

**NGO Responses to CEDAW's List of Issues and Questions and Israel's
Report to CEDAW October 2017**

Submitted to the Committee on the elimination of Discrimination against
Women

**Prepared by
The Working Group on the Status of PWCI
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The Working Group on the Status of Palestinian Women in Israel

- *Adalah - The Legal Center for Arab Minority Rights in Israel*
- *Al-Tufula: Pedagogical and Multipurpose Women's Center*
- *Al Zahraa: The Organization for the Advancement of Women*
- *Alsiwar – Feminist Arab Movement*
- *AWC – Arab Women in the Center*
- *Coalition Of Women For Peace - CWP*
- *Kayan: A Feminist Organization*
- *Ma'an – The Forum of Arab women's Organizations in the Negev*
- *The working group for Equality in personal status Issues*
- *Women Against Violence (WAV)*

Question 1- Information and Statistics¹

The Working Group wishes to note that under international human rights instruments, the Palestinian Arab minority, citizens of Israel, constitutes a national, ethnic, linguistic and religious minority. Palestinian women citizens of Israel (PWCI) are part of the national Palestinian minority and comprise approximately 10% of Israel's population. PWCI are not a monolithic group. They live in a variety of cities, towns and villages throughout Israel, including the unrecognized villages, mixed cities, and Palestinian villages, and within secular and a variety of religious communities (Muslim, Christian, Druze and unreligious groups).

The Working Group believes that their national minority status should be reflected in the Committee's questions, observations and recommendations to Israel, and they should not be conflated with other groups of disadvantaged women. This terminology is particularly important given Israel's lack of constitutional protections for the right to equality, and its ongoing refusal to recognize the Palestinian Arab minority in Israel as a national minority in the Basic Laws of Israel, and to recognize PWCI as a distinct subgroup that may require special legal protections. Further members of the Bedouin community, who live mainly in the Naqab (Negev) district in southern Israel, are not a separate national or ethnic grouping, but an integral part of the Arab Palestinian minority in Israel that has a distinct way of life and other special characteristics.

This cultural and religious diversity obliges the state of Israel to combine not only substantive equality measures but also affirmative action and other special measures in order to eliminate discrimination against them.

We further wish to point out that most Palestinian Arab citizens of Israel (PACI) reject the term "Israeli Arab", used routinely by the Committee. This term is an Israeli state-construct that seeks to deny this group's identification with the wider Palestinian people. PWCI face the harshest consequences of this discrimination – as members of a national minority group, and as women in general - which is compounded by their society's social perceptions of status of women and the social rules and customs that govern them. Recent reports within Israel and by the OECD show the **states discrimination** against the PACI is actually costing Israel billions². Israel was placed last among OECD members due to the continued discrimination against the PACI³, and PWCI are seen as the most marginalized in Israel.

Lack of consistent and fully disaggregated data⁴

Israel's report to the Committee and its accompanying Annexes contain inaccuracies, omissions and under-reporting that gloss over rights violations by the state. In many cases, the state selectively divides (and disregards) various sub-sectors of the PWCI population, in a way that obfuscates the data. For example, in its report on "Dropout Rate in the Jewish and Arab Populations"⁵ (its answer to Question 17, *Education*) Israel does not indicate that whether its figures include dropout rates among Arab Bedouin girls. Its answer with regards to the latter (2.3%, 2.2% and 0.7% in grades 10, 11 and 12 for the years 2014-2015) cannot possibly include this group who historically have very

¹ This question was prepared by Adalah and Altufula centre – NNI

² Emily L. Hauser, "Discriminating Against Arabs Costs Israel Billions," The Daily Beast, Jun 18, 2013, <http://www.thedailybeast.com/articles/2013/06/18/discriminating-against-arabs-costs-israel-billions.html>.

³ OECD Report, Review of Recent Developments and Progress in Labour Market and Social Policy in Israel - Slow Progress Towards a More Inclusive Society, May 13, 2013, <http://www.oecd.org/els/israel.htm>.

⁴ This was prepared by Adalah

⁵ Israel's Sixth Periodic Report to the Committee on the Elimination of Discrimination against Women, 15 June 2017, CEDAW/C/ISR/6, para. 144-146.

high dropout rates; nor does it seem to reflect the figures cited by Israel's own Central Bureau of Statistics, which reported much higher margins. The result is not only an artificial deflation of significant differences between Jewish and Arab populations (which Israel's answer further elides by only comparing Arab women to Arab men); the omission also masks the true state of education among Arab Bedouin girls, at least part of which is owed to the state's failure to provide them with accessible high-school education).⁶

Selective screening of figures also serves to mask inequities. Thus, while in its answer to Question 19 (Employment) Israel reports that women make up a majority (68%) of all employees in the Justice Ministry and of holders of high-ranking positions (66%),⁷ its treatment of Arab women is limited to their percentage among all Arab employees (50%) thus eliding the inconvenient fact that as of 2014, Palestinian citizens of Israel in total held just 8-9% of civil service positions (short of even the government's 2012 target of 10%). (Its focus on the Justice Ministry also belies the minimal representation of PWCI in many other Ministries).⁸

In addition, data on Arab women citizens of Israel is patchy or non-existent in important sections of Israel's report and annexes. Data on PWCI is totally absent from the State's reports on "Senior positions in the public sphere" (in its response to Question 14),⁹ "Students"¹⁰ "Academic staff",¹¹ and [Doctoral-Level] "Scholarships for women" (Question 18),¹² and "Women in the civil service" (Question 19).

⁶ See Adalah's petition to the Supreme Court of Israel, HCJ 2848/05, *Fatimah Abu Sabila (Ali) et al. v. The Ministry of Education, et al.*, submitted in March 2005, decision delivered in January 2007, approving the Education Ministry's commitment to open the first high school in region of Abu-Tulul-EI-Shihabi, the first in any of the unrecognized/newly recognized villages in the Naqab. The petitioners presented data demonstrating that the dropout rate in Abu-Tulul-EI-Shihabi was extremely high, at around 77% overall, and higher among girls than boys. The school finally opened in August 2012, after Adalah filed a second petition to demand that the state honour its commitment (HCJ 7562/09, *Fatmeh Abu Sbeli, et al. v. Ministry of Education, et al.*). In 2013/2014, 91.5% of Arab girls were in schools at the age of 17, compared to 97.8% of Jewish girls. Central Bureau of Statistics, "Students in 7-12 grades, by age, sex and population group," Table 8.22, 10 September 2015: http://cbs.gov.il/reader/shnaton/templ_shnaton_e.html?num_tab=st08_22&CYear=2015 Here too, even these lower higher dropout figures *under-report* the problem of dropping-out among Arab Bedouin girls because they exclude girls living in the unrecognized Arab Bedouin villages, which the CBS claims to have difficulty in surveying.

For more information, see "Adalah's response to OECD reports on education in Israel, 2015 & 2016," 1 September 2016: https://www.adalah.org/uploads/uploads/Adalah_Response_to_OECD_1.9.2016.pdf

See also: Israel's Sixth Periodic Report, pp. 20-22.

⁷ Israel's Sixth Periodic Report, para. 206.

⁸ Arab workers are extremely underrepresented in key ministries, constituting just 3% of the staff of the Finance Ministry, 4% of the Ministry of Housing and Construction, and 2.8% of the Health Ministry in 2014. Sikkuy - The Association for the Advancement of Civic Equality, "Calcalist: The Civil Service Commission resumes publishing reports: The state has failed to integrate Arabs into the public sector," 9 December 2015: <http://www.sikkuy.org.il/wp-content/uploads/2015/12/Civil-Service-Commission-is-reporting-again-on-Arabs-in-the-civil-service-Calcalist-9.12.15-ENGLISH.pdf> Fifteen government ministries and administrative units had no Arab workers whatsoever, and Arab citizens of Israel in general and Arab women in particular are scarce at the levels of management and directorship. Ibid. A notable recent hiring is Arab Attorney Mariam Kabha, who was selected to head the Equal Employment Opportunity Commission, making her the highest-ranking Arab woman in the Israeli civil service.

⁹ Israel's Sixth Periodic Report, para. 108.

¹⁰ Ibid., para. 153-154.

¹¹ Ibid., para. 157.

¹² Ibid., para. 163-164.

These partial responses and the presentation of misleading information are examples of how drawing comparisons solely between men and women leaves out the critical aspect of how sex and national belonging combine to discriminate against PWCI. The lack of adequately disaggregated data is a major omission that is indicative of either a failure to gather complete, sufficient data in these areas or an attempt to draw attention away from the state's shortcomings in implementing its obligations under the Convention towards Arab women citizens of Israel.¹³

Question 4: Developments in legislation¹⁴

In the marked attempts to curtail civil society by the recent Knesset, numerous measures are directly and indirectly targeted at PWCI. Over the past few years, numerous legislative proposals were submitted (several already approved) aimed at deepening the discrimination against the Palestinian minority and the NGOs that defend their rights. Approximately 35 new discriminatory laws were proposed before the 19th Knesset, elected in January 2013. Another 51 measures are in the pipeline. Many of these advance measures to restrict freedom of expression, opinion, assembly and association, disproportionately targeting Palestinian citizens of Israel and Palestinian residents of the Occupied Territories, including East Jerusalem.¹⁵ Notable among these are:

- the 2016 *Anti-Terror Law*, which substantially expands the scope of the Israeli executive power vis-à-vis (broadly defined) “terrorist organizations,” effectively allowing for the criminalization of legitimate political protests—and even cultural activities—against Israeli policies specifically regarding Occupation;
- the *NGO Foreign Funding Transparency Law* (from the same year), which requires Israeli NGOs that receive more than 50% of their annual budgets from foreign governments to publicize their sources of funding in all communiqués, including letters to public officials and annual reports to the Registrar of Non-Governmental Associations;
- the *Expulsion of Members of Knesset Law (MKs)* (also from 2016) a new, draconian restriction designed primarily to restrict the freedom of speech of Palestinian citizen MKs, by enabling majority of 90 MKs to oust a serving MK for the full period of the Knesset's remaining term if it is felt that that MK has incited racism and/or support for armed struggle of an enemy state or a terrorist organization against Israel. The law affords wide latitude to the Jewish Nationalist majority to oust elected Arab MKs purely on the basis of ideological differences and presents a grave danger to the principle of separation of powers and the most basic civil rights in a democratic society: the right to vote and the right to be elected.

Earlier (but still recent) legislation includes the *Anti-Boycott Law* (2011) and the *Naqba Law* (2011) which strongly curtail the freedoms of civil society groups, parliamentarians, activists and citizens to voice criticisms of the state with regards to government policies in general and the Occupation specifically, thus endangering not only freedom of expression and association, but the ability for external agents to act against human rights abuses.

¹³ Ibid., para. 189-202.

¹⁴ Prepared by coalition of women for peace, Altufula center (NNI), AWC Arab women in the center, Achoti, Adaalah, Gun Free Kitchen Tables, isha lisha, Women Against Violence, WHRDF- The Human Rights Defenders Fund, Montada Alginsanya: The Arab Forum for Sexuality Education and Health, Alzhra: Arab Women Organisation, Kayan-Feminist Organisation, Tandi: Movement of Democratic Women for Israel.

¹⁵ See Adalah's Discriminatory Laws Database: <https://www.adalah.org/en/content/view/7771> & ACRI's Knesset Roundup: <http://www.acri.org.il/en/tag/knesset-roundup/>

Question 6: Access to Justice¹⁶

Administrative detention is a procedure that allows the Israeli authorities to detain people for extended periods of time on the basis of 'confidential' information without charging them and allowing them to stand trial. The procedure is carried out through the Israeli military court system, and detainees rarely are given access to any evidence held against them. Administrative detention is used almost exclusively to detain Palestinians from the Occupied Palestinian Territories (OPT) - namely the West Bank, East Jerusalem and the Gaza Strip.

Israel's policy of administrative detention is widespread and affects most Palestinian households. The vast majority of detainees are men, but we know of several women in administrative detention, who are to be held for months or even years in Israeli prisons, without access to due process or given the ability to defend themselves in court. Palestinian detainees are held under very strict conditions in the Israeli prison system and have limited or no access to basic services.

Question 7: Women's Peace and security¹⁷

Though the State of Israel was the first among the members of the United Nations to pass legislation (in this case an amendment to its Women's Equal Rights Law¹⁸) implementing some of the principles of Resolution 1325, the state has yet to make good on its commitment to establish "an inter-ministerial team to form and consolidate a national action plan for implementing UNSCR 1325." As of present writing, that platform, and its ancillary resolutions have been frozen. Any action plan designed to insure the comprehensive implementation of the Women, Peace and Security agenda in Israel needs to address the peace and security needs of all women, including PWCI.

In its answers to this question of the Commission, the state conveniently disregarded several critical peace and security issues bearing on women, most notably the impact of the Israeli occupation on women and girls. Despite the well-recognized effects of prolonged conflict on women and girls, the Israeli government does not recognise the Israeli occupation of the Palestinian Territories and the institutional discrimination against Palestinian citizens of Israel as core causes of insecurity for all women, and particularly for PWCI, and therefore does not address security in a holistic way with a focus on human security.

The gender-specific impact of the Occupation alongside discriminatory legislation within Israel bearing on PWCI such as land rights; economic, social and cultural rights; civil and political rights; residential and citizenship rights; and the rights of political prisoners and detainees (with particular consideration of the needs of women in detention); undermines the overtures of the state to upholding UNSCR 1325. Serious attempts in this area must address institutional, social and economic barriers to equal education and employment as core causes of poverty, particularly among Palestinian citizens. They should ensure that freedom of association and the right to political association are respected; and recognize the role played by the lack of basic infrastructure in the unrecognised Palestinian villages, the need for urban planning in recognised villages, the cruel

¹⁶Prepared by Coalition Of Women For Peace - CWP

¹⁷Prepared by Altufula centre NNI

¹⁸Amendment 4 to the Women's Equal Rights Law 5711-1951 initiated by former MKs Yuli Tamir and Eti Livni, with the support of Isha L'Isha Feminist Center Haifa and other women's organizations.

policy of house demolitions, the current housing shortage and discrimination in the issuance of building permits all bear directly on the security of women for their clear and direct impacts on PWCI. Finally, if the state intends to make good on its commitments to UNSCR 1325, it must commit itself to the protection of women human rights defenders; to ending military and institutional violence against women in the struggles for peace and civil rights along with prosecution of and threats of violence against them. Finally it should address racism and militarization of Israeli society and its implications for the security of all women, PWCI in particular, regarding the need for respect of the right to privacy of personal information, the right to personal integrity and protection from abuses by the intelligence security services perpetrated against women.

Question 8: National Mechanisms¹⁹

As part of a stated commitment to creating mechanisms to advance the status of women, the state of Israel has created the Authority for the Advancement of Women, though as of 2016, this instrument was largely inoperative. Operating with a staff of three and no general director for over a year and a half, the authority has not been able to transfer the millions of ILS at its disposal intended to promote women in the local authorities. Thus, for example, though the Ministry of Finance approved the transfer of NIS 25 million in February 2016, to see to the addition of sixty advisors on the status of women in local authorities around the country, the money has not been able to reach its destination. An initiative by several of the member organizations resulted in a commitment from July 2017 (Decision No. 2908 of the Cabinet) to appoint a director; that position has yet to be filled.²⁰

Question 9: Stereotypes and Harmful Practices²¹ Marital Age Law:

The amendment of the Marriage Age Law, which raised the minimum age of marriage from 17 to 18 became valid on March 2014. Drafted primarily to curtail the practice of betrothing underage girls (official data points to two main populations, ultra-Orthodox ['Haredi'] Jews and the Arab community), the data kept by the extent of the phenomenon within the Palestinian minority is partial at best. (A 2012 assessment from the Central Bureau of Statistics cited 3,681 Muslim girls wedded under the age of 19, a third of whom were under 18, 362 under 16.) This data is partial at best; most underage marriages are conducted in secret without being registered in court at all; most are only registered with the Ministry of Interior after the bride turns 18.

A more accurate indicator in this regard is the number of new births registered: two years after the legislation of the Law, 1,946 babies were born to Muslim mothers under 19 (in 2013, it was 2,037), indicating that the proportion of women wed under 18 has not changed substantially, despite official reports of a 50% decrease in the number of minor mothers.

The same is true of polygamy, which appears to be on the increase in the Arab Bedouin community, despite official overtures to increasing efforts to eliminate the phenomenon. Here, too, underreporting and clandestine practices hide the true extent of the phenomenon. A common practice, nominal divorces (in which the divorced couple continues to cohabitate after the husband 'remarries') were as high as 84% in 2012. A second practice, marrying women from the West Bank and Gaza with the marriage registered at Shari'a Courts there has resulted in a growing class of

¹⁹Prepared by Women Against Violence- WAV

²⁰<https://www.haaretz.co.il/news/education/.premium-1.3028658>

²¹ Prepared by The Working Group for Equality in Personal Status Issues, Ma'an ,AWC

Palestinian women in Israel with no legal status (and thus freedom of movement, access to health care etc.) whatsoever. Research conducted by Taghreed Jahshan in 2014 reports that 719 polygamous marriages were officiated in 2013, a substantial increase over previous years; there, of 4,400 cases presided over by the Beersheva Family Court, 2962 (66%) featured couples who were likely living polygamously.²² This rise seems to be regardless of the woman's profession or years of education.²³

Enforcement of these violations has been minimal. Though Article 176 of the Israeli Penal Code (1977) prohibits polygamy with the imposition prison sentences for violators, of the few cases that are filed with the police, most are ignored under the pretext of "cultural sensitivity."²⁴ The same is true of underage marriage. A recent complaint filed by the Working Group for Equality in Personal Status Issues in April 2017 was perfunctorily closed by the police on the grounds that no criminal guilt could be found.

Question 10: Gender based violence against woman²⁵

Under the recent *Crime Victim's Rights Law* (2001), the victim of a sexual offence is entitled to choose the gender of her\his investigator (with certain restrictions) and must be informed of such at by investigators. Women investigators aside, for PWCI few precincts in Israel have trained Arab investigators who would be able to competently investigating such crimes; only a handful of investigators around the country are Arab women. In the majority of cases accompanied by coalition member Women Against Violence, most investigations were assisted by Arab translators contracted on a volunteer basis to assist police – none of whom had any professional experience in the field of sexual abuse. (The discomfort which most respondents felt in these situations as a result prevented them back from sharing the full details of the crimes committed against them, a fact which only damaged their testimony and their prospects of getting a fair trial.)

The current procedure for filing complaints (in which women have to file with their local precinct) is also a severe disincentive to reporting by PWCI, especially for Arab Druze women. Here local police precincts are made up of fellow villagers, a fact which makes women highly reluctant to report out of fear of being exposed to and by these officers.²⁶

Countering sexual harassment

Even 19 years after the enactment of the Prevention of Sexual Harassment Law, the state of Israel is not providing adequate protection for PWCI, especially in the workplace. The law requires only employers with a minimum of 25 employees to appoint apposition responsible for dealing with complaints of sexual harassment in workplace; the stipulation, however, is unsuited to the Palestinian minority, where the largest employer is small businesses.

Protections from Domestic Violence

²²Jahshan, T. (2014) "Women in Negev vs. Marital status... more and more marginalization with nothing new in the 21st century

²³http://www.maanegev.org/images/Publication/personal_conditions/#/16

²⁴(Ibid)

²⁵Prepared by Women against violence, Alsiwar, Kayan and Ma'an

²⁶See *NGO Pre- sessional submission on Israel's implementation of the U.N CEDAW , june 2016 , section 4 - violence against women 5, page7-8)*

Protections for women from domestic violence are significantly hampered as the result of law enforcement's consistent record of failing to protect PWCI in particular, together with current budgetary and staffing policies that affect these women.²⁷In Israel 80% of the budget allocated to preventing violence against women is spent on law enforcement—this despite the fact that 89% of criminal cases involving PWCI are closed without an indictment filed.

Since 2004 147 women were murdered in Israel, of whom 116 were PWCI. This number is consistent with estimates that PWCI constitute 60% of all women murdered in the country. (Over 50% of these cases are closed without the murderer being brought to justice.)

Of the remainder of the state's budget for countering domestic violence, treatment and prevention services are grossly underfunded, especially as far as regards PWCI. On the national level, a recent inquiry quantified the existing personnel shortfall at 350 full time positions; of the 67 centers for the treatment of domestic violence, only 17 serve the Palestinian minority.²⁸The dearth of services is especially noted in the Naqab, where Welfare Bureau Inspector Mariam Ben-Atar reports that authorities received 66391 approaches for instances of domestic violence for a combined staff of 142 social workers (i.e., 467 cases per worker). The inspector adds that 30% of these workers are Jewish employees who do not speak Arabic and are not families with Bedouin culture.

Question12: Measures to protect Violence against Disadvantaged Groups of Women

A. Palestinian Women with disabilities citizens of Israel²⁹

According to the 2009 report of the Commission for Equal Rights for Persons with Disabilities, in 2007 women comprised a wider percentage of disabled population in Israel (650,000 out of a total 1.2 million). An important factor in this skew is the longer life expectancy which women enjoy vis-à-vis the wider population, with many women with disabilities belonging to age brackets in which the rate of the disability is higher. To date, Israel lacks up-to-date, aggregated data regarding the obstacles preventing older women and disabled women from enjoying the rights guaranteed by the Convention. With regards to PWCI, this lacuna is all the more problematic, as disabilities only further constrain the already very restricted social roles afforded to many women, further hindering, among others, their access to employment, the public sphere and many areas of social life. In many cases, barred from fulfilling conventional social roles, many PWCI with disabilities are also disenfranchised from a social support network, leaving them vulnerable to abuse, exploitation and poverty. In the Bedouin community, for instance, women with disabilities represent 22.4% of the wider population. Despite this preponderance, social services remain remote (a widespread phenomenon in the Bedouin South), while severe development deficits (deficient public transport, poor infrastructure for people with special needs) only further hinder their mobility. To compound these constraints, due to various eligibility regulations, only 39% of disabled Bedouin women able to receive disability pension. The state's responses to the committee fail to address these issues (which were presented to the committee already in the June session).

14: 15: Participation in Public life and decision making³⁰ including local authorities

²⁷ Ibid

²⁸ NGO Pre- session submission on Israel's implementation of the U.N CEDAW , June 2016 , Section 4: violence against women 5, page 8

²⁹ Prepared by Altufula NNI

Although they comprise 10.2% of the population of Israel, Palestinian women are substantially underrepresented in public office— or in fact any decision-making positions in the public sphere. At the national level, across the nine Arab political parties who vie for parliamentary seats in Israel's Knesset, women have historically been both underrepresented and subordinately placed. In a system where seats are accorded to party members according to the percentage of the national vote which each party wins (with a cumulative 10 seats generally going to Palestinian delegates each election), women candidates have rarely featured in the top ten. Though each of the major parties have committed to advancing women in their ranks, progress is slow. To date, only four Palestinian women have served in the Knesset.

These inequities are even more marked at the local level. Although legislation from 2000 (*The Law of Local Councils – Advisors to Advance the Status of Women*) calls for the nomination of 'advisors on women's affairs' in every local council as a vehicle by which to increase the representation of women in local public office, failure to provide the funding for these positions in Arab Localities has resulted in a situation where, across 53 official localities, only eleven paid positions have been created. Records from the municipal elections of 2008 show that of 5,922 contenders running for positions in the 53 Arab Local authorities, only 149 (2.5%) were women— and most were placed in unrealistic positions on the lists that would ensure they would never be elected. In 2013, of the 570 elected to local government in Arab Localities, only 12 were women.

The impact of this situation goes well beyond principle: given the often highly-sectarian nature of Israeli politics and decision-making, many pressing issues faced by Palestinian women specifically have no champions— a fact which has prevented many important reforms from being enacted. The participation of Palestinian women in the labor force, for instance, is one of the lowest in the country – partly because of the lack of adequate Day Care and transportation services in the villages where most of them live.³¹ These issues could be significantly rectified by clear measures at either the local or national levels- were there any one to champion them. At present, their sole impetus comes from the independent NGO/civil society sector (the primary voice for Palestinian women at present). More than this, the lack of political representation virtually guarantees failure for any measures to protect Palestinian women that face some level of political opposition, such as reforms to family law (zealously guarded by the parliamentarians of the orthodox-religious parties).

In 2014, the Knesset passed Amendment 12 to the *Law of Local Councils (Election Finance)* committing increased financing to local lists with high percentages of women. To date, the state reports that women have been integrated into 170 local authorities; the state makes no mention as to how many PWCI are among them. (The state of progress can be inferred: A 2007 resolution— “2579”— to increase the number of Palestinian citizens occupying public sector jobs to 10% by 2012 has not yet met its target from 5 years ago.)

The same is true across the public sector. Despite a dramatic increase in the number of PWCI lawyers in Israel over the past decade, their representation in the courts has not followed suit: there are 14 Palestinian women judges in Israel (including the first female judge to preside over an Islamic Court):3%, compared to 51% among their Jewish women counterparts. Similarly, despite a dramatic, national increase in PCWI with tertiary degrees the state has not increased the

³⁰—This paper was prepared by Women against violence, Kayan, Alzhraa

³¹Touma-Shukha, S. (2007) *At the margins' edge: Women's employment*. Nazareth: WAV [in Hebrew]

representation of PCWI within state services and the governmental offices in ten years; PWCI currently represent 2% of employees in these agencies. A similar percentage (representing nine PWCI) serve as directors of governmental corporations.³² This figure is not only disproportionately low; it has actually fallen, despite a progressive amendment made in 2000 to the *Government Corporations Law* (1975).³³

Women in the Public Sphere: Freedom of Assembly

An additional failure of the state concerns its inability to safeguard the freedoms of expression and assembly of PWCI engaged in social media activism and peaceful protests. According to demonstrators and detainees, police and security forces have resorted to dispersal, arrests and refusal to grant authorizations to protests against state policies on the grounds that they represent threats to the public order. General Security Service (GSS) and police have also been reported summoning protestors for interrogations, making illegal preventive arrests (including to lead demonstrators' family members), using excessive force against demonstrators, making group arrests; demanding lengthy pre-trial detentions and house arrests; and failing to abide by special procedures that apply to children.³⁴ No such treatment has been reported by Israeli Jewish protestors. In these episodes, a significant number of women protestors, including minors, have reported being subjected to additional oppressive tactics, including: being touched inappropriately; being subjected to insults, sexual slurs and unsolicited comments on their appearance; and humiliations including improper bodily-searches, sexual harassment and assaults in the investigation room.³⁵ In the case of PWCI, several incidents have been recorded of police officers arresting the fathers of teenage female demonstrators in an attempt to pressure the young women to cease their protest activities.³⁶

Question 16: Nationality³⁷

The Citizenship and Entry into Israel Law (Temporary Order) – 2003 has now been in effect for 14 years, renewed perfunctorily by the Knesset each time it expires. Though officially a temporary measure, Israel has effectively used this order to create a permanent ban on Palestinian family unification in Israel (despite its violation of articles 9 and 16 of the Convention).³⁸ It goes without saying that the order causes untold strife in the lives of Palestinian women, PWCI among them.

An additional policy in this vein has been the arbitrary revocation of citizenship from Arab Bedouin citizens of Israel in practice since at least 2010, and which as of present writing has left some 2,600

³² Israel's Sixth Periodic Report, para. 110.

³³ Historical data sent by the Authority for Governmental Corporations to Sikkuy—The Association for the Advancement of Civil Equality in Israel, dated 6 July 2009.

³⁴ Ibid.

³⁵ Presentation of Alma Bilbash, the director of Human Rights Defenders' Fund to Kvinna till Kvinna partners' meeting, November 2016.

³⁶ Adalah, "Protect the Protest: Palestinian Child Detainees Speak out", 28 December 2015: <https://www.youtube.com/watch?v=PdtAxSQyZ4o>

³⁷ This was prepared by Adalah

³⁸ Numerous UN human rights treaty bodies have called on Israel not only to amend but to repeal the Citizenship and Entry into Israel Law: the Human Rights Committee (CCPR/CO/78/ISR, para. 21, 2003; CCPR/C/ISR/CO/3, para. 15, 2010; CCPR/C/ISR/CO/4, para. 21, 2014), the Committee on the Elimination of Racial Discrimination (Special Decision 2/63, 2003; Special Decision 2/65, 2004; CERD/C/ISR/CO/13, para. 20, 2007; CERD/C/ISR/CO/14-16, para. 18, 2012), and the Committee on the Rights of the Child (CRC/C/ISR/CO/2-4, para. 50, 2013).

Bedouin citizens in the Naqab stateless.³⁹ The revocations occur during routine procedures, such as filing requests for a new passport or registering a change of address, when officials will inform the registrant that their citizenship is invalid because of longstanding errors made by their parents, grandparents or even the Interior Ministry in the registration process. Aimed exclusively at Bedouin citizens, the policy violates not only articles 9 and 14 of the Convention (pertaining to nationality and rural women), but also Articles 15(1) and 15(2) of the Universal Declaration of Human Rights as well as Israel's own Citizenship Law (1952) which prohibits revocation of citizenship as the result of errors (revocation being limited to cases of falsification, and even there under limited circumstances).⁴⁰

Question 17: Education⁴¹

Measures Taken to Review Textbooks

Despite a commitment to ensure that "teaching material will include adequate and un-stereotyped representation of both genders, and of all populations in the Israeli society" with ancillary requirements that all textbooks be developed in cooperation with the Department for Gender Equality and undergo gender-focused editing before receiving approval, there is no indication that such measures are being taken in the separate Arab Education system. A Ministry of Education committee which examined school textbooks for the Arab education system found "60% or more of the textbooks [...to] include a wide use of gender stereotypes."⁴² A similar recent research conducted by the Al-Tufula Center found elementary Arabic school books to be full of gender-based stereotypes favoring men and boys, with illustrations featuring women and girls in stereotypical roles and situations.⁴³

Question 19: Employment⁴⁴

According to official state publications and latest statistics of the Central Bureau of Statistics (Israel) ('CBS'), that only 31.5% of PWCI aged 25-65 participate in the workforce, in comparison to 79.7% Jewish females, and 74.2% of their Palestinian male counterparts. Among those in the Palestinian minority who do not participate in the workforce only 28% of male respondents expressed an interest in working, compared with 58% of female respondents.⁴⁵ This is especially noticeable among Arab women with academic training (42% of whom are currently not involved in the workforce at all), for whom a combination of factors continues to make full-time professional employment untenable. Most PWCI live in 'peripheral' villages and cities where work opportunities are far away and hard to reach. Coupled with the severe infrastructure problems, such as limited public transportation child-care options, traditional pressures for women to be close to the home

³⁹During the course of correspondence between Arab Member of Knesset Aida Touma-Suleiman, the Chairperson of the Knesset's Committee on the Status of Women and Gender Equality, and the Interior Ministry, the ministry appeared to confirm the existence of this policy and stated that it could affect up to 2,600 Bedouin citizens. Correspondence on file with Adalah.

⁴⁰ Adalah, "Israel illegally revoking citizenship from thousands of Bedouin citizens, leaving them stateless," 18 September 2017: <https://www.adalah.org/en/content/view/9238>

⁴¹ Prepared by Altufula NNI.

⁴²The Ministry of Education's Director General Guideline No. 6 titled "Teaching Methods" (May 3, 2015).Adallah NGO REPORT, "Suggested Issues for Consideration Regarding Israel's Combined 10th, 11th, 12th, and 13th Periodic Report to the UN Committee on the Elimination of Racial Discrimination" (CERD) 15 December 2005

⁴³Espanioly Nabila & Espanioly Hala, "Sexism in Children's Arabic Literature", Al-Tufula Center, 2002.

⁴⁴Prepared by Women Against Violence- Wav, Kayan, Al-Zahraa

⁴⁵<http://www.davar1.co.il/59874/>

have significantly inhibited their participation in the workforce. The percentage of PWCI who expressed despair at ever finding a suitable job in 2016 stood at 23.5 women.

Protection of pregnant women against Dismissal

Israeli law still leaves room for pregnant women to be dismissed while in term. Article 9 of the *Women's Employment Law* (1954), allows employers to dismiss a pregnant worker if they receive the proper approval (and provided the dismissal is not related to the pregnancy itself). The door opened by this caveat is very difficult to challenge, as the burden of proof required to indicate a dismissal for legitimate reasons is much lower in civil cases than in criminal cases. The slightest evidence can therefore play a role in the dismissal of a pregnant worker. According to figures published by the Ministry of Finance, in 2014 the Ministry of Economy approved 80% of the dismissal requests submitted to it.⁴⁶

Pay Equity

On the whole, PWCI workers in the public sector **receive lower wages** (an estimate 5,271 ILS per month gross) than their Jewish counterparts at the same jobs (7,666 ILS). Their wages are also **less than that of Palestinian men** with the same qualifications at the same jobs (7,190 ILS).⁴⁷

Question 21: Health "Status of Palestinian Arab Citizens in Israel"⁴⁸ Public Health

In the past decade, consanguineous marriage among the Arab citizens of Israel has decreased from 42.5% to 30.9%⁴⁹. However, this rate is still quite high and remains an issue of great concern for public health professionals since the rates of birth defects are significantly higher in these marriages. Furthermore, the rate of Arabs seeking genetic counseling is much lower, despite the availability of screening programs, due to various social and cultural reasons. Concerted efforts need to be made to increase the number of Arab students who study genetics, increase the number of family-centered genetic services in Arab villages and cities and implement more activities at the community level to raise genetic literacy.

Question 22: Rural women⁵⁰

The Bedouin population of the Negev has reached 262,453 persons by the end of 2016, comprising around one quarter of the Negev region's general population. Approximately half of this population live in seven state-planned areas while the other half live in 46 villages, unrecognized by the state of Israel and without basic infrastructure such as running water, electricity, a sewage system or roads. The population living in the unrecognized villages is also under constant threat of their homes being demolished by the state, with many homes having been demolished numerous times. According to the U.S. Department of State's Bureau of Democracy, Human Rights and Labor (DRL)'s 2010 country report on Israel, the Bedouin segment of the Arab population in Israel is the most disadvantaged, with widespread societal discrimination and domestic violence against women.

⁴⁶<http://www.ynet.co.il/articles/0,7340,L-4585789,00.html>

⁴⁷CBS 2014.

⁴⁸Prepared by Alzahraa

⁴⁹5 Sharkia, R., Mahajnah, M., Athamny, E., Khatib, M., Sheikh-Muhammad, A., & Zalan, A. (2016). CHANGES IN MARRIAGE PATTERNS AMONG THE ARAB COMMUNITY IN ISRAEL OVER A 60-YEAR PERIOD. *Journal of Biosocial Science*, 48(2), 283-287. doi:10.1017/S0021932015000103

⁵⁰Prepared by Ma'an, Adalah

The generalized poverty, economic, social and political marginalization and displacement of the Bedouin community since the establishment of the state of Israel in 1948 have exacerbated the extreme vulnerability of Bedouin women, who face discrimination and mistreatment within their own society. Bedouin society is characterized by polygamy (there are no exact numbers available but the number of polygamous families is approximately 40%), domestic violence as a legitimate way of "educating" the wife or child, and child marriages (girls married by force under 16 years of age is still common among some tribes). Moreover, approximately 85% of Negev Bedouin women are unemployed, making them financially dependant on the men of their families. Women suffer from severe physical and verbal abuse and basic needs, such as medical care are generally neglected. Recently, the Israeli Minister of Justice proposed a law to eliminate polygamy. In reality such a law is not for the benefit of females but rather to fight demographic expansion of Arab community in the Negev. There is an utmost need to adopt programs and interventions to raise young males and females' awareness at schools to change their attitude towards ill practices. As stated earlier, females with disabilities are suffering a lot as females and as females with disabilities.

Government Resolution No. 2397 for the Arab Bedouin in the Naqab

In its response to the Committee's question regarding rural women, Israel referred the committee⁵¹ to its Government Resolution No. 2397 – Government Plan for the Empowerment and Socio-Economic Strengthening of the Bedouin Localities in the Negev for the Years 2017-2021. While ostensibly a five-year plan worth a total of NIS 3 billion (US \$855 million) for the development of Bedouin towns and villages, it conditions state funding on the execution of forced displacements and home demolitions in the 35 unrecognized Bedouin villages, which are excluded from the benefits of the plan.⁵² The plan includes a section on "law enforcement" that authorizes the state to "protect state lands" and "prevent illegal expansion" in order to "decrease areas of land on which illegal construction exists."⁵³ This section was added after several government ministers refused to approve the plan without the addition of measures to ensure the evacuation and demolition of the unrecognized villages.⁵⁴

The resolution thus effectively conditions economic development on the implementation of policies of forced displacement, allocating part of its budget to this purpose, including NIS 30 million (over US \$8.5 million) per year for the purpose of planting trees in what it refers to as "evacuated state lands", on which the unrecognized Bedouin villages stand, to prevent the return of their inhabitants. The plan allocates a further NIS 32 million for additional law enforcement personnel and NIS 10.5 million for additional personnel in the National Unit for Planning and Construction Law Enforcement and local planning committees, in order to tackle "illegal construction" by the Bedouin population. The plan offers no possibility for recognition of the unrecognized villages, as it instructs the Bedouin Development Authority to prioritize evacuating the Bedouin communities living in the unrecognized villages. The plan also instructs the Ministry of Interior and law enforcement

⁵¹ Israel's Sixth Periodic Report, para. 251.

⁵² See "Government Resolution 2397 – Socio-Economic Development Plan for Negev Bedouin: 2017-2021," 3 March 2017, p. 2: <http://iataskforce.org/sites/default/files/resource/resource-1500.pdf>

⁵³ Ibid., pp. 8-9.

⁵⁴ Meirav Arlosoroff, "Gallant and Yariv Levin postponed approval of the government Bedouin plan – NIS 3 billion over five years" *Haaretz*, 15 January 2017 (Hebrew).

bodies⁵⁵ to create a “law enforcement plan” based on Government Resolution 3707 from 2011, through which the government adopted the Praver-Begin Plan for the forced displacement and destruction of all the unrecognized villages. This plan was canceled in December 2013 following major protests and local and international opposition,⁵⁶ thereby continuing it via other means. Thus, while Israel is promoting this plan as a “socio-economic development plan”, it is, in fact, aimed at the forced displacement and dispossession of the Bedouin – men, women and children – from their land and homes in the Naqab.

Update on the Bedouin village of Atir–Umm al-Hiran in the Naqab (Negev)

Since Adalah’s last report to the Committee, submitted in July 2016, which provides information about “Forced eviction and home demolitions of rural Bedouin women” and the case of court-approved eviction of Bedouin village of Atir–Umm al-Hiran,⁵⁷ Israel has aggressively continued its campaign of home demolitions. In 2016, 1,158 structures were demolished in Bedouin villages in the Naqab, about 500 of which were houses.⁵⁸

The year 2017 began with the state’s renewed attempts to destroy the unrecognized Bedouin village of Umm al-Hiran. On 18 January 2017, hundreds of police forces arrived in Umm al-Hiran to carry out demolition orders on homes; eight homes and seven agricultural buildings were razed. During the violent demolition operation, a 50-year-old villager and mathematics teacher named Ya’akub Abu Al-Qi’an was shot dead by police who opened fire on his car. During the same incident, Knesset Member (MK) Ayman Odeh (Joint List) sustained wounds to the head during an attack on him by the police.⁵⁹

In a related development, the new town of Hiran, which is planned for construction on the land where Umm al-Hiran stands after the existing Bedouin community has been forcibly displaced, will be open to Jewish residents only, contrary to the state’s representations before Israel’s Supreme Court. The state emphasized in response to an appeal filed against the planned demolition and evacuation of the village that, “Hiran is planned as general community into which any Israeli of any background or religion may integrate.”⁶⁰ According to a document uncovered by Adalah, Hiran’s cooperative association bylaws are as follows: “An individual may be approved by the admissions committee and become a member of the Hiran cooperative association if they meet the following

⁵⁵ Including the Police “Yoav Unit” that was established especially to assist the evacuation of Palestinian Bedouins from the unrecognized villages and the demolition of their homes.

⁵⁶ Adalah, “Demolition and Eviction of Bedouin Citizens of Israel in the Naqab (Negev) - The Praver Plan,”: <https://www.adalah.org/en/content/view/7589>

⁵⁷ Adalah, “NGO Pre-Sessional Report to the UN CEDAW for the List of Issues Prior to Reporting on Israel at the 68th Session,” 1 July 2016, pp. 7-8: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ISR/INT_CEDAW_NGO_ISR_24418_E.pdf

⁵⁸ Negev Coexistence Forum for Civil Equality, “‘Negotiation’ Under Fire, House Demolitions as a central tool of dispossession and concentration of the Bedouin community in the Negev/Naqab,” August 2017, p. 11: <http://www.dukium.org/wp-content/uploads/2017/08/HDR2017Eng.pdf>

⁵⁹ Adalah, “Umm al-Hiran man killed after police open fire during violent demolition operation in Bedouin village,” 18 January 2017: <https://www.adalah.org/en/content/view/9001>

⁶⁰ (Supreme Court) Appeal 3094/11, *Ibrahim Farhoud Abu al-Qi’an, et al. v. The State of Israel* (decision delivered 5 May 2015). See also (Motion): Further Civil Hearing 3959/15, *Ibrahim Farhoud Abu al-Qi’an, et al. v. The State of Israel* (decision delivered 17 January 2016).

qualifications: a Jewish Israeli citizen or permanent resident of Israel who observes the Torah and commandments according to Orthodox Jewish values...”⁶¹

The destruction of the Bedouin village of Umm al-Hiran and its replacement with a Jewish-religious town directly contradicts the Supreme Court’s (flawed) ruling in the case, in which the court sanctioned the demolition based on the state’s commitment that the new town of Hiran would not be ethnically exclusive, constitutes blatant discrimination against Arab Bedouin citizens of Israel, including women and girls, and violates their basic human rights.⁶²

Question 23: Disadvantaged groups of women

Income support for women in shelters for victims of domestic violence

Despite constituting 10.2% of the population, PWCI constitute 44% of the women residing in women’s shelters in Israel each year. Current entitlement policies (8,000 ILS per woman with an additional 1,000 per child) cap off at 10,000 ILS (i.e. covering two children). Furthermore, entitlement criteria pin receipt of support on the woman’s not returning to her ‘usual place of residence’ and her possession of a ‘remedial treatment plan’ for the period following her departure from the shelter. These criteria discriminate inordinately against PWCI, who tend to have much substantively more than two children on average and minimal employment skills that would enable such income support to have any meaning. As a result, many women have no choice but to return to their original filial environments (though it should be noted that the tight-knit rural or social settings from which PWCI hail make it difficult for them to integrate to other urban settings, thus making their return more likely, disqualifying them from support).⁶³

Question 24: Marriage and Family relations⁶⁴

Israel’s *Law of Legal Capacity and Guardianship* (1962) follows the “tender years doctrine” in its provision of preferential custody to mothers over children under the age of six in divorce proceedings (save in cases where there are mitigating circumstances that would render such an arrangement not in the child’s best interests). In recent years, this legal principle has been undergoing reconsideration, with the recent government-appointed ‘Shnit Committee’ having recommended to replace traditional “guardianship” with “common parental responsibility.” Though not yet passed into law, these approaches have been gaining currency across the institutional landscape of family law, from family courts to welfare agencies who have been advocating for ‘equal responsibility’ among parents in divorce proceedings. Progressive though these trends seem, for PWCI they are, on the whole, potentially disastrous. Without the necessary accompanying cultural change, Shnit recommendations amount to an undue source of pressure for women from patriarchal societies: while prevailing expectations of women to raise and take care of the daily needs of children, the possibility of losing custody will put many women at risk of blackmail and coercion to compromise their rights in order to secure the one basic right which in the past had

⁶¹ For the original document, see Adalah, “No non-Jews allowed: New Israeli town of Hiran, to be built upon ruins of Bedouin village, is open to Jewish residents only contrary to state’s representations before Supreme Court”, 8 August 2017:

<https://www.adalah.org/en/content/view/9186>

⁶² Prepared by WOMEN AGAINST VIOLENCE-WAV

⁶³ (*NGO Pre- sessional submission on Israel's implementation of the U.N CEDAW , june 2016 , section 8 - Employment 13 , pages 13-14*)

⁶⁴ Prepared by the working group on personal status issues, Kayaan, Ma'an, AWC

been a guarantee. (In many religious courts, where the tender years' doctrine is not safeguarded, women risk losing custody of their children if they remarry; absent the overriding *Law of Legal Capacity and Guardianship* they are especially vulnerable to extortion and coercion.) Champions of Shnit recommendations may also be overlooking the relatively low socioeconomic status of wide swathes of the Palestinian minority in Israel. The supplanting of the tender years doctrine could very well simply result in 'shared custody' in name only, which in practice would be experienced by mothers and children as a substantial reduction in child support.