06, “*Hasolelim*” Rural Community Association Inc. v. *The Israel Lands Administration*).

### Equal rights for persons with disabilities

87. The State of Israel signed the Convention on the Rights of Persons with Disabilities on March 31, 2007, thus expressing its commitment to the advancement and the protection of the rights of persons with disabilities. The Ministries of Justice and of Foreign Affairs are currently examining the necessary measures towards the ratification of the Convention, including the legislative amendments required.

88. **The Commission for Equal Rights of People with Disabilities.** Since Israel’s previous periodic report, the Commission for Equal Rights of People with Disabilities (hereinafter: “the Commission”) was established, its powers were broadened and the number of employees significantly increased. The Commission includes three main units: Accessibility, Integration in Society and the Legal Department. The Commission’s work is aimed at promoting public policies regarding the rights of persons with disabilities as well

as providing assistance to individuals who encounter difficulties. Alongside the Commission operates a steering committee, composed mainly of persons with different disabilities who represent the main organizations operating in the field.

89. **Legislation.** As set out in detail in Israel's previous report, the central piece of legislation in this field is the *Equal Rights for People with Disabilities Law* (the "*Equal Rights for People with Disabilities Law*"), enacted by the Knesset on February 23, 1998. The *Equal Rights for People with Disabilities Law* established, for the first time, the statutory right to equality and human dignity for persons with disabilities and created a new system of obligations for the State of Israel *vis-à-vis* its disabled citizens. In addition to chapters concerning fundamental and general principles, the *Equal Rights for People with Disabilities Law* comprised operative chapters on employment, public transport services and the establishment of the Commission for Equal Rights of Persons with Disabilities. The Law was amended in 2004, so as to extend the application of the temporary provision requiring adequate representation of persons with disabilities in the work force, for a further period expiring in 2010.

90. In 2005, the Law was amended again, adding section E1 – Public Places and Public Services. This section incorporated many new and important elements into the Law, including: prohibition of discrimination in public services, in public places and products, accessibility of public places, accessibility to public services, restrictions on the statutory duty of accessibility and accessibility to education, higher education institutions and educational services. The Law was further amended in 2007 and 2008, in order to promote effective implementation of the accessibility provisions – the 2007 amendment dealing with implementation of the new provisions concerning licensed accessibility experts, and the 2008 amendment strengthening the provisions on accessibility to educational facilities.

91. In this regard, mention must be made to an amendment to the *Immovable Property Law 5729-1969*, passed on December 4, 2001, facilitating the statutory framework for accommodations and adjustment of the common parts of apartment buildings to the needs of a resident with disabilities, in certain circumstances even without the consent of other residents.

92. The enactment of the accessibility amendment to the *Equal Rights for People with Disabilities Law* in 2005, was followed by the passage that same year of two additional related laws – the *Investigation and Testimony Procedures (Suitability to Persons with Intellectual or Mental Disability) Law 5765-2005*, (the "*Investigation and Testimony Procedures (Suitability to Persons with Mental or Physical Disability) Law*") and the *Broadcasting Television (Subtitles and Signing) Law 5765-2005*, (the "*Subtitles and Signing Law*"), further elaborated below.

93. In December 2007, the *Prohibition of Slander Law 5726-1965*, was amended by the Israeli Knesset. According to the revised Law, making a mockery of or humiliating persons with disabilities because of said disability – whether it is psychological, mental (including cognitive), physical, permanent or temporary, shall be considered unlawful and prohibited slander.

94. According to a recent Amendment to the *National Health Insurance Law 5754-1994*, (the "*National Health Insurance*") (Amendment 43) dated November 5, 2008, children with Autistic disorders will receive 3 hours' a week of paramedical treatment (physiotherapy, speech therapy and occupational therapy). These treatments will require a minimal co-payment of 23 NIS (\$6) per session. The Amendment will be gradually implemented, commencing on January 1, 2009.

*Employment of persons with disabilities*

95. As set out in Israel's previous report, the employment provisions of the *Equal Rights for People with Disabilities Law* prohibit discrimination on the basis of disability, oblige employers to make reasonable work accommodations and require appropriate representation of persons with disabilities in the work force.

96. Since the submission of Israel's second periodic report, the Government promulgated various regulations with a view of promoting greater participation in the work force by persons with disabilities. The *Equal Rights for People with Disabilities (Preference in Parking Spaces in the Work place) Regulations 5762-2001*, oblige employers to provide each disabled employee with an accessible designated parking space for his/her exclusive use. These regulations apply to every employer who has at least six employees, and who has provided designated parking spaces for at least three of them. Under the *Equal Rights for People with Disabilities (State Participation in Financing Accommodations) Regulations 5766-2006*, employers are entitled to a refund from the Government on expenses made in adjusting the workplace to the disability, work and daily needs of disabled employees (subject to a maximum sum per employee).

97. In addition, the employment provisions of the *Equal Rights for People with Disabilities Law* have been the subject of a growing body of case law.

98. In the first case to be decided, L.C 2968/01 *Balilti v. Jerusalem Post Publications Ltd* (2.12.01), the Jerusalem District Labor Court held that the duty to ensure proper representation of persons with disabilities according to section 9 of the *Equal Rights for People with Disabilities Law*, includes giving priority to persons with disabilities over other similarly qualified employees when selecting for redundancy.

99. In 2003, addressing the duty to make reasonable accommodations, the Tel Aviv District Labor Court held that an employer is obligated to find alternative suitable employment for an employee who has become disabled during the course of his employment (C.M. (Tel Aviv) 5712/03 *Steinberg v. Israel Electric Co.* (30.12.03)).

100. In another case, in 2005, the Nazareth District Labor Court ruled that the phrase "accommodation" is not limited to the physical adjustment of structures, equipment or accessories, but extends to making accommodations of an economic nature. Thus, an employer is obligated to continue employing an employee who became disabled, and pay him the same salary, even if there is a decrease in his/her productivity due to the disability, unless the employer can prove that this imposes an unreasonable burden on his/her business. In this case, the Court held that an employee with cancer constitutes a person with a disability for the purposes of the *Equal Rights for People with Disabilities Law* (L.C (Nazareth) 1732/04 *De Castro Dekel v. M.B.A Hazore'a* (10.07.05)).

101. Labor courts have also dealt with cases of persons with Intellectual and/or Mental disabilities, whose work capacity is diminished due to their disabilities. The courts ruled that such persons are to be regarded as "workers" and as such are entitled to all the benefits of an employer-employee relationship, including the applicability of all relevant labor laws. In both decisions, the employers were obligated to compensate the plaintiffs retroactively (L.C (Tel-Aviv) 10973/04 *Goldstein v. Na'amat*; L.C (Haifa) 3327/01 *Roth v. Ram Buildings Ltd*).

102. As a result of these decisions and with a view of encouraging the employment of persons with Intellectual and/or Mental disabilities in supported employment in the open labor market, a law was enacted in 2007 – the *Equal Rights of Persons with Disabilities Employed as Rehabilitated Persons (Temporary Provision) Law*. According to this Law, a person whose work capacity is less than 19% shall not be considered an employee, but rather a rehabilitated person. As such the entire body of labor laws does not apply, but at

the same time the new Law gives a rehabilitated person the right to remuneration for work and decent work conditions concerning matters such as leave, sick pay, hours of work and travel expenses. This law supplements the *Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations 5762-2002*, promulgated on February 21, 2002, concerning adjustments to the minimum wage for persons who are at various levels of diminished work capacity as the result of a disability. The objective of the Regulations is to encourage employers to hire employees whose work capacity is diminished due to disability, by enabling them to pay such employees less than the minimum wage. The Regulations set a reduced minimum wage scale which corresponds with work capacity. Thus an employee whose work capacity is reduced by between 25–50% is entitled to 75% of the minimum wage; an employee whose work capacity is reduced by between 50–70% is entitled to 50% of the minimum wage; and an employee whose work capacity is reduced by over 70% is entitled to a third of the minimum wage. Under the Regulations, the person with disability is required to apply to the Ministry of ITL requesting a determination of his/her reduced work capacity, resulting in the entitlement to a reduced minimum wage. The Regulations apply to employment in the open labor market, as opposed to sheltered employment. In the first 20 months of the implementation of the Regulations, 1,600 persons with disabilities have applied to have their minimum wage adjusted, and in 1,255 of these cases the wage was, in fact, adjusted.

103. On July 27, 2008, the *National Insurance Law (Consolidated Version) 5755-1995* (the “*National Insurance Law*”) was amended (Amendment no. 109) in order to further facilitate the integration of persons with disabilities into the labor force. The amendment is the end product of a process designed to sever the linkage between disability, social security and unemployment. Prior to the amendment, a person with disability entitled to the National Insurance Disability Benefit had little if no incentive to take him/herself off social security and enter the labor market, since a salary exceeding the level of Disability Benefit would disqualify him/her from receiving the benefit, even where he/she lost his/her job thereafter. Eliminating the Disability Benefit trap was a centerpiece of the Report issued by the Public Commission for the Examination of Disabled Persons’ Issues and The Promotion of their Integration into the Community. The Commission, headed by retired Justice Laron, presented its Report on April 21, 2005, having been appointed by the Government following a major strike of persons with disabilities in 2002. The recent amendment to the *National Insurance Law*, which is the outcome of the Government’s adoption of the Laron Commission’s Report, enables a person with disability to earn a relatively high monthly salary (7,000 NIS – 1,842\$) without having to forgo his/hers National Insurance Disability Benefit entitlement.

#### *Accessibility*

104. The extensive aforementioned 2005 amendment to the *Equal Rights for People with Disabilities Law*, prohibits disability-based discrimination in the operation of public places and the provision of public services, and requires that these be made accessible, such that persons with disabilities will be able to benefit to the full extent from public services and will be able to enter a public place, move around and enjoy its facilities in full. The new accessibility regime applies to public places and services operated by the State and other public authorities, as well as to those operated by the private sector.

105. According to the Law, existing buildings, as well as new construction must be made accessible. Special provisions of the new legislation are devoted to accessibility and non-discrimination related to specific areas – insurance contracts, schools and higher educational institutions, roads and infrastructure in general and emergency services.

106. In addition to radically changing the norms governing accessibility, the 2005 amendment establishes a wide range of enforcement mechanisms: obtaining and renewing a

business licence will now be conditional on securing the approval of a licensed accessibility expert, to the effect that the requirements of the new accessibility regime have been complied with. The accessibility expert's approval is likewise a pre-condition for obtaining planning permission and completing other planning procedures.

107. At the core of the new provisions on enforcement are a number of key powers with which the Commission for Equal Rights for Persons with Disabilities has been invested: in order to secure implementation of the accessibility requirements, the Commission may either file a civil claim or, subject to providing notice as required by the Law, issue an accessibility order setting out the various steps required in order to make a particular place or service accessible, together with a time frame for so doing. Violation of the terms of an accessibility order is considered a criminal offence.

108. Various regulations have been promulgated to accommodate the aforementioned accessibility amendments: *The Equal Rights for People with Disability (Licensed Building, Infrastructure and Environment Accessibility Experts) Regulations 5767-2007*, and *the Equal Rights for People with Disabilities (Licensed Service Accessibility Experts) Regulations 5767-2007*, prescribe the prerequisites for the registration of a licensed building, infrastructure and environment accessibility experts, and licensed service accessibility experts respectively.

#### *Transportation*

109. Legislation requiring the accessibility of public transportation was part of the original Equal Rights for People with Disabilities Law. The Equal Rights for People with Disabilities (Accessibility to Public Transportation) Regulations 5763-2003, set out in detail the obligations of public transportation operators (trains, boats, air transportation, municipal bus lines, central bus stations, train stations, airports, etc.) to provide accessibility for persons with disabilities.

#### **Community housing**

110. **Community housing for people with Intellectual Disabilities.** To date, it is estimated that 33,000 people with intellectual disabilities live in Israel, 25,000 of which receive care from the social services. Some reside at home while others live in various residential services facilities.

111. Currently, 63 residential facilities provide housing for people with Intellectual disabilities: 9 governmental facilities accommodating 1,816 residents, 40 private facilities accommodating 3,740 residents and 14 public facilities run by non-profit organizations, accommodating 1,175 residents.

112. In addition there are several community housing options: 140 foster families, 48 hostels (up to 24 residents in each), 21 communal houses (up to 15 residents in each) and 166 apartments in the community (up to 6 residents per apartment).

113. An amendment to the *Welfare (Treatment of Persons with Intellectual Disabilities) Law 5729-1969*, enacted in 2000, provides that when it is decided that a person with an Intellectual Disability should live outside his/her family home, priority should be given to housing in the community. The Department for the Treatment of the Intellectually Disabled within the Ministry of Social Affairs and Social Services, acts to implement this priority, as the general trend is to transfer people from residential facilities to community housing in the form of hostels. In practice housing in the community is now the dominant option, such that two-thirds of people with Intellectual Disabilities living outside their family homes live in the community.

114. Following a recent petition to the Supreme Court, the limitations set by the Ministry of Social Affairs and Social Services upon community housing have been narrowed down and are confined to cases where the medical services provided in the Community are insufficient or cases of violence or severe behavioral problems. In order to implement the new policy, the Ministry of Social Affairs and Social services has decided to establish hostels in the community, in which between 16 and 24 persons with Intellectual Disabilities will reside. The revised policies of the Ministry relating both to the limitations on living in the community and the building of hostels in the community have recently been approved by the Supreme Court (H.C.J 3304/07 *Lior Levi et. al v. The State of Israel et. al.* (24.9.08)).

115. **Community housing for people with Physical Disabilities.** The Department for Rehabilitation in the Ministry of Industry, Trade and Labor, which is responsible for the treatment of people with physical or sensory disabilities, allocates 85% of its budget towards Community Housing (mainly hostels and apartments). The remaining portion of the budget is used to maintain existing residential facilities. Since 2001, no new residential facilities have been established, as the majority of the budget is invested in community housing. Recently, the Department published tenders for the establishment of new hostels for people with severe disabilities. Moreover, the existing facilities will be obligated to reassign appropriate persons from residential facilities to community housing.

#### *Culture and leisure*

116. Several important developments have occurred since Israel's previous periodic report in this regard. Firstly, the many advancements in accessibility mentioned earlier, influence all aspects of life for the disabled, including access to cultural events and leisure sites.

117. Recently, a number of resort sites have been made accessible for the disabled with the help of the National Insurance Institute funds.

118. In September 2008, new regulations were promulgated, obligating the adjustment of various public sites to the needs of persons with disabilities. The *Equal Rights for People with Disabilities (Site Accessibility Adjustments) Regulations 5768-2008*, lay down the accessibility requirements for archeological sites, national parks and nature reserves, as well as other areas, mainly forests, managed by the Jewish National Fund or on its behalf. According to these Regulations, new sites will not open for public use unless the accessibility requirements are met. Existing sites are compelled to gradually fulfill the requirements within 10 years.

119. The *Television Broadcasts (Subtitles and Sign Language) Law*, mentioned above institutes a comprehensive statutory scheme in this field, thereby replacing its predecessor, the far narrower *Deaf Persons Relief Law* of 1992. The new Law applies broader responsibilities and restrictions on broadcasters in order to enhance, to the fullest extent, disabled persons' accessibility to television broadcastings.

120. In 2008, the Council for Cable TV and Satellite Broadcasting, a public body established under the *Telecommunications Law 5742-1982*, decided on a separate definition of "prime-time" for children's channels, so that the requirement for subtitles will coincide with the relevant viewing hours for children with hearing impairments. The Council also decided on a list of children's programs of major interest that will be subtitled.

#### **International cooperation**

121. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Additional information**

122. For further information regarding the elimination of all forms of discrimination, please refer to the 10<sup>th</sup>–13<sup>th</sup> Combined Periodic Report of the State of Israel on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), submitted in May 2005, as well as the Third Periodic Report of the State of Israel on the Implementation of the Covenant on Civil and Political Rights (ICCPR), submitted in July 2008.

### **Article 3**

#### **Prohibition of discrimination between men and women**

123. The Israeli courts continue to protect and uphold the principle of equality and prohibition of discrimination, including gender discrimination. In the wording of the Tel-Aviv Labor Court in La.A. 8704/06 *Nadav Fitusi v. N&B Bogin Sports Center Ltd*: “any discrimination based on gender is a negative social phenomenon that is to be uprooted completely. The prohibition on discrimination derives not only from the provisions of the *Equal Employment Opportunities Law 5758-1988*, but also from the general principle of equality which is part of our legal system and anchored in *Basic Law: Human Liberty and Dignity*”.

In this case, the plaintiff was employed by the respondent as a gym instructor and was dismissed from work following the respondent’s desire to replace him with a female instructor. There was no disagreement among parties that the dismissal was due solely to the plaintiff’s gender.

The Court held that in order to prove discrimination, the worker needs only to convince the court that such prohibited consideration was actually a factor for the employer’s decision, even if it was not the main reason. Based on section 10 of the *Equal Employment Opportunities Law*, the Court ordered the respondent to pay 30,000 NIS (\$8,108) compensation to the plaintiff, considering the specific circumstances of the case.

#### **Childcare services expenditures**

124. On April 3, 2008, the Tel-Aviv District Court determined that expenses paid for childcare services, such as nursery and after-school programs, are expenses made for the purpose of generating an income, therefore can be deducted from the taxable income of a mother each tax year. The Court determined that these costs are essential in allowing the integration of mothers to young children in the labor market.

Here, the Court held that a mother of two children, a lawyer with a private practice, needs to work long hours in order to succeed in her profession, and therefore must find a solution for the care and supervision of her children during her working hours. However, the tax authorities did not agree to deduct the expenses paid for childcare from the taxable income. The Court held that distinction shall be made between the component of care and supervision (including the amount of money necessary to operate a childcare institution) to the component of education and enrichment the children receive while in those childcare institutions.

The Court emphasized the fact that the premise is the right of the two spouses to fulfill their career aspirations, their right to realize their will to practice their occupation and create a livelihood for themselves and their family members. The placement of children who need adult supervision in childcare institutions is done for the purpose of allowing both parents to work. Therefore, the Court ordered that the tax authorities deduct 2/3 of the expenses

paid in the years in dispute. (I.T.A (Tel-Aviv) 1213/04 *Vered Peri v. The Income Tax Assessor of the Dan Metropolitan Area* (03.04.2008)).

125. On May 12, 2008, the State of Israel submitted an appeal to the Supreme Court, and the proceedings are still pending. (C.A. 4248/08 *The Income Tax Assessor of the Dan Metropolitan Area v. Vered Peri*).

#### **The Retirement Age Law, 5763-2004**

126. In January 2004, The Knesset approved the *Retirement Age Law 5763-2004* (the "*Retirement Age Law*"), implementing more equitable norms regarding retirement age.

127. The new Law equalizes the mandatory retirement age (67) and the early retirement age (60) for both men and women. As for the retirement age which grants the right to Old Age benefit – commencing on April 1, 2004, the retirement age is gradually raised until it will eventually reach 67 for men and 62 for women.

128. Regarding women who were born in 1950 and onwards, the Law orders the Minister of Finance to appoint a public committee, comprised of Government, employees' and employers' representatives, for the examination of the retirement age for women.

#### **The Gender Implications of Legislation Law (Legislative Amendments)**

129. On November 25, 2007, the Knesset enacted the *Gender Implications of Legislation Law* which imposes a duty to systematically examine the gender implications of any primary and secondary legislation before it is enacted by the Knesset. The Law's aim is to expose any hidden inequalities between men and women that might be present in various bills, in order to advance the status of equality between both genders. According to the Law, the Authority for the Advancement of the Status of Women will submit to the relevant Knesset committee an opinion concerning the gender implications of any bill or secondary legislation, when brought for its consideration or approval. This will allow Knesset members participating in committee hearings to become acquainted with any gender implications inherent in legislation, if such implications in fact exist. In addition, the submission of these opinions will be anchored in the *Authority for the Advancement of the Status of Women Law 5758-1998* (the "*Authority for the Advancement of the Status of Women Law*") as one of the official functions of the Authority.

#### **The Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Work places to Women's Needs Law**

130. On April 10, 2008, the Knesset enacted The Encouragement of the Advancement and Integration of Women in the Work force and the Adjustment of Work places to Women's Needs Law. The purpose of the new Law is to generate a change in the business culture in Israel and promote public awareness in order to encourage employers to advance and integrate women in the workplace and, inter alia, adjust the workplace to the needs of women and parents. According to the new Law, monetary incentives will be granted by the Minister of Industry, Trade and Labor (hereinafter: "ITL") to employers in the private sector who endeavor to integrate and promote women in their business, as well as employers who modify the workplace and work conditions to the needs of women and parents.

131. The new Law requires the Minister of ITL to establish a Public Council for the Integration and Advancement of Women in the Workplace, which will function as an advisor to the Minister on the issue of women in the workplace, including measures to implement the provisions of the Law. The Public Council is made up of 11 members – representatives of different Government Ministries, experts in Gender studies, representatives of women's NGOs, representatives of the Authority for the Advancement of



the Status Women, the Equal Employment Opportunities Commission and representatives of trade unions and employers' associations. A retired female judge will head the Public Council.

132. The Minister of ITL is required to submit an annual report on the implementation of the Law to the Knesset Committee on the Status of Women and to the Knesset Committee on Labor, Welfare and Health.

133. This Law has the potential of serving as an incentive to employ more women, promote women to senior positions and to modify the work conditions to the unique needs of women, thus increasing women's economic independence.

#### **The Collection and processing of statistics**

134. A recent amendment (June 2008) to the *Statistics Ordinance [New Version]*, 5372-1972, determines that the collection and processing of statistics relating to individuals and the publication of the results by the Central Bureau of Statistics, shall include statistics by gender, unless the National Statistician has determined, regarding a specific matter, that there are circumstances justifying deviation from the general rule. The National Statistician may determine that the collection and processing of statistics and the publication of the results shall include statistics by gender in matters that have gender related implications, even if they do not pertain to individuals. According to the Amendment, The Central Bureau of Statistics shall publish, at least once a year, results deriving from the collection and processing of statistics that include statistics by gender. The Central Bureau of Statistics shall appoint, following consultation with the Authority for the Advancement of the Status of Women, an employee who shall be responsible for the implementation of this section. The amendment will enter into force on January 1, 2009.

135. *The Equal Rights for Women Law 5711-1951*, (the "*Equal Rights for Women Law*") was also amended in 2008, to add two important sections relating to the collection and processing of information: Section 3A determines that any person or an entity requiring a person to state, in a form or other document, the names of one his/her parents should require the names of both parents (as long as the person has that knowledge). Section 6C3 determines that a public body that regularly collects and processes information regarding individuals, and publishes that information for statistical purposes, shall include in its activity reference to gender. The relevant Minister or the person in charge may determine, regarding a specific matter, that there are circumstances justifying not doing so. The person in charge may determine that the collection and processing of statistics and the publication of the results shall include statistics by gender, even if the information does not pertain to individuals on matters relating to gender. The amendment will enter into force on January 1, 2009.

#### **The Authority for the Advancement of the Status of Women**

136. The Authority for the Advancement of the Status of Women has provided a detailed survey of its actions and programs entitled "Beijing +10", this survey was published in March 2005.

#### **Amendment of the Equal Rights for Women Law**

137. Prior to the abovementioned Amendment, the *Equal Rights for Women Law* was amended in 2005. The fourth Amendment to the Law (July 20, 2005), determined that any task force appointed by the Government for the creation of foreign and/or interior national policies (including negotiation teams working towards a peace agreement) must include an appropriate number of women. In order to effectively implement and enforce the provision, the appointing body must report on its composition to the Authority for the Advancement

of the Status of Women, which will in turn examine the details. Ultimately, such information will be compiled in an annual report concerning the adequate representation of women in national policy task forces, to be submitted to the Knesset Committee on the Status of Women. Current data indicate that 37% of all representatives in governmental committees and work-teams are women.

Amendment of the Prevention of Sexual Harassment Law 5758-1998, (*the "Prevention of Sexual Harassment Law"*)

138. In general, the *Prevention of Sexual Harassment Law* requires that the victim express his/her lack of interest in order for the situation to constitute as an act of sexual harassment. Nevertheless, as detailed in Israel's previous report, a number of important exceptions were made to this rule. Under the circumstances of those exceptions, even though the victim did not show a lack of interest, a "sexual harassment presumption" is applied. These exceptions can be divided into two main categories, the first are acts that constitute serious criminal offenses regardless of the sexual harassment offense, such as indecent actions or blackmail; the second category consists of cases wherein an individual exploits a position of authority, which can occur in educational, medical and employment contexts.

139. In 2004 and 2007, the Law was amended in order to broaden the "sexual harassment presumption" to include the following victims:

139.1. A minor (under 15), where the harasser is an adult, even though the act was not committed by exploiting a position of authority.

139.2. A pupil of the 12th–14th grades where the act was committed by exploiting a position of authority in education.

139.3. A rehabilitated person, as specified under the *Equal Rights of Persons with Disabilities Employed During Rehabilitation (Temporary Provision) Law 5767-2007* (the "*Equal Rights of Persons with Disabilities Employed During Rehabilitation Law*"), while employed, and by exploiting a position of authority.

### **Sexual harassment in the workplace**

140. According to the *Prevention of Sexual Harassment Law*, an employer who employs more than 25 employees is obligated to prescribe a code of practice detailing the principal provisions of the Law concerning sexual harassment and adverse treatment in the labor relations sphere, and the procedures prescribed by the employer for filing complaints in respect to sexual harassment or adverse treatment and for dealing with such complaints prescribed by the employer. The employer must publish the code of practice among his/her employees. The Law further obligates the employer to appoint a supervisor of sexual harassment issues. The supervisor is responsible, *inter alia*, for handling sexual harassment and adverse treatment complaints, and to take measures aimed at raising his/her employees' awareness of the issue.

141. During 2007, the Authority for the Advancement of the Status of Women (hereinafter: "the Authority") began collecting data on the implementation of the obligation to appoint a supervisor in local municipalities and in government companies. By the end of 2008, 900 out of 2,600 employers the Authority approached in the private sector, 172 out of 250 local municipalities and 48 out of 65 government corporations, 140 kibbutzim and all Government Ministries and agencies have appointed a supervisor.

142. Near the end of 2007, the first training course for supervisors was launched by the Authority in cooperation with the Union for Local Authorities in Israel.

143. An enforcement and awareness promotion campaign of the Authority in conjunction with the Enforcement and Regulatory Administration within the Ministry of Industry, Trade and Labor, was launched in October 2007. During the joint campaign, model codes of practice were distributed in workplaces throughout the country and data on the implementation of the provisions of the Law was collected. Inspections were performed in 163 workplaces, in which 15,000 workers are employed altogether. The inspections revealed that the majority of employers (66%) comply with the obligation to publish a code of practice.

144. Model codes of practice in various languages (Hebrew, Arabic, Russian, Amharic and English) are also easily accessible on the Authority's website.

145. In the past years, the Supreme Court demonstrated a rigorous approach towards sexual harassment in the workplace, among others it was established that the term "position of authority" is not limited only to an employer or a direct superior, but also refers to any position of influence, power or authority (C.S.A 1599/03 *Tapiro v. The Civil Service Commission* (16.12.03)).

146. In another decision concerning sexual harassment in the workplace, the Supreme Court rejected an appeal from the nursing deputy director in the Mental Health Centre in Beer-Sheva, who had been convicted of harassing nurses during a training course (C.S.A 11976/05 *Ruchi Halil v. The Civil Service Commission* (11.04.07)). The Court found that the appellant had repeatedly spoken to his subordinates in a manner that contained sexual content, which is considered to constitute sexual harassment according to the Law. The Disciplinary Court sentenced the appellant to severe reprimand, a rank reduction of one level for a period of two years, removal to a different governmental hospital and disqualification from service in the training of nurses for a period of three years.

147. In yet another case, the Supreme Court accepted the State's appeal requesting a more severe punishment for the director of the communications division in the Ministry of Defense, who was convicted of sexually harassing 3 workers from his division (C.S.A 7233/02 *The State of Israel v. Shahar Levi* (01.05.2003)). The Supreme Court President considered the circumstances of the case, in which the senior director had repeatedly harassed his subordinate, and had furthermore attempted to prevent her from complaining against him by abusing his authority and position of power over her and other subordinated workers, and held that he should not be employed in the civil service. The director was therefore sentenced to severe reprimand, immediate dismissal and disqualification from employment in the civil service until the age of 65.

148. In a recent case, The National Labor Court held that for relationships between colleagues based only upon random sexual relations, defense claims arguing consent or seduction by the victim will not be heard. There is an obligation to report to the superior or the head of the organization of the existence of a relationship and the fact that it is consensual, in order to avoid liability (La.A 274/06 *Anonymous v. Anonymous*).

#### **The Prevention of Stalking Law 5762-2001, (the "Prevention of Stalking Law")**

149. On October 16, 2001, the Knesset enacted the *Prevention of Stalking Law* designed to protect people from having their lives, privacy, or personal choices disrupted; and from suffering physical injury at the hands of another person who has stalked or has caused them physical harm. The Law defines stalking as "harassment of an individual by any other individual, or by making threats against an individual under circumstances that provide a reasonable basis for assuming that the stalker or person posing a threat, might continue to harm and disrupt the victim's life, privacy or choice, or could potentially cause physical harm". Stalking may include the following acts: spying, ambush, or any other activity tracking the actions of an individual or infringing upon an individual's privacy; inflicting

actual harm or even the threat of it; establishing verbal, written or any other form of contact with the individual; damaging an individual's property, tarnishing an individual's reputation or limiting an individual's freedom of movement.

150. According to the Law, if the Court finds an individual guilty of stalking, it is entitled to impose a restraining order prohibiting that individual from committing any of the following acts: harassing the victim in any form or in any location, threatening the victim, spying, ambushing, tracking the movements or actions of the victim or infringing upon the victim's privacy in any other manner and establishing any verbal, written or other form of communication with the victim. If the circumstances of the stalking provide a reasonable basis to fear continued disruption or actual harm to another individual's life, the court is entitled to include in the restraining order a ban on committing the following acts: being present within a delimited distance of the victim's residence, car, workplace, school or any other location the victim regularly attends; bearing or possessing firearms, including weapons issued by the security authority or any other government authorities, all against the victim or a relative of the victim, either explicitly or implicitly, directly or indirectly.

151. In 2008, the *Prevention of Domestic Violence Law 5751-1991*, was amended to stipulate that a court should not reject a request for a protection order according to this Law or a request for an order for prevention of stalking according to the *Prevention of Stalking Law*, before giving the claimant a chance to articulate his/her claims. This amendment embodies the intergovernmental committee for prevention of domestic violence recommendation. Given that in most cases, the victim is a woman, the instruction prescribed by the Law, facilitates women in receiving their personal liberty and by doing so, assists them in better integrating in society.

#### **Trafficking in women**

152. Since the submission of Israel's previous periodic report, Israel has taken several dramatic steps in combating trafficking in persons for all purposes, as will be detailed under Article 6 below. This issue has been given great attention, and was promoted in all levels – legislative, judicial and administrative. This resulted in a sharp decline in the number of victims of trafficking for prostitution. For further detailed information regarding the prevention of trafficking in women and the treatment and assistance to trafficking victims, please refer to the Third Periodic Report of the State of Israel on the implementation of the Covenant on Civil and Political Rights (ICCPR).

#### **Rehabilitation and treatment of women engaged in prostitution**

153. In January 2007, substantial Government funds were allocated for the rehabilitation and treatment of women engaged in prostitution, and an inter-ministerial committee was established, headed by the Director of the Authority for the Advancement of the Status of Women. The implementation of the program began in 2008, according to which emergency-apartments will be initiated to supply women engaged in prostitution with temporary shelter, the mobile clinic for the treatment of girls and women engaged in prostitution will be upgraded and expanded, a national hotline will be activated to give initial relief to their distress, a treatment shelter for mental treatment and lengthy rehabilitation will be established, day-centers for mental and vocational rehabilitation and a preventative and an educational campaign for schools and the general public will be launched. The implementation of these programs has commenced in Tel-Aviv and Haifa.

#### **Additional information**

154. For further information regarding gender equality, please refer to the Third Periodic Report of the State of Israel on the Implementation of the Covenant on Civil and Political Rights (ICCPR), especially with regard to:

- Prevention and treatment of Domestic Violence against Woman
- Treatment of Victims of Sexual Violence Women's representation in Political Parties and the Knesset
- Women in Government, Local Authorities and the Civil Service
- Women in the Judiciary and Lawyers in the Public Sector
- Women in the Military and the Police

## **Article 6**

### **The right to work**

#### **Related international conventions binding Israel**

155. Since the submission of its second periodic report, Israel submitted several updated reports under International Labor Organization Conventions, as detailed under Article 7 below.

#### **Employment and unemployment: levels and trends**

156. The Israeli economy has enjoyed a period of rapid growth over the last few years. During the years 2004 and 2005, the Gross Domestic Product (GDP) grew at an average annual rate of 5%, with 5.2% growth in 2006. This growth rate was fuelled mainly by rapidly expanding exports, which were demand induced, and was accompanied by other economic indicators such as a clear reduction in unemployment, an impressive reduction in public deficit, and a surplus in the balance of payments – in sharp contrast to the deficit that was the norm during previous decades. Actual GDP in current prices amounted to 633 billion NIS (\$166 billion) in 2006, compared to 589 billion NIS (\$155 billion) in 2005.

157. With the relatively low influx of new immigrants to Israel, population growth has stabilized at around 1.8% per annum, meaning that the GDP per capita increased dramatically and stood at more than 3% per annum during this period. Despite the war in Lebanon during the summer of 2006, the economy remained largely unaffected, mainly as a result of the flexibility of the work force, the hi-tech nature of exports along with the geographical location, and a strong commitment to meet global deadlines in export markets.

158. The GDP per Capita in 2006, reached 78,546 NIS (\$20,140) representing a rise of 3.2% compared to 2005.

159. The rapid economic growth continued in the year 2007 at a similar pace to that of 2006 – this despite a clear slowdown in many leading world economies towards the end of the year.

160. As noted in Israel's previous periodic report, 2.1 million persons were employed in Israel in 1999. This increased to 2.6 million in 2006, an annual rise of 2.7% since 1999. Unemployment continued to decline and in 2007 stood at 7.3%, in comparison to 8.9% in 1999.

Table 1  
**Employment and unemployment: levels and trends, 1999–2007**

	1999	2006	2007
<i>Total population</i>			
Aged 15 and over (thousands)	4 358.5	5 053.1	5 142.4
Civilian labor force:			
Number (thousands)	2 345.2	2 809.7	2 893.8
Participation rate (%)	53.8	55.6	56.3
Employed (thousands)	2 136.7	2 573.6	2 682
Unemployed			
Number (thousands)	208.5	235.1	211.8
Unemployment rate (%)	8.9	8.4	7.3
<i>Jews</i>			
Aged 15 and over (thousands)	3 616.2	4 104	4 168.2
Civilian labor force:			
Number (thousands)	2 029.4	2 402.2	2 459.2
Participation rate (%)	56.1	58.5	59
Employed (thousands)	1 857	2 209.8	2 291.6
Unemployed			
Number (thousands)	172.4	192.4	167.6
Unemployment rate (%)	8.5	8	6.8
<i>Men</i>			
Aged 15 and over (thousands)	2 116.3	2 459.5	2 504.3
Civilian labor force:			
Number (thousands)	1 285	1 502.1	1 546.7
Participation rate (%)	60.7	61.1	61.8
Employed (thousands)	1 176.2	1 383.6	1 441.9
Unemployed			
Number (thousands)	108.8	118.5	104.8
Unemployment rate (%)	8.5	7.9	6.8
<i>Women</i>			
Aged 15 and over (thousands)	2 242.2	2 593.7	2 638.1
Civilian labor force:			
Number (thousands)	1 060.2	1 307.6	1 347.1
Participation rate (%)	47.3	50.4	51.1
Employed (thousands)	960.5	1 190	1 240.1
Unemployed			
Number (thousands)	99.7	117.6	107.0
Unemployment rate (%)	9.4	9	7.9
<i>Arabs and others</i>			
Aged 15 and over (thousands)	742.2	949.1	974.2

	1999	2006	2007
<b>Civilian labor force:</b>			
Number (thousands)	315.8	407.5	434.6
Participation rate (%)	42.5	42.9	44.6
Employed (thousands)	279.7	363.8	390.4
<b>Unemployed</b>			
Number (thousands)	36.1	43.7	44.2
Unemployment rate (%)	11.4	10.7	10.2
<i>Aged 15–17</i>			
Aged 15 and over (thousands)	324.1	346.3	350.6
<b>Civilian labor force:</b>			
Number (thousands)	29.6	32.5	32.6
Participation rate (%)	9.2	9.4	9.3
Employed (thousands)	24.1	24.1	24.1
<b>Unemployed</b>			
Number (thousands)	5.5	8.4	8.6
Unemployment rate (%)	18.6	25.9	26.3
<i>Aged 18–24</i>			
Aged 15 and over (thousands)	739.9	794	801.2
<b>Civilian labor force:</b>			
Number (thousands)	325.1	338.7	340.5
Participation rate (%)	43.9	42.7	42.5
Employed (thousands)	271.2	279.4	289.2
<b>Unemployed</b>			
Number (thousands)	53.8	59.3	51.3
Unemployment rate (%)	16.6	17.5	15.1
<i>Aged 25–54</i>			
Aged 15 and over (thousands)	2 292.2	2 646.6	2 683.4
<b>Civilian labor force:</b>			
Number (thousands)	1 739.1	2 035.4	2 087.9
Participation rate (%)	75.9	76.9	77.8
Employed (thousands)	1 604.8	1 891.5	1 958.1
<b>Unemployed</b>			
Number (thousands)	134.3	144	129.8
Unemployment rate (%)	7.7	7.1	6.2
<i>Aged 55–64</i>			
Aged 15 and over (thousands)	402.3	566.7	601.4
<b>Civilian labor force:</b>			
Number (thousands)	198.1	332.6	363.1
Participation rate (%)	49.2	58.7	60.4
Employed (thousands)	184.8	310.9	343.8

	1999	2006	2007
<b>Unemployed</b>			
Number (thousands)	13.3	21.7	19.3
Unemployment rate (%)	6.7	6.5	5.3
<i>Residing in development areas</i>			
Aged 15 and over (thousands)	452	505.7	512.4
Civilian labor force:			
Number (thousands)	240.9	285	288.7
Participation rate (%)	53.3	56.4	56.3
Employed (thousands)	212.2	253.9	259.0
Unemployed			
Number (thousands)	28.8	31	29.7
Unemployment rate (%)	11.9	10.9	10.3
<i>New immigrants</i>			
Aged 15 and over (thousands)	719.5	853.3	877.7
Civilian labor force:			
Number (thousands)	397.8	507.4	530.5
Participation rate (%)	55.3	59.5	60.4
Employed (thousands)	352.6	470.7	497.1
Unemployed			
Number (thousands)	45.2	36.7	33.4
Unemployment rate (%)	11.4	7.2	6.3

Source: The Ministry of Industry, Trade and Labor, 2008.

### **Employment trends among particular categories of workers**

161. New immigrants, mainly from the former Soviet Union, continued to arrive in Israel, albeit at a slower pace than in the previous decade. Since 1999, the rate of immigration has decreased sharply and the rate of unemployment among this group dropped to a level of just 6.3% by 2007 (in comparison to 11.4% in 1999).

162. In the period between 1999 and 2006, unemployment was particularly pronounced among the 18–24 years age group, however a decrease in this category was apparent as unemployment stood at 16.6% in 1999 and lowered to 15.1% in 2007.

163. Although decline in unemployment was also evident among the Arab population, unemployment rates remain relatively high. The figures were as follows: 11.4% of Arabs were unemployed in 1999, which decreased to 10.2% in 2007. This compares to an 8.5% unemployment rate among the Jewish population in 1999, which declined to 6.8% in 2007.

### **Employment policies**

164. The recent dramatic downward trend in unemployment is a clear reflection of the economic growth mentioned earlier. The actual unemployment rate dropped from 10.9% in the first quarter of 2004 to 7.7% in the fourth quarter of 2006. The downward trend continued in the following year, 2007, as well.

165. The increasingly globalized nature of commerce has meant that much of the expansion of Israeli exports are a testament to their relative market leadership which



enables increased sales volume even in the face of intensifying world competition. The labor market reflects these changes insofar as the demand for certain professional workers, particularly in the hi-tech field, is marked.

166. As mentioned in Israel's previous report, there has been a growing awareness of the need for greater Government intervention to assist the unemployed whose chances of returning to work would be hampered without such assistance. Consequently, various Government Ministries are involved in income maintenance programs and vocational training to help the unemployed.

167. Programs to improve employment opportunities have included principally:

167.1. Streamlining of the Employment Service's activities to encourage employers to seek workers through the Employment Service and to improve the matching of job vacancies with job seekers;

167.2. Bringing long-term recipients of welfare payments back into the labor market and assisting them in becoming self-sufficient ("Lights for Employment" program);

167.3. Vocational training, retraining and on-the-job training (elaborated below).

168. The "*Lights for Employment*" program was instituted in August 2005, aimed towards bringing recipients of welfare payments back into the labor market, and assisting them in becoming self-sufficient. The program has been initiated as a pilot in several areas in Israel. The program is based on enabling legislation which defines the principles and aims of the program (the *Economy Policy Law for the fiscal year 2004 (Legislative Amendments) 5764-2003*). In July 2007, this Law was amended and the program has been extended until July 31, 2009. Four centers have been established and are operated by private enterprises (Jerusalem, Ashkelon, Hadera-Netanya, Nazareth-Ein Mahal).

### **Promoting employment opportunities among minority populations**

#### Tourism

169. Since the submission of Israel's second periodic report, the Government has invested vast efforts towards developing *tourism* as a source of employment and income among the Arab population, as part of the general effort to promote and advance economic prosperity in the Arab population, thus reducing gaps in comparison to the Jewish population.

Accordingly, in the 2000 multi-year plan and the 2 additional multi-year plans for the development of the Arab population in the North (mentioned under Article 2 above), emphasis was given to this issue and the required budget was allocated.

170. Between the years 2000 and 2008, the Ministry of Tourism invested 21,173,000 NIS (\$5,571,842) towards the development of tourism infrastructures in Arab localities. The Ministry of Tourism further provides financial assistance and professional guidance to entrepreneurs in establishing rural-accommodation units (Zimmers), as well as in other tourism-related initiatives.

#### Agriculture

171. The Ministry of Agriculture and Rural Development invests significant efforts and resources towards the development and advancement of agriculture activity in the minority populations, thus maintaining and creating new employment opportunities. In 2007 and 2008, the Ministry allocated a budget of 20 million NIS (\$5.12 million) towards agricultural development in Arab localities, in two main spheres – general infrastructure and the individual farmstead.

172. With regard to general infrastructure, the Ministry provides financial assistance (grants for 60%–100% of the cost) for reconstruction of agriculture roads in all of the Arab localities throughout the country. In addition, the Ministry provides financial assistance for the removal of pens and cowsheds located in the center of Arab villages, and relocating them in designated areas on State lands outside these villages, as well as on private lands.

173. The Ministry participates (grants for 60% of the cost) in the reconstruction and replacement of main water pipes for agricultural use in the Arab villages throughout Israel. The Ministry also assists in the preparation of programs for agriculture tourism in the Arab villages, including in the Negev.

174. The development activity concerning the individual farmstead can be divided into three major branches – livestock, vegetables crops and plantation. With regard to the livestock branch, financial assistance (60% of the cost) is provided for establishing milking facilities. Activities to promote the vegetable crops branch include financial assistance (30% of the cost) in order to facilitate building greenhouses for vegetable growing for the local market, in the framework of the program for strengthening northern Israel. Financial assistance is further provided for the creation of vegetable growing habitats in the Jewish fallow year, for local marketing. The activity concerning the plantation branch includes assistance in the establishment of packinghouses and ice houses (in the framework of the program for strengthening northern Israel), and financial support for planting olive and almond trees – which varies according to geographic location (20% in central Israel, 25%–40% in the north).

175. The aforementioned development activities are additional to the utilization of additional funding offered to the general public.

176. In addition, the Ministry decided to allocate 2 million cubic meters of water for Bedouin farmers who will receive the water according to a procedure created for this purpose.

177. In order to minimize the damage inflicted on Arab farmers due to general cutback in water for agriculture Israel, it was decided to lead a special water allocation policy to the Arab population. Accordingly, since 2006, the water quotas for Arab farmers are determined according to their actual use in the previous three years. Consequently, these farmers did not suffer from the cutbacks executed in the last years due to the water shortage.

178. **The Beit Netofa Valley Project** detailed in Israel's previous report has progressed since then. Agriculture associations for the farmers of Araba and Sakhnin were created, and are expected to receive ownership of the project and manage it after its completion.

#### **The Bedouin population in the Negev (south)**

179. In order to encourage employment among members belonging to minority populations in the southern Negev area, it was decided that a factory/entrepreneur in the industrial field, services or tourism, that employs at least 4 new employees from the Bedouin or the Jewish Ultra-Orthodox population in the Negev, will be entitled to reimbursement of 15%–20% of these workers' monthly wage costs for a period of 5 years. The employer will also receive reimbursement for the costs of organized transportation to and from the workplace, up to a total of 3,000 NIS (\$810) per worker, annually.

180. The Ministry of ITL is aware of the inherent difficulties faced by entrepreneurs from the Bedouin population, such as limited financial capability, and is therefore taking action to bridge the gaps. The Ministry of ITL has established a designated Center for Nurturing Entrepreneurship among the Arab and Bedouin populations located in Rahat that is better equipped to serve these populations' needs. Furthermore, in order to support entrepreneurs

among the Bedouin population in the Negev, the Ministry of ITL has established a unique loan fund for small enterprises.

181. **Employment centers for the Bedouin population.** In the framework of cooperation between the Government and the American Jewish Joint Distribution Committee, it was decided to create unique employment centers in the Bedouin localities. These centers will assist in enhancing the number of employed persons, aid in the creation of small businesses and enterprises, and lead change in employment related perceptions and norms in the Bedouin population, including encouraging the employment of women while providing them with unique training for that purpose. Three such Centers are to be established in the upcoming year.

182. Furthermore, as mentioned under Article 2 above, the *Encouragement of Capital Investments Order*, was amended in order to strengthen the Arab localities, including the Bedouins communities. There are currently seventeen planned industrial areas in the Southern district, three (17%), of which are in the Bedouin towns – Rahat, Segev Shalom and Hura. Additionally, two new industrial areas currently in advanced stages of planning also service the Bedouin population – Shoket, (for Hura, Lakia, Meitar and Bney Shimon), and Lehavim, (for Rahat, Lehavim and Bney Shimon). Development of all these areas is uniform and subject to the same general criteria.

183. Special vocational training and unique programs for the Bedouin population were developed, in order to increase employment rates and increase the number of students, both male and female, enrolled in higher education courses.

184. An economic model for Bedouin women in the weaving, needlework and food fields, was formulated, where the women market their products in special fairs and abroad. The women will be prepared for the process that includes building a business organization model, creation of a unique product line and the proper means of marketing. The project will last three years, during which the women will open independent businesses. Currently, the project runs in Kseife and 20 women are participating in it.

#### **Employment opportunities for persons with disabilities**

185. With respect to employment opportunities for persons with disabilities, since the submission of Israel's previous periodic report significant legislative and judicial developments have occurred concerning the promotion of the integration of persons with disabilities into the work force and the improvement of their rehabilitation process. These developments are elaborated in Article 2 above.

186. Recent data shows a moderate improvement in the rate of employment among persons with disabilities, especially among those with severe disabilities (42% in 2005, compared to 36% in 2002).

187. According to the Commission for Equal Rights of Persons with Disabilities, adults with disabilities of employment age (aged 20–64) constitute 17.6% of the population. The rate of employment among persons with disabilities is lower than that of the rest of the population, especially among those with severe disabilities, thus contributing to increased levels of poverty and social exclusion. Furthermore, the rate of unemployment among the disabled population is very high, especially for persons with severe disabilities.

Table 2  
**Employed persons, unemployed persons and persons not in the workforce by severity of disability, ages 20–64, 2005 (%)**

<i>Level of disability</i>	<i>Employed persons</i>	<i>Unemployed persons</i>	<i>Persons not in the workforce</i>
Without disability	69.3	5.7	25.0
With a problem, but without disability	69.9	6.2	25.8
Moderate disability	52.1	6.7	41.1
Severe disability	33.4	8.4	58.1

*Source:* The Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2007.

Table 3  
**Unemployed persons out of the workforce, ages 20–64, 2005 (%)**

<i>Level of disability</i>	<i>Unemployed persons</i>
Severe disability	20
Moderate disability	11.4
With a problem, but without disability	8.4
Without disability	7.6

*Source:* The Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2007.

188. **Employment of Persons with Disabilities by Gender.** Examination of the relative employment status of men and women with disabilities shows no significant difference between them.

189. The National Insurance Institute (hereinafter: “NII”) is in charge of payment of pensions to certain populations, as defined by law and regulation. The general disability pension is designed to act as minimum income to provide for daily existence for persons with disabilities.

Table 4  
**Persons with disabilities in Israel by severity of disability, employment and type of pension, ages 20–64, 2005 (%)**

<i>Type of pension</i>	<i>Severity of the disability</i>	<i>Unemployed persons</i>			<i>Employed persons</i>		
		<i>Receiving pension</i>	<i>Not receiving pension</i>	<i>Total</i>	<i>Receiving pension</i>	<i>Not receiving pension</i>	<i>Total</i>
General disability pension	Severe	25.2	41.3	<b>66.5</b>	3.4	30	<b>33.5</b>
	Moderate	9	38.5	<b>47.5</b>	1.5	51	<b>52.5</b>
	<b>Total</b>	<b>15.1</b>	<b>39.6</b>	<b>54.7</b>	<b>2.2</b>	<b>43</b>	<b>45.3</b>

Type of pension	Severity of the disability	Unemployed persons			Employed persons		
		Receiving pension	Not receiving pension	Total	Receiving pension	Not receiving pension	Total
Other pension from the National Insurance Institute	Severe	41.3	25.2	<b>66.5</b>	6.2	27.3	<b>33.5</b>
	Moderate	23.3	24.2	<b>47.5</b>	4.9	47.6	<b>52.5</b>
	<b>Total</b>	<b>30.1</b>	<b>24.6</b>	<b>54.7</b>	<b>5.4</b>	<b>39.9</b>	<b>45.3</b>

Source: The Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2007.

190. Assessments of income per capita show that the average income per capita in households where severely disabled persons live stands at 60% of that of households that do not contain disabled persons, and 70% of that of households in which moderately disabled persons live.

Table 5

**Average income per capita (net) of persons with disabilities, as per cent of income of persons with no chronic health problem or disability, 2002–2006**

Disability	2002	2003	2004	2005	2006
With a problem but not a disability	105	112	107	109	110
Moderate disability	84	84	84	83	85
Severe disability	74	71	66	67	73

Source: The Commission for Equal Rights of Persons with Disabilities, Persons with Disabilities in Israel, 2008.

191. In 2005, the Ministry of ITL established the Department for Integration of Persons with Disabilities in the Work force. The Department is charged with promoting the integration of persons with disabilities in the open labor market as opposed to sheltered employment, through, *inter alia*, the implementation of the *abovementioned Equal Rights for People with Disabilities Regulations (State Participation in Financing Adjustments) Regulations and the Minimum Wage (Adjusted Wage for Employees with Disabilities Having Reduced Ability to Work) Regulations*.

**Employment and individual freedom: the right to work as a constitutional right**

192. This issue has been extensively discussed in Israel's previous reports. No change has occurred in this area since the submission of the second *periodic* report.

**The right to work as a statutory right**

193. Among the developments in this field, several cases of statutory protection of job security were introduced. The *Women's Employment Law* was amended several times in 2007 and 2008, to ensure a full range of rights for working women, including different aspects of job security (further detailed below).

194. As detailed in Israel's previous report, scholars and workers' organizations have criticized the *Employment of Workers by Labor Contractors Law 5756-1996*, described in Israel's initial report. The National Labor Court also pointed out, on several occasions, flaws in the existing Law, especially in cases where the use of contract labor was made for long periods. As mentioned in Israel's previous report, in response to the concerns raised,

the Law was radically changed in 2000, limiting the employment periods of workers through contractors, and equalizing the contract workers' rights to those provided by the user enterprise to its employers of similar occupation and seniority.

195. The amendment constituted a major reform, affecting about 6% of those salaried in Israel. Thus, a period of adjustment before its entry into force was necessary. Due to the complexity of the situation, detailed in Israel's previous report, the provision concerning the equalization of employers' rights entered into force in July 2001, whereas the provision concerning the limitation of employment periods entered into force in January 2008.

196. The Ministry of ITL invests many efforts towards the enforcement of the Law. These efforts have resulted in one or more of the following towards employers: non renewal of licenses; refusal to grant licenses; conditioning the issuance of new licenses; increased use of financial guarantee as precondition for issuing a license; confiscation of the guarantee; insertion of conditions to an existing license; licensing cancellation; reimbursement by the agency of sums due to its employees; appointment of an accountant to verify compliance by an agency of certain fiscal conditions – as a result of the verification an agency may be requested to increase the financial guarantee; penal indictment, mainly to enforce the prohibition against operating an agency without a permit.

197. On February 16, 2004, a general collective agreement was reached between the Employers' and the Employees' Organizations in the labor contracting sector. The purpose of the agreement is to protect the rights of the contract labor workers, including their employment conditions and social benefits. The agreement applies employment conditions such as working hours, yearly vacations, travel expenses, sick pay, clothing expenses, pension arrangements, contributions to mutual funds, etc. The agreement applies, through an expansion order by the Minister of ITL, to all labor contractors, even if they are not members of the Employer's Organization that signed the agreement.

198. Finally, since Israel's last report, the number of authorized agencies has significantly decreased to 223.

199. On May 28, 2008, the Tel-Aviv District Labor Court determined that the 38 petitioners who were employed in the Ministry of Education through different manpower companies are to be recognized as civil servants since the beginning of their employment in the Ministry. The petitioners worked extensive periods of time in the Ministry of Education through different manpower companies, they were accepted to work by the Ministry, and were referred to the manpower companies to arrange their wage and formal working conditions. The Court determined that the State, as a public employer, is imposed with expanded liability, since, inter alia, it serves as a model that can affect the formation of norms in employment relationships in the private sector as well. According to the Court, employees employed by the State for a long period of time in one workplace side by side with civil servants performing similar work, will benefit not only the same salary conditions but also similar job security, and equal right for promotion, including equal right to compete in internal tenders. (La.C 6141/03 *Lone Hillwi et. al. v. The State of Israel – The Ministry of Education* (28.05.2008)).

#### **The right to work in Israel's case law**

200. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **Technical and vocational training programs: vocational guidance**

201. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### Vocational training for adults and youth sponsored by the Ministry of Industry, Trade and Labor

202. The Unit for Manpower Training and Development in the Ministry of Industry, Trade and Labor (hereinafter: “the Unit”) offers courses for adults and youth in three main frameworks: training for adults in day and evening courses, training for youth and training for technicians and practical engineers.

#### Vocational courses for adults

203. The professional training for adults takes place in the framework of day studies, supplementary evening courses and technician and practical engineering training:

203.1 *Day training*: Intended for job seekers referred by the Employment Service, and focuses on populations receiving income support, especially in professions which are lacking manpower on a national level over long periods of time (e.g. metal, construction, electricity). The training is given by expert trainers from technical colleges, specialized schools and government training centers.

203.2 Over the past several years, the Unit has operated training programs for individual employers in the framework of “class in the factory” and “placement class” (see Table 6 below). The “class in the factory” program is carried out in cooperation with the employer and frequently takes place at the workplace. The program is tailor-made according to the needs and requirements of the employers. The participants are chosen according to qualifications determined by the employer.

203.3 In the placement class program, the educational institution that conducts the course, undertakes to find employment to 50% of the graduates. The training lasts between four and twelve months.

203.4 An additional training framework that takes place at the workplace is called “internal training program” and requires the employment of new workers in full time positions with minimum wage salaries.

203.5 *Commercial schools* – Training is carried out by schools recognized by the Ministry of ITL and are pedagogically supervised by the Unit. They teach professions for which there is a national economic demand. The program is intended for the general public and the tuition is paid in full by the students.

It should be noted that in all frameworks (day training and commercial schools), academic and practical exams are administered. Those who successfully complete the exams are granted a diploma, professional certificate or professional license.

Table 6  
Adult vocational training comparative data, 2002–2007

Year	2002	2003	2004	2005	2006	2007
<b>Total</b>	<b>60 638</b>	<b>48 015</b>	<b>47 395</b>	<b>50 146</b>	<b>40 690</b>	<b>43 707</b>
Day training	28 049	15 248	12 971	9 095	6 927	3 330
Retraining of academics	2 844	1 940	806	771	472	225
Classes with placement			158	1 253	1 571	1 710
Classes in the workplace	125	108	247	351	242	162

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
On the job training		401	301	115	206	131
Supplementary studies and evening courses	29 620	30 318	32 912	38 561	31 272	38 149

*Source:* The Ministry of Industry, Trade and Labor, 2008.

### **Vocational schools for youth**

204. Vocational training for youth programs are geared towards enabling youth to acquire a profession by combining both education and vocational experience. The Ministry of ITL facilitates vocational training for youth in 70 different fields.

205. In 2007, 14,200 pupils attended 71 Vocational Training Institutions supervised by the Ministry, of which 11,555 (81.4%) were boys and 2,641 (18.6%) were girls. 55.6% of the pupils were Jewish, 28.7% were Muslim, 3.7% were Druze and 3.2% were Christian.

206. The prominent fields of training in 2007 were automotive, electricity and electronics, administration and metal working.

### **Training of technicians and practical engineers**

207. As detailed in Israel's previous report, the training of technicians and practical engineers is the function of the National Institute for Technological Training (MAHAT), within the Ministry of ITL. The program is carried out with the assistance of 80 technical colleges throughout the country. The Institute also constitutes the official framework for the provision of pedagogical services to these colleges (study programs, supervision, examinations and issuing of diplomas to successful graduates).

208. MAHAT offers special programs to assist weak populations so that they may more easily integrate into the work force. For example, the Jewish Ultra-Orthodox community (especially women), single parent families (especially women), Bedouins and new immigrants in need of professional retraining.

209. During 2007, MAHAT certified 21,197 technicians and practical engineers (in comparison to 29,715 in 2006).

### **Integrated programs of the Ministry of Industry, Trade and Labor and the High-Tech industry**

210. As part of the Ministry and High-Tech's integrated project detailed in Israel's previous report, a website was established to provide information to institutions interested in training technicians and practical engineers as well as to potential students interested in these fields.

### **Training of women**

211. As detailed in Israel's previous report, with regard to female participation in the labor force, two groups — Ultra Orthodox Jewish women and Arab women — require special programs and measures, due to the religious-cultural factors affecting their potential entry into the labor market.

212. In the field of vocational training, the policy of devoting special budgets to training women continues. Some of the special programs target women in general, while others specifically target vulnerable groups of women.



213. The Department for the Advancement of Women within the Ministry of ITL endeavors to increase the employability of women and, consequently, their economic independence. Several of the Department's initiatives are as follows:

(a) *Self-empowerment workshops and entrepreneurship workshops*, including new immigrants, Arab women and ultra-orthodox women. These workshops also focus on work skills and additional retraining courses.

Between the years 2002 and 2007, 370 workshops were provided to some 6,500 participants. The participants report improved self-image, personal and professional empowerment and better assessment of the job market. Participants in the Entrepreneurship Workshops report a better understanding and knowledge of the various aspects of small business establishment. Participants in the workshops usually enjoy continued professional assistance. These women undertake various activities at the end of the workshops such as acquiring education, Hebrew classes, vocational training, employment or some form of voluntary activity.

(b) *Programs for integrating single parents into the work force*: between the years 2003 and 2005, the Ministry of ITL operated a program intended for single parents receiving allowances or alimony from the National Insurance Institute, in order to integrate them into the work force. The program was launched as a pilot and then incorporated into the regular long term program of the Ministry. The program provides assistance in financing child care by subsidizing payments for afternoon programs and day-care centers. Financial assistance is also provided for babysitting during non-conventional hours and during summer vacation. The program also addresses professional training aspects, through a voucher system to courses recognized by the Manpower Training and Development Unit.

In August 2008, the Unit began to offer professional consultants to help identify appropriate training courses and job placement services according to the individual needs and qualifications of the participants in the program. During 2008, an additional program will be launched to encourage single parents to participate in the program to encourage the development of entrepreneurship skills, and thus, the ability to establish small businesses.

An additional pilot program established by the Ministry of ITL was launched on September 1, 2008. As part of the new program, training centers for single parents, receiving allowances or alimony, will be established. Through courses operated in these centers, the participants will acquire skills to enable them to enter or re-enter the job market. Following a two month course, the participants will be directed to specific training courses or jobs to suit their individual qualifications.

(c) *Courses for entrepreneurship and small business*: courses for women with entrepreneurial spirit and/or plans, but without access to training because of economic, geographical or cultural obstacles. The training enhances their chances of establishing a viable business and improving their economic status. The courses are provided by the Ministry of Industry, Trade and Labor and the Israel Small and Medium Enterprises Authority, through Centers for the Promotion of Entrepreneurship (CPEs). Currently, 24 CPEs are located throughout the country. In addition to training, these centers also provide assistance and counseling in the process towards the establishment of a small business.

214. **Vocational training for Arab women.** Over the course of the past few years, there has been an increase in the rates of employment among Arab women, yet these rates remain relatively low. Academic education and vocational training are the key components for the integration of Arab women into the work force, yet various barriers are inhibiting their integration into these educational and training systems: *Education* – traditional professions are substituted with professions that require specific know-how; the study of many technological professions requires knowledge in mathematics and English. *Social/Cultural Barriers* – The traditional stands and cultural stigmas among the Arab population define the

acceptable limits to traveling alone to school and work. Arab women are often reluctant to attend courses that require traveling to other towns. Not all vocational courses are available in the women's residential towns, often because of lack of proper framework, candidates, and future job opportunities.

215. Due to the above, many Arab women attend "traditional" courses that are local, and are likely to enable them to meet the requirements of local job opportunities, whether full or part time. This is not the case with regard to education, computers, graphics or technical assistants/engineering. Additionally, the employment opportunities in these fields, in some of the residential towns, are very limited.

216. In that regard, during 2006, an education program was implemented for the coordinators of the Project for the Advancement of the Bedouin population in the North, dealing with the issue of social/cultural barriers, motivation, recruitment of candidates and persistency through vocational training. Also, in order to rectify the current situation, joint efforts are made by the Ministry of ITL, local authorities, social services, vocational training institutes and employers in order to provide vocational training, and to create more feasible job offers for Arab women.

217. In addition to the general training system provided by the Ministry of ITL, there are special programs for Arab women, aimed at bridging the gaps and increasing women's participation in training courses.

218. **Day-care centers – Arab and Bedouin localities.** Arab women are considered the primary caretakers for children; this is one of the factors that explain the low percentage of women participating in the work force. The Government, through the Authority for the Advancement of the Status of Women, has invested great efforts in enhancing the awareness among women of their own career options and self-fulfillment. Recent years' growing participation of Arab, including Bedouin, women in the work force created a need for day-care centers and nurseries. The Government has moved to meet these needs.

219. As a matter of Policy, the Ministry of Construction and Housing works on the construction of day-care centers throughout the country on the basis of one daycare for every 1,600 housing units. Two centers have been built, in the Bedouin town of Rahat. Fourteen additional centers are under construction: nine in the Northern area, four in the Central area and one in Jerusalem.

220. The system includes 2,200 nurseries (ages 0–3), among them, 900 are in the Arab localities, providing a solution for 1,500 children of working mothers and 3,000 children to mothers on social welfare. In addition, day-care centers operating in the Arab municipalities provide a solution for another 1,000 children. Such nurseries and day-care centers allow mothers to work, as well as provide a source of income for the women operating them.

221. In 2007, the Government allocated funding for the establishment of 150 buildings designated for day-care centers, 17 of which in Arab municipalities.

#### **Employment opportunities among particular categories of workers: prohibition of discrimination**

222. In July 2004, the Enforcement and Regulatory Administration was established in the Ministry of ITL (hereinafter: "the Administration"). The Administration is responsible for enforcing and regulating 17 labor laws protecting workers in Israel, including the *Equal Employment Opportunities Law*. The data below therefore relates to the period between 2004 and 2007.

223. In 2004, 460 investigations were initiated and 120 administrative fines were imposed. In 2005, 146 investigations were initiated and 44 administrative fines were

imposed. In 2006, 187 investigations were initiated and 59 administrative fines were imposed. In 2007, 84 investigations were initiated and one administrative fine was imposed.

### Factual situation: employment

224. Data for 2007 on employed persons by gender and population group is shown below:

Table 7

#### Employed persons in 2007 by gender and population group

	<i>Thousands</i>	<i>Percentage</i>
All employed persons	2 682.0	100.0
Men	1 441.9	53.8
Women	1 240.1	46.2
Jews	2 291.6	85.4
Arabs and others	390.4	14.6

*Source:* Israel Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

225. Data for 2007 on employed persons by occupation, gender and population group is shown below. The data indicates that in 2007, 31.9% of employed Israeli Jews worked in academic, professional and technical occupations, 38.4 % were clerical and sales personnel, while nearly 16 % were skilled workers in agriculture, manufacturing, construction and other industries. Unskilled workers comprised 6.4%.

226. Among the Israeli Arab population, 19.2% worked in academic, professional and technical occupations, 23.7% were clerical and sales personnel, and nearly 42 % were skilled workers in agriculture, manufacturing, construction and other industries. Unskilled workers comprised 13%.

Table 8

#### Employed persons, by occupation, gender and population group, 2007

<i>Occupation</i>	<i>In thousands</i>			<i>Per cent distribution</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
<i>All workers</i>						
<b>Total</b>	<b>2 682</b>	<b>1 441.9</b>	<b>1 240</b>	<b>100</b>	<b>100</b>	<b>100</b>
Academic professions	<b>374.7</b>	193.5	181.2	<b>14.0</b>	13.4	14.6
Other professions and technicians	<b>421.9</b>	172.6	249.3	<b>15.7</b>	12	20.1
Managers	<b>174.2</b>	124.3	49.8	<b>6.5</b>	8.6	4
Clerical workers	<b>426.2</b>	111.2	315	<b>15.9</b>	7.7	25.4
Agents, sales and service workers	<b>539.7</b>	244.8	294.9	<b>20.1</b>	17	23.8
Skilled agricultural workers	<b>32.3</b>	29.1	3.3	<b>1.2</b>	2	0.3
Manufacturing, construction and other skilled workers	<b>483.3</b>	433.5	49.9	<b>18</b>	30.1	4
Unskilled workers	<b>199.6</b>	111.9	87.6	<b>7.4</b>	7.8	7.1
Unknown	<b>30.1</b>	21	9.1	<b>1.1</b>	1.5	0.7

Occupation	In thousands			Per cent distribution		
	Total	Men	Women	Total	Men	Women
<i>Jews</i>						
<b>Total</b>	<b>2 291.6</b>	<b>1 162.4</b>	<b>1 129.2</b>	<b>100</b>	<b>100</b>	<b>100</b>
Academic professions	347.3	176.5	170.8	15.2	15.2	15.2
Other professions and technicians	376.6	155.1	221.5	16.4	13.3	19.6
Managers	166.3	117.8	48.4	7.3	10.1	4.3
Clerical workers	397.3	100.1	297.2	17.3	8.6	26.3
Agents, sales and service workers	473.9	207.1	266.7	20.7	17.8	23.6
Skilled agricultural workers	25.7	22.9	2.9	1.1	2	0.3
Manufacturing, construction and other skilled workers	333.6	291.3	42.2	14.6	25.1	3.7
Unskilled workers	144.6	74.1	70.5	6.3	6.4	6.2
Unknown	26.3	17.4	8.9	1.2	1.5	0.8
<i>Arabs and others</i>						
<b>Total</b>	<b>390.4</b>	<b>279.5</b>	<b>110.9</b>	<b>100</b>	<b>100</b>	<b>100</b>
Academic professions	27.4	17	10.4	7	6.1	9.4
Other professions and technicians	45.4	17.5	27.8	11.6	6.3	25.1
Managers	7.9	6.5	1.4	2	2.3	1.2
Clerical workers	28.9	11.1	17.8	7.4	4	16
Agents, sales and service workers	65.8	37.6	28.2	16.9	13.5	25.4
Skilled agricultural workers	6.6	6.2	0	1.7	2.2	0
Manufacturing, construction and other skilled workers	149.8	142.1	7.6	38.4	50.9	6.9
Unskilled workers	55	37.8	17.5	14.1	13.5	15.5
Unknown	3.8	3.6	0.2	1	1.3	0.2

Source: The Ministry of Industry, Trade and Labor, 2008.

### Foreign workers

227. Israel is a destination country for migrant workers from Asia, Eastern Europe and Africa. The main countries of origin of foreign workers in Israel are: China, the Philippines and Thailand. In 2007, the Minister of ITL issued 92,344 permits for employment of foreign workers in various permitted fields (Nursing care – 51,744; Agriculture – 28,500; Construction – 12,000; Industry – 1,100; Restaurants – 900).

228. Migrant workers coming to Israel in search of employment are motivated mostly by harsh economic conditions and low wages in their countries of origin. By coming to Israel they hope to earn high wages and guarantee a solid financial future for themselves upon return to their home countries. Some enter Israel by illegally crossing the southern border of Israel or illegally at its airports, using either a forged tourist visa or a false Jewish identity. The vulnerability of these persons exposes them to the risk of being exploited for easy financial gain. This vulnerability may be heightened by requirements to pay high middleman fees in their countries of origin.

229. Currently employers may be prosecuted for violations of the labor laws in Israel, including the *Foreign Workers Law 5751-1991* (the “*Foreign Workers Law*”), which, as mentioned in Israel’s previous report, was revised in 2000 to ensure the protection of foreign workers’ rights.

230. The *Employment Service Law (Amendment no. 14) 5764-2004* – criminalizes the collection of illegal excessive recruitment fees from foreign workers, and makes this crime punishable by up to 6 months imprisonment and/or attended by a fine of up to 200,000 NIS (\$55,054). The Amendment also applies a temporary order (in force until June 2009) amending the *Prohibition on Money Laundering Law, 5760-2000*, making the collection of exorbitant fees an origin offence.

231. The *Employment Service (Recruitment Fees) Regulations 5766-2006* – cap the permitted recruitment fees of Israeli recruitment agencies at 3,135 NIS, (approximately \$825) or 88% of the monthly minimum wage, minus any sum already paid by the worker to a foreign recruitment agency. The agency may, however, be legitimately reimbursed from the foreign worker for the cost of airfare from the source country to Israel. The Regulations also state the terms under which it is permitted to collect the fee, for example, a detailed contract must have effect between the agency and the worker. Additionally, the Regulations outline the circumstances under which a recruitment agency shall reimburse payments collected from a foreign worker.

232. The *Employment Service (Provision of Information) Regulations 5766-2006*, (the “*Employment Service (Provision of Information) Regulations*”) – these regulations require a recruitment agency to provide foreign workers with all relevant information relating to their rights and obligations as foreign workers in Israel, for example, information as to the permitted recruitment fees, etc.

233. **Investigations and fines statistics:**

233.1 The number of fines imposed upon employers of foreign workers for breach of the *Foreign Workers Law* by the Enforcement Division of the by the Foreign Workers Department: 2002 – 1,847; 2003 – 1,816; 2004 – 7,996; 2005 – 8,356; 2006 – 8,111; 2007 – 3,565.

233.2 The amount of fines imposed by the Enforcement Division of the Foreign Workers Department: 2002 – 865,300 NIS (\$233,864); 2003 – 34,191,000 NIS (\$9,240,810); 2004 – 118,625,500 NIS (\$32,060,945); 2005 – 131,592,000 NIS (\$35,565,405); 2006 – 169,830,900 NIS (\$45,900,243); 2007 – 64,358,000 NIS (\$17,394,054).

233.3 Number of investigations opened against employers of foreign workers: 2002 – 4,073; 2003 – 8,496; 2004 – 9,834; 2005 – 4,170; 2006 – 3,743; 2007 – 3,111.

234. The following is an example of one 2008 decision regarding the severity with which the courts and the authorities regard breaches of the *Foreign Workers Law* concerning foreign worker’s rights. On July 17, 2008, the National Labor Court accepted the State appeal, regarding the leniency of the punishment imposed on the defendants. The defendants were convicted of employing a foreign worker without a lawful license, without arranging medical insurance for him, without providing him with a contract in a language he understood and without stipulating the details of his salary, and the deductions from it. The worker, after working for only a month, was hurt in a work related accident (which was later defined as a traffic accident since it involved a fork-lift). The worker was taken by ambulance to a hospital, but was admitted anonymously since the employing company denied knowing his details and denied his relationship with the company. The District Labor Court imposed a lenient fine of 50,000 NIS (\$13,157) on the company and 15,000 NIS (\$3,947) on its manager, since it determined that the employment was only for a short

period of time, and did not involve personal gain for the defendants, as well as lack of prior convictions.

235. The State appealed the leniency of the fine, which constituted only 15% of the maximum penalty stipulated in the *Foreign Workers Law*, claiming it does not reflect the severity of the offences, as the defendants evaded their responsibilities as employers, and deserted the worker without financial backup or support in a time of distress and uncertainty that amounted to risk on his health. The National Labor Court accepted the appeal and imposed a 150,000 NIS (\$39,473) fine on the company as well as a 45,000 NIS (\$11,842) fine on its manager (Cr. A 27/07 *The State of Israel v. Thesa Import and Export of Wood Inc.* at el. (21.5.08)).

236. **Revocation of permits to employ foreign workers.** In 2007, in the field of nursing care, 20 employers had their permits revoked and an additional 21 employers had their permits limited or made conditional. In the agriculture field, 14 employers had all/part of their permits revoked and 4 employers had their permits limited or conditioned. In the restaurant field, the permit of one employer was revoked and later restored under warning following a process of repairing the faults found. In the industry field, 2 employers had all/part of their permits revoked and 3 employers had their permits limited. In the construction field, one manpower agency employing foreign workers had its permit revoked and a portion of the monies secured by a bond which the agency had posted with the Ministry, were transferred to company's workers who had not received their salaries.

237. **Actions against Recruitment Agencies.** During 2007, approximately 50 licensed recruitment agencies with special permits to recruit foreign workers were inspected and investigated by the Ministry of ITL.

- In 42 cases, both the licenses and permits of the agencies were revoked
- In 4 cases, the permits given to the agencies to recruit foreign workers were revoked for a set period
- In 4 cases the permits given to the agencies to recruit foreign workers were revoked indefinitely and one permit was granted on probation

The revocations were based on the following grounds: unlawful collection of fees from foreign workers, recruitment of workers done in collaboration with a non-licensed agency, false social worker reports, unlawful transfer of foreign workers and bringing a foreign worker to Israel contrary to the terms of the permit.

Seven agencies appealed their license/permit revocations to the District Labor Court; their appeals were denied.

238. **Dissemination of information regarding rights among foreign workers.** A special workers' rights brochure ("Zchuton") regarding the rights of foreign workers in the construction field, was issued by the Ministry of ITL in English, Russian, Romanian, Turkish, Thai and Chinese. The "Zchuton" instructs the workers to contact the Ombudswoman (detailed below) in any case of breach of the rights discussed therein.

239. The Licensed Manpower Companies employing foreign workers in the construction field are obligated to distribute the special "Zchuton" for the construction branch to each foreign worker they employ, and the directors of the companies must provide the Foreign Workers Department in the Ministry of ITL with an affidavit stating that they take personal responsibility for the distribution of this "Zchuton" to each worker.

240. Furthermore, as discussed above, the *Employment Service (Provisions of Information) Regulations* require recruitment agencies to provide foreign workers with all the information relating to their rights and obligations as foreign workers in Israel (e.g. permitted fees' rates, etc.).

241. In addition, a brochure discussing the general labor rights of foreign workers in Israel is published on the website of the Ministry of ITL in English, Hebrew, Chinese, Thai, Russian, Romanian and Turkish. This brochure is also distributed by the Ministry of the Interior to each foreign worker who arrives at the Ben Gurion Airport.

242. An additional method of disseminating information has been implemented by the Israeli Embassy in Thailand. In cooperation with the Ministry of ITL and the Thai Labor Ministry, a brochure has been launched discussing the rights of foreign workers in Israel. The booklet, in Thai, gives information about the labor and social security rights of workers and includes other information, such as relevant phone numbers, medical treatment facilities and basic Hebrew. The booklet is attached to the passport of each worker that receives a visa.

243. **Medical insurance.** The *Foreign Workers Law* requires employers to arrange broad medical insurance for employees who are foreign workers. Employers who violate this obligation may face criminal prosecution.

244. An **Ombudsman for the complaints of foreign workers** was appointed in the Ministry of ITL. Her mandate is to safeguard the rights of foreign workers employed in Israel, and to handle complaints from foreign workers, employers, citizens, NGOs, associations and the media. The Ombudsman has the authority to recommend that a criminal investigation be carried out by the Enforcement Division, as well as to initiate administrative proceedings. The Ombudsman serves a central coordinating function in reviewing complaints and deciding if they are violations of regulatory laws or crimes of slavery, forced labor or trafficking. She then refers them to the proper authority (the Ministry of ITL if a regulatory violation is involved and the Police if a crime of trafficking, slavery or forced labor is involved).

245. **Bilateral agreements.** Government Resolution no. 2211 dated August 12, 2007 directed the Minister of ITL and the Ministry of Foreign Affairs to promote bilateral agreements with foreign workers' countries of origin, and to consider including in such agreements directives concerning International Organization of Migration (IOM) supervision of the recruitment process to eliminate illegal recruitment practices. Subsequent to this Resolution, an inter-ministerial committee was formed. The committee consolidated a draft agreement that was sent to IOM for review and subsequently sent to the Thai Government for comments. The Government intends to propose the agreement to the major foreign workers' countries of origin in the future.

### **Trafficking in persons**

246. On October 29, 2006, the *Anti Trafficking Law 5766-2006*, came into force. The Law promulgates a broad trafficking crime for a number of illegal purposes: prostitution, sexual crimes, slavery or forced labor, removal of organs, pornography and using the body of a person to give birth to a baby who is then taken from her. The crime is addressed with a punishment of 16 years of imprisonment, and 20 years of imprisonment if the offence is committed against a minor. The Law includes a full panoply of crimes in order to address gradations of exploitation: slavery – 16 years of incarceration; trafficking for the purpose of slavery or forced labor – 16 years of incarceration; forced labor – 7 years of incarceration; exploitation of vulnerable populations – 3 years of incarceration. For the first time, Israel has a slavery offense, a broad forced labor offence with heightened sentencing and heightened punishment for exploitation of vulnerable populations. The new legislation reflects an approach that requires the integration of a series of tools and actors to combat trafficking in persons. It also places emphasis on the prohibition of all forms of slavery and forced labor.

247. With regard to trafficking for the purpose of slavery or forced labor, the following crimes have been established: trafficking in human beings for the purpose of slavery or forced labor (section 377A (a) of the *Penal Law*), holding a person under conditions of slavery (section 375A of the *Penal Law*), forced labor (section 376 of the *Penal Law*), and exploitation of vulnerable populations (section 431 of the *Penal Law*). In addition, the abduction offence has been broadened to include two new offences: (1) abduction for the purpose of slavery or forced labor and conveying a person beyond the boundaries of a State (sections 374A and 370 of the *Penal Law*) and (2) causing a person to leave a State for the purposes of prostitution or slavery (section 376A of the *Penal Law*).

248. These criminal offences exist alongside various regulatory offences intended to protect foreign workers, for example, the *Foreign Workers Law* and the *Employment Service Law 5719-1959* (“*Employment Service Law*”). However, their inclusion in the Penal Law accords them a higher level of criminality and better expresses society’s moral condemnation.

## **Article 7**

### **The right to just and favorable conditions of work**

#### **Related international conventions binding Israel**

249. Since its previous report under the Covenant, Israel submitted updated reports under the following ILO Conventions:

- Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) – relating to the years 2001–2006
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) – relating to the years 2005–2006
- Migration for Employment Convention (Revised), 1949 (No. 97) – relating to the years 2001–2006
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98) – relating to the years 2005–2006
- Equal Remuneration Convention, 1951 (No. 100) – relating to the years 2005–2006
- The Social Security (Minimum Standards) Convention, 1952 (No. 102) – relating to the years 2001–2006
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – relating to the years 2005–2006
- Equality of Treatment (Social Security Convention, 1962 (No. 118) – relating to the years 2001–2006
- Employment Policy Convention, 1964 (No. 122) – for the years 2005–2006
- Worst Forms of Child Labor Convention, 1999 (No. 182) – relating to the year 2006
- Forced Labor Convention, 1930 (No. 29) – relating to the year 2005
- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) – relating to the years 2001–2005
- Medical Examination of Young Persons (Non – Industry Occupations) Convention, 1946 (No. 78) – relating to the years 2001–2005



- Night Work of Young Persons (Non – Industry Occupations) Convention, 1946 (No. 79) – relating to the years 2004–2005
- The Labor Inspection Convention, 1947 (No. 81) – relating to the years 2004–2005
- Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) – relating to the years 2001–2005
- Protection of Wages Convention, 1949 (No. 95) – relating to the years 2001–2005
- Labor Clauses (Public Contracts) Convention, 1949 (No. 94) – relating to the years 2004–2005
- Abolition of Forced Labor Convention, 1957 (No. 105) – relating to the years 2004–2005.
- Minimum Age Convention, 1973 (No. 138) – relating to the years 2004–2005
- Rural Workers’ Organizations Convention, 1975 (No. 141) – relating to the years 2001–2005

## **Remuneration**

### **Methods for fixing wages**

250. This issue has been discussed in Israel’s previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Minimum wages**

251. The number of work hours per week at regular pay is 43 hours, according to the *Minimum Wage law 5747-1987*, (the “*Minimum Wage Law*”). The minimum wage is updated every year on April 1, and constituted 47.5% of the average wage. On June 19, 2006, the Knesset approved the *Minimum Wage Law (Raising Minimum Wage) (Temporary Order) 5768-2006*, aimed towards gradually raising the minimum wage. The Temporary Order set a minimum wage which constitutes more than 47.5% of the average wage. According to the *Temporary Order*, in the period between June 1, 2006, and March 31, 2007, the monthly minimum wage was 3,585 NIS (\$943); between April 1, 2007, and June 30, 2008, the monthly minimum wage was 3,710 NIS (\$976), and as of July 1, 2008, the monthly minimum wage is 3,850 NIS (\$1,013). The Temporary order will remain in force until the sum of 3,850 NIS (\$1,013) will constitute less than 47.5% of the average wage. The sum is to be reviewed in April 2009.

### **Enforcement of the Minimum Wage Law**

252. Several amendments have been made to the *Minimum Wage Law* since Israel’s previous periodic report. In 2002, the Law was amended so that criminal and civil liability may be imposed with regard to the Law, in situations involving a manpower contractor, an employer and an employee. The Law stipulates specific circumstances, where criminal and/or civil liability may be imposed directly on the actual employer and/or the manpower contractor. In addition, the amendment obligates the employer to post a notice concerning the rights of the workers in accordance with the *Minimum Wage Law*.

253. In an amendment from 2006, the definition of “monthly minimum wage” was amended in order to increase the level of minimum wage, as detailed above.

254. The Enforcement and Regulatory Administration was established in July 2004, within the Ministry of ITL in order to efficiently implement the provisions of the Law. Prior to the establishment of the Administration, four separate departments in the Ministry

of ITL were responsible for the enforcement of various social-labor laws. The new Administration centralized the enforcement and licensing authorities in the field, except for the laws concerning foreign workers, which are handled by the Foreign Workers Department. Enforcement inspectors have been trained to enforce the full range of labor laws.

255. Enforcement measures are carried out through the following activities:

- (1) Investigating complaints submitted to the Administration.
- (2) Self-initiated supervision by conducting on-site inspections at workplaces throughout the country.
- (3) Raising awareness among populations in need of protection by the Administration, as well as among employers.

256. Employers who infringe upon the Law may be fined or subject to a prison sentence. In addition, employees may sue the employer for compensation for the gap between the actual wages paid and the statutory wages.

257. Enforcement covers all workers: adults, teenage workers, Palestinian workers, foreign workers and workers hired by manpower contractors. The following are data concerning the enforcement of the *Minimum Wage Law*.

Table 9

**Minimum wage law enforcement report (2005–2007)**

<i>Year</i>	<i>Investigations opened</i>	<i>With findings</i>	<i>Without findings</i>
2005	290	161	129
2006	401	237	164
2007	390	247	143

*Source:* The Ministry of Industry, Trade and Labor, 2008.

258. According to information from the Ministry of ITL, 767 investigations were initiated in 2004 and 291 administrative fines were imposed. In 2005, 243 investigations were initiated and 213 administrative fines were imposed; in 2006, 395 investigations were initiated and 99 administrative fines were imposed, and in 2007, 357 investigations were initiated and 60 administrative fines were imposed.

259. On February 4, 2007, the Government consolidated Resolution no. 1134 aimed towards reducing socio-economic gaps in the Israeli society and increasing participation in the work force. Among the measures determined in the Resolution is improving the enforcement capabilities of the Enforcement and Regulatory Administration, through:

- 259.1 Substantial enlargement of the Administration personnel.
- 259.2 Improving the technological (computerized) capabilities and increasing the budget allocated for inspection through outsourcing.
- 259.3 Establishing a mechanism, in coordination with the labor organizations, to facilitate quick and efficient handling of complaints filed against employers.
- 259.4 Increasing awareness amongst employers and the public as to the provisions of the Law.

260. Recently, the District Court of Tel-Aviv, while residing as an Administrative Court, reaffirmed the importance of protecting workers' rights, as it annulled a tender issued by the Municipality of Bat-Yam due to a concern that the winning company cannot uphold its

obligations regarding the workers' rights. The Court held that "accepting an offer that does not enable the protection of the minimal rights of the workers, constitutes a deviation from the reasonability sphere, as a situation where a public authority contributes to unlawful proceedings cannot be accepted." The Court further held that: "The issue at hand is a tender to provide cleaning services, where the main component is the wage of the employees. Experience shows, that these workers, in any case, receive minimum wages, and there is no room for additional erosion of their rights; and in a detriment cost offer, it is more likely that the workers will carry the burden of the "cost" of deficit and not their employer, as there is a presumption that it does not intend to provide services without profit, and it has the power to inflict the detriment results of the tender upon the workers shoulders." (Ad.P 1464/07 *Perah Hashaked Inc. v. The Municipality of Bat-Yam et. al.* (14.4.2008)).

261. In another recent ruling, the District Labor Court determined that failure to pay workers the minimum wage they are entitled to, on time as stipulated by law, constituted a criminal offence committed by the employer. Here, the employer failed to pay his employees their wages, and gave them several small sums of money as pocket money instead. The employer claimed that he did fulfil the requirement to pay minimum wage, only in delay, therefore a criminal offence under the *Minimum Wage Law* was not consolidated. The employer also claimed that the *Minimum Wage Law* did not determine the time of payment. The Court emphasized that the determination of minimum wage is a fundamental basis for all policy aimed at fighting poverty and fulfilling the needs of the workers and their families. The basic purpose of the determination of minimum wage is to ensure hired employees the social protection needed. According to the Court, the purpose of the Law and the legislator intention are detailed in the law's explanatory notes, according to which: [...] the uniqueness of the Israeli society from the beginning of its formation is the assurance of decent living for all. The society engraved on its flag, after difficult struggles, to ensure the right of a working person to earn a living from his/her job, and to live respectably out of it, as a proud working person and not as a person supported by welfare". This principle is also stipulated by the legislator in section 14 to the *Minimum Wage Law* according to which lack of paying minimum wage to the employee constitutes a criminal offence (*Cr. R (Tel-Aviv) 420/06 The State of Israel – The Ministry of Industry, Trade and Labor v. Segal Enterprise (1996) Inc.* (26.6.08)).

#### **Enforcement of labor law in Arab localities**

262. In 2005, the annual working program for the Enforcement and Regulatory Administration included three special focus points: employers and employees from the Arab population; employers of new immigrants; businesses in the security field.

263. A major obstacle to the enforcement of labor laws in Arab places of employment is the unwillingness of the local population to cooperate with the Ministry, mostly due to fear of losing their source of income.

264. In December 2004, the Administration initiated a wide-scale awareness pilot campaign on labor law. This pilot program was carried out in the Arab city of Shfara'm, with a population of 30,000 Muslims and Christians. The Administration coordinated gatherings and meetings with employers and employees, as well as 1,300 high school students in Shfara'm, and also visited 50 places of employment. During these meetings, the Administration learned of the public's awareness of their rights in the labor law, educated them on these rights, and circulated written materials in Arabic.

265. In the course of these meetings the Administration took note of several problematic employers and gave them due notice. In May, 2005, the Administration conducted inspections of 25 places of employment in order to examine the situation there. The Administration received very little, if any, cooperation from the local population, especially from female employees. In addition to their fear of losing their jobs, many of these women

are connected through family ties with their employers, and therefore are even more reluctant to complain.

266. During 2008, the Administration performed similar projects in the Arab cities of Yarka and Joulis. Furthermore, 15 Arab youths, both male and female, have recently begun performing national civil service in the framework of the Administration. During their national civil service, these young persons carry out awareness raising activities concerning labor laws among the Arab population throughout the country.

267. The Administration prepared pamphlets on the *Minimum Wage Law* and the *Youth Employment Law 5713-1953*, (the “*Youth Employment Law*”) and translated them into Arabic. Thousands of these pamphlets were circulated throughout the Arab population. Moreover, an enforcement campaign focusing on the *Youth Employment Law* was carried out in Nazareth.

268. In April 2005, The Haifa District Labor Court ordered a marketing firm and its director to pay 150,000 NIS (\$40,500) in compensation to a female employee due to violation of the *Minimum Wage Law*. M.I.R.A. Panorama, located in the Druze village of Usfiya, paid their female employees approximately half the hourly minimum wage. The Court emphasized the gravity of any violation of the *Minimum Wage Law* as well as the importance of the deterrence of any such violations, and concluded its verdict by stating that violations of the *Minimum Wage Law* constitute a grievance to the workers dignity as a person. (C. 88/03 *The Ministry of Industry, Trade and Labor v. M.I.R.A. Panorama*, (3.4.05)).

#### Equal pay for work of equal value

269. Gaps remain between male and female salaries. According to recent data (2006), on average men earned a 57% higher income than women.

270. One explanation for this gap is shorter working hours (or lower availability for work) of women. In 2006, employed men worked an average of 46 hours a week, compared to employed women, who worked 35 hours a week – a 31% difference. However, in 2006, women’s average income per hour was 37.1 NIS (\$10.02) and men’s – 44.8 NIS (\$12.1), a 21% gap, indicating that the difference cannot be solely attributed to the number of working hours.

271. In 2006, women’s average hourly wages were 80.5% of the men’s. By occupation, their hourly wages are highest, relative to men, in the category “other professional and technicians” (86.5 %). Women earn the least, relative to men, among skilled industrial and construction workers (92.3%).

Table 10

#### Urban wage and salary workers: women’s hourly wages as a percentage of men’s hourly wages, 1995, 1998 and 2006

	Percentage		
	1995	1998	2006
<b>Total</b>	<b>80.7</b>	<b>82.9</b>	<b>80.5</b>
<i>Occupation</i>			
Academic professionals	79.4	85.7	74.9
Other professional and technicians	89.5	89.1	86.5
Managers	75.3	75.4	89.9
Clerical workers	75.8	70.3	79.9

	Percentage		
	1995	1998	2006
Sales and services workers	64.2	71.0	73.7
Skilled workers in industry and construction	56.9	63.0	92.3
Unskilled workers	78.3	77.9	73.2

*Source:* Israel, Central Bureau of Statistics, Income Surveys, 1995, 1998, 2006.

272. Arab women employees earned 8% more per hour, than Arab men. In terms of gross monthly salary, Arab men's salaries were 35% higher than the Arab women's salaries. The difference in the monthly salary is due to the gap in men's working hours compared to the women's – a difference of an average of 15 monthly hours.

273. Thirty-five per cent of employed Arab women are employed in academic, independent and technical professions, 27% in clerical work and up to 25% in sales and agencies as compared to Arab men – 27% employed in academic, independent and technical professions and 35% as professionals and non professionals.

274. A recent report by the Wage and Labor Accord Unit in the Ministry of Finance, regarding salary expenses in the Civil Service, reveals a trend of reducing wage differences between male and female Civil Service employees.

275. The salaries of men and women in the Civil Service in various grades were compared through an analysis of two periods: November 2006 in comparison to May 2002, and November 2006 in comparison to May 1997. It should be noted that November and May are months in which special salary additions (one-time) are not paid. The salary data examined were: number of positions, average pensionable salary, average overtime work, average expense reimbursement and average gross salary.

276. The most significant phenomena that took place in these periods were the relative growth in the number of women employed in the Civil Service in comparison to the number of men, and the significant reduction in the expense reimbursement gap between women and men, a trend that also continued in 2007.

277. In comparison to 1997, the data indicates that the gap between men and women employees with regard to overtime has risen by 3%. In the remaining three elements, gaps were reduced: at a rate of 2% for pensionable salary, at a rate of 15% for expense reimbursement and at rate of 3% in gross salary.

278. Regarding employees in management positions, the data reveals that over a period of nine years, the ratio of men's positions to women's positions was significantly reduced, meaning that more women are employed in the management ranking. In all indexes of salary, other than in overtime, a reduction occurred in the gaps. Only with regard to overtime work, the gap increased at a rate of 5%. The considerable reduction in the expense reimbursement section (15%) should be noted.

279. It should be noted that a significant part of the existing gap derives from placement in the various grades. Evidently, the employee's position and grade have a significant influence on his/her salary. Since most female employees in the Civil Service hold administrative positions and are thus occupying lower grades than male employees, their salaries are lower.

280. As in other aspects of protecting equality, the judicial branch in Israel takes an active part. In October 2002, the High Court of Justice delivered its ruling in the petition concerning case of Eytana Niv, detailed in Israel's previous report. The ruling dealt with early-retirement arrangements for the Fund's employees, which provided preferable

benefits to male employees up to the age of 65, whilst granting female employees these benefits only up to the age of 60. The Court defined discrimination as “an unequal and unjust treatment given to equal persons”. The Court thus stipulated that the Fund must provide women with the same rights as men within the retirement arrangements, and that the Fund discriminated against the petitioners. The Court also stated that equality is a fundamental value in the Israeli legal system and that gender-based discrimination is one of the gravest forms of discrimination. The State of Israel, throughout the years, anchored equality between the genders and only exceptional considerations would justify overpowering it. Discriminating against women is clearly contrary to public order and essentially null. Subsequently, the Court ordered the removal of the discriminating provisions of the early-retirement arrangements (*H.C.J 6845/00 Eitana Niv et. al. v. The Klalit Health Fund* (9.10.02)).

281. On July 26, 2007, while rejecting an appeal by a former female employee who claimed she was discriminated against in salary and retirement benefits, the National Labor Court emphasized that the prohibition of discrimination derives from the principle of equality and is anchored in the *Equal Pay for Male and Female Employees Law*, 5724-1964, (the “*Equal Pay for Male and Female Employees Law*”) and the *Equal Employment Opportunities Law*.

Here, a former female employee in the Knesset claimed that she was discriminated against in salary and retirement benefits in comparison to her male counterparts. The Court found that the appellant failed to prove that she experienced discrimination in comparison to her male colleagues, neither on the basis of the *Equal Pay for Male and Female Employees Law* nor on the basis of *Equal Employment Opportunities Law*, since she did not prove any linkage between the claimed discrimination and her being a woman. (La.A. 222/06 *Shoshana Kerem v. The State of Israel*).

282. On November 20, 2007, the State Labor Court ruled that “freedom of contract” does not justify discrimination such as that evidenced by paying different salaries to men and women performing the same tasks. The court stated that in these circumstances, the principle of equality prevails over freedom of contract (L.A 1156/04 *Orit Goren v. Home Center (Do It Yourself) Ltd.*). Here, the plaintiff resigned after 4 months of work, after her employer denied her claim that she was being discriminated against in salary. She had compared her salary to that of a male worker who received 1,500 NIS (\$405.4) a month more than she did, although they both performed the same duties. In response, the respondent claimed that the difference in salary was the end result of negotiations held with all workers before they were hired to work, and during which the plaintiff had demanded less money than the other worker. The Lower Court ruled that there was no justification for the difference in salaries paid to the plaintiff and her colleague, and stated that the plaintiff was being discriminated against based solely on her gender.

The National Labor Court rejected the position that “freedom of contract” justified discrimination between salaries, and unanimously approved the Lower Court’s decision, granting 7,000 NIS (\$1,891.9) in compensation to the plaintiff for her 4 months of work, based on the *Equal Pay for Male and Female Employees Law*. However, the majority opinion ruled that as the difference in salary was the result of negotiations made prior to employment, the plaintiff had not been discriminated against based on the *Equal Employment Opportunities Law*, and therefore had no right to compensation for non-pecuniary damage in contrast to the lower court’s ruling. Nevertheless, the dissenting opinion of the National Labor Court’s President, argued that there was no difference in the level of proof required for granting compensation for violations of both laws, and accepted the lower court’s ruling, granting additional compensation to the plaintiff based on the *Equal Employment Opportunities Law*.

283. In November 2003, the Labor Court in Be'er Sheva ruled in favor of a female employee who received a lower salary than her male counterparts (La. 1576/99 *Simmy Niddam v. Rally Electricity and Electronics Ltd.* (03.11.03)). The Court granted the plaintiff all social benefits along with compensation for grief caused to her in the sum of 30,000 NIS (approximately \$8,100).

### Income distribution of employees

284. The following are data on income distribution in Israel for 2007:

Table 11

#### Gross income per employee by occupation and gender, 2007

	<i>Employees (thousands)</i>	<i>Gross income (NIS per month)</i>	<i>Gross income (NIS per work hour)</i>	<i>Work hours per week</i>
<i>All employees</i>				
Academic professionals	296	12 672	73.2	40.9
Associate professionals and technicians	363.4	7 732	51.3	35.9
Managers	130.3	16 993	80.6	49.4
Clerical workers	424.3	6 499	39.6	39.2
Agents, sales workers and service workers	442.4	5 007	31.6	38.5
Skilled workers	419.9	6 573	33.4	47
Unskilled workers	192.3	3 753	25.1	36.9
<b>Total</b>	<b>2 326.8</b>	<b>7 662</b>	<b>44.9</b>	<b>40.8</b>
<i>Males</i>				
Academic professionals	147.6	15 775	80.8	45.6
Associate professionals and technicians	145.5	9 937	56.3	41.5
Managers	93.0	18 527	83.1	51.9
Clerical workers	107.7	8 383	44.1	44.9
Agents, sales workers and service workers	184.5	6 688	36.2	44.4
Skilled workers	372.6	6 801	34.1	47.5
Unskilled workers	106.2	4 354	26.2	41
<b>Total</b>	<b>1 201.2</b>	<b>9 267</b>	<b>48.2</b>	<b>45.7</b>
<i>Females</i>				
Academic professionals	148.5	9 587	63.4	36.1
Associate professionals and technicians	217.9	6 260	46.9	32.1
Managers	37.4	13 175	72.7	43.1
Clerical workers	316.6	5 858	37.7	37.3
Agents, sales workers and service workers	257.9	3 804	27.3	34.3
Skilled workers	47.3	4 772	26.6	43.3
Unskilled workers	86.1	3 011	23.3	31.9
<b>Total</b>	<b>1 125.6</b>	<b>5 949</b>	<b>40.5</b>	<b>35.6</b>

Source: Central Bureau of Statistics, Publications, Income Survey, 2007.

Table 12  
**Monthly income by status at work of head of household, 2007**

	<i>Status at work of head of household</i>			<b>Total</b>
	<i>Not working</i>	<i>Self-employed</i>	<i>Paid employed</i>	
Households in population (thousands)	525.1	196.9	1 349.8	<b>2 071.8</b>
Gross monthly income per household (NIS)	5 302	18 262	15 127	<b>12 935</b>
Gross monthly income per person (NIS)	2 368	4 803	4 143	<b>3 910</b>
Net monthly income per household (NIS)	4 948	13 804	12 120	<b>10 463</b>
Net monthly income per standard person (NIS)	2 406	4 566	4 126	<b>3 843</b>

*Source:* Central Bureau of Statistics, Publications, Income Survey, 2007.

### **Occupational health and safety**

285. There are currently 62 labor inspectors and 15 assistants in the Inspection Service of the Ministry of ITL (hereinafter: "the Service"). In 2006, the Service conducted 27,477 inspections of workplaces, 6,014 of which were at construction sites. The inspectors carried out 634 investigations of work accidents and occupational diseases; imposed 1,494 *safety* and health violation orders (requiring immediate action); and imposed 778 safety and health improvement orders.

286. The Industrial Hygiene Laboratory performed 2,473 occupational-monitoring. In addition, the laboratory examined 2,469 monitoring reports *conducted* by private laboratories.

287. As indicated in Israel's previous report, the results of the law enforcement activities have been constantly improving as can also be seen from the *following* updated data on work injuries, fatalities and injury compensation. The trend portrayed in Israel's previous report continues as a reduction in the number of work injuries and in fatalities is evident, in spite of an increase in the number of workers.

Table 13  
**Work injuries, 2000–2006**

<i>Year</i>	<i>Number of injuries</i>	<i>Number of workers</i>	<i>Incidence (%)</i>
2000	76 185	2 133 800	3.57
2001	69 087	2 559 000	2.70
2002	70 025	2 570 200	2.72
2003	61 539	2 591 600	2.38
2004	65 776	2 637 000	2.49
2005	63 856	2 725 600	2.34
2006	64 296	2 804 200	2.29

*Source:* The Labor Inspection Service, the Ministry of Industry, Trade and Labor, 2008.

Table 14  
**Fatalities from work accidents, 1999–2007**

<i>Sector</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Industry	8	10	10	19	8	21	16	22	11



<i>Sector</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Construction	34	29	31	31	34	15	24	30	25
Agriculture	2	4	2	2	3	3	6	4	2
Quarries	1	0	0	0	1	0	2	0	2
Ports	4	0	5	0	2	2	2	0	0
Trains	2	1	0	3	0	1	0	0	0
Other	15	17	12	7	12	10	4	5	11
<b>Total</b>	<b>66</b>	<b>61</b>	<b>60</b>	<b>62</b>	<b>60</b>	<b>52</b>	<b>54</b>	<b>61</b>	<b>51</b>

*Source:* The Labor Inspection Service, the Ministry of Industry, Trade and Labor, 2008.

Table 15  
**Injury compensation in 2007, by branches of work**

	<i>Receivers of injury compensation</i>		<i>Average days of inability to work</i>
	<i>Absolute numbers</i>	<i>Percentage</i>	
All insured	67 657	100.0	33.9
Paid employees	61 661	91.1	32.6
Self-employed	5 996	8.9	47.3

*Source:* The Ministry of Industry, Trade and Labor, 2008.

Table 16  
**Injury compensation in 2007, by gender and age**

<i>Gender</i>	<i>Total</i>	<i>Age</i>							
		<i>0–17</i>	<i>18–24</i>	<i>25–34</i>	<i>35–44</i>	<i>45–54</i>	<i>55–59</i>	<i>60–64</i>	<i>65+</i>
<b>Total</b>	<b>67 657</b>								
Per cent	<b>100</b>	0.4	10.9	25.1	22.7	23	10.1	5.5	2.6
<b>Males</b>	<b>47 928</b>								
Per cent	<b>100</b>	0.5	11.9	26.9	23.4	20.3	8.6	5.2	2.9
<b>Females</b>	<b>19 792</b>								
Per cent	<b>100</b>	0.18	8.27	20.6	21.1	27.7	13.9	6	2

*Source:* The Labor Inspection Service, The Ministry of Industry, Trade and Labor, 2008.

### **Promotion of equal opportunities**

288. In accordance with an amendment to the Equal Employment Opportunities Law dated January 3, 2006, an Equal Employment Opportunities Commission was established, within the Ministry of Industry, Trade and Labor.

289. The Commission is charged with the promotion, implementation and civil enforcement of all legislation relating to equal opportunities in employment, with the exception of legislation relating to persons with disabilities, which is the responsibility of the Commission for Equal Rights of Persons with Disabilities. As such, the mandate of the Equal Employment Opportunities Commission includes the Equal Employment Opportunities Law, Equal Pay for Male and Female Employees Law, the Women's Employment Law, the Prevention of Sexual Harassment Law (in relation to employment),

the Hours of Work and Rest Law 5711-1951 (hereinafter: the "Hours of Work and Rest Law), the Discharged Soldiers (Job Reinstatement) Law, 5709-1949, the Equal Rights for Women Law, the Employment Service Law, Protection of Employees (Exposure to Offences of Unethical Conduct and Improper Administration) Law 5757-1997, and legislation concerning adequate representation of women, people with disabilities, Israeli Arabs and persons of Ethiopian origin in the public sector.

290. The Commission is charged, inter alia, with a wide range of duties, including fostering public awareness by way of education, training and public relations; promoting programs and activities; co-operating with other entities including employees and employers; conducting research and collecting information; making interventions, by leave of the court, in legal proceedings; dealing with complaints relating to violation of the constituent legislation, including by way of filing a civil action in the courts; applying to the court for general orders instructing employers to take general measures regarding all or part of their work force or employment applicants.

291. The Equal Employment Opportunities Commission commenced operation at the beginning of 2008, following the Government's decision in November 2007, to appoint Adv. Tziona Koenig-Yair as the First National Commissioner. In addition three regional commissioners are in the process of being appointed.

292. More recently, the advisory committee to the Commission has been appointed. Under the amendment to the Law, the 21-member committee comprises of representatives of the Authority for the Promotion of Women's Status, the Commission for Equal Rights of Persons with Disabilities, Government Ministries, NGOs, trade unions and employers' associations. Appropriate representation being given, insofar as is possible, to women, Israeli Arabs and persons with disabilities.

293. Since her appointment, the National Commissioner manned 3 additional positions, published a pamphlet dealing with employment rights which was distributed to 300,000 employers and employees, and is now being translated into Arabic.

294. Since September 2008, the services provided by the Commission include the handling of 150 specific applications, 3 law suits currently being prepared and many preliminary measures taken regarding discrimination by employers.

295. At the end of each year the Commissioner is required to submit an annual report to the Minister of ITL, who shall forward the report with his/her comments to the Knesset Committee for the Advancement of the Status of Women, and to the Knesset Committee for Labor, Welfare and Health.

### **Rest and leisure**

296. The following data concerns the enforcement of the *Hours of Work and Rest Law* by The Enforcement and Regulatory Administration of the Ministry of ITL, since Israel's last report: in 2005 – 523 investigations were initiated and 99 administrative fines were imposed. In 2006 – 641 investigations were initiated and 182 administrative fines were imposed. In 2007 – 685 investigations were initiated and 309 administrative fines were imposed. Between the years of 2006–2008, 170 criminal indictments were filed.

## Article 8

### Collective labor rights

#### Related international conventions binding Israel

297. Since submission of Israel's previous periodic report, the following Reports were submitted: Israel's Third Periodic Report on the implementation of the International Covenant on Civil and Political Rights, submitted in July 2008; Israel's Fourth Periodic Report on the implementation of International Convention on Elimination of All Forms of Discrimination against Women, submitted in June 2005; Israel's 10<sup>th</sup>–13<sup>th</sup> Combined Periodic Report on the International Convention on Elimination of all forms of Racial Discrimination, submitted in September 2005.

#### Forming trade unions and joining them

298. A recent decision by the District Labor Court, has further broadened the legal protection of the right to organize in trade unions under Israeli jurisprudence (C.M. 6726/07 *Alon Leigh Green v. Excellent Coffee Ltd.* (18.7. 2007)).

Here, the petitioner requested the Court to revoke his dismissal by the respondent, which he claimed was wrongful and the result of his unionizing activity. According to the petitioner, prior to his unionizing activity, the respondent considered him to be a good employee and even promoted him to shift manager. The respondent argued that it was not the petitioner's desire to execute his right to form a union that led to his dismissal, but rather the deterioration in his performance as a shift manager.

The Court addressed Section 33J(a) of the *Collective Agreements Law 5717-1957*, which states, *inter alia*, that an employer shall not dismiss an employee, worsen an employee's work conditions, or prevent a person from being hired due to membership or activity in an employees union or committee, or due to efforts to establish an employees union or committee. The rationale portrayed in the Law, in accord with similar principles derived from case law in the Labor Courts, is that discriminating against an employee on the basis of his membership in an employees union violates the principle of equality as well as the right to form and join unions. Therefore, pursuant to both law and case law, the court must protect employees when there is concern that employers acted against them in violation of the basic right to form and join unions. The Court held that the respondent did not meet the burden to prove that the petitioner's dismissal was due to his performance and was not due to his unionizing activity.

As an exceptional remedy, the Court ordered the reinstatement of the petitioner, in accordance with section 33k to the Law. The Court held that indeed, the rule is that labor relations must not be compelled, and that monetary compensation should suffice, particularly when discussing the private sector. Yet, here is an exceptional case where the respondent's conduct amounted to an infringement of the employee's constitutional right, which no monetary compensation can remedy. Such an exceptional violation of a constitutional right that is a 'privilege' and beyond the employee's general rights, brings about exceptional consequences. This being the case, even with regard to a private entity.

299. Recently, the National Labor Court determined that an organization may not be considered a representative trade union, if it differentiates between men and women, in a way that constitutes discrimination against women, such as preventing them from taking part in the democratic process that is to elect and be elected to the organization's institutions. *Moreover*, it may not be considered a trade union, as it does not have a democratic nature and proceedings (La.C. 9/07 *Ultra-Orthodox Kindergarten Teachers Organization v. The Teachers of Agudat Israel Histadrut* (15.09.2008)).

### **The right to organize a trade union**

#### *Number and structure of trade unions in Israel*

300. No notable change in the structure of labor organizations in Israel has occurred since the submission of Israel's previous reports. *The Histadrut* still remains the largest and most representative workers' organization in Israel and still refrains from disclosing exact numbers on its membership.

#### *Individual freedom to join a trade union*

301. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Freedom of operation of trade unions**

### **The right to strike**

#### *The status and content of the right to strike*

302. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Restrictions placed on the right to strike**

#### *Statistics on strikes in Israel*

303. The figures presented in Israel's previous report can now be updated as follows:

Table 17

#### **Strikes in Israel, 2000–2007**

<i>Year</i>	<i>Number of "slow-downs"</i>	<i>Number of strikes and lock-outs (excluding slow-downs)</i>	<i>Number of persons involved in strikes and lock-outs</i>	<i>Work days lost</i>
2000	56	54	297 882	2 011 263
2001	58	62	426 560	2 039 973
2002	34	47	1 647 810	1 488 120
2003	64	60	1 258 904	2 725 159
2004	55	49	722 875	1 224 423
2005	44	57	103 666	244 236
2006	40	35	125 730	136 189
2007	37	30	386 075	2 548 627

*Source:* The Ministry of Industry, Trade and Labor, 2008.

### **The armed forces, the police and the administration of the State**

304. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

## Article 9

### The right to social security

#### Related international conventions binding Israel

305. Israel has filed new reports on the ILO Equality of Treatment (Accident Compensation) Convention (No. 19), the ILO Social Security (Minimum Standards) Convention (No. 102) and the ILO Equal Treatment (Social Security) Convention (118) – all discussing the years 2001–2006.

306. Furthermore, Israel has ratified bilateral social security conventions with the Czech Republic (2002) and Canada (2003), bringing the total number of these conventions to fifteen. Israel, as an immigration country, is interested in such conventions in order to assure each beneficiary an adequate benefit for prior social security credits in their country of origin.

307. Another purpose of these international conventions is the need to avoid dual coverage and contributions for workers posted temporarily by their employer in another country, while assuring continuity of protection and adequate benefits under the social security legislation of their country of origin.

#### Social security branches in Israel

308. Commencing in 2006, all social security benefits are indexed to the Consumer Prices Index, and not the average wage.

#### *Maternity allowance*

309. As of January 1, 2005, the National Insurance Institute (NII) pays a maternity grant, which is provided to post-natal new mothers in order to help cover the cost of a layette for the newborn child, directly into the mother's bank account, granted approximately one month after the birth date. The maternity grant was previously paid by means of a check given to the mothers in the hospital where the birth took place.

310. As of January 1, 2008, a "maternity grant" given to a new mother upon the birth of her first baby, or to the adoptive parents upon adoption, will equal 1,489 NIS (slightly more than \$402). The maternity grant for a second child will be equivalent to 670 NIS (slightly over \$181), and for every third and additional child to the family it will be the equivalent of 447 NIS (slightly over \$120).

311. Commencing on January 1, 2006, women who are unable to work for a period of at least 30 consecutive days, owing to their high-risk pregnancy, are to receive "maternity allowance". The amount per day is the lower of the following two amounts: the basic amount divided by 30 – 248 NIS (\$65); or the woman's salary divided by 90.

312. The NII pays a benefit to a mother who has given birth to three or more children in one birth, and again at the end of a 30-day period after the date of birth, if at least three of these children have survived. The childbirth allowance is paid, in addition to the maternity grant, for the period from the first day of the month following the birth, up until 20 months from that date.

313. **Automatic payment of Maternity Allowance.** Both employed and self-employed women are entitled, upon giving birth, to a Maternity Allowance from the NII for the period of their Maternity Leave from work. As of January 1, 2006, self-employed women receive the allowance automatically, without having to submit a claim.

314. The temporary order regarding Maternity Allowance for fathers who take maternity leave instead of the mother, detailed in Israel's previous report, was anchored since then in

both the *National Insurance Law* and the *Women's Employment Law*. Data indicate a significant rise in the number of men receiving Maternity Allowance. In 2007, the number of men receiving Maternity Allowance was 246, in comparison to 128 in 2003.

#### *Old-age benefits*

315. As detailed in Israel's previous periodic report, applications for Old-Age Pensions are initiated by the NII. Every man and woman, approximately two months before reaching pension age, receives a claims form for Old-Age Pension from the NII, together with an accompanying explanatory letter.

316. **Retirement Age Law.** As mentioned earlier under Article 3 above, in 2004, the Knesset enacted the *Retirement Age Law*, under which, starting from July 1, 2004, the retirement age, and consequently the age of entitlement to Old-Age Pension, is gradually raised as follows: the conditional age or retirement age (age of entitlement to Old-Age Pension conditioned by a means test) will be gradually raised until it eventually reach 67 for men and 62 for women. The absolute age or pensionable age (age of entitlement to Old-Age Pension that is not conditioned by a means test) is gradually raised for women until it eventually reaches 70 (the same as for men). Prior to the change, the conditional age of entitlement to Old-Age Pension was 65 for men and 60 for women, while the absolute age was 70 for men and 65 for women. The new Law has implications on the definition of insured persons and many other social security branches, such as Disability, Unemployment, Income Support, Mobility and Long-term care.

317. On March 19, 2007, the *Electricity Economy Law, 5756-1996*, was amended and section 31a was added. According to the new section, persons who reach the retirement age and are entitled to income support, are entitled to a 50% discount on the first 400 KWH for domestic monthly use. The new section further invests the Minister of National Infrastructure with the authority to determine, in consultation with the Minister of Social Affairs and Social Services, other populations who may also be entitled to the reduced payment benefit.

#### *Disability benefits*

318. **Entitlement of returning resident to Disability Pension.** According to Amendment no. 53 to the *National Insurance Law* approved in 2002, a Disability Pension may also be granted to a person whose incapacity to work began when he was not a resident of Israel, if the impairment that led to the incapacity to work, began when the person was a minor (under 18) residing in Israel. Prior to the amendment of the Law, one of the prerequisites for entitlement to the Disability Pension was that the incapacity to work began when the person was an Israeli resident, except for new immigrants who are entitled to the Pension even if their incapacity began before they became Israeli residents. The amendment, in effect as of September 1, 2002, is meant mainly to meet the needs of returning residents.

319. **Broadening the definition of a new immigrant with regard to Disability Pension eligibility.** A recent amendment to the *National Insurance Law* broadened the definition of a new immigrant to include persons holding a visa for temporary or permanent residence in Israel who receive a basket of services from the Ministry of Immigrant Absorption. For these persons, entitlement to the Disability Pension begins 12 months after they entered the country, but not before July 1, 2006, when the amendment came into effect.

320. **Retirement Age Law: implications on Disability Insurance.** The *Retirement Age Law* has widened the scope of persons eligible for Disability Pension. Insured persons for purposes of Disability Insurance are now defined as "Israeli residents who are aged 18 or older but who have not yet reached the retirement age". This age is being gradually raised,

as detailed above, to 67 for men and 62 for women, and in the meantime varies in accordance to the person's month of birth. The change is in effect as of April 1, 2004; it applies to men who reached the age of 65 and to women who have reached the age of 60 on or after July 1, 2004.

321. **Compensation for Poliomyelitis Victims Law 5767-2007.** The new Law aims to provide compensation to Israeli residents (as defined in the *National Insurance Law*) who were infected with the Poliomyelitis disease while residing in Israel, and consequently became paralyzed. The compensation will be allocated according to medical disability degrees, which will be determined as stipulated under the *National Insurance Law*.

Benefits provided under the Law are additional to the general Disability and/or Mobility Benefits to which the polio victim may be entitled.

322. **Children with Disabilities.** The NII pays a special benefit for disabled children, defined as follows: children under the age of 18 (including adopted children or step-children) of an insured person, or of an insured person who died as an Israeli resident, who is of the following:

- A child (from age 3) dependent on the help of others for the performance of everyday functions (dressing, eating, washing, mobility in the home and the permanent presence of another, as defined in the regulations) to a degree significantly greater than is normal for his/her age group
- A child (more than 91 days old) in need of constant supervision
- A child with a special impairment, that is: (from birth) Down's syndrome or a deterioration in hearing, or (more than 91 days old) a vision impairment, autism, psychosis or a severe developmental retardation (the latter until the age of 3)
- A child (over 91 days) in need of special medical treatment as defined in the regulations, due to a severe chronic disease

#### *Survivors' benefits*

323. **Initiating claims for Survivors' Pension.** In keeping with the NII's policy of endeavoring to initiate substantiated claims whenever possible, in order to ensure maximal utilization of rights, a new campaign to initiate claims for Survivors' Pensions began in 2006. The target population includes spouses and children (under 22 years of age) of deceased insured persons, who have not yet submitted a claim for a Survivor's Pension.

324. **Automatic payment of Survivors' Pension.** As of 2006, Survivors' Pension is paid automatically to the following groups:

324.1 Widows to whom a Dependant's Increment had been paid to their husbands' Old-Age Pension;

324.2 Widows who receive Old-Age Pension by virtue of having accumulated a qualifying period, in the same bank account as their husbands'.

#### *Dependence allowance*

325. Section 135 to the *National Insurance Law* stipulates that once a widow remarries she is entitled to receive two benefit payments, but forfeits her claim to the monthly Dependence Allowance. The Law defines a wife as including common-law wife.

326. In La.A. 1407/04 *The National Insurance Institution v. Nehama Freeman* (8.11.06), the National Labor Court debated whether a widow who became a common-law wife, did not remarry, and attained a higher economic status than other widows, shall continue to enjoy the Dependence Allowance granted to widows. The Court held that although the

economic status of a common-law wife is better than that of a widow, it still is not a relationship as stable as marriage – since the parties may separate at any given moment, the woman may be suddenly returned to the economic status of a widow. According to the decision, the equalization tendency found in the legislation and in the rulings of courts is aimed at equalizing the rights and benefits received by a common-law wife to those received by married women. However, the issue raised was the negation of a benefit; the Court found that such negation needs to be interpreted narrowly and that therefore, if the legislator wishes to negate a right or a benefit it must be explicitly written in the Law.

#### *Employment injury benefits*

327. **Grant following the death of work – injured disabled person, not resulting from the work injury.** In 2001, an amendment to section 310 of the *National Insurance Law* was approved, enabling payment of a grant to the dependents of a work – injured disabled person whose death was not a result of his/her work injury. In accordance with the conditions stipulated in the Law, a grant in a sum equivalent to 60% of the full disability pension of the disabled person, multiplied by 36, is paid to the dependents. The grant is paid in two installments, the first upon the death of the disabled person, and the second after one year has elapsed since his/her death. Prior to the change, when a work injured disabled person died as a result of something other than his/her work injury, his/her monthly pension was ceased, and a grant was paid – at the rate of the average wage. This sum was paid only to the dependants of a disabled person who had a permanent medical disability of at least 50%, and to the dependants of an elderly disabled person.

The new grant is of a higher rate, and is paid to the dependants of all work – injured disabled persons, thus improving their economic situation. It should be noted that when a work injured person dies as a result of his/her work injury, his/her dependents continue to receive a monthly pension.

#### *Income Support benefits*

328. Income Support is a partial benefit provided to a person whose income from work or any other source (such as the Old-Age Pension) is lower than the Minimum Guaranteed Income (MGI), necessary for subsistence according to the law. Since 2002, many changes have been made in the amounts of the Old-Age Pension relative to the MGI. Therefore, in 2006 the NII decided to re-examine entitlement to income supplement, based on claims previously submitted and denied, acting under the assumption that the financial situation of the claimant has not changed.

329. In 2006, the NII paid Income Support benefits to approximately 130,341 families who did not earn the minimum level of income as determined by the *Income Support Law* 5740-1980 (the “*Income Support Law*”,) and who were not covered by other income maintenance programs.

330. **Exemption from the Employment Test requirement.** One of the basic prerequisites for eligibility for an Income Support benefit is satisfying the Employment Test: registration at the labor exchange as a job-seeker or participant in the “*Lights for Employment*” program. Only if the Employment Service is unable to offer a job does an individual become eligible for an Income Support benefit. The Employment Test is meant to verify that a claimant for Income Support benefit was not able to find employment, unless he/she is not capable of earning a living or is unsuitable for placement at any job. There are several categories of persons exempt from this requirement, such as single parents with small children, persons caring for a sick relative, etc. Under an amendment to the *Income Support Law*, in effect as of 2002, a mother in a foster family caring for a child up to the age of 7 is also exempt from satisfying the Employment Test in order to receive Income Support benefit. Another amendment to the Law, in effect as of 2007, determines



that persons aged 25 or over, with medical disability degree of 75% or more, as well as disabled housewives, are also exempt from the Employment Test.

331. **Vehicle ownership.** According to an amendment to the *Income Support Law* dated December 26, 2006, the ownership of a vehicle does not, under certain conditions, disqualify a person from eligibility for Income Support benefit. Previously, a person who owned a vehicle, other than a motorcycle, was not eligible for an Income Support benefit, unless he/she had impaired mobility or needed the vehicle in order to access medical treatment. The amendment aspires to remove obstacles from Income Support recipients who need a vehicle in order to work.

#### *Child allowances*

332. As reported in Israel's previous periodic report, all families residing legally in Israel, regardless of income, are entitled to "Child Allowance", a monthly grant that increases with the number of children in the family. The Government policy of reducing Child Allowances – the first stage of which was carried out from 2002 to 2004 – will continue until 2009. The policy is being partially implemented by means of temporary orders and partially as permanent legislation. By the end of the legislative process in 2009, the allowance will be a fixed amount for every child in all families, regardless of the child's place in the family.

Commencing from January 2008, a family with one child receives 152 NIS a month (approximately \$41); a family with two children receives 304 NIS (\$82); with three children – 486 NIS (\$131); four children – 823 NIS (\$222); and five children – 1,160 NIS (\$313) per month. The amount per every child born after June 1, 2003, is 152 NIS (\$41).

In 2005, 956,294 families received child allowances, amounting to 19% of the total benefits paid by the National Insurance Institution (NII). In 2006, 968,282 families received child allowances, amounting to 17.6% of the total benefits paid by the NII.

333. In accordance with the *Economy Policy Law for the Fiscal Year 2004 (Legislative Amendments)*, the *National Insurance Law* was amended and section 68(c) was added. The new section provides that a parent who is entitled to Child Allowance for three or more children, and receives one of the following benefits: Income Support, Alimony, Survivors' Pension with Income Supplement or Old-Age Pension with Income Supplement, will receive a monthly increment to the child allowance at a rate of 0.59 of a credit point for each of the third and fourth child in the family (106 NIS (\$28)).

334. The NII also provides a Study Grant for every child between the ages of 6 and 14 in entitled families, at the beginning of the school year. Entitled families are: single-parent families; families with 4 or more children who receive one of the following benefits: Income Support, Alimony, Disability, Old-Age, Survivors' Benefit; a child orphaned from both parents; an abandoned/orphaned child as defined in the *Income Support Law*; a child who immigrated to Israel without an insured parent; and women residing in a shelter for battered women, under certain conditions.

#### **Special Social Funds**

335. Within the endeavors to aid and advance the weak populations in Israeli society, the NII maintains 5 Special Social Funds dedicated to the development of infrastructure and services for these populations, by encouraging service-providing organizations (Governmental, Municipal and Non-Governmental) to expand the scope and accessibility of the welfare services they provide to various population groups insured and supported by the NII:

335.1 the Fund for Development of Services for the Disabled.

335.2 the Fund for Activities Aimed at Work Safety and the Prevention of Work Accidents.

335.3 the Fund for Development of Long-Term Care services.

335.4 the Fund for the Development of Services for Children and Youth, (established in 2004).

335.5 the Fund for Special Initiatives.

336. The activities of the Funds are anchored in the *National Insurance Law*, and four of them draw their budget from a percentage of the annual allocation earmarked for the insurance branch to which they are attached. The Fund for Special Initiatives has its own particular budget, since the projects it sponsors are geared towards all the Institute's beneficiaries.

337. The Funds act as catalysts for the development of services in the community by providing preliminary financial assistance for the initiatives of service-providers who undertake to continue to maintain and operate these services on their own for an extended period.

### **The pension system in Israel**

338. On July 19, 2007, the Federation of Israeli Economic Organizations and the Histadrut Trade Union, signed a collective agreement concerning an extensive pension insurance arrangement for all workers. The collective agreement came into force on January 1, 2008, following the issuance of an expansion order by the Minister of ITL validating the agreement.

339. The collective agreement will only apply to employees who do not have a beneficiary pension arrangement. An employee who has a beneficiary pension arrangement will not be affected, the beneficiary arrangement will continue to apply in its current form and his/her rights will not be subtracted from. The agreement applies to every employee from the age of 21 for men, and 20 for women.

340. The agreement stipulates that, *inter alia*, as of January 1, 2009, each employee will be entitled to pension allocation after completing six months of employment. During the adjustment period until January 2009, the entitlement will apply to all employees who on January 1, 2008, completed nine months of employment. An employee, who began his/her employment in a workplace and has pension insurance, will be entitled to pension allocation from the first day of his/her employment; the carrying out of the allocation will begin either after three months of employment retroactively, or at the end of the tax year, whichever is earlier.

341. The salary insured is the salary as determined by the *Severance Payment Law 5723-1963*, and shall include the basic pay and all additional wage components to which the employee is entitled. The maximal insured wage equates to the average wage.

Each employee is entitled to choose the pension fund or the retirement fund and notify the employer within 60 days of commencing employment.

### *Long-term care*

342. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Expenditures**

343. Social security benefits payments amounted to 6.9% of the GNP in 2007, and 7.1% in 2006. Israel's second periodic report presented a clear increased share of benefit payments in both the GNP and the Government budget until 2002 (8.9%). A decreasing trend began in 2003 (8.3%) and continued until 2007.

### **Equality in social security**

344. Since the submission of Israel's previous report, there have been some notable positive changes enhancing equality in social security, which have been presented in this report.

## **Article 10 Familial rights**

### **Related international conventions binding Israel**

345. Since 1991, Israel is a party to the Convention on the Elimination of all Forms of Discrimination Against Women. In May 2005, Israel submitted its Fourth Periodic Report to the Committee on the Elimination of all Forms of Discrimination Against Women. Its fifth report will be submitted in 2009.

346. Since 1991, Israel has been a party to the International Covenant on Civil and Political Rights. Its third report was submitted to the Committee in July 2008.

347. Since 1991, Israel has been a party to the International Convention on the Rights of the Child, submitted its Initial Report in 2001 and its second periodic report will be submitted in 2009.

348. Since the submission of Israel's second periodic report, a report under the ILO Minimum Age Convention 1979 (No. 138), was submitted relating to the years 2004–2005.

### **Meaning of “family”**

#### **The definition of the term “family” in Israeli law**

349. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **Meaning of family in administrative practice**

350. Several important judiciary developments have occurred since the submission of Israel's previous report, broadening the meaning of family in administrative practice, with regard to same-sex couples.

351. On November 21, 2006, the Supreme Court handed down a landmark decision concerning the rights of same-sex couples. It held that a wedding certificate from a foreign country in which same-sex marriages are recognized, could allow the couple to be registered as married by the Ministry of the Interior. Five gay couples who held wedding ceremonies abroad petitioned to the Supreme Court following the Ministry of the Interior's refusal to register them as married (H.C.J 3045/05 *Ben-Ari v. The Ministry of the Interior*, H.C.J 3046/05 *Bar-Lev v. The Ministry of the Interior*, H.C.J 10218/05 *Herland v. The Ministry of the Interior*, H.C.J 10468/05 *Lord v. The Ministry of the Interior* and H.C.J 10597/05 *Remez v. The Ministry of the Interior*).

The Supreme Court based its decision on a previous Supreme Court ruling (H.C.J 143/62 *Fonk-Shlezinger v. The Minister of the Interior*) in which a distinction was made between the duty to register marriages, and the question of recognition of their status. The Supreme Court determined that the Ministry of the Interior must not discriminate against same-sex couples who hold a wedding certificate from a foreign country that permits same-sex marriages. Nevertheless, the Supreme Court noted that by doing so, it does not grant a new status to same-sex marriages, and reiterated that it is the role of the Knesset to endow as much.

352. In an innovative judgment, the Nazareth District Court determined that the term “man and woman” in the *Inheritance Law* 5725-1965, (the “*Inheritance Law*”) includes spouses of the same gender. The judgment was based upon the general inclination to broaden the interpretation of the term “spouse” in the *Inheritance Law*. (C.A. 3245/03 *A.M. v. The Attorney General* (11.11.04)).

353. In a significant decision dated January 2005, the Supreme Court accepted the appeal of two women, a same-sex couple, to adopt each other’s children. The Court ruled that under the *Children Adoption Law* 5741-1981, each case should be examined on its own merits and all the relevant circumstances need to be taken into consideration. The Court emphasized that the decision solely concerns this couple and is not a principled one, thus leaving the question of same-sex relationships for a later date. The Court recommended that the Knesset amend the Law to provide a solution to a real problem, and attempt to bypass ideological controversial problems that the issue presents (C.A. 10280/01 *Yaros-Hakak v. The Attorney General* (10.01.05)).

354. On April 19, 2007, The Haifa Labor District Court accepted a claim against the “Mivtachim” pension fund, and determined that a surviving partner of a lesbian relationship was eligible to the legal rights of an “insured widow”, and not of an “insured widower” (D.L.C 1758/06 *Moyal-Lefler v. Mivtachim*). Following this decision, the plaintiff is to be paid a Survivors’ Pension of 40% as opposed to only 20%.

The Court concluded that in this instance, the plaintiff was the deceased’s spouse, and was publicly recognized as her common-law wife. Therefore, she was eligible to a Survivors’ Pension, according to the rules of the pension fund. The Court stated that “the distinction between men and women in the rules of the respondent and the *National Insurance Law* derives from a similar rationale – a reflection of the economic situation in which we live, where women’s incomes are lower than men’s, and their promotion in the labor market is more difficult. Therefore there is a justification for the preference of widows as it narrows the existing gap between men and women.”

The Court held that the plaintiff should be classified as a female widow, and not as a widower. She was therefore eligible for the rights of an “insured widow”, and the pension as stated in the rules of the pension fund.

### **Majority**

355. This issue has been discussed in Israel’s previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Assistance to the family and its protection**

#### *The fundamental right to family life*

356. **Fertility treatments.** There are 24 fertility departments in Israel, 9 in governmental hospitals, 11 in public hospitals and 4 in private hospitals. In 2006, 25,552 cycles of IVF treatment were performed (in comparison to 20,886 cycles in 2002), resulting in 6,473 pregnancies and 4,298 live births (5,229 children). The percentage of live births in Israel

per treatment cycle has been relatively steady since 1996 (15.8 %) and in 2006 it stood at 16.8%.

357. In February 2007, the *Equal Employment Opportunity Law* was amended to add a specific prohibition on discrimination against an employee due to fertility treatment or IVF treatment.

358. The accumulative number of applications for surrogate motherhood, as of December 2007, is 450, resulting in 194 children in 160 successful child births (due to 32 labors of twins and one set of triplets being born). Out of the 450 applications some were made by couples for the second time after a success or a failure to conceive on the first application. Some of the applications never reached the stage of signing an agreement. At least two of the prospective mothers gave birth.

### *Marriage*

359. **Family Matters Court Law 5755-1995** (“*Family Matters Court Law*”). Until 2001, the Muslim and Christian courts had exclusive jurisdiction in all family matters, including women’s and children’s alimony, property issues, child maintenance, guardianship and parental matters. In November 2001, the *Family Matters Court Law* was amended to create parallel jurisdiction in Family Matters Court in all issues concerning the personal status of Muslims and Christians (matrimonial assets, custody, child support, family violence and in the case of Muslims, also parenthood) under the jurisdiction of the civil system, excluding questions of marriage and divorce which remain exclusively under religious jurisdiction.

360. **Minimum marriageable age for men and women.** The phenomenon of underage marriage still takes place in certain segments of Israeli society, including those of the Ultra-Orthodox Jews, Jews originating from Georgia and Arabs.

361. In 2005, 30 requests to allow the marriage of minors were submitted to family matters courts – 17 were approved. During the years 1997–2005, more than a half of the 251 requests for marriage of minors were approved. During the years 2000–2006, 41 complaints were submitted to the Police due to violations of the *Marriage Age Law 5710-1950*. In half of those cases criminal files were opened. In all other cases it was decided not to prosecute.

362. **Dissolving of Marriage Jurisdiction (Special Cases and International Jurisdiction) Law 5729-1969.** The Law concerning the dissolution of marriage of persons with no religious affiliations or different religions was amended in July 2005, to allow for either spouse to apply directly to a Family Matters Court in matters of marriage dissolution, instead of applying first to the President of the Supreme Court. In suitable cases, the Family Matters Court may seek consultation from the relevant religious court to determine whether it is necessary to dissolve the marriage according to the religious law of either spouse in order to allow him or her to remarry. The amended Law also includes international jurisdiction provisions of Family Matters Courts.

363. **Upholding Divorce Decree.** In two Amendments to the *Rabbinical Courts (Upholding a Divorce Decree) Law 5755-1995*, the legislator extended the powers granted to the Rabbinical Court when dealing with a husband reluctant to give his wife a “*Get*” (divorce decree), thus preventing her from re-marrying. The first Amendments, dated June 1, 2004, empowered Rabbinical Courts to order the reluctant husband to remain in isolation for an initial period of 14 days (previously 5 days) and for continuous periods thereafter, pursuant to certain limitations. The Second Amendment, dated July 25, 2007, enables the Rabbinical Courts, in certain circumstances, to foreclose or withhold pensions and other allowances in a progressive manner as stipulated in the Law, as well as possessions including personal effects and real estate.

364. On July 21, 2008, the Jerusalem Family Matters Court compensated a woman in the amount of 550,000 NIS (\$148,648) due to her husband's lack of compliance to the order of the Rabbinical Court, stipulating the need for a divorce between the couple (F.C. (Jerusalem) 6743/02 *K. v. K.* (21.6.08)). The woman filed for divorce at the Rabbinical Court in 1998, and in 2006, that Court ordered the husband to grant a divorce decree to his wife. The Family Matters Court determined that due to the lingering of the divorce process the husband inflicted extensive emotional suffering upon his wife, even more so after his refusal to comply with the order of the Rabbinical Court. Therefore, the Family Matters Court decided to compensate the woman for the emotional pain she suffered. However, this decision does not repeal the need to receive the husband's consent to the divorce in order for it to become valid.

365. With regard to the issue of women remarriage in cases where the husband is opposed to the divorce, please refer to the Israel's periodic reports on the implementation of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

366. **Division of property.** The Knesset recently amended the *Division of Property between Spouses Law, 5733-1973*, in order to allow the division of property prior to the divorce or end of marriage. According to Jewish "*Halacha*", both spouses must consent to the divorce. The purpose of the Amendment is to prevent the possibility of one spouse to require the other spouse to relinquish his/her property rights, as a condition for his/her consent to divorce.

The Amendment further broadened the incidence of the Law, to include marriage annulment, declaration that the marriage was void and separation according to religious law that does not allow divorce, in addition to divorce.

The Amendment added Section 5A(a), according to which, the court may allow, under certain circumstances, the realization of the right to division of property, namely the right of each spouse to half of the couple's total property, prior to the divorce or the marriage annulment in each of the aforementioned forms.

According to Section 5A(b), the court may shorten the periods stipulated in section 5A(a), if it deems it appropriate. Furthermore, in certain circumstances, namely the involvement of violent elements, the court may order the division of property even if the situation does not comply with the terms stipulated in section 5A(a).

According to Section 5A(c) the court may condition the execution of a division of property request, in the deposition of a written letter of consent to receive or give a *Get* from the applicant.

367. **Civil marriages.** On November 21, 2006, the Supreme Court took the laudatory step of recognizing civil marriages which had taken place between Jewish Israeli residents and citizens, outside of Israel (H.C.J 2232/03 *Anonymous v. The Rabbinical Court of Appeals*). A Jewish man, who wanted to divorce his wife after having been civilly married outside of the State, turned to the Rabbinical Court which stated that the marriage should not be recognized, and are therefore dissolved. The wife, who did not wish to divorce her husband, petitioned the decision to the High Court of Justice. The Court determined that the Rabbinical Court could not dissolve the marriage based on the fact that the marriage was not performed according to Jewish "*Halacha*". It further noted that civil marriages are indeed valid in Israel. The Supreme Court based the recognition of civil marriages, *inter alia*, on international private law, and further determined that the necessity to validate these marriages is strengthened by the right to marriage and family life, and the obligation to respect the familial unit.

368. **Spouses.** On April 15, 2007, the Nazareth Family Matters Court rejected a lawsuit brought by two children of a deceased man against his second wife. In the claim, the children requested the rights to a property of their father's that the second widow had inherited (Nazareth F.C 001180/04 *A.Z and P.Z v. V.Z et. al.*). The plaintiffs claimed that their father's widow had a new spouse and that according to a condition in their father's testament, she lost the right to the property under those circumstances and the children were subsequently to inherit it.

The Court held that the meaning of the word "spouse" as it appeared in the testament should be interpreted as a relationship characterized by economic management of a family unit, stemming from a joint family life. This meaning complied with the testimony's objective that the children would inherit the property only if the wife developed a serious and permanent relationship with her new partner, similar to the one she had with the deceased.

The Court decided that in this case, the relationship between the respondent and her partner was based on friendship and intimacy, but could not be characterized as incorporating the economic management of a joint family unit. Therefore, the new couple could not be considered as 'spouses' according to the terms of the testament, and the lawsuit was rejected.

#### *Strengthening and protecting the family*

369. In a precedent decision, the National Labor Court rejected an appeal submitted by the State, regarding the interpretation of section 4(a)(1) to the *Equal Employment Opportunities Law*. The State claimed that the proper interpretation of the Law should grant similar benefits to male and female employees in the same workplace, upon fulfilling the condition that their female spouse is employed and that there is a similarity between the benefits granted in both their workplaces. The Court rejected the State's claim, and reaffirmed the decision of the District Labor Court, which held that the petitioner was entitled to a shorter workday, the same as given to his female co-workers, despite the fact that his wife was not entitled to similar benefits in her workplace. The Court stipulated that the purpose of the *Equal Employment Opportunities Law* is to implement the principle of equality, which is a fundamental principle, in all matters relating to employment relations. The Court held that the purpose of the Law was to grant parental benefits to one of the parents, according to their preference, and to prevent dual-use of the same rights by both parents (La.A. 1155/02 *The State of Israel v. Alexander Muskalnenko* (31.8.2003)).

370. For discussion of the financial and economical benefits granted by the State to aid families, please see Article 9 above.

#### *Protection of children*

371. By the end of 2007, 2,408,400 children made up 33.3% of the total population of the State of Israel, in comparison to 33.8% in 2000.

372. In 2007, 8% of all children in Israel lived in a single parent family, in comparison to 6.8% in 1995. The number of children who immigrated to Israel since 1990 and presently reside in Israel is approximately 90,000.

373. In 2007, 24.8% of families with children were under the poverty line, a decline in comparison to 25.5% in 2006.

374. For discussion of the financial and economical benefits granted by the State for the protection of children, please see Article 9 above.

375. Indications of information concerning the implications of legislation can be found in the *Rights of the Child Law 5762-2002*. This Law requires the systematic inclusion of explanatory notes in every bill regarding its expected implications on the rights of children.

#### **Provision of welfare services**

376. In January 2007, there were 418,527 children known to the social services departments, this consists of nearly 20% of all children in Israel. From January 2001 to January 2007, there was an increase of 44% in the number of children in the social services system. 326,588 children were defined by the social services departments as ‘children at direct risk or family risk’ – indicating that the child’s development and his/her reasonable manner of life are at risk and he/she may require assistance.

#### **Child abuse**

377. In 2006, 8,222 children that had been victims of sexual and violent offences under the age of 14 were investigated by a children’s investigator, in comparison to 8,328 in 2005 and 5,704 children in 2000. Despite the gradual increase in the number of children interrogated by a children’s investigator, the percentage of girls interrogated has declined from more than two thirds of the children investigated in 1990 to less than half in 2005. Out of all children interrogated, 55% were victims of abuse within the family, 30.3% were victims of sex offences, 9.4% were witnesses of sex offences, and 5% were suspects of committing sex offences.

378. A 2001 Amendment expanded the *Evidence Procedure Revision (Protection of Children) Law 5715-1955* (section 1A), stipulating that a child could be investigated by a children’s investigator concerning related offences. The expansion was designed to prevent a situation in which a child might be investigated by a children’s investigator concerning an offence included in the Law (sex and severe violence offences), but could not be investigated concerning a related offence – a situation which invariably led to a splitting-up of the investigation.

379. A 2004 Amendment made several other changes, including:

379.1 The implementation of special procedures allowing children to testify in court in relation to offences to which the Law applies (section 2(d)). In this regard, the child’s testimony will be permitted by the children’s investigator subject to certain conditions being met. The investigator may require, for example, that the child testify via closed circuit television, on one specified date, not on the witness stand, in the judge’s chamber, and so on.

379.2 Decisions of the children’s investigator and the Court concerning testimony and testimonial measures will be concluded only after hearing the opinion of the child, if he/she can express his/her own opinion. The child’s opinion will be weighed according to his/her age and his/her maturity (section 2(f)).

379.3 Once the children’s investigator reaches a decision as to the child’s testimony, he/she must, without delay, reevaluate his/her decision, considering; admission of the child’s testimony if he/she has allowed the child to testify, or the trial, if he/she has prohibited the child’s testimony (section 2(g)).

379.4 A decision of a children’s investigator may be re-examined by a senior children’s investigator (section 2(h)).

380. A 2005 Amendment constituted the rule that investigation of a child must be conducted with his/her parents’ knowledge, except in certain circumstances. For example: if there is concern as to any damage to the child’s physical and mental wellbeing, if the suspect is a family relative and there is a concern of possible damage to the child, and if



there is substantial difficulty in informing the parent by reasonable effort and the delay might foil the investigation or any crime prevention (section 4A). In addition, the amended Law states that if an investigation without the parents' knowledge is required, the child may, under specific conditions, be taken out from the place where he/she is staying (school, kindergarten, etc.), in order to conduct the required investigation. The conditions include such requirements as having had consultation with education personnel who know the child, supplied explanations to the child, provided identification details of the children's investigator to the administrator of the place, etc.

381. A 2005 amendment stated that a child with an Intellectual Disability is to be investigated by a special children's investigator in accordance with the *Investigation and Testimony Procedures (Suitability to Persons with Intellectual or Mental Disability Law)*.

382. Section 361 of the *Penal Law* was amended in 2001 (Amendment 59), and now determines that leaving a child under the age of six without appropriate supervision, in circumstances that endanger the child's life, hurt or might hurt the health or well-being of the child, is a criminal offence.

383. **Sexual Abuse.** Since 2002, there have been several Amendments to section 354 of the *Penal Law* concerning restrictions on limitation in sex offenses against minors. Currently, the Law stipulates that in the case of offenses committed against a minor by a person responsible for the minor, the limitation period shall begin when he/she reaches the age of twenty eight. If the offenses were committed by a person above the age of fifteen who is not a relative, or responsible for the minor, the limitation period shall begin when the minor reaches the age of eighteen. In addition, a 2001 Amendment (Amendment 61) to the *Penal Law* removed the element of 'use of force' from sex offenses, which has effectively shifted the focus of the investigation to absence of consent. A 2003 Amendment (Amendment 77), also added an offence concerning the sexual exploitation of a patient by a mental therapist (Section 347A).

384. On July 12, 2007, the *Limitation Law 5718-1958*, was amended (Amendment 4) in order to extend the limitation period for civil suits concerning sexual assault or abuse of minors. The amendment relates to a civil suit concerning sexual assault of a minor, or child abuse by a family member or a person responsible for the child, as well as the sexual assault of a person between the ages of 18 and 21, while exploiting relations of dependence, authority, trust or treatment, or if the sexual assault was committed by a family member. In these cases, the limitation period will not commence before the victim reaches the age of 28. The Law further stipulates that if an indictment was filed, the civil limitation period will not end until one year had passed after a conclusive verdict was delivered.

385. **Child Prostitution.** Section 214 of the *Penal Law* was amended in 2007 (Amendment 93), and the short two-year limitation period for submission of indictments concerning pornographic advertisements of minors was annulled. The *Penal Law* was amended in 2006, so that section 15 now applies the principal of extraterritoriality to pornography and prostitution offences committed against minors. It is currently possible to try offenders in Israel for such offences, even though the act might not constitute a criminal offence in the country in which it was performed (no double criminality is required).

386. **The Committee for Examination of the Conditions of Children at Risk.** According to Government Resolution no. 1007, dated November 16, 2003, Israel's former Prime Minister and former Minister of Social Affairs and Social Services, appointed a public committee for the examination of the conditions of children and youth at risk or in distress. On September 12, 2006, following a report submitted by the committee in March 2006, the Government accepted Resolution no. 477 on the gradual implementation of a plan recommended by the committee. In 2007, the implementation of the plan began in several towns in Israel with a special annual budget of 200 million NIS (\$52,631,578).

**Foreign workers' children**

387. In 2007, approximately 1,000 children of foreign workers lived in Israel. In July 2007, 975 children of foreign workers under 5 years old were treated in family health-care centers in the city of Tel-Aviv.

388. Since the submission of Israel's previous periodic report, there has been some progress in the legal status of foreign workers' children. Government Resolution no. 3807, dated June 26, 2005, was amended by Government Resolution no. 156, dated June 18, and states the following:

“Upon request, the Minister of the Interior is entitled to grant permanent residency status to children of illegal immigrants who have been part of Israeli society and culture, if they fulfill the following conditions:

(a) The child has lived in Israel for at least 6 years (as of the date of the Resolution), and has entered Israel prior to the age of 14. A short visit abroad will not be viewed as an interruption of this time period;

(b) Prior to the child's entry or birth, the parents must have entered Israel legally, and with an entry permit in accordance with the *Entry into Israel Law, 5712-1952*;

(c) The child speaks the Hebrew language;

(d) The child is in first grade or above, or has completed his studies;

(e) Those filing the request will be required to submit documentation or participate in hearings, in order to prove that they fit the abovementioned criterion.”

The Minister can grant temporary residency status in Israel to the parents and the siblings of the child, as long as they have lived in the same household from the child's day of entry or birth in Israel, and are in Israel as of the date of this Resolution. If there is no reason for objection, the temporary residency status will be renewed until the child reaches the age of 21. At that point, the parents and the siblings will be entitled to file a request for permanent residency status.

389. As of November 3, 2008, approximately 862 requests have been filed of which 430 were accepted, 417 were rejected and 15 remain pending due to lack of adequate documentation. In the case of 349 rejected requests, appeals were filed to the committee of appeals. On review, 127 applications were accepted by the Ministry of the Interior, and 193 rejected. An additional 24 appeals were referred to the committee that reviews humanitarian issues, and 8 appeals are currently under review.

**Youth protection**

390. As detailed in Israel's previous report, the *Youth Employment Law* prohibits employment of persons under the age of 15. Under the Law, an executive (as defined by the Law) in a corporation has a duty to supervise and adopt all necessary measures in order to prevent infringements of the Law by the corporation or one or more of its employees. A 2000 amendment to the Law broadened the duty to include the responsibility of executives in public bodies to ensure that contractors hired by the public body, do not violate the Law. With regard to the duty of public executives according to the amendment, the Law enumerates the different measures the executive must adopt in order to fulfill his/her duty.

391. In 2007, the Law was further amended in order to allow the employment of a minor between the ages of 16 and 18, after 23:00 pm, where the employment of the minor is required due to a declaration of a “state of emergency” or in workplaces where work is conducted in shifts. According to the Law, the Minister of Industry, Trade and Labor is

authorized to approve such employment, only where convinced that the health and welfare of the minor are protected.

Table 18  
**Population age 15–17 by work, studies, gender and population group, 2001–2007**

	2001			2006			2007		
	<i>Arabs</i>	<i>Jews</i>	<i>Total</i>	<i>Arabs</i>	<i>Jews</i>	<i>Total</i>	<i>Arabs</i>	<i>Jews</i>	<i>Total</i>
<i>Grand total</i>									
Thousands	77.9	258.4	<b>336.3</b>	85.2	254.4	<b>346.3</b>	89.7	255.8	<b>350.6</b>
Percentage	100	100	<b>100</b>	100	100	<b>100</b>	100	100	<b>100</b>
Work	3.2	9	<b>7.6</b>	3.5	8	<b>7</b>	2.5	8.3	<b>6.9</b>
Thereof: Study	1.2	7.6	<b>6.1</b>	-	6.9	<b>5.3</b>	-	7.2	<b>5.5</b>
Do not study	2.2	1.4	<b>1.6</b>	3.3	1.1	<b>1.7</b>	2.2	1.1	<b>1.4</b>
Do not work	96.8	91	<b>92.4</b>	96.5	92	<b>93</b>	97.5	91.7	<b>93.1</b>
Thereof: Study	82.1	85.6	<b>84.8</b>	82.6	86.2	<b>85.2</b>	85.1	86.3	<b>85.9</b>
Do not study	14.7	5.4	<b>7.6</b>	13.8	5.8	<b>7.8</b>	12.4	5.5	<b>7.2</b>
<i>Men</i>									
Thousands	38.9	134	<b>172.9</b>	43.7	130.8	<b>177.7</b>	45.8	130.9	<b>179.4</b>
Percentage	100	100	<b>100</b>	100	100	<b>100</b>	100	100	<b>100</b>
Work	5.6	9.4	<b>8.6</b>	6.6	8.8	<b>8.3</b>	4.3	8.6	<b>7.6</b>
Thereof: Study	-	7.8	<b>6.4</b>	-	7.6	<b>5.8</b>	-	7.7	<b>5.8</b>
Do not study	4.1	1.6	<b>2.1</b>	6.2	1.3	<b>2.5</b>	3.9	0.9	<b>1.8</b>
Do not work	94.4	90.6	<b>91.4</b>	93.6	91.1	<b>91.7</b>	95.7	91.4	<b>92.4</b>
Thereof: Study	77.7	84.9	<b>83.3</b>	79.9	85.2	<b>83.9</b>	82.9	85.9	<b>85</b>
Do not study	16.4	5.6	<b>8.1</b>	13.7	6	<b>7.8</b>	12.8	5.5	<b>7.4</b>
<i>Women</i>									
Thousands	38.9	124.4	<b>163.3</b>	41.5	123.7	<b>168.6</b>	43.9	124.8	<b>171.2</b>
Percentage	100	100	<b>100</b>	100	100	<b>100</b>	100	100	<b>100</b>
Work	-	8.4	<b>6.7</b>	-	7.1	<b>5.5</b>	-	8	<b>6.1</b>
Thereof: Study	-	7.2	<b>5.8</b>	-	6.2	<b>4.7</b>	-	6.8	<b>5.1</b>
Do not study	0.3	1.2	<b>0.9</b>	-	1	<b>0.8</b>	-	1.2	<b>1</b>
Do not work	99	91.6	<b>93.3</b>	99.5	92.8	<b>94.4</b>	99.4	92	<b>93.9</b>
Thereof: Study	86.2	86.4	<b>86.4</b>	85.5	87.1	<b>86.7</b>	87.3	86.6	<b>86.8</b>
Do not study	12.8	5.1	<b>7</b>	14.0	5.7	<b>7.8</b>	12.1	5.4	<b>7.1</b>

Source: The Central Bureau of Statistics, 2002, 2007, 2008.

Table 19  
**Minimum wage for youth (in accordance with the minimum wage regulations (working youth and apprentices) 5747–1987)**

Age	% of the Minimum wage of an adult	Minimum wage per month	Minimum wage per hour
Under 16	70%	2597.13 NIS	15.01 NIS

Age	% of the Minimum wage of an adult	Minimum wage per month	Minimum wage per hour
Under 17	75%	2782.64 NIS	16.08 NIS
Under 18	83%	3079.45 NIS	17.80 NIS
Apprentice	60%	2226.11 NIS	12.87 NIS

Source: Ministry of Trade, Industry and Labor Ministry, April 2007.

### Family reunification

392. In its concluding observations to Israel's last periodic report the Committee expressed concern with the process of family reunification for foreign spouses.

393. Since the outbreak of the armed conflict and hostilities between Israel and the Palestinians towards the end of the year 2000, which led, *inter alia*, to the commission of dozens of suicide bombings inside Israel, there has been a growing involvement in assistance to terrorist organizations on the part of Palestinians originally from the West Bank and the Gaza Strip. Such individuals carry Israeli identity cards pursuant to procedures of family unification with Israeli citizens or residents, allowing their free movement between the West Bank and the Gaza Strip and into Israel.

394. In order to prevent such potential danger posed by former residents of these areas during the current armed conflict, the Government decided in May 2002 to temporarily suspend granting them legal status in Israel, through the process of family unification. The decision was adopted following the horrendous wave of terrorist attacks in March of 2002, when 135 Israelis were killed and another 721 were injured.

395. In addition, between September 2000 and the end of 2006, 38 of the 172 terrorist attacks carried out in Israel, were committed by such individuals. Those injured in these 38 terrorist attacks constitute 86% of the total number of injured by terrorist attacks. In fact, in 2007, a 20-year-old woman, whose mother is an Israeli-Arab from Kfar Qasem and whose father is Palestinian, was caught — merely 12 minutes before exploding herself in a restaurant in Israel — using a bomb that was stored during the previous night, in the home of a relative in Kfar Qasem.

396. This situation is the result of the genuine difficulties in obtaining information concerning residents of the West Bank, following Israel's transfer of powers and responsibilities and termination of daily presence in this area pursuant to the Israeli-Palestinian Interim Agreement, dated September 28, 1995.

397. Israel, as any other State, is entitled to control entry into its territory, and more so, during times of armed conflict, when persons requesting to enter may potentially be involved in acts of violence and terrorism against its citizens.

398. On July 31, 2003, the Knesset enacted the *Citizenship and Entry into Israel Law (Temporary Provision) 5763–2003*, which limits the possibility of granting residents of the territories Israeli citizenship pursuant to the *Citizenship Law 5712–1952*, including by means of family unification; and the possibility of granting such residents residence permits into Israel pursuant to the *Entry into Israel Law 5712–1952*. The Law was amended in 2005 and 2007, in order to expand the humanitarian relief it initially provided. The amendments also expanded the applicability of the Law to citizens of enemy States (namely, Iran; Syria; Lebanon; and Iraq).

399. The Law enables entry into Israel for the purposes of medical treatment, employment, or other temporary grounds, for an overall period of up to six months.

400. In addition, the Minister of the Interior may authorize a request for family unification for those who are married to an Israeli spouse, and are residents of the area, for men over the age of 35 and women over the age of 25. The Law further authorizes the Minister of the Interior to grant residence permits to children of such a couple that are minors under the age of 14. With regard to children of such a couple that are minors over the age of 14, the Law stipulates that the Minister of the Interior has the authority to grant temporary permits under certain conditions.

401. The Law further allows the Minister of the Interior, due to special humanitarian reasons and according to a recommendation of a professional committee appointed for this purpose, to grant temporary residence permits for a resident of the area or a citizen of Iran, Iraq, Syria or Lebanon, who have a family member legally residing in Israel, and to approve a request for stay permit of a resident of the area who has a family member legally residing in Israel.

402. Such a decision of the Minister of the Interior is to be reasoned and given in writing, within 6 months from the day that the professional committee received all the necessary documents.

403. The Law stipulates that a request can be denied in cases where the Minister of the Interior or certain security functionaries assert that the person, or a family member of first relation, poses a security threat.

404. In cases where a person or a family member has been known to act for the benefit of the State of Israel, the Law enables the Minister of the Interior and certain security functionaries to grant permits to a resident of the area.

405. The Law does not change the status of persons who already received their status prior to the day the Law came into effect. However, those persons' status shall not be advanced, but rather left static.

406. The Law was initially enacted for a period of one year. At the end of that period in August, 2004, the Law was extended for another six months. It was re-extended in February 2005 for a period of four more months and has been further extended until August 31, 2005. The revised Law was published on August 1, 2005 and was invoked until March 31, 2006. At the end of that period it was extended until April 2007, and later an amended version was extended until July 31, 2008, and re-extended until July 31, 2009.

407. The Law's constitutionality was scrutinized and recently upheld by the Supreme Court in *H.C.J. 7052/03, 7102/03 Adalah et. al. v. The Minister of the Interior (14.5.06)*. The High Court of Justice, residing in an extended panel of eleven judges, rejected the petitions against the legality of the Law, by a six to five vote.

408. On December 17, 2007, the Minister of the Interior announced the formation of the professional committee according to the Law, and proclaimed its members.

409. New petitions against the constitutionality of the Law are pending before the High Court of Justice. On July 31, 2008, The State submitted its arguments. (*H.C.J cases 466/07, 544/07, 830/07, 5030/07 MK Zehava Galon et. al. v. the Minister of the Interior et. al.*)

#### **Equality of treatment**

410. Significant developments which occurred since the submission of Israel's previous report concerning the definition of "family" in reference to same-sex couples are detailed above.

## Maternity protection

### *Maternity leave and protection of pregnant working women*

411. Between the years 2006 and 2008, a number of significant amendments were made to the *Women's Employment Law*, further elaborating and enhancing the maternity protection of women, while continuing the legislative trend detailed in Israel's previous report, which considers the family-unit as a whole and advances greater involvement of fathers in child-rearing:

411.1 Amendment No. 33 (February 2007) – Extended the period in which a woman returning to work after her maternity leave may not be dismissed from her place of employment from 45 days to 60 days.

411.2 Amendment No. 34 (March 2007) – Prior to the amendment, a woman who was hospitalized during her maternity leave for at least two consecutive weeks, was entitled to extend her maternity leave for the period of her hospitalization, but not for more than four weeks. The amendment allows the extension of the maternity leave even if the period of hospitalization was not consecutive.

411.3 Amendment No. 35 (March 2007) – The criminal fine for violating provisions of the *Women's Employment Law* was doubled and the incarceration period was lengthened.

411.4 Amendment No. 36 (March 2007) – Extended the period in which a woman absent from work due to her stay in a shelter for battered women may not be dismissed upon her return to work, from 60 to 90 days.

411.5 Amendment No. 37 (May 2007) – The Maternity leave was extended from 12 to 14 weeks.

411.6 Amendment No. 38 (June 2007) – The temporary provision allowing for paternity leave in the case of a mother conceding her rights to a leave to her spouse, has become final.

411.7 Amendment No. 39 (August 2007) – Addresses several issues:

411.7.1 It allows for a woman to shorten her maternity leave in case of her giving the infant up for adoption or in the case of a surrogate mother.

411.7.2 It also allows for a man whose spouse has given birth and can not care for the infant due to a handicap or illness to take a paternity leave for the full period in which she is unable to care for the infant. According to the amendments, his paternity leave does not cancel the mother's right to her leave. A parallel amendment was made to the *National Insurance Law* to allow the father on leave to collect a birth allowance in addition to the allowance paid to the mother.

411.7.3 A woman may be absent from work due to her pregnancy upon a doctor's approval. If she is not entitled to payment from the health insurance or from her employer, her absence will be considered as sick leave.

411.7.4 When a pregnant woman, due to the nature or conditions of her work or workplace, is unable to continue her work, she may be absent upon doctor approval. Her absence without pay will be permitted only if her employer can not find an alternative suitable position for her. Her seniority will not be affected by her absence.

411.7.5 A nursing mother who is not legally allowed to work in certain jobs due to her nursing condition, and is not entitled to vacation days after her

maternity leave, may be absent from work. Her absence will be considered vacation without pay.

411.7.6 Upon fulfillment of certain conditions specified in the Law, the termination of a limited term contract, will be considered a dismissal when concerning circumstances such as pregnancy, maternity leave, fertility leave, etc.

411.7.7 A right of appeal has been granted to an employee regarding decisions made by the government official in charge of allowing dismissals or cutting back of a post during pregnancy.

411.8 Amendment No. 40 (August 2007) – Imposition of responsibility on employers who have caused the dismissal of a pregnant woman employed as a contract worker in violation of the Law.

411.9 Amendment No. 41 (October 2007) – Extending the prohibition on dismissal of an employee undergoing fertility treatment for having a second child, as well as for a first child.

411.10 Amendment No. 42 (February 2008) – An employer is prohibited from scheduling a woman in night shifts or during the weekly rest, for four months following her return from maternity leave unless she has agreed to do so, in writing (certain jobs are not included, such as hospital work, etc.).

411.11 Amendment No. 43 (February 2008) – Prevents the possibility of overlap between the period of notice for dismissal, and the periods during which the Law prohibits dismissal.

411.12 Amendment No. 44 (March 2008) – Prior to the amendment the Law allowed for a vacation without pay after maternity leave, on the condition that the employee worked for at least 24 months prior to the birth. The amendment allows for this right after only 12 months of employment prior to the birth.

411.13 In addition, as of September 2007, a man can replace his wife on maternity leave if she is not capable of caring for the newborn due to her health condition, even if 6 weeks have not yet elapsed since the birth as usually required – if the infant is in the father's custody and in his sole care. This maternity leave for the father includes extension of the leave due to a multiple birth or hospitalization of the infant.

412. *The Women Employment (Periods and Rules for Payment to the Pension Fund) Regulations 5768-2008*, entered into force in September 1, 2008. According to the new Regulations, during maternity leave, the employer is obligated to continue transferring payments to the employee's pension fund, in the same manner and amount, as prior to the maternity leave. The respective amount that the employee is required to transfer will be deducted from the last salary prior to the maternity leave, and the first salary following the conclusion of the leave. The Regulations stipulate that these provisions are unconditional.

The Regulations further determine that during maternity protection leave, the employer is obligated to transfer payments to the employee's pension fund, only if the employee fulfilled her respective obligation to transfer payments to the fund throughout her maternity protection leave.

413. On August 24, 2006, the Jerusalem District Labor Court ordered compensation to be paid by the ISS Ashmoret Company Ltd. to their employee, who was illegally dismissed from her job when 7 months pregnant, without the approval of the Women Labor Supervisor in the Ministry of ITL (LC. 001452/04 *Ayenalem Ababito v. ISS Ashmoret Company Ltd*). The Court accepted all of the plaintiff's claims, and determined that the

respondents had illegally dismissed her from her job when they discovered she was pregnant. In accordance with the *Equal Employment Opportunities Law*, the Court imposed personal responsibility on both the branch director, and the regional director of the employee.

The Court also ordered that the ISS Company pay the employee approximately 300,000 NIS (\$78,947), in compensation for dismissal, mental anguish, loss of earnings and loss of maternity allowance.

#### *Benefits and cash payments*

414. For an extensive reference to Maternity Benefits see Article 9 above.

415. A recent amendment to the *Sick Pay Law (Absence from Work due to a Child's Sickness)* 5753-1993, (18.3.2008) extended the number of days for which a single parent or a parent who has sole care of his child may receive sick pay, from 12 to 16 days leave to tend to a sick child (compared to the standard 8 days).

#### *Equality*

416. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Article 11**

#### **The right to an adequate standard of living**

417. As detailed in Israel's previous reports, the right to an adequate standard of living is well recognized in the Israeli society and legal system, where the judiciary, executive and legislative branches are all committed to continued fulfillment thereof.

418. Many Government branches contribute to the advancement of the standard of living throughout the Israeli society, among which are the Ministries of Health, National Infrastructures, Industry, Trade and Labor and Social Affairs and Social Services. A prominent example for the State of Israel's adherence to provide an adequate standard of living can be found in the National Insurance Institute and its activity, which is designed to guarantee weak populations and families, that are in temporary or long term difficulties, a financial basis for adequate existence. The NII services, described in further detail under Article 9 above, are equally accessible to the different populations in the Israeli society.

419. The courts in Israel continue to play a central role in the protection of the right to an adequate standard of living. The issue of standard of living was addressed by the Supreme Court, residing as the High Court of Justice, in a petition filed by the Commitment to Peace and Social Justice Association – (H.C.J 366/03 *The Commitment to Peace and Social Justice Association v. The Minister of Finance* (12.12.05)). In its ruling, the Court emphasized that while *Basic Law: Human Dignity and Liberty* does entail an obligation of the State to ensure human dignity, it does not provide an absolute and total protection of social rights. In this regard however, the State is obligated to maintain a 'safety net' designed to ensure, that the condition of the underprivileged would not deteriorate to one of existential deprivation in the sense of a shortage in food, places of residency, sanitation, health-care services and such.



## The current standard of living of Israel's population

### Available data on living standard and poverty

- Standard of living

420. In 2007, the gross monthly income per household was 12,935 NIS (\$3,495), which constitutes an actual increase of 4.2% compared to 2006. A 4% actual increase of the gross monthly income occurred regarding households headed by an employee, and a 2.7% actual increase regarding households headed by a self-employed person.

421. The following tables present the main available data on the standard of living in Israel:

Table 20

### Monthly income and expenditure, by deciles of net income per standard person, 2006

	Deciles										Total
	10	9	8	7	6	5	4	3	2	1	
Upper limit of decile (NIS)	-	8 935	6 906	5 689	4 882	4 119	3 470	2 839	2 206	1 598	-
Households in sample	664	642	667	608	635	611	636	615	613	568	<b>6 259</b>
Households in population (thousands)	202.5	202.6	202.9	202.6	202.8	202.7	202.6	202.6	202.8	202.7	<b>2 026.8</b>
Average number of persons in household	2.6	2.7	3.1	3	3.2	3.3	3.2	3.6	4	4.5	<b>3.3</b>
Average standard persons in household	2.3	2.4	2.6	2.5	2.7	2.7	2.7	2.9	3.1	3.3	<b>2.7</b>
Average earners in household	1.6	1.5	1.6	1.4	1.4	1.4	1.2	1	0.8	0.4	<b>1.2</b>
<i>NIS per household per month at average prices of 2006</i>											
Gross money income	34 635	19 996	16 528	12 873	11 351	9 506	7 543	6 343	5 061	3 405	<b>12 345</b>
Compulsory payments	9 705	4 266	3 092	1 974	1 468	1 070	755	576	337	214	<b>2 271</b>
Net money income	24 931	15 728	13 436	10 900	9 883	8 436	6 788	5 767	4 724	3 191	<b>10 074</b>
Money consumption expenditure	14 798	11 819	10 411	8 652	8 439	8 060	7 003	6 700	5 883	5 345	<b>8 711</b>
<b>Consumption expenditures – total</b>	<b>19 423</b>	<b>15 336</b>	<b>13 610</b>	<b>11 408</b>	<b>10 873</b>	<b>10 128</b>	<b>8 861</b>	<b>8 317</b>	<b>7 095</b>	<b>6 282</b>	<b>11 133</b>
Food (excl. fruit, vegetables)	2 095	1 867	1 621	1 444	1 414	1 414	1 309	1 358	1 259	1 196	<b>1 496</b>
Vegetables and fruit	419	402	396	334	336	345	317	339	330	327	<b>355</b>
Housing	3 489	3 012	2 839	2 654	2 430	2 252	2 146	1 909	1 696	1 359	<b>2 378</b>
Dwelling and household maintenance	2 095	1 626	1 376	1 136	1 091	994	891	880	786	673	<b>1 155</b>
Furniture and household equipment	841	620	549	448	358	352	369	344	231	230	<b>434</b>
Clothing and footwear	662	466	419	335	377	404	331	328	282	235	<b>384</b>
Health	1 168	761	690	602	531	525	407	381	310	323	<b>570</b>
Education, culture, entertainment	2 480	2 299	2 142	1 575	1 608	1 538	1 168	860	781	674	<b>1 512</b>

	<i>Deciles</i>										<i>Total</i>
	<i>10</i>	<i>9</i>	<i>8</i>	<i>7</i>	<i>6</i>	<i>5</i>	<i>4</i>	<i>3</i>	<i>2</i>	<i>1</i>	
Transport and communications	5 336	3 601	2 971	2 402	2 135	1 755	1 582	1 387	943	912	<b>2 302</b>
Miscellaneous goods and services	822	746	607	522	551	536	431	435	425	378	<b>545</b>

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

Table 21  
**Gross monthly monetary income per households, by source of income and by employment status of household head**

<i>Surveyed year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
<i>Household head – self-employed</i>				
Households (thousands)	174.1	176.5	182.4	202.9
Average persons per household	4	3.9	3.8	3.8
Average age of household head	45.2	46.5	46.2	46
Average earners per household	1.7	1.7	1.7	1.7
Average monthly money income (NIS)				
Per household – gross	14 904	14 679	15 766	17 687
– net	10 797	11 006	11 904	13 633
Per standard person – gross	4 750	4 763	5 233	5 829
– net	3 442	3 571	3 951	4 493
<b>Sources of income – total (percentages)</b>				
	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Paid employed work	20.8	22.4	19.8	19.3
Self-employed work	66.1	62.2	66.1	60.7
Property and assistance in Israel	13.2	15.4	14.1	(20)
Thereof: Assistance and allowances				
– from institutions	5.9	6	4.8	4.7
– from capital	(2.9)	(3.2)	(3.9)	-
Property and assistance from abroad	-	-	-	-
<i>Household head – Employee</i>				
Households (thousands)	1 187.5	1 233.6	1 269.1	1 292.3
Average persons per household	3.7	3.7	3.7	3.7
Average age of household head	40.2	40.5	40.5	40.5
Average earners per household	1.6	1.6	1.7	1.7
Average monthly money income (NIS)				
Per household – gross	13 377	13 613	14 014	14 468
– net	10 385	10 702	11 189	11 686
Per standard person – gross	4 505	4 606	4 739	4 917
– net	3 498	3 621	3 784	3 972

<i>Surveyed year</i>	2003	2004	2005	2006
Gross money income per household				
Percentage real change	(4.9)	2.2	1.6	1.1
Gini coefficient	0.375	0.380	0.386	0.385
<b>Sources of income – total (percentages)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Paid employed work – total</b>	<b>83.9</b>	<b>83.3</b>	<b>82.6</b>	<b>81.9</b>
Income of household head	59.5	58.1	58	57
Income of household head's spouse	17.3	18.2	18.2	17.7
Income of other earners	7	7	6.4	7.2
Self-employed work	2.9	3.5	3.3	3.6
Property and assistance	13.3	13.2	14.1	14.6
Thereof: assistance and allowances from institutions	7.5	6.7	6.5	6.6
<i>Household head – not working</i>				
Households (thousands)	540	536.3	538	529.9
Average number of persons per household	2.4	2.4	2.3	2.3
Average age of household head	61	60.8	61.4	62.2
Average monthly money income (NIS)				
Per household – gross	4 594	4 575	4 789	5 121
– net	4 354	4 253	4 472	4 778
Per standard person – gross	2 143	2 146	2 260	2 435
– net	2 031	1 995	2 110	2 272
Gross money income per standard person				
Percentage real change <sup>(1)</sup>	1.9	0	3.3	4.7
Gini coefficient	0.397	0.402	0.399	0.399
<b>Sources of income – total (percentages)</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Thereof: Property and assistance in Israel total</b>	<b>98.7</b>	<b>99</b>	<b>98.7</b>	<b>98.7</b>
Capital and property	-	(6.9)	7.3	6.8
Pensions and provident funds	29.5	30.2	31.1	33.1
Allowances and assistance from – institutions	54.8	53.4	52.0	49.2
Assistance from private persons	2.6	2.9	2.7	(2.7)
Property and assistance from abroad	3.5	4.3	4.3	5.8

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

Financial data – at uniform prices of each surveyed year.

<sup>(1)</sup> Nominal change on the previous year specified in the table after deduction of change in the Consumer Price Index.

### Poverty

422. The year 2000 witnessed a slight decline in the incidence of poverty in Israel. The percentage of families, whose net income (after transfer payments and direct taxes) was below the poverty line, fell from 17.8% in 1999 to 17.6% in 2000. In 2002 there was no change in the incidence of poverty. In 2003, following reductions in several national insurance (Social Security) benefits and a tax reform, the scope of poverty in Israel

expanded. Further expansion occurred in 2004. The figures for 2006 as well as for the last survey conducted in 2007, indicate a slight decline in the rate of poor families in Israel (20% in 2006 and 19.9% in 2007). The poverty rate among individuals and among children also reduced – in 2007, 23.8% of the individuals were poor, in comparison to 24.5% in 2006. With regard to children – 34.2% lived in poverty in 2007, in comparison to 35.8% in 2006.

423. A reduction in poverty incidence among large families (at least 4 children) is also evident – 56.5% in 2007, compared to 60% in 2006. A similar reduction also occurred among Arab families which constitute a significant fraction of families of 4 or more children – 51.4% in 2007, in comparison to 54% in 2006. However, gaps remain in poverty incidents among the Jewish and the Arab populations.

424. In recent years, there has been an impressive growth in the Israeli economy and a significant recovery of the labor market in all its sectors. It is estimated that the growth in employment opportunities in the course of 2007, as well as the raising of the minimum wage in April 2007, and the raising of the Old-Age Pensions, are the main contributors to the reduction in poverty. These factors are also estimated to further assist in decreasing the incidence of poverty according to economic income, and to the stabilization or slight decline in the incidence of poverty according to net income.

425. As was set out in Israel's previous reports, data on the topic of poverty should be read in conjunction with the tables presenting the resources and their use, including GNP, GDP, per capita GNP and GDP, private consumption expenditure over the years as well as GNP by deciles. Such tables, as updated since the last report, are as follows:

Table 22

**Gross domestic product and uses of resources, 2002–2007 (million NIS, at market prices unless otherwise stated)**

<i>Year</i>			2002	2003	2004	2005	2006	2007
Per capita	Gross domestic product	NIS	80 620	80 225	82 789	86 258	90 843	93 808
	Private consumption expenditure		45 227	44 611	46 389	48 129	50 055	52 892
	Gross domestic product excluding net taxes on imports		507 364	515 405	539 020	571 384	613 652	641 335
	Gross domestic product exclud. Start-up companies		523 816	532 713	559 541	592 374	635 076	668 218
	Gross domestic product of the business sector		369 521	381 862	404 064	433 926	470 168	497 609
	Product of housing services		63 015	58 911	60 982	63 347	64 095	64 882
	Product of general Gov. services and non-profit institutions		97 139	95 908	98 668	100 500	106 513	111 061
	Gross domestic product		529 675	536 680	563 713	597 773	640 776	673 552
	Less: imports of goods and services		203 244	202 024	234 435	258 474	275 788	302 136
	Exports of goods and services		186 888	198 057	234 604	256 640	278 287	290 746
	Gross domestic capital formation		96 158	92 753	98 312	112 536	121 663	135 454
	General Gov. consumption expenditure	At current prices	152 732	149 461	149 372	153 536	163 541	169 720
	Collective Gov. final consumption expenditure		82 492	80 448	78 821	80 878	87 485	88 843

				2002	2003	2004	2005	2006	2007
Uses of resources	Final consumption expenditure	Actual individual consumption	Individual Gov. final consumption ex.	70 240	69 012	70 551	72 658	76 057	80 877
			Private consumption ex.	297 140	298 434	315 860	333 535	353 073	379 769
			<b>Total</b>	<b>367 381</b>	<b>367 446</b>	<b>386 411</b>	<b>406 193</b>	<b>429 129</b>	<b>460 646</b>
		<b>Total</b>		<b>449 873</b>	<b>447 894</b>	<b>465 232</b>	<b>487 071</b>	<b>516 614</b>	<b>549 488</b>
<b>Grand total</b>				<b>732 919</b>	<b>738 704</b>	<b>798 148</b>	<b>856 247</b>	<b>916 564</b>	<b>975 688</b>

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

Table 23  
Gross national income and gross domestic product, 2002–2007

Year	Gross national income	Less: net income paid abroad	Gross domestic product
	At current prices NIS million		
2002	509 419	20 256	529 675
2003	517 734	18 946	536 680
2004	547 243	16 470	563 713
2005	590 746	7 027	597 773
2006	641 196	-422	640 776
2007	673 419	133	673 552

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

Table 24  
Private consumption expenditure, by purpose and type of expenditure

	In millions, at 2005 prices (3)			In millions, at current prices
	1997	2002	2007	2007
	<b>1. National private consumption expenditure – grand total (2+6)</b>	<b>246 501</b>	<b>303 926</b>	<b>369 968</b>
2. Consumption expenditure by Israeli households (3-4+5)	239 789	294 019	358 445	367 683
3. Consumption of Israelis abroad	7 710	9 809	12 333	11 298
4. Consumption of non-residents in Israel	18 324	10 366	13 192	12 901
<b>5. Consumption expenditure of households in the domestic market – total</b>	<b>249 253</b>	<b>294 579</b>	<b>359 311</b>	<b>369 285</b>
<i>By purpose</i>				
Food, beverages and tobacco	49 854	55 044	63 392	68 486
Clothing, footwear and personal effects	10 972	11 972	17 354	17 615
Housing	48 747	60 594	69 407	67 494
Electricity, fuel and water – home consumption (1)	9 342	11 794	13 213	13 213
Furniture, furnishings and household equipment	12 722	16 799	23 852	23 081

	<i>In millions, at 2005 prices (3)</i>			<i>In millions, at current prices</i>
	1997	2002	2007	2007
	Household maintenance	8 755	11 108	12 586
Personal care and health	13 954	18 680	23 597	24 518
Transport and communications	42 737	53 132	66 801	69 564
Recreation and entertainment	29 504	28 641	37 740	39 858
Other goods and services	23 075	27 071	31 324	32 567
<i>By type</i>				
<b>Durable goods – total</b>	<b>22 980</b>	<b>27 580</b>	<b>37 096</b>	<b>36 964</b>
Furniture	6 102	7 128	8 160	8 400
Household equipment	6 755	9 691	15 699	14 681
Personal transport equipment	11 141	11 034	13 224	13 883
<b>Non-durable goods – total</b>	<b>94 005</b>	<b>106 476</b>	<b>128 191</b>	<b>135 154</b>
Food, beverages and tobacco	49 854	55 044	63 392	68 486
Fuel, electricity and water	18 930	21 446	25 121	26 672
Clothing, footwear and personal effects	10 972	11 972	17 354	17 615
Non-durable household goods	3 931	4 862	5 729	5 703
Personal care and medical products	6 196	8 161	10 631	10 711
Books, newspapers and stationery	2 391	2 585	2 619	2 676
Recreation goods and miscellaneous	1 816	2 423	3 387	3 292
Housing	48 747	60 594	69 407	67 494
Other services	83 995	100 040	124 613	129 673
<b>6. Non-profit institutions (2) – total</b>	<b>6 768</b>	<b>9 905</b>	<b>11 528</b>	<b>12 086</b>
Health institutions	796	1 534	1 708	1 827
Education, culture and research, welfare and religious institutions	5 016	6 826	7 840	8 182
Trade unions, political organizations, etc.	1 002	1 557	1 979	2 077

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

Fuel for personal transport equipment is included in the item "Transport and communication".

Excluding non-profit institutions financed mainly by the Government.

The estimates at 2005 prices were obtained by chaining estimates of each year to previous year prices. Due to the chaining, the expenditure components do not add up to the total.

### The right to adequate food

426. Table 24 above reveals the distribution of households' expenditure. The data indicates that in 2006, 16.6% of households' consumption expenditure was utilized toward food acquisition.

427. In 2007, the Minister of Social Affairs and Social Services established an Inter-ministerial Committee to examine the Government's role and responsibility for ensuring food security for its citizens. The Committee included representatives from various Ministries (Social Affairs and Social Services, Health, Finance, Education, Justice, ITL,

Agriculture and Rural Development, and Pensioner's Affairs) as well as representatives of the National Insurance Institute. The Committee invited the public to participate in the process and many organizations submitted written positions and/or appeared before the committee. The committee also heard academic experts in relevant fields.

In March 2008, the Committee submitted its conclusions and recommendations. According to the committee, in 2006, 31% of families in Israel had to relinquish basic food ingredients in order to finance the purchase of other essential products and services, a slight decline in comparison to 34% in 2003. Among the Jewish population, 29% of the families had to relinquish basic food ingredients in comparison to 32.8% in 2003. Among the Arab population, 37.3% of the families had to relinquish basic food ingredients in comparison to 38.3% in 2003. However, the situation among the elderly and the Jewish Ultra-Orthodox population deteriorated. Data further indicated that incidence of food insecurity rises with the increase in the number of children in the family. While the situation has improved regarding families with up to three children, data reveals an increase in food insecurity rates among families with at least four children.

The Inter-Ministerial Committee examined the different measures adopted in Israel, as well as in different economies worldwide to enhance food security, such as nutrition services in schools, food pantries, public kitchens, family budget management educational campaigns, subsidy, transfer payments and financial support. According to the Committee, the State of Israel has always recognized its responsibility to care and provide assistance to those in need. The Government has carried out this responsibility through a policy of transfer payments and financial benefits to ensure sufficient income. The Government has preferred financial assistance policies over direct involvement in food provision, as have most Western economies, due to negative implications that often result from such involvement. Therefore, NGOs play a pivotal and significant role in nutritional assistance and food distribution in Israel, in the form of food pantries and public kitchens.

The Inter-Ministerial Committee's recommendations were as following:

1. Regulating the NGOs' activity towards food provision, both in times of emergency and peace, in order to better facilitate their activity, including the allocation of governmental funds.
2. The establishment of an Advisory Public Committee for Nutritional Security.
3. Re-evaluation of the transfer payments and benefits policy, and to consider establishing designated nutrition services.
4. Institutionalizing the collection of data relating to food security.

428. The Inter-Ministerial Committee's recommendations were not adopted by the Government, due to an objection of the Ministry of Finance. However, a joint team comprising representatives of the Ministries of Finance and Social Affairs and Social Services was established, and is currently working towards adapting and consolidating appropriate measures in order to facilitate the adoption and execution of the Committee's recommendations.

Prior to the consolidation of the Inter-ministerial Committee, the NGO "Latet" petitioned the High Court of Justice, requesting that the Court determine that the State is obligated to allocate funds for the construction and operation of a logistical infrastructure that will coordinate collection, procurement, and distribution of nutritional assistance. (H.C.J 1925/07 *Latet Organization et. al. v. The Prime Minister et .al.*) The petition was erased due to the publication of the Committee's recommendations and their adoption by the Government.

*Income maintenance*

429. Developments regarding financial benefits, including income support are detailed under Article 9 above.

*Nutrition indicators*

430. The data provided in Israel's previous periodic report concerning nutrition is hereby updated as follows:

Table 25

**The food balance sheet: calories and nutrients per capita per day**

	1990	2000	2004	2006
<i>Calories (Kcal)</i>				
<b>Total</b>	<b>3 089</b>	<b>3 556</b>	<b>3 649</b>	<b>3 643</b>
Cereals and cereal products	986	1 095	1 255	1 220
Potatoes and starches	66	85	128	124
Sugar, sweet and honey (1)	482	651	214	208
Legumes, oil grains and nuts	152	142	198	228
Vegetables and melons (2)	103	103	187	182
Fruits (2)	169	186	203	192
Oils and fats	486	629	716	698
Meat	317	344	346	395
Eggs	72	49	46	47
Fish	18	26	16	18
Milk and dairy products	238	246	306	293
Beverages	-	-	34	37
<i>Protein (Grams)</i>				
<b>Total</b>	<b>97.4</b>	<b>104.3</b>	<b>112.5</b>	<b>115</b>
Thereof: animal	49.9	52.2	53.9	56.8
Cereals and cereal products	31.7	35.2	38.2	37.1
Potatoes and starches	1.4	1.8	1.8	1.7
Sugar, sweets and honey (1)	0.5	1.3	-	-
Legumes, oil grains and nuts	6.8	6.6	8.7	10.1
Vegetables and melons (2)	5.1	4.8	6.7	6.4
Fruit (2)	2	2.4	2.5	2.4
Meat	25.6	28.4	31.5	34.7
Eggs	5.5	3.8	3.9	3.9
Fish	3.4	4.5	2.9	3.3
Milk and dairy products	15.4	15.5	15.6	14.9
Beverages	-	-	0.7	0.5



	1990	2000	2004	2006
<i>Fat (Grams)</i>				
<b>Total</b>	<b>117.6</b>	<b>139.6</b>	<b>148.8</b>	<b>150.6</b>
Thereof: animal	42.6	43.3	43	46.3
Cereals and cereal products	4.1	4.5	7	6.7
Potatoes and starches	0.1	0.1	0.1	0.1
Sugar, sweets and honey (1)	2.2	6.6	-	-
Legumes oil grains and nuts	9.2	7.9	12.2	13.6
Vegetables and melons (2)	1.0	0.8	1.8	1.7
Fruits (2)	3.2	5	3	2.7
Oils and fats	55.3	71.4	81	78.9
Meat	22.9	24.7	23.3	27.3
Eggs	5.2	3.6	3.1	3.1
Fish	0.4	0.8	0.4	0.4
Milk and dairy products	14	14.2	16.2	15.5
Beverages	-	-	0.7	0.6

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

<sup>1</sup> Until 2000 the group included chocolate, sweets, sugar, jam and honey.

<sup>2</sup> Until 2000, the fruit group included melons.

<sup>3</sup> In 2001 the factors for calculating nutrition values were updated.

Table 26  
**Supply of vitamins and minerals per capita per day (milligrams, unless otherwise stated)**

<i>Commodity</i>	<i>Iron (Fe)</i>	<i>Calcium (Ca)</i>	<i>(Vit. C) Ascorbic acid</i>	<i>Niacin</i>	<i>Riboflavin</i>	<i>Thiamine (Vitamin B1)</i>	<i>Vitamin A Intrn. units</i>
2005							
<b>Total</b>	<b>27.2</b>	<b>900</b>	<b>205</b>	<b>34.4</b>	<b>1.7</b>	<b>2.2</b>	<b>7 094</b>
Cereals and cereal products	17.5	118	-	15.8	0.3	1.3	0.5
Potatoes and starches	0.8	6	17	1.3	-	0.1	-
Sugar, sweets and honey	-	1	-	-	-	-	-
Legumes (incl. Soya beans oilseeds and nuts)	2.7	50	1	1.8	0.1	0.2	19
Vegetables and melons	2.2	77	104	3.7	0.1	0.2	4 561
Fruit	0.8	59	76	1.1	-	0.1	713
Oils and fats	-	-	-	-	-	-	41
Meat	2.3	19	3	10	0.2	0.1	1 054
Eggs	0.5	16	-	-	0.2	-	200
Fish	0.2	17	-	0.3	-	-	5
Milk and dairy products	0.2	532	5	0.4	0.8	0.2	502
Beverages	-	5	-	-	-	-	-

<i>Commodity</i>	<i>Iron (Fe)</i>	<i>Calcium (Ca)</i>	<i>(Vit. C) Ascorbic acid</i>	<i>Niacin</i>	<i>Riboflavin</i>	<i>Thiamine (Vitamin B1)</i>	<i>Vitamin A Intrn. units</i>
<i>2006</i>							
<b>Total</b>	<b>27.8</b>	<b>892</b>	<b>205</b>	<b>35.2</b>	<b>1.7</b>	<b>2.4</b>	<b>7 056</b>
Cereals and cereal products	17.7	120	-	16.1	0.3	1.3	1
Potatoes and starches	0.7	6	17	1.2	-	0.1	-
Sugar, sweets and honey	-	1	-	-	-	-	-
Legumes	3.1	55	1	2	0.1	0.3	22
Vegetables and melons	2.2	78	104	3.5	0.1	0.3	4 799
Fruit	0.6	55	76	1.1	-	0.1	467
Oils and fats	-	1	-	-	-	-	-
Meat	2.5	20	3	10.4	0.3	0.1	997
Eggs	0.5	16	-	-	0.2	-	200
Fish	0.3	20	-	0.5	-	-	6
Milk and dairy products	0.2	517	5	0.4	0.7	0.2	488
Beverages	-	5	-	-	-	-	-

*Source:* Central Bureau of Statistics, Food Supply Balance Sheet, 2008.

#### *Methods of improvement of production, conservation and distribution of food*

431. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **The right to adequate housing**

432. On November 4, 2008 the *Law of Execution* was amended (Amendment no. 29) in order to strengthen the protection provided by the Law to the right to adequate housing. The Law stipulates that in situations of evictions due to debt, mortgage or pledge, the provision of an alternative housing prior to the eviction is obligatory.

According to the Law, the Registrar of the Execution Bureau, may not order the eviction of the indebted and his/her family members who reside with him/her, unless it is established that the indebted and his/her family either have a reasonable alternative housing, have the financial means to afford one or are provided with an alternative housing.

The protection provided by the Law also applies to evictions due to the carrying out of a mortgage or to the realization of a pledge. According to the Amendment, one can not waive the protection while pledging or mortgaging his/her property.

#### *Affordability*

433. See the breakdown in the following table:

Table 27  
**Selected data on housing, by deciles of households, by net income per standard person,  
 2006**

	<i>Deciles</i>										<i>Total</i>
	<i>10</i>	<i>9</i>	<i>8</i>	<i>7</i>	<i>6</i>	<i>5</i>	<i>4</i>	<i>3</i>	<i>2</i>	<i>1</i>	
<i>Owned dwellings</i>											
Households in sample	561	527	554	482	476	441	424	393	328	241	<b>4 427</b>
Households in population (thousands)	167.1	163.6	169	159.2	152.1	143.1	133.3	129.3	106.6	85.2	<b>1 408.5</b>
Average persons in household	2.7	2.9	3.2	3.2	3.5	3.5	3.5	4.1	4.9	6.4	<b>3.6</b>
Average standard persons in household	2.4	2.5	2.7	2.7	2.8	2.9	2.8	3.2	3.6	4.4	<b>2.9</b>
Average earners in household	1.6	1.5	1.6	1.4	1.4	1.3	1.2	1	0.8	0.6	<b>1.3</b>
Rooms per dwelling	4.7	4.3	4.3	4	3.9	3.8	3.7	3.8	3.7	3.9	<b>4</b>
Rooms for living	4.6	4.2	4.2	4	3.9	3.8	3.7	3.7	3.7	3.8	<b>4</b>
Housing density	0.6	0.7	0.8	0.8	0.9	0.9	1	1.1	1.3	1.7	<b>0.9</b>
Percentage of owned dwelling	82.5	80.7	83.3	78.6	75	70.6	65.8	63.8	52.6	42	<b>69.5</b>
Value of owned dwelling (thousands) (1)	1 388	1 009	863	763	686	626	610	645	595	609	<b>808</b>
<i>Monthly expenditure</i>											
Consumption expenditure	19 728	15 423	13 692	11 694	11 056	10 205	9 056	9 004	8 306	8 282	<b>12 141</b>
Housing expenditure	3 502	3 030	2 811	2 764	2 444	2 357	2 217	2 030	1 946	1 853	<b>2 576</b>
Consumption of housing services in owned dwelling	3 126	2 846	2 657	2 640	2 384	2 305	2 189	1 997	1 920	1 805	<b>2 455</b>
Insurance of dwelling, content	118	84	51	41	38	17	15	10	3	5	<b>43</b>
Water, current consumption	140	126	126	118	113	105	110	108	131	126	<b>120</b>
Electricity, current consumption	416	362	351	319	316	323	301	307	315	326	<b>337</b>
Gas, in containers	24	35	42	30	43	47	50	70	75	113	<b>48</b>
Gas, central installation	33	27	41	41	31	38	35	29	28	13	<b>33</b>
Tenants' committee fees	138	99	84	86	59	52	45	30	23	12	<b>69</b>
Municipality tax	482	402	350	294	283	241	219	215	207	147	<b>299</b>
Mortgage repayments	1 686	1 067	1 114	1 069	1 006	844	791	434	357	232	<b>929</b>
Other housing loans repayments	150	72	88	128	114	133	56	76	39	4	<b>93</b>
<i>Rented dwellings</i>											
Households in sample	86	94	92	97	116	135	184	188	255	299	<b>1 546</b>
Households in population (thousands)	29.3	32.2	27.7	33.5	36.5	46.6	59.6	59.8	84.9	106.4	<b>516.7</b>
Average persons in household	2	2.4	2.5	2.4	2.5	2.8	2.7	2.7	2.8	2.9	<b>2.7</b>
Average standard persons in household	1.9	2.2	2.3	2.2	2.2	2.4	2.4	2.4	2.4	2.5	<b>2.3</b>
Average earners in household	1.5	1.5	1.8	1.5	1.5	1.5	1.3	1	0.8	0.3	<b>1.1</b>
Rooms per dwelling	3.5	3.4	3.4	3.2	3	3.3	3.2	3.2	2.9	2.9	<b>3.1</b>

	Deciles										Total
	10	9	8	7	6	5	4	3	2	1	
Rooms for living	3.4	3.3	3.3	3	2.9	3.1	3	2.9	2.7	2.6	<b>2.9</b>
Housing density	0.6	0.7	0.8	0.8	0.9	0.9	0.9	0.9	1.1	1.1	<b>0.9</b>
Percentage of rented dwelling	14.5	15.9	13.7	16.5	18	23	29.4	29.5	41.9	52.5	<b>25.5</b>
<i>Monthly expenditure</i>											
Consumption expenditure	17 022	15 552	13 168	10 470	10 010	10 313	8 608	7 073	5 533	4 681	<b>8 646</b>
Housing expenditure	3 332	2 970	3 043	2 208	2 100	1 977	2 018	1 662	1 366	920	<b>1 847</b>
Rent on dwelling or room	2 999	2 811	2 857	2 174	1 964	1 945	1 924	1 563	1 309	898	<b>1 757</b>
Water, current consumption	94	90	90	79	80	78	77	68	70	67	<b>76</b>
Electricity, current consumption	370	269	287	235	247	239	217	196	188	169	<b>221</b>
Gas, in containers	11	12	15	12	21	22	19	22	27	32	<b>22</b>
Gas, central installation	23	25	19	32	24	27	23	30	30	29	<b>27</b>
Tenants' committee fees	80	91	86	82	62	86	51	45	33	17	<b>52</b>
Municipality tax	354	288	286	217	212	228	174	156	108	98	<b>179</b>

Source: Central Bureau of Statistics, 2008.

#### *Sanitation facilities*

434. As part of the abovementioned 2000 multi-year plan, extensive sewage infrastructure projects were completed in 73 Arab localities (affecting a total of 700,000 residents).

435. In February 4, 2007, the Government consolidated an additional multi-year plan to promote and assist in the construction and development of sewage infrastructure in Arab, Druze and Circassian localities, as well as Bedouin localities in the North (Government Resolution no. 1140). The multi-year plan is to be implemented in the years 2007–2011, and a total budget of 400 million NIS (\$105 million) was allocated to that end. According to the Government Resolution, as a prerequisite for the implementation of the plan, the localities are required to establish Water and Sewage Corporations, as stipulated in the *Water and Sewage Corporations Law 5761-2001*. Progress has been made towards the establishment of Water and Sewage Corporations by the localities, however they have yet to be completed.

#### Density

436. The following is recent data on housing density:

Table 28

#### **Households by housing density, size of household and population, 2007**

Persons per room	Persons in household									Total %	'000
	Average per household	7+	6	5	4	3	2	1			
<b>Jews (1) – total</b>	<b>3.10</b>	<b>4</b>	<b>5</b>	<b>11.9</b>	<b>16.6</b>	<b>16.8</b>	<b>25.7</b>	<b>20</b>	<b>100</b>	<b>1 721.4</b>	
Up to 0.49	1.26	-	-	-	-	2	20.9	76.9	100	278.9	

Persons per room	Persons in household								Total %	'000
	Average per household	7+	6	5	4	3	2	1		
0.5	1.69	-	-	-	-	6.7	54.6	38.4	100	200.4
0.51–0.99	2.86	0.3	1.1	6.7	16.9	30.2	41.5	3.3	100	526.3
1.00	3.41	0.5	3	16.6	30.2	26	13.9	9.8	100	341.5
1.01–1.49	4.77	7.1	12.3	36.6	38	4.3	1.7	-	100	214.5
1.50–1.99	5.56	21	30.4	30.2	6.3	12.1	-	-	100	96.1
2.00	5.71	24	40.8	11.2	10.9	-	9.3	1.2	100	32.2
2.01–2.49	8.09	92.4	-	-	-	-	-	-	100	11.8
2.50–2.99	7.92	71.1	-	24.1	-	-	-	-	100	8.3
3.00+	8.48	69.1	14.7	-	-	-	-	-	100	6.7
<b>Arabs – total (2)</b>	<b>4.86</b>	<b>19.8</b>	<b>15.4</b>	<b>19.2</b>	<b>18.3</b>	<b>11.4</b>	<b>10.8</b>	<b>5</b>	<b>100</b>	<b>279.2</b>
Up to 0.99	2.29	-	-	3.7	8.6	20.7	43.9	22.6	100	51.3
1.00	3.47	-	-	9.3	39.6	31.3	12.4	5.4	100	46.0
1.01–1.49	4.77	6.9	5.1	43.1	41.6	2.2	-	-	100	50.9
1.50–1.99	5.78	23.2	33.6	32.2	2	9	-	-	100	58.6
2.00	6.10	23.7	51.5	3.8	16.2	-	4.1	-	100	29.1
2.01–2.49	7.96	95.5	-	-	-	-	-	-	100	13.4
2.50–2.99	7.91	63.5	-	34.1	-	-	-	-	100	12.6
3.00+	7.81	61.4	22.8	7.6	7	-	-	-	100	17.1
<i>Average number of persons per room</i>										
Jews		1.75	1.31	1.12	0.97	0.78	0.58	0.37		0.84
Arabs		2.19	1.69	1.41	1.17	0.93	0.67	0.43		1.43

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

<sup>1</sup> Excluding institution and those living outside localities (Bedouin in the South and others) and excluding also those living in student dormitories and in kibbutzim and excluding also absorption centers.

<sup>2</sup> Including unknown number of rooms.

#### Public housing

437. On July 17, 2008, the Standard Contracts Tribunal ended a long legal dispute between “Amidar” – the national housing company, and its tenants, concerning the standard contract applied between them. The Court determined that several unfair conditions in the existing standard contract should be amended, and that the amended contract shall apply retroactively on similar contracts that have already been signed (St.Con.Trib 803/07 *The Community Advocacy Association v. The Attorney General et. al.*).

#### Street dwellers

438. The Ministry of Social Affairs and Social Services, defines a “street dwellers” as a person, man or women, who resides on the street, in an abandoned house or in public parks, suffers from severe physical and mental neglect, and is alienated and disassociated from family and friends. These people are characterized with instability in residence and mobility throughout the country, mostly lacking personal documentation. Some suffer from

addiction to psychoactive substances (drugs and alcohol) and have a history of personal and family crises. Most of them are diagnosed as suffering from a dual prognosis – mental illness and addiction.

439. The Ministry's goal is firstly to prevent street dwellers' deaths and to provide them with adequate living conditions. The Ministry aims to assist the street dwellers in epitomizing their legal rights (social security benefits, personal documentation, etc.) and eventually achieve full re-integration into the community. In order to achieve these goals, the Ministry works in conjunction with local authorities and other relevant Ministries. In May 2004, the General Manager of the Ministry published an updated directive regarding treatment programs for street dwellers (replacing the 1997 directive) to all local authorities. These directives are updated occasionally as necessary.

440. In addition, the Government specifically designates budgets for the treatment of street dwellers, which are allocated to the local authorities, in order to encourage the development of programs for the treatment and integration of street dwellers at the local level, and in order to enhance the responsibility of the local authority for the street dwellers in its jurisdiction.

441. Fourteen local facilities are currently providing treatment for street dwellers, 2 of which opened during 2008. These facilities provide a range of treatment frameworks – over-night shelters, rehabilitation facilities with or without accommodations, and transitional housing apartments. In addition, 4 national facilities provide treatment for severe cases and for persons referred by municipalities that do not operate local treatment facilities. These include the "House for Life" program, which, as of 2007, offers a treatment framework for street dwellers who are unable to rehabilitate, and unable to live independently in the community.

442. During 2007, 1,737 street dwellers received treatment, 232 of them in the national facilities. The estimate is that some 1,000 street inhabitants do not receive any treatment, because of both their mobility and of their distrustful and reluctant approach towards the establishment.

443. In recent years, data regarding the treatment of "street dwellers" in Israel has been systematically collected. Statistically – 91% of the street inhabitants who receive treatment are males. 39% are single and 53% are divorced. 80% of the street dwellers receiving treatment are between the ages of 26–55. (56% are between the ages 36–55). 64% are new immigrants (mostly from the former Soviet Union). 45% suffer from alcoholism, 33% from drug addiction and 30% are addicted to both drugs and alcohol.

444. Forty-one per cent of those approaching the facilities were referred by the municipality hot-line, or special patrols arranged by the authorities along with a social worker. Another 10% were referred by medical facilities such as hospitals, etc. 29% were seeking treatment on their own initiative.

445. A significant decrease in the death rate of the street inhabitants is evident. In 2007, there were 28 reported incidents of street dwellers' deaths, in comparison to 79 in 2002.

### **Non-discrimination in housing**

#### *The Arab population*

#### Representation in the National Council for Planning and Construction

446. The National Council for Planning and Construction (hereinafter: the "Council") comprises 32 members; third of which are representatives of Ministers (appointed by the Ministers), another third are representatives of municipal authorities (appointed by the

Minister of the Interior), and the final third are public representatives (partially appointed by the Minister of the Interior).

The Ministry of the Interior, ensures a balanced representation of all communities, regions and populations, including the Arab population in the Council; in that regard, 4 of the 32 Council members are Arabs.

#### Planning Scheme for the Arab population

447. In recent years, the Department of Planning in the Ministry of the Interior, initiated an extensive project towards the preparation of updated planning schemes for the majority of Arab localities.

448. The objectives of the project are:

- Improvement of the quality of life in the localities, including a significant increase in dwelling areas, employment areas, open spaces, and public facilities as well as suitable infrastructure – in order to address the needs of the localities in the long run
- Regulation of the planning situation, in order to meet the needs of the localities and their integration in the surrounding area
- Providing a planning basis towards the integration of the minorities' localities in the social-economical development of the Israeli society in general

449. Seventy per cent of the Arab localities in Israel are included in the project (87 out of 128 localities). Most of the remaining localities have approved planning schemes, which adhere to their developmental needs. In some of these localities, the planning schemes are promoted by the local authorities themselves.

450. So far, 60 million NIS (\$16.2 million) were allocated for the promotion of the planning project. It is notable, that in spite of wide-ranging cutbacks in the Ministries' budgets in the past few years, the budget allocated for this project has increased.

451. The project is supported by several Government Resolutions, and is based on the national planning policy as formed and adopted in the **NOP 35** – the National Outline Plan for Construction, Development and Conservation. The national planning policy indicated new development trends for localities as well as diverse density rules based on the size of the locality, its social and economical status and its demography.

452. The planning schemes implement several fundamental principles:

- Solutions for anticipated population growth
- Designation of public areas for public institutions, green areas and infrastructure layout
- Designation of State's land to construction for the benefit of the homeless and for the fulfillment of public needs
- Development of regional or joint employment areas in order to enhance the incomes of the local authorities
- Creation of a framework of regional solutions in a variety of fields such as environmental protection, public transportation, burial, etc.
- Suitability to the special needs of the different populations and the uniqueness of each locality (for example: land ownership, preservation of the rural or urban character, preservation of traditions and religious values, commerce and occupation according to the needs of the locality, etc.)

- Creation of joint employment areas for the Jewish and Arab local authorities in order to promote the economical integration of the Arab localities, and in order to increase the income of both Jewish and Arab local authorities

453. Each plan is promoted by a professional planning panel, hired by the Department of Planning and accompanied by a broad steering committee, headed by representatives from the Department. Each committee includes representatives from the local authority, the relevant Ministries and the neighboring local authorities, the Jewish National Fund (Keren Kayemeth Le'Israel), the Society for the Protection of Nature in Israel, and Israel Nature and National Parks Protection Authority.

454. Stemming from the appreciation of the importance of the community's involvement in the decision making processes affecting its daily life and the nature of its place of residence, a special emphasis is placed on the participation of the local community in the planning process.

455. In addition to the full participation of the local leadership, the effort to include the local community in the planning process is carried out through diverse methods according to the character of the locality and its social structure. These include focus groups, distribution of questionnaires, open assemblies to present the plan and receive comments, etc.

456. The success of the planning project depends, first and foremost, on the assumption of responsibility by the local leadership, by supporting the project, promotion of detailed planning in compatibility with the planning scheme, executing expropriation for public purposes, collection of fees and development taxes and law enforcement against illegal construction. The Department of Planning in the Ministry of the Interior is doing its utmost in order to achieve the improvement needed for all fractions of the Arab population in Israel.

457. Notice should be given to the fact that most of the Arab localities have a planning scheme, even if not an updated one, initiated back at the 1980's by the Government.

A new Arab city

458. The Department of Planning recently began background work in order to examine the possibility of creating a modern city for the Arab population in Israel. Aimed towards the broadening of the possibilities and mobility of the population, creating value and merchantability for the land, stimulating the creation of a social-economical middle-class and to strengthening the financial, social and cultural resources.

#### **Allocation of financial benefits**

459. In H.C.J. 2101/99 *Shibli and ACRI v. The Minister of Construction and Housing* (21.04.02), Israel's Supreme Court examined the method of allocating rental benefits. The State noted a recent change to its allocation policy that would remove any distinctions with regard to benefit allocations. Basically, the determining factor is linked to the number of residents and the percentage of housing used for rental properties. The complainant nevertheless claimed that the State's policy was discriminatory in result because most Arab towns were small and thus not entitled to such benefits. The Court held in April 2002, that the Government should be given the opportunity to implement the new program to adequately determine whether it is discriminatory in result.

460. Another notable case concerning rental benefits was presented to the Be'er Sheva Administrative Court (A.C.A. 335/04 *Vered Pinhasi v. The State of Israel*, (22.11.04)). The claimant was married to a non-citizen Palestinian with 5 children and in dire need of rental assistance. The State denied such benefits because she was married to a non-citizen. The



Court held that such a basis was incorrect and contrary to the interests of justice and fairness, such that the claimant and her family should not be denied such assistance.

461. On December 13, 2006, the Supreme Court rejected a petition filed by Adalah against the Ministry of Construction and Housing, challenging the governmental policy of providing financial support — in the form of low-interest governmental loans — for home mortgages to Israeli citizens who have completed their military or national-service. The petitioners argued that the extended support for housing mortgage loans discriminates against Arab citizens of Israel, who are not required to perform military or national-service. The petitioners contended that the performance of military service is irrelevant to the purpose of supplemental governmental housing support, which is to assist the socio-economically disadvantaged to find housing solutions.

Here, the Court held that there is no impediment in principle to granting benefits to those who have completed full military and national-service above that which is afforded in the *Absorption of Discharged Soldiers Law 5754-1994* (the “*Absorption of Discharged Soldiers Law*”), provided that the use of the military service criterion is justified in the circumstances.

The former president of the Supreme Court, Justice Barak, rejected Adalah’s argument that in this case the use of this criterion results in discrimination against Arab citizens. Barak reasoned in this regard that “a distinction made on the basis of the national or military service criterion is not necessarily a permissible distinction or illegal discrimination: this depends on the circumstances. Those who have completed military or national service differ in many respects, as a group, from those who did not. Thus, for example, those who have completed military or national service dedicate much of their time and energy for the benefit of the general public. They cannot work or make a living during their service period. As long as this distinction is based on these factors, and as long as it is relevant in a given situation, it should not be considered illegal discrimination.”

462. Adalah’s motion for an additional hearing before an expanded panel of Supreme Court Justices in order to re-consider the decision was rejected (H.C.J. 11956/05, *Suhad Bishara, et. al. v. The Ministry of Construction and Housing*).

463. On June 17, 2008, the *Absorption of Discharged Soldiers Law* was amended, stipulating that recognized higher education, vocational training or academic preparatory institutions, may consider military service among the considerations in determining entitlement to dormitories or other financial benefits.

### **Dwellings in Jerusalem**

464. In 2007, 283 building applications, which make up 12% of the total number of applications, were received from residents of the eastern neighborhoods of Jerusalem. Of the 283 applications, 135 (47%) were granted. Residents in the western parts of Jerusalem submitted 2,095 applications, of which 1,505 (71%) were granted.

465. **Illegal construction.** In the western parts of Jerusalem, building violations almost invariably consist of additions to a legal building, such as the addition of a room in courtyard or an attic within a roof space. In the eastern part of Jerusalem, violations typically take the form of entire buildings constructed without a permit. Thus, demolitions in the eastern neighborhoods of Jerusalem are far more dramatic than in the western part of the city. All demolitions are conducted with due process and are subject to judicial review.

Table 29  
Requests submitted for building permits, 2002–2007

<i>Neighborhood</i>	<i>Year of request</i>	2002	2003	2004	2005	2006	2007	<i>Total</i>
Western neighborhoods of Jerusalem	New building	139	135	179	199	207	171	<b>1 030</b>
	Additional building	1 656	1 650	2 002	2 085	1 964	1 955	<b>11 312</b>
	<b>Total building</b>	<b>1 795</b>	<b>1 785</b>	<b>2 181</b>	<b>2 284</b>	<b>2 171</b>	<b>2 126</b>	<b>12 342</b>
Eastern neighborhoods of Jerusalem	New building	94	57	112	147	150	155	<b>715</b>
	Additional building	61	78	112	11	116	128	<b>606</b>
	<b>Total building</b>	<b>155</b>	<b>135</b>	<b>224</b>	<b>258</b>	<b>266</b>	<b>283</b>	<b>1 321</b>

Source: Jerusalem Municipality, 2008.

Table 30  
Building permits granted, 2002–2007

<i>Neighborhood</i>	<i>Year of request</i>	2002	2003	2004	2005	2006	2007	<i>Total</i>
Western neighborhoods of Jerusalem	New building	124	140	112	141	175	151	<b>843</b>
	Additional building	1 217	1 167	1 357	1 552	1 552	1 508	<b>8 353</b>
	<b>Total building</b>	<b>1 341</b>	<b>1 307</b>	<b>1 469</b>	<b>1 693</b>	<b>1 727</b>	<b>1 659</b>	<b>9 196</b>
Eastern neighborhoods of Jerusalem	New building	98	62	51	78	88	82	<b>459</b>
	Additional building	64	56	65	61	56	68	<b>370</b>
	<b>Total building</b>	<b>162</b>	<b>118</b>	<b>116</b>	<b>139</b>	<b>144</b>	<b>150</b>	<b>829</b>

Source: Jerusalem Municipality, 2008.

Table 31  
Demolition orders carried out, by year and neighborhood, 2004–2007

<i>Year</i>	<i>Western neighborhoods of Jerusalem</i>	<i>Eastern neighborhoods of Jerusalem</i>
2007		69
2006		71
2005		76
2004		115
<b>Total</b>	<b>11</b>	<b>331</b>

Source: Jerusalem Municipality, 2008.

Table 32  
Building offences – cases opened by year and neighborhood, 2004–2007

<i>Year</i>	<i>Western neighborhoods of Jerusalem</i>	<i>Eastern neighborhoods of Jerusalem</i>
2007		1 081
2006		901

<i>Year</i>	<i>Western neighborhoods of Jerusalem</i>	<i>Eastern neighborhoods of Jerusalem</i>
2005	1 272	857
2004	980	710

*Source:* Jerusalem Municipality, 2008.

#### *The Bedouin population in the south*

466. Currently, approximately 115,000 Bedouins (65% of the total Bedouin population) live in urban and suburban centers which have been legally planned and constructed. All existing towns have approved plans and include infrastructure such as schools, clinics, running water, electricity, etc.

467. There are six (6) existing suburban Bedouin towns in the Negev: Laqiya, Hura, Kseife, Arara in the Negev, Tel-Sheva and Segev Shalom, in addition to the city of Rahat. Although the seven existing towns can effectively provide a proper solution to the Bedouin population's needs, subject to their expansion, the Government decided that another nine (9) new towns for Bedouins should be established. The Government did so based on the desire to please the Bedouin population and in consideration of their special needs, including their desire to settle according to a tribal format.

468. Consequently, there are nine (9) new planned towns. Of those Tarabin is now being populated and 100 new houses have been built, Abu Krinat and Bir Hadaj are under construction, and Kasar A-Sir, Marit (Makhol), Darjat, Um Batin, Mulada and El Seid are all undergoing planning procedures. Further three towns are undergoing statutory approval procedures: Ovdad, Abu Tlul, and El-Foraa. A regional municipality was founded for nine of the new towns. It is called "Abu Basma", and was officially established on February 3, 2004.

469. Since its establishment, the Abu Basma regional municipality invested significant efforts and resources in ameliorating infrastructure in its jurisdiction, including roads, sanitation and water infrastructure. The regional council also promoted the construction of educational facilities, community centers, leisure facilities and other service provision facilities. The Abu-Basma Regional Council also initiates projects in areas of education, welfare and employment.

470. In two different resolutions made in 2003 (April and September), the Government created a comprehensive plan for the Bedouins, including investments of 1.1 billion NIS (\$297,297,297) in the improvement of infrastructure, and founding public institutions over the next 6 years.

471. Following lessons learned from past planning committees, the planning authorities performed this task in constant consultation with Bedouin representatives who provided input as to their vision of every town's desired character depending on such characteristics as whether the town is built for an agrarian population with a special needs for designated flocking areas; whether the town is planned for a group that requires strict separation to be maintained between the various tribes or whether the town is designed for a population that has a more urban character.

472. On July 15, 2007, the Government concluded the following resolution concerning the establishment of a new Authority in the Ministry of Construction and Housing dealing entirely with development for the Bedouin population, including the expansion of towns, and provision of housing solutions for all Bedouins. Its text is as follows:

“D. The Government decided to establish, in the Ministry of Construction and Housing, the Authority for the Regulation of the Bedouin Residence in the Negev, whose purpose, functions and organizational structure are as follows:

- The care of Bedouin residence in the Negev, including:
  - Ascertaining claims of ownership over the land
  - Arranging permanent residences, including infrastructure and public services, both in existing towns and new towns
  - Aid in incorporation in employment
  - Coordination of education, welfare and community services
- The functions of the authority and its main powers:
  1. Accumulating information concerning the existing situation of the population, whether scattered or located in existing towns, including claims of ownership.
  2. Initiation and execution of land arrangements.
  3. Initiation of statutory planning, in coordination with the Planning Administration in the Ministry of the Interior, of suitable residence solutions, including solutions that address the characteristics of the group, social reciprocation, possible locations, etc.
  4. Promoting the planning and development of local and regional infrastructure for permanent solutions.
  5. Accompanying the population through all the stages of residence.
  6. Giving recommendations on the issue of enforcement priorities.
  7. Coordination and synchronization between the various authorities, while accompanying, tracking and supervising the execution of decisions made by authorities.
  8. The aforementioned functions of the Authority will not detract from the powers of the various Government Ministries, or the powers of the local authorities according to the law.
- The proposed organizational structure of the Authority is designed to enable the efficient execution of all its goals and functions, as follows:
  1. The Authority will act within the framework of the Ministry of Construction and Housing.
  2. Alongside the Authority, an Inter-Ministerial steering committee will be established; whose function will be to discuss the obstructions in the way of arranging the residence and implementing the goals of the Authority. At the head of the steering committee will be the General Director of the Ministry of Construction and Housing.
  3. A council will be appointed to the Authority, whose functions will be to lay out the Authority's line of action and advise the General Manager of the Authority in all that regards the execution of the Authority's policy. The council will be composed of 21 members, among them: 14 relevant Government representatives, (Construction and Housing – chairman, Finance, Justice, Education, the Interior, Industry, Trade and Labor, Health, Social Affairs and Social Services, Tourism, the Negev, the Galilee, Public Security, Agriculture and Rural Development,

Environmental Protection and Transportation and Road Safety), and 7 public representatives who will be appointed by the Minister of Construction and Housing. Of the 7 public representatives, 4 will be from the Negev Bedouin and will have no ownership claims to the land.

4. The operational responsibility of the Authority will be in the hands of the Authority's General Manager. Underneath him will operate various sections, whose areas of occupation will be, inter alia, land transactions; programs and residence; planning, development and construction; community; legal counseling; finances and logistics and research, propaganda and documentation. The land transaction section will be subject, statutorily, to the authority of the Israel Land Administration.

5. A concessions and proceeds committee will act, alongside the General Manager of the Authority. The Committee will be headed by a retired judge, and its function will be to make recommendations concerning agreements brought before it, on the basis of the standards set out in the law. The recommendations of the committee will be submitted for approval by the Authority's general manager."

473. The Government has further decided:

1. To request the General Director of the Ministry of Construction and Housing to make recommendations to the Government, within 30 days, and in coordination with the General Director of the Prime Minister's Office and the Supervisor of Budgets in the Ministry of Finance and the Civil Service Commissioner, on the kind of budgetary resources and personnel that are required to finance and otherwise execute this decision.

2. To entrust the Minister of Construction and Housing with the appointment of a public committee headed by a retired Supreme Court Justice, and of whose members, at least half will be representatives of the relevant Government Ministries, including representatives of the Ministries of Construction and Housing, Finance, the Prime Minister, Agriculture and Rural Development, the Negev and the Galilee, the Interior, Justice, the Transportation and Road Safety, and the Israel Land Administration. In addition to this the Minister will appoint public representatives, among them representatives of the Bedouin population that have no ownership claims to land. The committee will submit its recommendations to the Minister in order to draft a bill concerning the regulation of the Bedouin population in the Negev, including the sum of the reparations required, arrangements for allocating alternative land, civil enforcement and a schedule of the execution of arrangements. The committee will submit its recommendations within three months. The committee will act under the framework of a budget and land inventory that it will determine in coordination with the General Director of the Prime Minister's Office, the General Director of the Ministry of Construction and Housing and the Supervisor of Budgets in the Ministry of Finance, within 30 days.

Within the framework of Government policy regarding Bedouin residence and land in the Negev, and as an important step integrating other Government plans for the development of the Negev and the Galilee, the Government has promoted various resolutions enhancing the treatment of the Bedouin population in the Negev.

Nonetheless, owing to the complexity of designing solutions for various issues, and the prolongation of the treatment in the availability of the land in the area of permanent towns, which are designed to receive the Bedouin population living in the illegal clusters, there is a need to coordinate the totality of the plans within the organized framework of an authority, which will deal with the issues in a coordinated and expansive manner.

474. In spite of the establishment of a number of permanent towns for the Bedouins, about 63,000 Bedouins (35%) still choose to live in illegal clusters of buildings throughout the Negev, ignoring the planning procedure of the planning authorities in Israel. This illegal building is carried out without any preparation of plans as required by the *Planning and Building Law, 5725-1965*, and with no pre-approval by the planning authorities. In addition, it causes many difficulties in terms of providing services to the residents of these illegal villages.

475. Note that a solution to the housing problem of the greater part of the Bedouins living in the illegal villages will be achieved subsequent to the completion of the nine new towns.

476. The Government is encouraging movement to permanent towns by providing unique financial benefits to all the residents of the Bedouin Diaspora who seek to move to permanent towns, regardless of their economic condition or any entitlement test. These benefits include, *inter alia*, provision of land plots for free or for very low cost, and compensation for demolition of illegal structures.

477. The Advisory Committee on the Policy regarding Bedouin towns has been established, in its present form, on October 24, 2007, based on Government Resolution no. 2491. The Advisory Committee's task is to present recommendations regarding a comprehensive, feasible and broad-spectrum plan which will establish the norms for regulating Bedouin housing in the Negev, including rules for compensation, mechanisms for allotment of land, civil enforcement, a timetable for the plan's execution, and proposed legislation's amendments, where needed.

478. The Advisory Committee comprises seven members and one chairperson, former Supreme Court Justice Mr. E. Goldberg. Note that two of the Advisory Committee members are Bedouin representatives.

479. The Advisory Committee began its sessions in January 2008, after having received over a hundred letters from the public, together with numerous other written materials and documentation. The Advisory Committee's hearings were public and took place in Beer Sheva.

480. The Advisory Committee has held tens of sessions and has heard many depositions from various sources, including Bedouin representatives, various stakeholders, experts in the relevant fields (*inter alia*, town planners, geographers, anthropologists, historians, sociologists and lawyers), and the general public. The Advisory Committee has also heard representatives of public bodies and institutions, including Municipal Authorities, public figures, Knesset members, and NGOs.

481. The Advisory Committee has held four field study trips in the Negev region in order to further deepen its knowledge on the subjects within its mandate.

482. The Advisory Committee has concluded its public discussions in May 2008, and on December 11, 2008, submitted its final recommendations to the Government.

483. **Spraying of Crops in the Negev.** In its concluding observations concerning Israel's second periodic report, the Committee on Economic, Social and Cultural Rights expressed its concern regarding claimed destruction of Bedouin agricultural crops, "in order to force them to resettle in 'townships'". In this regard it should be mentioned that in on April 15, 2007, the Supreme Court issued its decision, regarding a petition concerning spraying operations in the Negev, performed by the Israel Lands Administration (ILA) (H.C.J. 2887/04 *Saleem Abu Medeghem, et. al. v. Israel Lands Administration, et. al.*). In its decision, the Court mentioned, *inter alia*, to the Committee's concluding observations.

The Court affirmed the State's right to prevent illegal invasion of State-owned land. However, the Court held that the method of spraying crops is not consistent with the law.

Justice Joubran held that despite the fact that the State has a right to prevent unlawful invasion to State-owned land, the actions of the State are illegal as they did not receive the proper authorization according to the law, and constitutes violation of the Bedouin right to health. Justices Arbel and Naor determined that the State acted within its authority. However, the measure used, aerial spraying of the crops, is not consistent with the proportionality principle anchored in the limitation clause in the *Basic Law: Human Dignity and Liberty*, since it violates the right to human dignity of the Bedouin population as not in all of the aerial spraying incidents, they received proper notice in advance of the intention to spray their crops, and as it might have caused actual damage to their health and physical integrity.

484. **The Electricity Supply Law (Temporary Order) 5756-1996**, was enacted to solve the problem of providing electricity to Arab and Druze citizens whose houses had been built without building permits, and were consequently not connected to the central electricity grid. This Law was amended in 2001, extending the temporary supply for a period of 7 years. In 2004, the Law was amended again, so that the extension would cease as of May 31, 2007. Since the enactment of the Law and up until May 31, 2007, the Electricity Administration approved linking 8,941 buildings to the electricity grid.

485. **Public Transportation.** On July 19, 2007, the Ministry of Transport and Road Safety published a tender for the operation of 10 lines of public bus transportation to serve more than 60,000 residents in the region of the Bedouin town Rahat. The tender was published in the framework of the Ministry's plan to expand public transportation services in Bedouin towns to equalize them with those in Jewish towns, as Bedouin towns currently lack an organized system of public transportation.

According to the tender, 4 city lines will operate in Rahat, and another 4 inter-city lines will connect Rahat with the city of Beer-Sheva and the new train station recently opened in Lehavim-Rahat. Another 2 lines will connect the towns of Hura and Laqiya with the Bedouin market in Rahat. The plans for the new lines were carried out following surveys conducted that determined the needs of local residents. Local residents also participated in special workshops on the issue.

The winning company will be obliged to sell reduced tickets to youths, the elderly and other eligible persons such as students. The company will also be obliged to issue a monthly ticket allowing unlimited travel on all bus lines in the Beer-Sheva metropolis. In addition, the winning company will be obliged to use new buses, and keep high standards of service. The tender was completed, and is currently awaiting a final decision concerning the winning company.

486. **Social Services.** In May 2004, the Center for the Welfare of the Bedouin Family was established in Beer Sheva by the Ministry of Social Affairs and Social Services. The Center has two main goals:

486.1 To provide assistance to the Bedouin community in matters related to conflict and tension resolution in the family, as well as to provide therapeutic interventions.

486.2 A center for the prevention of, and education on, domestic violence.

The center is financed and supervised by the Ministry of Social Affairs and Social Services and is operated by the Bedouin association of "Elwaha" which is manned by specialized social workers.

The center provides many uniquely adapted services. For example assistance is given in locating Bedouin families willing to take in female Bedouin victims of violence, allowing those women to remain within the Bedouin community whilst protecting them from further violence. These women stay in the foster family are financed by the Ministry of Social Affairs and Social Services. Following its establishment, the center has become an integral

part of the community, and an essential tool at the disposal of the courts which may refer battering men to be treated in the center.

487. Social Services operate in the Bedouin towns, as well as in illegal Bedouin villages. There are around 30 monthly appeals to Social Services from Bedouin women. Each receives individual care. There are also several Bedouin couples undergoing couple therapy. Note that the operation of the abovementioned center has improved the treatment of domestic violence in the Bedouin population, enabling matter-of-fact, focused and efficient care to be provided, free from community and family pressures.

488. In 2008, the Service for Girls and Young Women handles about 380 young Bedouin women annually, 300 in the south and 80 in the north providing both individual and group treatment.

#### *Planning – the Bedouin population in the north*

489. Updated plans for all Bedouin localities in the north, are either already available or in process of planning (by the Ministry of the Interior or by local and governmental authorities).

490. Furthermore, the Department of Planning in the Ministry of the Interior promotes detailed plans to the unification and distribution of the Bedouin towns in the north – the first step includes six localities and is allocated a budget of 4 million NIS (\$1,052,631).

#### *Supply-side and demand-side policies*

491. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### *Housing assistance, including mortgage, rent supplements, temporary relief in acute housing crisis and special assistance to homeless*

492. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **The legal framework of housing assistance**

493. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

## **Article 12**

### **The right to the highest attainable standard of health**

494. The Right to a Dignified Death. On December 6, 2005, the Knesset enacted the *Terminally Ill Patient Law*, which provides an answer to the medical-ethical dilemma present in the treatment of terminally-ill patients. The Law is based on the recommendations of a public committee appointed by the Minister of Health in 2000. The Committee consisted of 59 members representing different related areas relevant to the issue, such as: medicine, nursing, social work, religion, philosophy, law and ethics. The Law is based on the values of the State of Israel as a Jewish and democratic State, and attempts to create a balance between the values of sanctity of life, quality of life and respect for a person's autonomous will.

495. The Law presumes that every person has the will to carry on living, unless it is proven otherwise. Furthermore, in case of any doubt, the will to live shall be preferred (section 4a). One shall not avoid granting medical treatment to a terminally ill patient



unless it is clear, according to specific conditions, that the patient has no will to continue living (section 4b). If the terminally ill patient has “capacity”, meaning that he is more than 17 years old, can express his/her will, was not declared incapacitated, or excluded from this status due to a documented and justified medical decision, then any decision concerning his/her medical treatment shall be subject to his/her implicit will. If the terminally ill patient does not have “capacity”, any decision concerning his/her medical treatment shall follow his/her preliminary instructions, the instructions of an empowered person or a decision of an “institutional committee” as defined below. If there are no such instructions or decisions, a decision whether to avoid granting medical treatment to the terminally ill patient will be made by the responsible physician, having had consideration of an implicit testimony from the patient’s relative, and in the absence of such relative, considering the position of the patient’s guardian (section 4b (1) and (2)).

496. The Law states that a terminally ill patient’s will to not have his/her life extended shall be respected, and that providing him with medical treatment is to be avoided (section 8). Nevertheless, it shall be clarified that the Law does not allow committing an act, including a medical act, which is intentionally directed to cause the terminally ill patient’s death, or which will certainly result in death, even if committed from means of grace and compassion (section 12). In addition, assisting the patient to commit suicide or stopping a consecutive medical treatment are both prohibited (sections 13 and 14a accordingly). However, it is permitted to avoid the innovation of a consecutive medical treatment which has been terminated only due to medical reasons, or the innovation of a cyclic medical treatment (section 14b).

497. The Terminally Ill Patient Law contains different provisions constituting the manner and procedure in which a person can express, in advance, his/her will concerning his/her medical treatment in the event that he becomes terminally ill. In addition, the Law states that every medical institution will appoint, in consultation with a state committee, institutional committees which are to determine in cases of conflict or if there is any doubt as to how to treat the terminally ill patient. These committees will consist of four physicians, a nurse, a social worker or a clinical psychologist, an academic specializing in philosophy or ethics, a jurist qualified to be appointed as a district judge and a public representative or religious personality.

498. In 2007, the national expenditure on health was 7.9% of the GDP, similar to the national expenditure in 2006. 36% of the national expenditure was financed by households, and 37% by Government budget.

499. In a survey conducted by the Ministry of Health during 2003-2004, the following results were received (the rates are per 100 residents): 53.1% of Israeli women and 57.3% of Israeli men assessed their general health, including their physical and mental health as very good or excellent. In the Jewish population, 55.2 % of the women and 59.1% of the men assessed their health as very good or excellent, compared to 53% of the women and 54.9% of the men in the Arab population.

500. Regarding smoking, 18.6% of the women, and 36.1% of the men reported that they smoked cigarettes, at least once a day. Among the Jewish population 19.8% of the women and 32.1% of the men reported that they smoke, compared to 4.6% of the women and 55.2% of the men in the Arab population. Regarding their Body Mass Index (BMI), 13.9% of the men and 15.7% of the women reported of BMI of 30 or more, based on self reported weight and height.

### **Quality measures program**

501. *The National Health Insurance Law* provides for the creation of research and evaluation organizations (the Health Council, the Israel Institute for Health Policy and

Health Services Research), in order to oversee and assess the effect of the Law on the quality, effectiveness and cost of health services in Israel. Within this context, it became necessary to create a system of indicators for community health care in Israel, which would enable ongoing evaluation of the level of treatment relative to national and international indicators.

502. The Quality Indicators of Community Health Care Program was initiated by researchers at Ben-Gurion University of the Negev, in conjunction with the four Israeli health funds (HMOs), and with the support of the Israel Medical Association and the sponsorship of the Israel Institute for Health Policy and Health Services Research. In March 2004, the Ministry of Health declared this activity to be a national program, and it is led by a steering committee made up of all the participating organizations.

503. The main objectives of the National Program are to improve the quality of community health care in Israel by ongoing measurement of performance, and to provide information to the public and to policymakers regarding the quality of health services in Israel. The program allows routine and dynamic quality assessment of the preventive, diagnostic, therapeutic and rehabilitative services supplied by the health funds.

504. To date, 69 indicators have been developed in six main medical fields and are regularly measured throughout the Israeli population. This ongoing scientific infrastructure assists in national prioritizing during policy making and induces quality improvement. The information is also available and open to the general public, inviting them to assess the quality of services in Israel and consume them in an informed and responsible way.

505. The annual National Quality Indicators for Community Health Care Report was first published in 2004. The current report (2008) presents data for 2005-2007. The data presented in the 2008 report relates to six fields of community health care – flu vaccination, screening for detection of colorectal cancer and mammography for detection of breast cancer, asthma treatment, treatment of diabetes, treatment of children and cardiology treatment. According to the Report, continued improvement has been recorded in most of the indicators examined. National performance was rated as high for most indicators, also when compared to international standards. The annual reports are available on the NIHP website: <http://www.israelhpr.org.il>.

### Health indicators of the World Health Organization

#### *Infant Mortality*

506. The trend in infant mortality rate, per 1,000 live births, has been as follows:

Table 33  
**Infant mortality, 2004–2007**

Year	Total population		Jews		Muslims		Christians		Druze	
	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates	Absolute numbers	Rates
2004	670	4.6	315	3.1	319	8.8	8	3.3	11	4.3
2005	628	4.4	313	3.1	277	8.1	8	3.2	15	5.9
2006	594	4	312	3	252	7.3	4	-	13	5
2007	586	3.9	309	2.9	250	7.2	7	2.8	15	6

Source: The Ministry of Health and the Israel Central Bureau of Statistics, Abstract of Israel, 2008.

507. Recent statistics indicate continuance decrease in infant mortality rates, from 4.6 deaths per 1000 live births in 2004, to 3.9 in 2007. Among Jewish and Christian newborns, the infant mortality rate fell even furthermore to 2.9 and 2.8 deaths for every 1,000 live births, respectively. A large part of the decrease in infant mortality rates is due to the decrease in mortality caused by infectious diseases, decrease in prenatal mortality and pneumonia. Death from congenital disorders is also showing a downward trend.

508. Among the Muslim population, despite the continuing decrease, the child mortality rate is still relatively high and stands at a rate of 7.2 deaths per every 1,000 live births. The gap between the communities stems from a number of factors, among them the high rate of consanguineous marriage – approximately 35% in the Arab population and approximately 60% in the Bedouin population, religious prohibition against abortion even in medically recommended cases, as well as socio economic differences.

#### *Immunization rates*

509. Following are data concerning immunization rates:

Table 34

#### **Immunization: percentage of children immunized by the age of two years, 2005**

<i>Vaccine</i>	<i>Diphtheria Tetanus Pertussis DTP 4</i>	<i>Poliomyelitus Vaccine IPV 3</i>	<i>Poliomyelitus Vaccine OPV 3</i>	<i>Measles Mumps Rubella MMR 1</i>	<i>Hepatitis A Vaccine HAV 1</i>	<i>Hepatitis B Vaccine HBV 3</i>	<i>Haemophilias Influenza type B HIB 4</i>
<b>Total</b>	<b>93</b>	<b>95</b>	<b>93</b>	<b>94</b>	<b>90</b>	<b>96</b>	<b>93</b>
Jewish	91	94	91	93	88	96	91
Other religions	98	97	97	98	96	96	98

*Source:* The Ministry of Health, 2008.

#### *Life expectancy*

510. In 2007, life expectancy for Israeli women was 82.5 years, and for Israeli men – 78.8 years. Elderly people (65+) comprise 9.8% of the population as of 2006 (only 3.3% among the Arab population). In 2006, persons over 65 made up 11.2% of the female population, compared to 8.5% of the male population.

Table 35

#### **Life expectancy by gender and population group, 2001–2007**

<i>Year</i>	<i>Males</i>			<i>Females</i>		
	<i>Jews</i>	<i>Arabs</i>	<i>Total</i>	<i>Jews</i>	<i>Arabs</i>	<i>Total</i>
2001	77.9	74.5	<b>77.3</b>	81.6	77.8	<b>81.2</b>
2002	78.1	74.7	<b>77.5</b>	81.9	77.9	<b>81.5</b>
2003	78.3	74.9	<b>77.6</b>	82.2	78.2	<b>81.8</b>
2004	78.7	75.4	<b>78.0</b>	82.7	79.6	<b>82.4</b>
2005	79.0	74.9	<b>78.2</b>	82.6	78.6	<b>82.2</b>
2006	79.3	74.6	<b>78.5</b>	82.6	78.1	<b>82.2</b>
2007	79.5	75.3	<b>78.8</b>	82.9	78.8	<b>82.5</b>

*Source:* The Ministry of Health, 2008.

511. The following table reveals the main causes for death between the years 1998–2005:

Table 36

**Mortality rates, by cause (total population)**

Cause of death	Number in mortality list 2 of ICD-10					
		1998–2000	2001	2003	2001–2004	2005
Other diseases	47+72	62	56	62	59	59
Other ischemic heart diseases (other than acute myocardial infarction)	53(1)	69	55	52	51	47
Diabetes mellitus	46	38	39	42	39	35
Cerebrovascular diseases	55	41	44	37	40	38
Other heart diseases	54	39	38	34	36	34
Acute myocardial infarction	52(2)	31	29	28	27	23
Reminder of malignant neoplasms	44	25	21	25	22	21
Malignant neoplasms of trachea, bronchus and lung	32	20	21	21	21	20
Kidney diseases	65	16	23	20	23	25
Malignant neoplasms of colon and anus	28	20	21	19	19	19
Chronic lower respiratory infections	61	19	18	17	17	17

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2007.

Note: In 2005 the rate of signs, symptoms and ill-defined causes was 31 (Per 100,000 residents). Rates per 100,000 residents.

By ICD-10 (International statistical classification of diseases and related health problems 10th edition).

**Access to trained personnel**

512. Medical clinics for the treatment of common diseases and injuries exist in each locality consisting of more than 100-150 residents. In addition, as prescribed by the *National Health Insurance Law* detailed in Israel's previous reports, every Israeli resident is entitled to health insurance, including extensive medical treatment and medicine provision.

513. Health care is also accessible to foreign workers, who are entitled to medical insurance, as detailed under Article 6 above. Moreover, children of illegal *migrant* workers, are also entitled to medical insurance provided by Israeli Health Funds.

514. In 2006, the number of physicians in Israel was 25,138 (37 per 10,000 residents) and the numbers of nurses and midwives was 42,609 (62 per 10,000 *residents*), constituting a ratio of 1.7 nurses and midwives to physicians. Moreover, the number of pharmaceutical personnel was 4,958 (7 per 10,000 residents), and the number of dentists was 7,726 (11 per 10,000 residents). The rate of hospital beds in 2006 was 60 per 10,000 residents.

515. Mention should be made to a study initiated by the Ministry of Health, which indicated lessened access to medical personnel in peripheral areas in the northern and southern parts of the country. Other than the general shortage in medical personnel, one of the major hindrances is the great difficulty in recruiting medical personnel to reside and

serve in these remote areas of the country. The Ministry of Health devotes significant efforts, including financial incentives, and assistance in housing and spousal employment opportunities, towards encouraging medical personnel to relocate to these areas, yet thus far the problem still remains.

516. Ninety-nine per cent of childbirths take place in hospitals, under trained personnel supervision. In December 2005, the *Population Registry Law 5725-1965*, was amended for the regulation of births occurring outside of a medical institution. Women who give birth at home or on the way to the hospital are entitled to comprehensive post-natal care in the hospital for themselves and their infants.

517. The maternal mortality rate has remained low. In 2006, there were only 9 cases of maternal mortality.

### **Environmental control**

518. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Preventive care**

519. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Water Supply**

#### *Water supply to the Bedouin illegal villages*

520. As detailed above in this report, most of the Bedouins in the Negev live in urban and suburban centers, all of which have approved plans and provide all necessary infrastructures including running water supply. The remaining Bedouin population reside in illegal villages, these illegal villages cause difficulties in terms of supplying the residents with the necessary services, especially water.

521. While the Government does not question its duty to supply its inhabitants with services such as water, it is practically impossible to supply it to sporadic destinations disregarding the national construction and planning programs. Nevertheless, in anticipation of the completion of the establishment of additional permanent Bedouin towns and the regulation of water supply systems, the Ministerial Committee for the Arab Population has decided to build "Water Centers". Following that decision, instructions have been given concerning the planning of water supply systems to several centers in the Negev called "Water Centers". The Water Centers are a result of the Government's understanding of the needs and current realities of the Bedouin population and its efforts to improve their living conditions. The planning of the centers take into account an amount of water suitable for the magnitude of population expected in 2020. These systems will enable to supply water to a significantly larger portion of the Bedouin population, than the portion receiving water supply today through individual connections. There are currently 5 Water Centers, which are located in the most populated areas of the Bedouin Diaspora, compatible to Government's plans for the establishment of permanent towns.

522. An additional method used, is through direct water connections to the main water pipeline, granted to a minimum of 10 families. Due to the problematic nature of these connections, which require the transfer of the water to illegal villages, this method is less frequently used than previously. The connection to such pipelines is approved by the Water Committee, which evaluates requests for connections to pipelines, as well as negotiates in cases of disputes between residents of the Diaspora over ownerships of such connections. Between 2001 and 2006, the Water Committee convened 16 times and examined 306

requests to be connected to pipelines and for settlement of disputes. It should be explained, that rejection of requests for connections is mostly due to technical grounds which prevent the possibility to make such connections (such as topographic difficulties, etc.). Also, according to “Mekorot” — the Israel National Water Corporation — numerous pirate connections to pipelines are present without the authorization of the water committee.

### **Vulnerable groups**

523. As detailed in Israel’s previous periodic report, the *National Health Insurance Law*, has had an apparent positive effect on the provision of health care to vulnerable groups in the Israeli.

524. The required co-payments, detailed in Israel’s previous periodic report, are limited by Law. The maximal rates were recently updated. Moreover, in order to avoid harming the most vulnerable groups, the co-payment requirement is subject to further limitations, including exemption and reduction for specific vulnerable groups, such as people with disabilities, elderly persons with low socio-economic status and persons with certain chronic diseases. However, the co-payment requirements are under constant critique.

525. In a position paper published in July 2008, by ‘ADVA Centre’ and ‘Physicians for Human Rights – Israel’ titled “Co-Payments for Health Services: Agreeing but not Doing”, the two NGOs claim that co-payments for prescription medications and medical examinations expand the inequality regarding accessibility to health services. The NGOs recommend the cancellation of participation payments for prescription medications and medical services, and offer alternative ways to expand the financial sources as an alternative to the cancellation of the abovementioned payments.

526. According to another position paper published by ‘Physicians for Human Right – Israel’, in May 2008, titled “Inequality in distribution of special medical instruments throughout Israel”, the peripheral areas are discriminated against when compared to the centre of Israel. The Paper further states that the Ministry of Health deviates from the regulation regarding distribution of special medical instruments and does not enforce its own regulation by allowing the positioning of additional medical instruments in Tel-Aviv.

### **Health care in the Arab population**

527. In 2005, a report regarding the health condition of the Arab population in Israel was published by the I.C.D.C. – Israeli Center for Disease Control. The report demonstrates positive changes of the health conditions of the Arab population. According to the report, infant death rate decreased, as did the death rate due to heart and vascular diseases. The rate of the population’s vaccination coverage had increased and so did the use of mammography for early detection of breast cancer.

528. According to the report, there is a noticeable improvement in the level of health-care services and accessibility to these services among the Arab population. As of 2005, at least one primary medical clinic and at least one family health-care station provide services in each Arab locality.

529. The report reveals an increase in illnesses such as diabetes and obesity, especially among older Arab women. An additional increase is found in the numbers of malignant Neoplasms (note that except lung cancer, the rates of malignant Neoplasms among the Arab population is lower than that of the Jewish population).

*The Bedouin population in the south*

530. As noted above, all existing Bedouin towns have approved plans and include infrastructure such as medical clinics, running water, electricity, etc. The cost of a visit to the clinic is identical throughout the country. That is, a visit will generally be free.

531. The General Health Services Department operates a special health service for the Bedouin population that includes an ambulance service for Bedouins, run by a Bedouin employee. This ambulance ensures constant access between the hospital and the community. This enables a talented professional staff to evaluate the living conditions of patients prior to their release from hospitalization. Additionally, the ambulance transports patients to the hospital and back when they are in need of emergency care.

532. In addition to eighteen Mother and Child Health Clinics located in Bedouin towns, and a mobile family care unit, six new Mother and Child Health Clinics (Tipat Halav), have recently been constructed in the illegal villages. These Mother and Child Health Clinics are equipped like every other Mother and Child Health Clinic in the country.

533. Furthermore, in addition to the thirty-two Health Fund medical clinics already existing in the Bedouin towns, 9 Health Fund medical clinics have been built to provide for the medical needs of Bedouins living in illegal villages. The clinics are all computerized, air conditioned, and they are fully equipped according to the standards upheld by all the Health Funds in the country.

534. There have been other major improvements in the past decade. Improved immunization coverage of Bedouin infants in the Negev, for example, resulted in a significant decrease in vaccine-preventable infectious diseases. Recent 2006 figures indicate that 90%-95% of the Bedouin children have completed all necessary vaccinations by age three – a sizeable improvement compared to a rate of 27% in 1981. Two mobile immunization teams managed by the Ministry of Health also provide home immunizations to infants in Bedouin families living outside of permanent towns, whose families do not bring them to one of the Mother and Child Health Clinics for treatment. A computerized tracking system allows the Ministry of Health to identify infants who are overdue on their immunization schedule and to send one of the mobile immunization teams to immunize them.

535. There has also been an important improvement in the growth of Bedouin infants and toddlers over the past two decades, indicating improved nutrition. Moreover, there has been increased compliance with recommendations for supplemental folic acid among Bedouin women in their fertile years, and a decrease in the incidence of open neural tube defects (NTDs) among Bedouin fetuses and infants. Unfortunately there are still high rates of congenital malformations and inherited diseases among Bedouin infants, due to multiple factors including the tradition of consanguineous marriage, as well as cultural-religious-social barriers to pre-marital and pre-natal screening for inherited diseases.

536. The infant mortality rate of Bedouin infants in 2005 was 15:1000, representing a decline from the rate in 2004. It should be noted that the infant mortality rate among Bedouin infants living in illegal villages was essentially lower than that among Bedouin infants living in permanent towns. The Government is continuing to open Maternal and Child Health clinics in illegal villages and new MCH centers are being built to serve the population.

537. Furthermore, the Government has been funding several special projects to improve the health and expand the health-care services provided to Bedouins living in illegal villages. One of these programs is a special long-term intervention program to decrease infant mortality among the Bedouins. The program is community-based and boasts a wide-consortium of participants, including representatives from the Bedouin community

leadership and the educational system, along with providers of curative and preventative health-care services, the Department of Health in the Community and the Department of Epidemiology of the Faculty of Health Sciences of Ben-Gurion University of the Negev.

538. Free genetic testing and counseling is also funded by the Government, for any member of a tribe in which the prevalence of a serious inherited disease, for which a genetic test is available, is above 1:1000.

539. The Government also participates in an intervention program to decrease the rate of home accidents among Bedouin children, and has funded the building of additional MCH clinics for Bedouins currently living in illegal villages (additional clinics are being built by the main HMO serving the Bedouins).

540. There has been a decline in the incidence of infectious disease among Bedouin infants over the past decades. Bedouin infants and children have lower rates of pertussis, tuberculosis and HIV infection. Furthermore, due to high immunization coverage among Bedouin infants, indicating good access and utilization of preventive health-care services, there have been no cases of the measles since 1994 and no cases of poliomyelitis, diphtheria, congenital rubella, neonatal tetanus or tetanus in Bedouin children of the Negev since 1990. During the period of 2000–2003, no cases of the mumps were reported. Only one or two cases of Homophiles influenza invasive disease between 2000 and 2002, and none were reported in 2003. There is, however, generally a higher rate of infectious disease among Bedouin infants than among Jewish infants of the same age.

541. Specialty physician services are being provided to the Bedouin community in the Negev, including: Pediatrics, General Internal Medicine, Neurology, Family Medicine, Dermatology, Gynecology and Obstetrics, Ear, Nose and Throat, Ophthalmology, Orthopedics, Gastroenterology, Cardiology, Surgery and Trauma, Pediatric Surgery and Pediatric Pulmonary Medicine. In addition, every resident has equal access to all the specialty clinics at the Soroka University Medical Center.

542. The Government, as well as the main HMO serving the Bedouin population, undertake major efforts to train and recruit Bedouin physicians and nurses. The Government provided all the funding required for three classes of Bedouin students to complete their training as registered nurses, including funding their transportation to the nursing school, a meal allowance during their studies, and special remedial lessons to assist those who needed it. The Government has similarly provided special funding to hire Arab physicians and nurses.

543. Students participating in the third course are committed to serving their first three years of practice after graduation wherever the Ministry of Health decides their services are needed. This will guarantee that the trained nurses serve the target population, the Bedouins. In addition, the first female Bedouin physician in Israel, has completed her degree. She was part of the special “Cultivating Medicine in the Desert” program aimed at incorporating more Bedouins into the health sector. Currently, six Bedouin women are studying medicine; 35 Bedouin women have completed degrees in various health professions; and 45 additional women are studying health sciences.

544. In July 2008, Physicians for Human Rights-Israel — published a report titled: “Ana Huna (I am here) — Gender and Health in the Unrecognized Villages of the Negev”. The report is critical of the healthcare services granted to Bedouin women in the Negev, as well as the problems on providing of infrastructure and public transportation, making it difficult for Bedouin women to reach distant healthcare centers in cases where the villages have no clinic or have one that lacks full services. The report also stipulates that the communication between the medical staff and some of the women is problematic due to language barriers. However, as detailed above, significant improvements have been made in the past years



regarding the provision of health care for Bedouin women, and the Bedouin population as a whole.

### **Community participation**

545. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

## **Article 13**

### **The right to education**

#### **The legal framework**

546. In 2007, The *Compulsory Education Law 5709-1949*, was amended in order to broaden its scope and apply compulsory education to youth between the ages of 15 and 17 (inclusive) – attending the 11<sup>th</sup>–12<sup>th</sup> grades. Prior to the amendment, education for the 11<sup>th</sup>–12<sup>th</sup> grades was free, yet not compulsory. In the aim of protecting the youth in this vulnerable stage from negative influences, and to prepare them and provide better tools for their successful integration as productive adults in the future, the Government decided to provide an obligatory educational framework rather than an optional one. Another desired effect of the Law, is a decrease in drop-out and removal of pupils rates, by compelling the provision of solutions within the education system to all pupils in this age group. The Law is to be fully implemented until 2009 to pupils attending the 11<sup>th</sup> grade, and until 2010 to those attending the 12<sup>th</sup> grade.

547. Due to budgetary constraints, the gradual implementation of the *Long School Day and Enrichment Studies Law 5757-1997* (the "*Long School Day and Enrichment Studies Law*"), detailed in Israel's previous report, is to be completed until 2014.

548. *The Daily Meal for the Pupil Law 5765-2005* (the "*Daily Meal for the Pupil Law*"). On January 6, 2005, the Knesset enacted the *Daily Meal for the Pupil Law* with the goal of creating a nutrition service to provide warm meals to pupils in primary schools where the long school day is applied, according to the *Long School Day and Enrichment Studies Law* detailed in Israel's previous report. On April 28, 2008 the Law was amended to include children attending Pre-School where the long school day is applied. According to the amendment, the Law also applies to other Pre-School frameworks where 41 hours of education per week are provided. In these frameworks a warm meal will be provided to pupils on days they attend pre-school for at least 8 hours.

Section 3 to the Law stipulates that each pupil will receive one warm meal per day, according to a well-balanced and varied menu which will be determined by the Ministry of Health, and will take into consideration the age and needs of the pupils.

The Law is to be gradually implemented. The Minister of Education, in conjunction with the Minister of Finance, will determine the population of pupils regarding which the Law will be implemented each year.

The nutrition service is co-funded by the Ministry of Education and the local municipalities. The Law permits the local municipality to collect participation payments from parents, yet the Law requires the Minister of Education's consent to do so. The parental participation payment will be determined by the Minister, according to socio-economic standards and in the framework of payments stipulated in the *Compulsory Education Law*.

549. *The Free Education for Sick Children Law 5761-2001*. This Law is aimed at advancing equal opportunity in education for sick children and providing a suitable

educational framework for children in hospitals or at home due to long term illness. The purpose of the Law is to preserve the normative lifestyle of these children. The educational framework for children in hospitals or at home aim, is to identify the special educational needs of the sick child and to enable, subject to the learning capacities and medical condition of the child, the promotion of his/her development. According to the Law, the Minister of Education will introduce a special educational program for sick children to be implemented in their own homes or in hospitals with the consent of the parents. Section 7 to the Law stipulates that the implementation of the Law will be gradual, commencing in 2006.

550. **Removal of pupils from the educational system.** In 2004, the Minister of Education published Regulations regarding the removal of pupils from the educational system (*Compulsory Education (Rules for the Permanent Removal of a Pupil Due to School Achievement) Regulations 5765-2004*).

551. These Regulations include a prohibition on removing a pupil in the 1<sup>st</sup>–6<sup>th</sup> grades from school due to lack of achievement in studies. Regarding pupils in the 7<sup>th</sup>–12<sup>th</sup> grades, removal from school shall not be made on the basis of lack of achievement unless the pupil fails at least 70% of the mandatory subjects for that school year, and if the failure did not occur due to illness, death of a family member, separation or divorce of the pupils parents or other exceptional event which, according to the educational personnel, led to the failure.

The principal of the school from which the pupil is removed, and the Head of the Local Council's Education Department, will make an effort to find an alternative educational system best fit for the pupil upon removal. This shall be done in accordance with the *Pupils Rights (Publishing Orders and Pupil Removal) Regulations 5762-2002* (the "*Pupils Rights (Publishing Orders and Pupil Removal) Regulations*").

552. *The Pupils Rights (Publishing Orders and Pupil Removal) Regulations*, establish rules regarding the removal of pupils from school. Among them is the necessity of performing a hearing before finalizing the removal decision. The pupil or his/her parents can file an appeal with the Head of the Ministry of Education's District, according to section 6(a), and a hearing should be held within 14 days according to the provisions of section 6(b) before a hearings panel. The pupil and his/her parents may state their claims in person or by an appointed representative.

### **The constitutional status of the right to education**

553. The Tel-Aviv District Court, while residing as an Administrative Court, ordered the Municipality of Holon to fully subsidize the cost of school books and school transportation for the child of a mentally ill mother, deeply in debt, and whose father passed away. The municipality did not contest the unfortunate financial status of the mother, but rather its inability to fully subsidize the child's needs due to the existing obligations of its municipal welfare department. Although the Court found no deviation from the law or procedures relevant to the issue at hand, it declared that it is within its power to issue a remedy in the interest of justice because of the importance of the principle of free education. Thus, the fact that a remedy was not stipulated anywhere in statutes did not prevent the Court from fashioning an adequate judicial remedy. The Court determined that the right to education is essential to every child in order to fully realize their skills and abilities and emphasized that financial difficulties of the parent should not preclude the child from receiving an education (Ad. A. (Tel-Aviv) 2402/05 *Anonymous v The Ministry of Education et. al.* (13.06.2006)).

### **Structure of the education system**

554. As of 2004, the budget system has been set on a differential basis (based on the "Shoshani Report"). According to this new method, each school will receive a budget per

pupil, in accordance with the number of pupils in the school and their socio-economical background. For a pupil with a greater educational gap, a budget consisting of a greater number of hours will be granted. The new differential budget system significantly increases the budget granted to populations of a lower economical background, including pupils from the Arab, Druze, and Bedouin populations.

555. **Bilingual Education.** In its concluding observations concerning Israel's previous periodic report, the committee encouraged the development of the system of mixed schools for Jewish and Arab pupils, in order to promote understanding, tolerance and friendship among the citizens of the country. A prominent example for bilingual education can be found in the village "Neve Shalom – Wahat al-Salam". "Neve Shalom – Wahat al-Salam", situated equidistant from Jerusalem and Tel-Aviv-Jaffa, was founded in the early 1970's. By 2007 more than 50 families had come to live in the village, with an equal number of Jewish and Arab families. Eventually, the village will include 140 homes.

556. The Bilingual educational system developed and implemented in "Neve Shalom – Wahat al-Salam" is one of the many expressions of coexistence in their community, as well as other communities in the area. The bilingual educational system, extending from nursery to junior high-school levels, enrolls some 200 children, 90% of which come from surrounding Arab and Jewish communities. Similar bilingual and intercultural educational frameworks operate in Jerusalem, Misgav and Kfar Kara.

557. Note that parents are entitled to enrol their children to an educational institution (kindergarten or school) of their choice within their local municipality, whether the spoken language is Hebrew, Arabic or a bilingual institution, whereas the only limitation is that preference in enrolment is given to children who reside in proximity to the educational institution.

558. Needless to mention that there is a great variety of programs in Israel dedicated to the promotion of coexistence and cooperation among Israel's Jewish and Arab populations, either through education, cultural initiatives or Inter-Municipal Collaboration for the welfare of the different communities, as elaborated throughout this report.

### **Statistical data**

559. In 2006/7, the total number of children enrolled in the education system under the supervision of the Ministry of Education reached nearly 1,900,000 – from the pre-primary level to the end of secondary school, of which 1,381,101 were Jewish and 465,016 were Arabs.

560. The total national expenditure on education in 2007, amounted to 56.2 billion NIS (\$14.7 billion), comprising 8.5% of the Gross Domestic Product. The total national expenditure on education (in constant prices) in 2007 increased by 5% following a 2% increase in 2006 and 2005 each.

### **Literacy**

561. In similarity to Israel's previous report, the number of persons with only four years or less of formal education has continued to decline, and there has been an improvement in the situation across the board. Among the Arab population, the number of persons without any formal education decreased from 7.0% in 2002 to 6.1% in 2006, while among the Jewish population, the numbers fell from 2.5% to 2.1% respectively. The number of persons with 1–4 years of formal education also decreased from 4% among the Arab population in 2002, to 3.9% in 2006, and among the Jewish population – from 1.2% in 2002 to 1% in 2006.

562. The following tables introduce the figures pertaining to the extent of formal education possessed by the adult population of Israel throughout the years 2002–2006. It divides the population by population group, gender and age. According to this data, in 2006, 1.5% of the total Israeli population had only 1–4 years of formal primary education, while 2.8% had no formal education:

Table 37

**Persons aged 15 and over, by population group, years of schooling, age and gender, 2007**

Year	Years of schooling								Total	
	Median	16+	13–15	11–12	9–10	5–8	1–4	0	%	Thousands
<i>Total population</i>										
2002	12.4	17.2	21.3	35.6	11.6	9.4	1.6	3.2	100	4 706.2
2004	12.5	18.4	21.9	35.3	11.2	8.6	1.6	2.9	100	4 876
2006	12.5	19.8	22	34.9	10.9	8.2	1.5	2.8	100	5 053.1
<b>2007 – total</b>										
- thousands		1 035	1 143.4	1 792.7	535.4	403.5	62.1	129.8		5 142.4
- percentages	12.6	20.3	22.4	35.1	10.5	7.9	1.2	2.5	100	
<i>Age</i>										
15–17	11.1	-	0.3	52.4	44.1	2.8	-	0.3	100	350.6
18–24	12.4	4.3	26.9	60.9	4.7	2.4	0.3	0.5	100	801.2
25–34	13.6	28.6	28.3	31.2	6.7	3.9	0.3	0.9	100	1 077.1
35–44	13.2	28.9	22.7	33.3	7.8	5.5	0.5	1.3	100	852.5
45–54	12.9	25.6	23.1	29.7	9.8	8.6	1.1	2	100	753.8
55–64	12.8	25.5	21.9	24.6	9.8	13.1	1.8	3.3	100	601.4
65+	11.4	15.2	18.6	20	10.7	20.7	4.7	10.1	100	705.8
<b>Men – total</b>	<b>12.5</b>	<b>20.3</b>	<b>21.4</b>	<b>36.5</b>	<b>11.4</b>	<b>7.9</b>	<b>1.1</b>	<b>1.4</b>	<b>100</b>	<b>2 504.3</b>
15–17	11.1	-	-	51.5	44.2	3.6	-	-	100	179.4
18–24	12.3	3.8	22.2	64	6.4	3.1	0.3	-	100	408.4
25–34	13.5	25.7	29.6	31.6	7.9	4.3	0.3	0.6	100	541.8
35–44	13.1	28.3	22.1	33.9	8.8	5.5	0.5	0.9	100	422.3
45–54	12.9	26.1	21.8	30.8	10.7	8.5	0.9	1.1	100	363.8
55–64	12.9	27.3	20.9	24.6	10.4	13.5	1.3	1.9	100	287.2
65+	11.8	19.9	17.1	20.9	10	21.4	4.7	6.1	100	301.5
<b>Women – total</b>	<b>12.6</b>	<b>20.3</b>	<b>23.3</b>	<b>33.8</b>	<b>9.7</b>	<b>7.9</b>	<b>1.4</b>	<b>3.6</b>	<b>100</b>	<b>2 638.1</b>
15–17	11.1	-	-	53.2	43.9	2	-	-	100	171.2
18–24	12.5	4.8	31.7	57.7	3	1.8	-	0.8	100	392.8
25–34	13.9	31.6	26.9	30.9	5.5	3.6	0.3	1.1	100	535.3
35–44	13.4	29.5	23.4	32.7	6.7	5.4	0.5	1.7	100	430.2
45–54	13	25.1	24.2	28.7	9	8.7	1.4	2.9	100	390
55–64	12.7	23.8	22.9	24.5	9.3	12.7	2.2	4.6	100	314.3
65+	11.1	11.7	19.7	19.3	11.2	20.2	4.8	13.1	100	404.3

Year	Years of schooling								Total	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	%	Thousands
<i>Jews</i>										
2002	12.6	19	23	36.8	10	7.4	1.2	2.5	100	3 848.8
2004	12.7	20.4	23.8	36	9.6	6.7	1.1	2.3	100	3 975.8
2006	12.8	22	24.2	35.5	9.2	6	1	2.1	100	4 104
<b>2007 – total</b>										
- thousands		936.8	1 015.4	1 459.6	366.9	244.2	34.3	75.7		4 168.2
- percentages	12.8	22.7	24.6	35.3	8.9	5.9	0.8	1.8	100	
<i>Age</i>										
15-17	11.1	-	-	53.5	43.8	2.2	-	-	100	255.8
18-24	12.4	3.9	28.2	63.7	2.9	0.9	0.2	0.2	100	614
25-34	14.4	32.5	32.4	29.4	3.7	1.4	0.2	0.4	100	833.6
35-44	14.1	33.5	25.9	33.6	4.5	1.4	0.3	0.8	100	660.8
45-54	13.4	28.3	25.3	31.5	8.8	4.8	0.2	1.2	100	631.2
55-64	13.2	27.8	23.5	26.7	9.9	9.9	0.7	1.5	100	528.2
65+	11.6	15.9	19.4	21	11.2	20.7	3.9	7.9	100	644.6
<b>Men – total</b>	<b>12.8</b>	<b>22.7</b>	<b>23.8</b>	<b>36.5</b>	<b>9.4</b>	<b>5.7</b>	<b>0.7</b>	<b>1.2</b>	<b>100</b>	<b>2 016.9</b>
15-17	11.1	-	-	52.6	43.6	3.3	-	-	100	130.9
18-24	12.3	3.9	23.5	66.7	4.2	1.4	-	-	100	314
25-34	14.2	29.1	34.3	29.5	4.8	1.8	-	0.4	100	418.7
35-44	14	33	25.4	33.6	5.2	1.8	0.3	0.7	100	325.6
45-54	13.3	28.3	24	32.3	9.3	5	-	0.9	100	302.9
55-64	13.3	29.5	22.3	26.7	10.3	9.4	0.6	1.1	100	251.9
65+	12	20.8	17.9	22	10.5	20.1	3.6	5	100	273
<b>Women – total</b>	<b>12.9</b>	<b>22.6</b>	<b>25.3</b>	<b>34.2</b>	<b>8.4</b>	<b>6.1</b>	<b>0.9</b>	<b>2.5</b>	<b>100</b>	<b>2 151.3</b>
15-17	11.2	-	-	54.5	44.1	1.1	-	-	100	124.8
18-24	12.6	3.9	33	60.5	1.6	0.5	-	0.4	100	300
25-34	14.6	36	30.5	29.3	2.5	0.9	0.2	0.4	100	414.9
35-44	14.2	34.1	26.3	33.6	3.8	1.1	-	1	100	335.3
45-54	13.5	28.2	26.4	30.9	8.3	4.6	-	1.4	100	328.3
55-64	13.1	26.2	24.5	26.7	9.5	10.4	0.8	1.9	100	276.3
65+	11.3	12.3	20.5	20.2	11.8	21.1	4.1	10	100	371.7
<i>Arabs</i>										
2002	10.9	7.7	10.7	30.9	19.2	20.6	4	7	100	747.2
2004	11.1	8	10.4	32.9	18.7	19	4.4	6.5	100	783.1
2006	11.1	8.9	10.3	32.7	18.8	19.3	3.9	6.1	100	841.2
<b>2007 – total</b>										
- thousands		78	87.9	303.8	153.3	155	27.4	53.1		863
- percentages	11.3	9.1	10.2	35.4	17.9	18.1	3.2	6.2	100	

Year	Years of schooling								Total	
	Median	16+	13-15	11-12	9-10	5-8	1-4	0	%	Thousands
<i>Age</i>										
15-17	11	-	-	50.2	44	4.2	-	-	<b>100</b>	89.7
18-24	12.1	6.1	22.1	50.9	11	8	-	1.5	<b>100</b>	172.6
25-34	11.8	15.1	11.2	39.1	17.6	13.7	0.8	2.5	<b>100</b>	217.1
35-44	11.2	12	8.3	33.1	20.4	21.6	1.6	3.1	<b>100</b>	168
45-54	9.4	10.1	6.7	20.8	15.6	32.7	6.9	7.3	<b>100</b>	105.1
55-64	6.9	4.9	5.2	9	8.5	42	11.3	19.1	<b>100</b>	61.1
65+	3.5	2.7	3.2	10	3.9	24	16.2	40.4	<b>100</b>	49.4
<b>Men – total</b>	<b>11.3</b>	<b>9.3</b>	<b>9.4</b>	<b>37.4</b>	<b>19.8</b>	<b>18.7</b>	<b>2.7</b>	<b>2.8</b>	<b>100</b>	<b>437.1</b>
<i>Women</i>										
15-17	11	-	-	49.4	45.2	4.4	-	-	<b>100</b>	45.8
18-24	11.9	3.9	17.1	54.7	13.8	9.3	-	-	<b>100</b>	88.4
25-34	11.8	14.3	10.9	40	18.8	13.5	0.9	1.6	<b>100</b>	110.2
35-44	11.3	12.1	7.9	35.3	22.2	19.6	1.4	1.3	<b>100</b>	85.8
45-54	10.5	13.8	7.4	24.1	18.3	29.6	4.5	2.3	<b>100</b>	53.3
55-64	7.8	7.9	7.5	9.8	10	48.5	7.5	8.8	<b>100</b>	30.3
65+	6.3	4.9	3.9	10.8	4.9	38.3	17.7	19.5	<b>100</b>	23.5
<b>Women – total</b>	<b>11.2</b>	<b>8.9</b>	<b>11</b>	<b>33.3</b>	<b>15.9</b>	<b>17.4</b>	<b>3.7</b>	<b>9.7</b>	<b>100</b>	<b>425.9</b>
15-17	11.1	-	-	51.1	42.8	4	-	-	<b>100</b>	43.9
18-24	12.4	8.4	27.4	47	8	6.7	-	2.6	<b>100</b>	84.3
25-34	11.8	16	11.4	38.2	16.3	13.9	-	3.4	<b>100</b>	106.9
35-44	11.1	11.9	8.6	30.7	18.4	23.6	1.8	5	<b>100</b>	82.2
45-54	8.2	6.3	6	17.4	12.8	35.8	9.4	12.4	<b>100</b>	51.8
55-64	5.6	-	2.9	8.2	7	35.6	15	29.2	<b>100</b>	30.9
65+	0.9	-	-	9.3	-	11.2	14.9	58.5	<b>100</b>	26

Source: The Central Bureau of Statistics, Statistical Abstract of Israel, 2007, 2008.

### Attendance rates in the education system

563. The following table reveals the continuing gradual increase in the number of pupils in the Israeli education system:

Table 38  
Pupils in educational institutions, 2004-2008

Year	2004/05	2005/06	2006/07	2007/08
<b>Grand total</b>	<b>2 084 525</b>	<b>2 093 329</b>	<b>2 160 427</b>	<b>2 187 494</b>
Hebrew education				
<b>Grand total</b>	<b>1 648 289</b>	<b>1 641 538</b>	<b>1 691 087</b>	<b>1 708 277</b>
Kindergartens	313 801	315 000	340 114	350 000
Primary education	574 468	584 441	598 029	604 725
Post primary education	472 139	469 387	467 721	462 360

<i>Year</i>		2004/05	2005/06	2006/07	2007/08
	Post secondary institutions	51 195	52 601	51 332	51 000
	Non-universities for higher education**	77 738	82 023	97 923	104 689
	Universities	124 430	123 010	121 234	121 003
	Other institutions	34 518	15 076	14 734	14 500
Arab education	<b>Grand total</b>	<b>436 236</b>	<b>451 791</b>	<b>469 340</b>	<b>479 217</b>
	Kindergartens	89 400	92 000	94 383	95 000
	Primary education	212 638	221 133	231 268	236 885
	Post primary education	132 225	136 804	141 279	144 932
	Post secondary institutions	1 973	1 854	2 410	2 400

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2006, 2007, 2008.

\*\* Incl. students for first degree in academic colleges and in education colleges. As of 2006/07, includes 5,668 students enrolled in continuing studies towards a first degree in education (B.Ed.).

### Higher education

564. In 2006/7, 261,788 students attended higher education institutions (universities, colleges and the Open University). The following table shows the number of students in universities and their aggregation into degree, field of study, gender, age and population group:

Table 39

#### Students in universities, by degree, gender and population group (percentage, unless otherwise stated)

	2004/05	2005/06	2006/07
<b>First degree – total</b>			
Absolute numbers	78 247	76 707	76 155
Percentages	100	100	100
Thereof: women	55.3	55	54.8
<i>Population group</i>			
Jews and others	89.9	89.4	88.8
Thereof: Jews	86.6	86.1	85.5
Arabs	10.1	10.6	11.2
<b>Second degree – total</b>			
Absolute numbers	35 165	34 935	33 817
Percentages	100	100	100
Thereof: women	57.3	56.6	56.3
<i>Population group</i>			
Jews and others	94.5	94.2	93.9
Thereof: Jews	92.6	92.2	91.9
Arabs	5.5	5.8	6.1

	2004/05	2005/06	2006/07
<b>Third degree – total</b>			
Absolute numbers	9 315	9 715	9 972
Percentages	100	100	100
Thereof: women	52.1	52.5	53
<i>Population group</i>			
Jews and others	96.6	96.7	96.5
Thereof: Jews	94.3	94.5	94.3
Arabs	3.4	3.3	3.5

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

### Dropout rates

565. In 2007, 91.4% of adolescents aged 15–17 attended school, 1.4% worked and did not study and 7.2% neither worked nor studied (a decline in comparison to 2006 (7.8%)). 92% of the girls aged 15–17 attended school in comparison to 91% of the boys. Among the Jewish population 5.4% of the youth aged 15–17 neither worked nor studied (5.5% male and 5.4% female), in comparison to 12.5% among the Arab population (12.7% male and 12.1% female).

566. The following table presents data on drop out rates, according to grade, gender and population group:

Table 40

### Pupils in grades 7–12 dropout rates by population group, grade and gender

	<i>Hebrew education</i>				<i>Arab education</i>			
	2003/04– 2004/05	2004/05– 2005/06	2005/06– 2006/07	2006/07– 2007/08	2003/04– 2004/05	2004/05– 2005/06	2005/06– 2006/07	2006/07– 2007/08
<b>Grand total</b>	<b>523 029</b>	<b>521 032</b>	<b>520 189</b>	<b>519 615</b>	<b>140 145</b>	<b>147 912</b>	<b>154 967</b>	<b>160 729</b>
<b>Total</b>	<b>86 145</b>	<b>88 670</b>	<b>86 331</b>	<b>86 924</b>	<b>28 156</b>	<b>30 460</b>	<b>30 298</b>	<b>30 729</b>
Grade 7								
Thereof: % dropped out of educational system	1.6	1.1	0.5	0.8	1.9	1.9	1.3	1.1
% of boys	2.1	1.4	0.8	1.3	1.9	1.9	1.4	1.2
1. % of girls	1.1	0.7	0.3	0.4	1.9	1.9	1.3	1.0
<b>Total</b>	<b>84 888</b>	<b>84 562</b>	<b>87 745</b>	<b>85 591</b>	<b>27 477</b>	<b>28 314</b>	<b>30 518</b>	<b>30 487</b>
Grade 8								
Thereof: % dropped out of educational system	3.3	2.6	2.2	2.7	4.2	3.5	3.9	4.1
% of boys	4.2	3.4	2.8	3.8	5.4	4.3	4.9	5.1
2. % of girls	2.3	1.7	1.5	1.6	2.9	2.6	2.8	3.0
<b>Total</b>	<b>90 282</b>	<b>87 775</b>	<b>87 573</b>	<b>89 257</b>	<b>26 697</b>	<b>26 813</b>	<b>27 767</b>	<b>29 508</b>
Grade 9								
Thereof: % dropped out of educational system	4.3	3.9	3.0	3.2	11.8	10.9	11.7	12.3
% of boys	6.0	5.5	4.4	4.8	15.9	14.2	15.8	17.0
3. % of girls	2.5	2.2	1.4	1.7	7.6	7.5	7.3	7.4



		<i>Hebrew education</i>				<i>Arab education</i>			
		<i>2003/04– 2004/05</i>	<i>2004/05– 2005/06</i>	<i>2005/06– 2006/07</i>	<i>2006/07– 2007/08</i>	<i>2003/04– 2004/05</i>	<i>2004/05– 2005/06</i>	<i>2005/06– 2006/07</i>	<i>2006/07– 2007/08</i>
	<b>Total</b>	<b>88 565</b>	<b>89 494</b>	<b>87 359</b>	<b>87 425</b>	<b>21 393</b>	<b>24 237</b>	<b>24 381</b>	<b>25 273</b>
Grade 10	Thereof: % dropped out of educational system	4.7	4.0	3.4	3.7	8.0	6.9	6.6	6.6
	% of boys	6.3	5.5	4.7	5.3	11.1	10.6	9.7	10.3
	4. % of girls	2.9	2.3	1.9	1.9	5.0	3.4	3.5	3.0
	<b>5. Total</b>	<b>87 180</b>	<b>87 692</b>	<b>88 160</b>	<b>86 636</b>	<b>18 816</b>	<b>20 148</b>	<b>22 729</b>	<b>22 866</b>
Grade 11	Thereof: % dropped out of educational system	5.2	5.8	5.3	6.3	6.5	6.7	5.3	6.3
	% of boys	8.5	8.3	7.9	9.5	8.4	9.6	7.5	9.3
	% of girls	3.5	3.2	2.7	2.9	4.7	4.0	3.3	3.5
Grade 12	<b>6. Total</b>	<b>85 969</b>	<b>82 839</b>	<b>83 021</b>	<b>83 782</b>	<b>17 606</b>	<b>17 940</b>	<b>19 274</b>	<b>21 866</b>
	Thereof: % dropped out of educational system	1.7	1.8	1.7	1.7	1.2	1.9	1.9	1.7
	% of boys	2.6	2.6	2.5	2.6	2.3	2.2	2.4	2.2
	7. % of girls	0.9	0.9	0.8	0.7	0.9	1.6	1.4	1.3

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

### Graduating rates at all levels

567. The following table show the percentage of pupils entitled to matriculation certificates upon their graduation from high school and the ratio between those examinees who meet the requirements for matriculation certificate and those who do not (separated into population group and gender):

Table 41

### Examinees and entitlement to matriculation certificates, 2006

	<i>Examinees</i>		<i>Entitled to a certificate</i>	
	<i>Total</i>	<i>% of pupils in grade XII</i>	<i>Total</i>	<i>% of pupils in grade XII</i>
Hebrew education	<b>67 210</b>	82.4	<b>44 778</b>	54.9
Male-minors	<b>31 954</b>	80.4	<b>19 682</b>	49.5
Female-minors	<b>35 256</b>	85.7	<b>25 096</b>	61.0
Arab education	<b>15 303</b>	90.1	<b>7 872</b>	46.3
Male-minors	<b>6 786</b>	86.1	<b>2 873</b>	36.5
Female-minors	<b>8 517</b>	91.2	<b>4 999</b>	55.3
Religion: Muslim	<b>11 981</b>	89.4	<b>5 854</b>	43.7
Christians	<b>1 555</b>	94.2	<b>1 005</b>	60.9
Druze	<b>1 733</b>	95	<b>996</b>	54.6

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

568. The percentage of entitlement to matriculation certificate continues to be higher among female pupils than male pupils. In 2006, in the Hebrew education system, 85.7% of the female-minors in the 12<sup>th</sup> grade age group took matriculation exams (84.3% in 2002), compared to only 80.4% of the male-minors (75.1% in 2002). Female-minors' entitlement to a matriculation degree was also higher and stood at 61%, compared to 49.5% of the male-minors.

569. Among the Arab education system, 91.2% of the female-minors in the 12th grade age group took the matriculation exams (91.7% in 2002), compared to 86.1% of the male-minors (84% in 2002). Arab Female-minors' entitlement to a matriculation degree was also higher than male-minors (56.3% and 36.5%, respectively).

570. Note that one third of those pupils unsuccessful in the 1997 and 1998 matriculation exams completed the requirement for a certificate within 8 years of their graduation.

571. The following data include statistics on graduating students in Israel's universities, in the Open University (a correspondence educational institution), non-university higher education institutions and teachers' training colleges. Similarly to Israel's previous report, these tables indicate a continuing trend of an increasing amount of graduating students. Also similar to Israel's previous report, the tables indicate that there are more women graduating than men:

Table 42

**Recipients of degrees from universities**

<i>Degree</i>	<i>1999/00</i>	<i>2004/05</i>	<i>2005/06</i>	<i>2006/07</i>
<b>Grand total</b>	<b>26 743</b>	<b>30 779</b>	<b>32 254</b>	<b>33 380</b>
First degree	17 298	17 827	19 014	19 527
Second degree	7 528	10 703	11 093	11 762
Third degree	800	1 206	1 209	1 288
Diploma	1 117	1 043	938	803

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2007, 2008.

Table 43

**Degree recipients from universities by gender, age and population group (percentage unless otherwise stated)**

	<i>2003/04</i>	<i>2005/06</i>	<i>2006/07</i>
<b>First degree – total</b>			
Absolute numbers	17 989	19 014	19 527
Percentages	100	100	100
Thereof: women	58.9	58.2	58.7
<i>Population group</i>			
Jews and others	91.6	92.1	91.7
Thereof: Jews	89.6	89.7	89
Arabs	8.4	7.9	8.3
<b>Second degree – total</b>			
Absolute numbers	10 135	11 093	11 762
Percentages	100	100	100

	2003/04	2005/06	2006/07
Thereof: Women	57	57.5	56.3
<i>Population Group</i>			
Jews and others	95.5	95.6	95.6
Thereof: Jews	94.5	94.3	94
Arabs	4.5	4.4	4.3
<b>Third degree – total</b>			
Absolute numbers	1 135	1 209	1 288
Percentages	100	100	100
Thereof: women	50.1	51	53

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

572. In 2006/7 the total of 20,942 recipients received first degrees from non-university higher education institutions and teachers' training colleges: 2,095 from the Open University, 12,206 from various academic colleges and 5,433 teachers' training colleges.

### **Construction of new schools**

573. Since Israel's previous report, there has been a steady increase in the number of schools and teachers in the Hebrew Education system, as well as a significant increase in the Arab Education system. The total number of schools in the Jewish population rose by 6.4% (from 2,957 in 2000, to 3,145 in 2007). During these years, the total number of schools in the Arab population rose by 28.7% (from 582 to 749 schools).

### **The vicinity of schools**

574. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

### **Human rights education**

575. In 2008, the Ministry of Education had begun the implementation and assimilation of a fundamental change in teaching civic studies, including Human Rights issues. The goal is to increase the teaching hours allocated to the subject so far. In the extended program, there is an even greater emphasis on economic, social and cultural rights.

576. Educational programs concerning human rights issues are operated routinely throughout the country. Israel has developed special programs such as an annual "Human Rights Day". Each year, the "Human Rights Day" is dedicated to a different aspect of human rights, and a relevant curriculum and teaching material is developed in both Arabic and Hebrew. In 2003, for example, the "Human Rights Day" addressed the issue of tolerance towards "others" and the issue of social rights. In 2004, the Ministry of Education developed a learning kit dealing with social rights, which included references to both Jewish and Islamic cultures and traditions. In 2005, emphasis was given to rights of persons with disabilities. In 2006, the topic chosen was the right to an adequate standard of living and in 2007 – the right to highest attainable standard of health.

577. Since 2005, the Ministry of Foreign Affairs, in cooperation with several NGOs and the office of the United Nations Special Coordinator for the Middle East Peace Process, is sponsoring the simulation program "Israel Model United Nations", with the participation of numerous Jerusalem high-schools from all parts of the city and all segments of society. The project strives to expose participants to the United Nations' variegated activities, instilling

awareness of the major challenges confronting the global arena, whilst inculcating a spirit of tolerance and inter-cultural dialogue. Forming part of the well-established Model United Nations program that operates extensively throughout the world, the program goes some way towards improving the image of the United Nations in Israel. With several new initiatives to expand Model United Nations activities to Israeli institutes of higher learning in 2009, the IMUN program holds promise of becoming an important facet of educational dialogue in Israel.

### **Equal educational opportunities**

#### *Gender equality*

578. Data concerning the ratio of males to females in different educational aspects is detailed throughout this Article, specifically regarding attendance and graduation rates (including higher education), years of schooling, etc.

579. The Ministry of Education has established a special department dedicated to the promotion of gender equality within the School System. The Ministry maintains an active, useful, and user-friendly website that not only provides information about the Ministry's programs and projects, but additionally provides visitors with perspectives on the meaning of gender equality and women's empowerment. The language of the website, and of directives issued by the Ministry of Education, reveal a clear commitment to gender equality and provide definitive guidelines for teachers and all school officials.

580. The current Minister of Education and her Director General are both women, and feminists themselves. The Minister of Education has repeatedly and explicitly declared that gender equality is not merely a "program" or a "project"; but a life-style. To that end, all schools are committed the creation and maintenance of an educational climate conducive to equality and mutual respect.

581. In 2003, the Director General of the Ministry of Education issued a circular dealing with various aspects of gender equality, such as the development of new educational materials conducive to gender equality, the advancement of equal opportunities, the abandonment of dated stereotypes, the empowerment of educational leadership among teachers and principals, and more.

582. The Ministry of Education offers numerous In-Service Training Programs for teachers in order to increase their awareness of, and skills in the promotion of, gender equality. Nation-wide programs such as "Girls Leading a Change" empower high school pupils, while the school curriculum formally addresses issues such as gender, government and politics. Recently, the Ministry has instituted a matriculation program in gender studies.

583. In 2005, the Ministry of Education instituted several educational programs designed to further enhance equal opportunity between the genders within the education system. The abovementioned program "Girls Leading a Change" was initiated by the Women's Association in Israel to encourage empowerment and leadership amongst young women in high schools. The program was later broadened to include young men, and is now called "Girls and Boys Leading a Change". In 2007, the program was operating in more than 60 high schools in Israel, including schools in Arab localities, and involved more than 2,500 young women and men.

Also in 2005, the Ministry of Education together with the Authority for the Advancement of the Status of Women held 10 one-day seminars (in which more than 1,500 school principals participated) on the subject of encouraging girls to engage in the fields of mathematics and exact sciences. The seminars dealt with the following issues: raising awareness of professional and management teams for this matter, illustrating the perceived barriers to female participation in this field, illustrating the actual ability of female students

and methods of deconstructing these barriers, development of an intervention program encouraging female participation in these fields from an early age, and other relevant issues.

584. Furthermore, the Minister of Education appointed a special committee to examine the extent to which gender stereotypes were to be found in educational textbooks. After receiving the findings, the Minister decided not to incorporate books imbued with gender stereotypes into the education system, and those books already in use in the school system which promoted gender stereotypes, would be gradually replaced.

585. The Ministry has made a particular commitment to promoting the talents of young girls and women who display exceptional aptitudes in mathematics and science. These programs are based on the concept of enhancing gender equality, and allowing each child to pursue his/her innate talents and inclinations without deference to social pressures and inflexible gender expectations.

586. “Bnot Mitzvah” – the Jewish ritual when a girl reaches 12 years old, is used as a school event for the 6th graders and as a tool to highlight the female empowerment, and different substances regarding women leaders, influential women that changed society, women combatants, pioneers and others. This includes outer activities as well as in-school ones. The pupils examine the status of women in Israel and in other countries, and search for disciplines promoting women and allowing them to progress.

587. Empowering female pupils in the general school system is aimed at promoting leadership and empowerment of pupils in the 7th–9th grades, that includes themes promoting awareness to gender equality and its influence on all aspects of life. The program includes raising awareness to the possibilities facing the pupils in fulfillment of their personal potential, skills advancement and social and personal awareness to changes needed in the social and personal aspects of the family, the society and the education system. It also includes raising appreciation to the ability and potential of women to integrate in the economic, political, technological and military sectors and the importance of such integration. The program also includes activities with the male pupils aimed at changing their gender perceptions.

588. Empowering Arab female pupils program is aimed at promoting and changing personal and social perspectives while emphasizing the role of women in the family, the society and in the workplace. The program targets 7th–9th graders and includes themes promoting awareness of stereotypes regarding both genders in the Arab society, their perception of their abilities and dreams, etc. The program includes corresponding activities with the male pupils aimed at changing their gender-based perceptions.

589. Empowering female pupils in the religious schools is performed while considering the changes in society in general and the religious society in particular. Coping with these developments requires these religious young women a re-evaluation of the fulfillment of the roles that fashion the home, family and society. This program includes 10 meetings and is targeted at pupils in the 7th–9th grades.

590. **Promotion of equality in human dignity.** The basis of the program is that gender equality also means equality in human dignity between the genders. Among the goals of the program is raising the personal capability of teenagers to deal with changing social circumstances with the peer group (peer pressure, social struggles, friendship, relationships, etc.), and with the relationship with the adult world (authority, requesting help, etc). During the program the pupils study social perceptions and equality on the basis of human dignity of men and women. The program is introduced to pupils in the 7th–10th grades.

591. **Women in science and technology.** The National Council for the Promotion of Women in Science and Technology was established in the year 2000. The Council’s goals

are to serve as a network facilitator linking adult and adolescent women in the field of science and technology, to serve as a contact point for voicing problems related to women's roles in science, to collect information regarding programs promoting women's role in science, to propose and implement programs that will promote women in science, to raise public awareness regarding the state of women in science and to coordinate between public and private initiatives for the advancement of women's involvement in science.

*Children with disabilities*

592. In 2007, 293,000 disabled or chronically ill children resided in Israel, making up 12.8% of the total child population of the country. Approximately 176,000 children (out of the 293,000), were disabled or suffered from a chronic illness that affected their daily functioning and had persisted for more than one year. These children made up 7.7% of the total child population.

593. The percentage of children with special needs who have at least one disability stands at 9.1% among Bedouin children (in the southern Negev area), 8.3% among the total population of Arab children and 7.6% among Jewish children.

594. In 2007, 15.8% of pupils with special needs in primary and post primary education, attended special schools, 22.3% attended special classrooms in regular schools and 61.8% were integrated in regular schools. Regarding the attendance of children with special needs in kindergarten – 66.4% attend special classes and 43.6% are integrated in regular education.

595. The *Special Education Law 5748-1988* (the “*Special Education Law*”), was amended in 2002 to add a chapter dealing with integration of children with special needs. The purpose of the amendment was to equalize the services provided to children integrated in regular schools with those provided to children in the special education facilities. The amendment further obligates the Placement Committee to prefer the placement of a child with disability in a regular educational facility. Among the purposes of the amendment is the integration of children with disabilities within the regular education system while enlarging the budget designated for the purpose from year to year. The amendment applies thus far to children aged 5 and older.

596. Recently, the *Rights of Pupils with Learning Disabilities in Secondary Education Facilities Law 5768-2008*, was enacted. This Law asserts the rights of pupils with learning disabilities to adjustments in the criteria for admission to secondary education facilities (academic, technological, rabbinical or professional), as well as in exams and other assignments throughout the school years.

597. An internal procedure of the Ministry of Education enables all pupils with disabilities to receive the necessary accessibility adjustments in the educational facility they attend, by providing the required financing according to specific blueprints submitted to the Ministry by the relevant local authority.

598. The *Safe Transportation of Children with Disabilities Law 5754-1994* (the “*Safe Transportation of Children with Disabilities Law*”), was enacted in order to ensure the safe transportation of children with disabilities to and from their educational facility. According to the Law, a child with a disability is entitled to transportation arrangement adapted to his/her needs and the type of disability, from his/her residence to the educational facility he/she attends. The Law stipulates that the local authority, in which the child with disability resides, is responsible for providing the required transporting.

599. On June 18, 2008, the Be'er-Sheva Magistrate's Court awarded compensation to a minor child with a disability and her parents, since the municipality failed to provide the minor with adequate transportation to school as stipulated by the *Safe Transportation of*

*Children with Disabilities Law.* Due to this municipality's failure to provide transportation, the parents endured financial expenses – buying a car suitable to bring the child to school, adjusting the car to the disability, and driving her to school which resulted in absence of the father from his/her workplace and loss of income, as well as loss of social benefits on his/her part. The Court determined that the municipality's budget considerations cannot justify the non fulfillment of an obligation by law, the municipality must allocate a budget in order to fulfill the requirements stipulated by law, even if funding from Government Ministries is lacking or insufficient. Therefore, the Court awarded compensation in the amount of 30,000 NIS (\$7,894) for the loss of income and social benefits, 10,000 NIS (\$2,631) for distress and 50,000 NIS (\$13,157) for the costs of the car (C.C (Be'er-Sheva) 2159/03 *Pada Ov Jama v. The Municipality of Rahat* (15.6.2008)).

600. In a recent case, the Tel-Aviv District Court, residing as an Administrative Court, addressed the scope of the State's obligation to provide free education to children with disabilities. The petitioners contested an internal directive of the Ministry of Education, according to which, commencing in the 2007/8 school-year, supervisors of special education schools may authorize reinforcement assistants for special education classes, however, they may not authorize personal assistants. The petitioners claimed that the directive violates the right of a child with disability to free education as anchored in the *Special Education Law*.

The Court determined that the State has a substantial obligation, stipulated in the *Special Education Law*, to provide free education for children with disabilities, and therefore cannot rid itself from its obligation once a child is placed in the special education system. A directive that negates the ability of an individual or a group of individuals, such as persons in need of personal assistance, to realize their fundamental right of education, contradicts the said obligation. The Court determined that it is essential that the Ministry's policy take individual circumstances into consideration. The preference of a strict framework of rules over the treating of the exceptional cases by allowing deviation from the rule, may constitute a breach of a fundamental right of a child to special education, and as such is invalid. The Court further determined that the Ministry of Education directive forbidding the authorization of personal assistants in the special education system is void and shall be rephrased to allow the integration of personal assistants to a pupil in exceptional and justified cases (Ad.P 1214/08 *Orel (minor) et al. v. The Ministry of Education et al.* (07.09.2008)).

601. In September 2007, the Minister of Education established a public committee, headed by the retired Supreme Court Justice Dalia Dorner, to examine the special education school system in Israel. The Dorner Committee, operating these days, was established in order to examine the Ministry of Education's policy towards children with special needs, examine the allocation of the Ministry's budget towards treating these children, draw an action plan and set a list of priorities in this regard, with consideration given to the budgetary constraints of the Ministry.

#### *Arab population*

602. Since 2000, a unique program has been implemented exclusively within the Arab population. This program is geared towards training teachers; training educational advisors for an M.A.; advancing the teachers professionally; creating programs aimed towards encouraging students to achieve greater results in their native language, mathematics and sciences; implementing programs geared towards increasing the number of pupils eligible for a Matriculation Certificate; programs to prevent drop-outs, investment in computers, equipment and physical infrastructure, including technological and science classes for the higher division classes, etc. This program has resulted in great achievements: a steady rise in students' achievements in national exams, the reduction of gaps in the achievements of

middle-school pupils in mathematics and sciences, an increase in the number of pupils and decrease in the number of drop-outs, an increase in the number of pupils eligible for Matriculation Certificate, change of attitudes towards education and school among female pupils, significant increase in the number of pupils that participate in science and technology competitions.

603. Updated information concerning construction of schools, teaching positions, attendance and graduation rates with regard to the Arab population is provided throughout this Article.

604. It must be mentioned that on November 23, 2008, the Appointments Committee of the Higher Education Council bestowed the title of professor on Haula Abu-Bakar, a teacher and lecturer at Jezreel Valley College, making her the first female Israeli-Arab professor in Israel.

#### *The Bedouin population*

605. According to the multi-year plan, a budget was allocated towards establishing additional educational facilities in Bedouin localities both in the North and the South. As part of the Ministry of Education's scheme to advance the educational framework in the Bedouin localities, funding was allocated towards establishing and upgrading science and computers laboratories. Pedagogic counsels providing assistance to school principals in preparing the school's work plan and funding were allocated for reinforcement hours for pupils in need in all levels of education, in order to reduce pedagogic gaps, including raising matriculation certificate entitlement rates.

606. In addition, a program for training Bedouin teachers and assisting them in the first stages of their employment was initiated in order to reinforce the teachers' status and to improve their pupils' achievements. Currently, 165 teachers participate in the program. An additional training program for the amelioration of the teaching staff in secondary education was also initiated in cooperation with the Ben-Gurion University.

607. Commencing in 2006, every first and second grade class in the Bedouin localities that consisted of more than 28 pupils, was divided in to two classes and received 10 additional hours per week.

608. Positive results of these efforts are apparent – the rate of 12<sup>th</sup> grade Bedouin pupils entitled to matriculation certificates increased by 6% between 2004 and 2007.

#### *Training for professional personnel*

609. Guidance Counselors — Between 2004 and 2008, 3 training courses for Guidance Counselors were opened — 2 in the North and 1 in the South.

610. In addition, 2 classes of learning functions diagnosticians were opened, one in Sakhnin College (north), and the second in Be'er-Sheva (south) in the framework of the Open University.

611. Psychologists – additional positions for psychologists were allocated, yet a shortage of positions per pupils and of educational psychologists persists.

#### *Special education frameworks*

612. Four special education schools and 25 kindergartens are currently serving the Bedouin population in the South, as well as 3 Regional Support Centers. In 2008, two additional Regional Support Centers were opened, as well as 10 classes in primary schools. In addition, all primary and intermediate schools received additional reinforcement teaching hours.



613. In the North – a new school for severe Intellectual Disabilities was established, as well as 6 special education kindergartens. In addition, 4 classes in secondary schools were added, as well as 3,000 hours of integration.

*The Bedouin population in the south*

614. Since its establishment in 2004, the new Abu-Basma municipality invested many efforts towards improving educational facilities for the Bedouin population in the region, including those residing in illegal villages. Between April 2004 and July 2008, the establishment of 2 kindergarten classes in 3 different localities (total of 6 classes) was completed, 4 additional classes are in construction. 66 new Primary school classes were established in different localities, 42 additional classes are under construction, 10 of which are nearing completion, and 16 additional classes are in planning stages.

615. Since 2004, three High Schools were established in the illegal villages of Abu-Krinat, Al-Huashlla and Bir-Hadge. The schools contributed greatly to the significant reduction in dropout rates, especially among Bedouin girls, who previously were not sent to school by their parents, due to the distance of the school from the village and religion and cultural barriers. Construction of new High School classes in kasar-a-Sar is in its final stages.

616. *The 'Daroma' (South) program* – In 2004, the Ministry of Education commenced a program to improve educational achievements among exceptional pupils in the 10<sup>th</sup>–12<sup>th</sup> grades. The Daroma program now operates in 5 Bedouin High-Schools (approximately 300 pupils). The purpose of the program is to advance these pupils in Mathematics and English, develop their learning skills and prepare them for the Psychometric test required for enrollment in higher education institutions. The pupils participate in courses in academic institutions such as the Ben-Gurion University. The program also focuses on self-empowerment and activities within the community and for its benefit. A similar program will commence in 2009, in the Abu-Basma municipality and in Tel-Sheva in the South. Such a program is also operating in the North entitled "Heznek Atidim".

617. Extracurricular activities program is also operated in the Bedouin localities in the Negev, in conjunction with the Ministry for the Development of the Negev and the Galilee, and the Israel Association of Community Centers. The program provides scholarships for extracurricular activities, for children in the 4<sup>th</sup> to 6<sup>th</sup> grades in the Negev.

618. In 2008, the Ministry of Education announced its intention to grant Bedouin students studying engineering, technology and science with tuition grants and scholarships in the amount of 5,000 NIS (\$1,315) each, for the upcoming academic year. The scholarships are intended to further encourage Bedouin students to achieve higher education.

619. In accordance with Government Resolutions no. 412 and no. 413 dated August 2006, The Authority for the Advancement of the Status of Women grants scholarships for Bedouin female students in the North, as well as for Druze and Circassian female students. In 2007/8, 75 scholarships were granted. The Authority recently published an announcement inviting Bedouin, Druze and Circassian women to submit applications for the upcoming year.

**Language facilities**

620. As reported in Israel's initial report, new adult immigrants are offered basic Hebrew language classes in new immigrants' schools especially created to teach elementary Hebrew language skills. In 2006/7 25,322 persons attended such schools, which consisted of a total of 1,404 classes. 14,126 attended primary new immigrants' schools (Primary Ulpanim) and 11,196 attended continuation new immigrants' schools (Continuation Ulpanim).

### Conditions of teaching staff

621. The following table relates to the number of teachers in the educational system, as well as the average working hours of teachers. The table reveals a continuing increase in the number of teachers throughout the education system and in all levels of education. As indicated in the following table, between the years 2000 and 2007, 2,738 teachers were added to the Hebrew Education, and 9,193 were added to the Arab education:

Table 44

#### Teaching staff, by level of education and average work hours per week, 1999–2007

	1999/2000	2004/05	2006/07	2007/08
<i>Hebrew education</i>				
<b>Grand total – Absolute numbers</b>	<b>91 067</b>	<b>97 014</b>	<b>97 562</b>	<b>99 217</b>
Primary education – total	43 426	45 600	46 447	47 474
Average work hours per week	22.6	22.5	22.6	22.6
Intermediate school – total	17 385	19 294	18 452	18 169
Average work hours per week	19.9	20.9	20.8	21.2
Secondary school – total	31 293	33 394	33 472	34 350
Average work hours per week	18.3	18.7	18.7	18.6
<i>Arab education</i>				
<b>Grand total – Absolute numbers</b>	<b>18 835</b>	<b>25 447</b>	<b>27 864</b>	<b>28 846</b>
Primary education – total	11 001	14 671	16 426	17 120
Average work hours per week	24.9	24.4	24.4	24.1
Intermediate school – total	3 732	5 195	5 095	5 189
Average work hours per week	20.4	21.2	20.7	21.1
Secondary school – total	4 095	5 383	5 809	6 151
Average work hours per week	23	22.5	22.6	22.8

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

622. There are now approximately 153,863 full-time teachers' positions in all levels of the Israeli primary and secondary system, compared to 86,000 reported in Israel's previous periodic report. The following table demonstrates their distribution:

Table 45

#### Teaching posts (full-time) in schools, 2007/08

	<i>Total</i>	<i>Hebrew education</i>	<i>Arab education</i>
<b>Total</b>	<b>153 863</b>	<b>121 288</b>	<b>32 575</b>
Primary education	68 186	50 497	17 689
Intermediate schools	24 687	19 336	5 351
Secondary schools	44 488	37 750	6 738

*Source:* Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

623. As part of the reform in the education system mentioned earlier, the teachers' work week was extended and altered and a new rewarding wage system was created. The new work week was extended to 36 hours per teacher, 26 of which will be devoted to teaching a class, 5 hours devoted to teaching individual children or small groups and 5 hours devoted to other assignments. The teachers' salary was adapted and raised by 26%. In addition, in order to enhance and improve the teachers' professional in-service training and development, the promotion criteria were altered to include a prerequisite of professional training participation.

#### **Responsibility for the establishment and administration of schools**

624. No notable changes have occurred on this issue since the submission of Israel's previous report.

### **Article 15**

#### **The right to take part in cultural life and enjoy scientific progress**

##### **The right to take part in cultural life: funding**

625. In 2007, the national expenditure on culture, recreation and sports constituted 5.5% of the Gross Domestic Product, a slight increase in comparison to the years 2004–2006 when the national expenditure on culture comprised 5.4% of the GDP.

626. In 2007, of the total national expenditure on culture, recreation and sports, 9.4% were spent on cultural heritage, literature and visual arts, 21.5% were spent on music and performing arts, 22.6% on radio, television, cinema and photography, 10.2% on socio-cultural activities, 23.7% on sports, games, computers and internet, 5.8% on gambling as well as on nature and environment, and 4.9% were spent on fixed capital formation.

##### **The institutional infrastructure of cultural life in Israel**

627. **The National Council for Culture and Art.** On November 12, 2002, the Knesset enacted the *Culture and Arts Law 5762-2002*, which created the National Council for Culture and Art as an advisory body assisting the Minister of Science, Culture and Sports, as well as other Government bodies, in issues relating to arts, culture and the financing of cultural institutions. The role of the National Council is to promote and initiate policies and programs encouraging art and culture, ensuring the freedom of creation and the expression of the cultural variety of the Israeli society. The National Council is required to suggest multi-year policy plan in the fields of arts and culture, including the financing of institutions in the field. The council was established in 2004.

628. **National Library.** On November 26, 2007, the Knesset enacted the *National Library Law 5767-2007*, declaring the library at the Hebrew University as the National Library. Prior to the Law, the library at the Hebrew University performed as a de-facto national library but was not legally recognized as such. According to Law, the National Library is intended to accumulate, preserve, nurture and bequeath knowledge, heritage and culture resources, in general, and those linked to the State of Israel, the land of Israel and the Jewish people, in particular.

629. In 2000, the Israeli Film Council was established, in accordance with the *Film Law 5759-1999*, enacted on January 10, 1999. The Council's aim is to encourage the Israeli film industry, promoting freedom of creation and expression of the cultural variety in Israeli society. The council's roles are to advise the Minister of Science, Culture and Sports on all relevant issues regarding the film industry, including defining criteria for financial support

to public institutions dedicated to encouraging and promoting creation, production and distribution of Israeli films as well as international cooperation.

### **Cultural identity and heritage**

#### *Jewish heritage*

630. In January 2007, the Knesset approved the creation of two national heritage authorities, for the heritage of the Jewish community of Bukhara and for the heritage of the Jewish community of Libya. Each of these heritage authorities are mandated to preserve the heritage culture of its community, and to research and document it (The *National Authority for the Cultural Heritage of the Bukhara Jewish Community Law 5767-2007*, and the *National Authority for the Cultural Heritage of the Libyan Jewish Community Law 5767-2007*).

631. On December 6, 2005, the Knesset enacted the *Diaspora Museum Law 5765-2005*, recognizing the Diaspora Museum in Tel-Aviv as the national center for Israeli communities in Israel and abroad, and to ensure its existence. According to the Law the Diaspora Museum functions and responsibilities are to present items relating to the Israeli communities and to the history of the Jewish people, to conduct research and to bring together knowledge on issues relating to the Jewish people. In addition, its roles include the creation of a reservoir of genealogical trees and family names of Jewish families in the world, and to create a database of Jewish communities in the world and their history. The Ministry of Education, Culture and Sports is in charge of executing this law, and the State will participate in the funding of the Diaspora Museum.

632. The *Council for Commemoration of the Sephardic and Eastern Heritage Law 5762-2002*, was enacted on November 13, 2002. According to the Law, the Minister of Science, Culture and Sports and the Minister of Religious Affairs will appoint the Council for Commemoration of the Sephardic and Eastern Heritage, to advise the Ministers regarding promotion, assistance, and encouragement of activity relating to the heritage of the Spanish Jewry.

#### *Druze heritage*

633. On June 4, 2007, the Knesset enacted the *Druze Cultural Heritage Center Law 5767-2007*, which purpose is to facilitate the establishment of a Druze Cultural Heritage Center in Israel. According to the Law, the Government shall designate the necessary budget for the establishment, operation and maintenance of the Center. The Center will include a research institute, a museum and an archive of Druze heritage, culture and history. The Center will develop and promote research activities as well as educational programs, including tours, lectures, conferences and exhibitions geared towards developing, enriching and promoting knowledge relating to the different aspects of the Druze culture, history and heritage.

### **The role of mass media and communication in promoting participation in cultural life**

634. Developments concerning accessibility of persons with disabilities to television broadcasts are detailed above, under Article 2 above.

635. The Council for Cable TV and Satellite Broadcasting is a public council established under the *Telecom Law*. Its fundamental task is to regulate the Israeli Cable and Satellite multi-channel subscriber television by representing, protecting and promoting the public interests in this field. These interests include ensuring maximal diversity and pluralism by the broadcasting channels and the contents they deliver; improvement of technologies and

services; increasing the supply of content and freedom of choice for subscribers; development and production of original Israeli content; minimizing prices, etc.

636. The realization of these targets promotes in turn the participation in local cultural life and the exposure to foreign cultural life, of all Israeli citizens who subscribe to multi-channel television. In the years 2001–2007, these have included on average approximately 80%–85% of Israeli households.

*The development and production of original Israeli content*

637. The Council for Cable TV and Satellite Broadcasting is responsible for ensuring that the Cable and Satellite TV licensees invest between 8%–12% of their yearly income towards the production of original Israeli content of various genres, and decide and declare the specific requirements for the fulfillment of this obligation.

638. In previous years, the licensees have invested significant amounts in original Israeli production: in 2003 – 198,338,624 NIS (\$53,605,033), in 2004 – 245,947,713 NIS (\$66,472,354), in 2005 – 248,615,342 NIS (\$67,193,335) and in 2006 – 237,326,932 NIS (\$64,142,414).

639. The development of the local production industry has, and continues, to broaden the array of possibilities of expression of the multitude of cultures, tastes and opinions within the Israeli public, enriches Israeli culture, enables varied representations of current issues, and strengthens the grasp of the modern Hebrew language as well as offers broadcasting in other widespread languages in Israel such as Arabic, Russian and Amharic.

640. Moreover, developing the local production industry creates multitudes of new jobs for Israelis by enlarging and developing existing professional fields such as production, writing, directing, acting, photography, technology, etc. Another added value of this activity is the promotion of the Israeli creation, and thus, the Israeli culture, way of life and economy, overseas. In various countries, Israeli films and programs are sold to other broadcasters, and succeed in international festivals, as has happened quite frequently in recent years.

*Initiating and granting licenses for designated channel broadcasting*

641. The Council for Cable TV and Satellite Broadcasting has granted designated channel licenses to a Russian-Speaking channel and an Israeli music channel. These channels are financed by commercials (as opposed to all multi-channel TV channels that are financed by subscribers' fees). Each channel is unique, and has its own specific characterization, designed to enable expression of an array of specific cultural niches of Israeli society. Hence, the producing and broadcasting of these channels, bears an important national and democratic significance. In 2008, the Council decided on re-issuing previous tenders that had not yet materialized, for licenses for an Israeli Arab-speaking channel and a Jewish Tradition channel.

*Community TV broadcasting*

642. The Council for Cable TV and Satellite Broadcasting promotes, regulates and supports the broadcasting of community programming, produced mainly by volunteers of various local communities, including community centers, elderly people, new immigrants, students, various religious groups, independent groups, etc.

643. The broadcasts allow the participants and the communities to express themselves on screen and present their interests, activities and talents, and thus participate in cultural life. It also allows the general public to be familiarized with these communities, including their problems and successes, that otherwise may not receive public exposure.

*Approval for broadcasting of foreign television channels*

644. The supply of foreign TV channels offered to the Israeli viewers included about 50 channels in the year 2002. Between the years 2002 and 2007, the airing of 40 additional foreign channels was approved.

**Protection of children**

645. In 2001 the Knesset approved the *Classification, Marking and Prohibiting of Harmful Broadcasts Law 5761-2001*. The Law determined that broadcasts including visual, verbal or vocal elements of violence, sexual acts or cruelty, or that raise a probable concern that they encourage criminal behavior or the use of illegal drugs, will be marked as broadcasts that are not appropriate for children under a certain age.

646. The Law distinguishes between 3 marking categories, in accordance with their substance: programs inappropriate for children under the age of 8, programs inappropriate for children under the age of 14 and programs inappropriate for children under the age of 18. These categories were formed by the Ministry of Communications, after consulting with the various relevant bodies.

**Preservation and display of mankind's cultural heritage**

647. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

**Freedom of artistic creation and performance**

648. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

**Status of the Arabic language**

649. On March 21, 2007, the Knesset approved the *High Institute for the Arabic Language Law 5767-2007*, according to which, the Arabic Language Academy was established. Among its functions, the Arabic Language Academy is charged with researching the Arabic language and its cultural and historic resources, promoting the study of terminology, grammar, vocabulary, pronunciation and transcription. The Academy also addresses linguistic innovation and the adaptation of the Arabic language to the modern and computerized reality. According to the Law, the Institutions activities are financed by Government budget.

650. H.C.J. 4112/99 *Adalah v. Municipality of Tel Aviv et al.* (25.7.2002) addressed the duty of municipalities in which Arabs reside, to use the Arabic language along with Hebrew in all municipal signs. The Supreme Court determined that two principles are important in this context: the protection of the individual's right to a language, and the right to equality. This is due to the fact that the language comprises part of the individual's personality and the instrument through which he thinks and communicates with others. The Supreme Court stipulated that: "Indeed language plays a major role in human existence for both the individual, and for society. Using language we express ourselves, our individuality and our social identity. Take away a person's language and you have taken away his essence". The Court further stated that a language receives special importance when it is the language of the minority. The Supreme Court stressed the status of equality as one of Israel's fundamental values, according to which rights for language and equal use of municipality's services are to be assured, due to the duty to maintain equality among residents of the State.

The Court ordered the immediate use of Arabic in all new signs or instances where old signs are replaced. In major roads or public institutions, and side streets in districts with a

significant Arabic-speaking population, signs must be altered within 2 years. Finally, regarding remaining signs, the Court required a change within 4 years from the date of the judgment.

### **Additional information**

651. For additional information regarding the Right to Equal Participation in Cultural Activities, please refer to the 10<sup>th</sup>–13<sup>th</sup> Combined Periodic report of the State of Israel on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, submitted in May 2005.

### **Sporting activities**

#### *Prevention of hostility in sports events*

652. The *Safety in Public Places Law 5722-1962*, was amended (Amendment 3) in July 2005, to specifically prohibit racially motivated expressions at sporting events. Consequently, indictments were filed against defendants who shouted racial remarks during soccer matches.

653. Even prior to the abovementioned Amendment, actions were taken by the State Attorney's Office, considering racial remarks against the Arab population as incitement to racism and taking criminal measures on their account. Criminal investigations were opened in a number of cases of incitement to racism against the Arab population in soccer games, and indictments were filed. Several cases were concluded and the defendants were convicted.

654. In July 2008, the *Prohibition of Violence in Sporting Events Law 5768-2008*, was enacted in order to facilitate the safe and peaceful manner of sporting events by broadening the definition of racist display and facilitating training for security personnel as well as broadening their responsibilities and authorities. The Law further establishes a Committee for the Prevention of Violence in Sports geared towards the elimination of the phenomenon.

#### *Women in sports*

655. The Authority for the Advancement of the Status of Women, together with the Ministry of Science, Culture and Sports, have designed a unique training course for women, educating them on ways to become active and committed members of local and national Councils for the Advancement and Administration of Sports in Israel.

656. Section 9A to the *Sports Law 5748-1988*, (the "*Sports Law*") was adopted at the end of 2003, stipulating that all State supported sports organizations, including sports associations, bodies, unions and federations, shall provide appropriate representation of women. This appropriate representation concerns both staff and management, and shall include all categories of positions. Under section 9B, sports organizations shall submit annual reports to the Knesset Committee on implementation of this section. This amendment stems from the realization that as in many other areas of life, promoting women's role in sports requires their full involvement, not only in sporting activities themselves, but also as decision makers and in managerial roles.

657. In an innovative ruling, the High Court of Justice examined the issue of the fund allocation to sports institutions, and ruled that in order to redress long-standing inequality issues, local councils should allocate funds for women's sports at 150% of that allocated to men's sports (H.C.J 5325/01 *L.C.N Association for the Advancement of Women Basketball v. Ramat-Hasharon Local Council*). Similarly, the public committee that determines criteria for the allocation of public funding for sports has recommended the application of

affirmative action plans to boost allocation towards women's sports, and has instituted programs to implement them.

658. On March 21, 2005, the Government decided on the establishment of the Public Council for Women's Sports (Resolution no. 3416). Also that year, a national program for women's sports was presented by the Sports Administration and was approved by the Ministry of Education. A budget of 80 million NIS (\$21,052,631) was allocated for the program's operation by the Council for Sports' Gambling Arrangements, for a period of 8 years, and additional 1.8 million NIS (\$473,684) per year was allocated by the Ministry of Science, Culture and Sports, also for a period of 8 years.

659. In 2007, the Department for Women's Sports was established at the 'Wingate' institute. The Department is responsible for the operation and execution of the national program, including all its goals and targets, such as: increasing the number of the female athletes in Israel, development of excellence and leadership among women in the various sports, and in the fields of management, coaching and refereeing.

#### *Promotion of new sporting fields*

660. In 2005, the *Sport Driving Law 5766-2005*, was legislated in order to facilitate and regulate the practice of this field. According to the Law, an Authority for Sport Driving was established within the Ministry of Science, Culture and Sports, and in 2007, several accommodating regulations were promulgated. The Law will enter into force upon completion of the promulgation of the remaining necessary regulations.

### **The enjoyment of scientific progress**

#### **Institutional promotion of research and development**

661. The *National Council for Civil Research and Development Law 5762-2002*, was enacted on November 19, 2002. According to the Law, a National Council for Civil Research and Development will be created, to serve as an advisory body to the Government and Ministries on issues relating to research and development in the civil sector. The council's roles include recommending to the Government on a national comprehensive policy, annually and perennially, in the fields of civil research and development, to set priorities in this context, to recommend on development of infrastructures for research and execution of projects in the fields of science and technology, etc.

The Council was established in August 2004, and operates in the fields of energy, technology and engineering, medicine and bioscience, and computer science. The council cooperates with universities, research centers, industrial centers, and regional research and development centers. Following an amendment to the Law, issued on December 27, 2007, the National Council for Civil Research and Development will receive its budget from the Ministry of Science, Culture and Sports.

#### **The national research and development budget**

662. The following table reveals the scope of the Government's expenditure on civil research and development between the years 2002 and 2007:



Table 46  
**Expenditure of Government Ministries on civilian research and development, by type of expenditure, 2002–2007**

Year	Transfers	Purchases of civilian R & D	Intramural expenses		Total	Total
			Intermediate consumption	Labor costs		
NIS million, at current prices						
2002	1 886	88	150	193	343	2 317
2003	2 126	101	179	177	356	2 574
2004	1 690	156	152	198	350	2 196
2005	1 562	128	155	191	346	2 036
2006	1 614	129	136	199	355	2 078
2007	1 473	117	152	203	355	1 945

Source: Central Bureau of Statistics, Statistical Abstract of Israel, 2008.

\* Excluding the Planning and Budgeting Committee of the Council for Higher Education.

#### **Freedom of scientific research and creative activity**

663. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **International cooperation**

664. This issue has been discussed in Israel's previous reports. No change has occurred in this area since the submission of the second periodic report.

#### **The legal protection given to intellectual property**

665. On November 25, 2007, the Knesset enacted the *Copyright Law 5767-2007*. The new Law came into force in May 2008, replacing the previous Copyright Law of 1911.

666. The new Law provides an up-to-date comprehensive framework for the protection of works of copyright, portraying the proper balance between the need to facilitate incentives to creation by giving financial rights concerning the creation itself, and the need to enable the public to use these creations for the promotion of knowledge and culture, all the while preserving the freedom of expression and creation and assuring free and fair competition.

667. The Law accommodates Israel's international obligations concerning the protection of intellectual property including those deriving from the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and the International Convention for the Protection of Performers, Producers, Phonograms and Broadcasting Organizations.