



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 686th meeting

Held at Headquarters, New York, on Wednesday, 6 July 2005, at 3 p.m.

Chairperson: Ms. Manalo

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05-40877 (E)

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Third periodic report of Israel (CEDAW/C/ISR/3; CEDAW/PSWG/2005/II/CRP.1/Add.7 and CRP.2/Add.7)

1. *At the invitation of the Chairperson, the delegation of Israel took places at the Committee table.*

Articles 1-6 (continued)

2. **Ms. Briskman Gomelski** (Israel) said she wished to clarify that article 376 of the Penal Code contained a general ban on of all forms of bondage, which would, of course, include trafficking.

3. Part of the further training of judges provided by the Institute for Advanced Judicial Studies in the past year had been three seminars on such gender-related issues as equality and discrimination, avoidance of stereotypes and interdisciplinary interpretation of the law, including feminist interpretation, as well as a seminar on the provisions of the various human rights treaties. During the drafting of legislation, the legislators and the Ministry of Justice always took into consideration the relevant provisions of the Convention and the other human rights treaties and tried to incorporate them. Israel for the moment had no plans to ratify the Optional Protocol.

4. **Ms. Tene** (Israel) said that the parliamentary mechanism for the implementation of the Convention was the Knesset Committee for the Advancement of the Status of Women, which had ensured its translation into Hebrew, publication and wide dissemination. Israel's previous periodic report was also available to the public on the Ministry of Justice website.

5. One of the Government's high priorities was to combat trafficking in women and it had had particular success as a result of its information campaign in countries of origin and its heightened cooperation with foreign police forces in the extradition of major traffickers. Israeli courts imposed strict penalties for trafficking and related offences, and the State Attorney appealed any sentences that appeared disproportionately lenient. Also, a recent enactment allowed the courts to close premises in order to limit their use for the commission of such offences.

Moreover, the Comprehensive Government Bill aimed to expedite the prosecution of trafficking cases.

6. As an indication of the participation of women in Israeli public life, she cited the most recent data on the growing number of female and minority female judges, public defenders and attorneys. In the latest election in 2003, most of the political parties had included Arab women in their lists of candidates to the Knesset, though none had been elected. The Knesset Committee for the Advancement of the Status of Women was seeking to remedy that situation by promoting the participation of women in local government. While women overall held about 14 per cent of local council posts, Arab women held only 0.5 per cent — a gap usually explained by religious and traditional pressures that kept them from holding elected positions. The Government was working to remedy that situation: at the urging of the Authority for the Advancement of Women, a woman was now appointed to each municipal council to act as adviser on the status of women. Thirty-eight Arab municipalities had appointed such an adviser to help formulate the local policy for the advancement of women and secure the needed resources. The Authority was, furthermore, encouraging local volunteers to assist the advisers by offering leadership courses for women and otherwise working towards their empowerment.

7. Israel had also taken major steps to accelerate minority representation within its civil service. Both the Employment Service Law and the Equal Opportunity in Employment Law, applicable to both private and public employers, forbade discrimination among job applicants on the basis of religion, race, nationality, gender, sexual orientation, age, personal status, personal convictions or political affiliation; and the same prohibition applied to civil service hiring without a tender, in terms of employment, promotion, on-the-job training and termination. Moreover, the Civil Service Law (Appointments) had been amended to require appropriate representation among civil service employees. As a result of the Government's affirmative action measures, in place since 1994, to increase the integration of the Arab and Druze population into the civil service, their number had been increasing steadily, so that by December 2004, 5.5 per cent of all employees had been Arabs (one third of them women) or Druze (one eighth of them women). The members of the local councils of municipalities composed primarily of Arab, Druze, Bedouin or

Circassians were drawn almost exclusively from those groups. In larger municipalities with mixed populations, minorities were employed proportionately by the local governments, although less so in senior positions.

8. To accelerate minority representation in Government-owned corporations, an amendment to the Governmental Corporations Law had been passed in June 2000 requiring appropriate representation of minorities on the board of directors of every such corporation as soon as possible, as well as on the boards of statutory corporations and organizations. A Government subcommittee had been established to monitor the enforcement of the new affirmative action measures. By January 2005, Arab representation in Government-owned corporations had nearly tripled. A group of Israeli non-governmental organizations had created a database of qualified Arabs who could serve as candidates for senior positions in Government-owned corporations and had made it available to the Authority for Governmental Corporations.

9. The Department for the Advancement of Women within the Civil Service was responsible for the training and guidance of the supervisors who promoted the advancement of women in government offices, with emphasis on the prevention of sexual harassment, and it monitored the enforcement of the relevant laws. It also received complaints of discrimination or injustice from individual women civil servants.

Articles 7 to 9

10. **Ms. Popescu** asked for clarification about the areas where there was still inequality between men and women and what the Government was doing to bridge the gap. She wondered whether there were any Arab or minority women among the 18 women parliamentarians. In an ethnically diverse society such as Israel women could suffer from ethnic or religious discrimination as well as gender discrimination. Future reports should provide statistics broken down according to all three categories. Also, more information was needed on the effectiveness of the 2000 Amendments to the Civil Service Law (Appointments), especially since the report (CEDAW/C/ISR/3, p. 23) indicated that its application might be problematic. She would like to know if the Government had established quotas or some other form of affirmative action to ensure the political participation of women.

11. **Ms. Šimonović** asked why the 28 seats allotted to religious parties in the Knesset — 25 per cent of all places — were closed to women. She wondered if it would be compatible with Israeli law to introduce quotas or other temporary special measures to advance the participation of women in government and the diplomatic service.

12. **Ms. Gaspard**, observing that the proportion of women elected to local and national office was still very low, said that if the Government provided funding to political parties, it might perhaps consider imposing a penalty by reducing that funding in cases where the representation of women candidates fell below a certain quota. She asked whether any affirmative action had been taken to favour the representation of the different communities of women and the social groups within them; and if the appointment of an adviser on the status of women was obligatory in all municipalities, if the position was elective or by appointment and if a man could serve in that capacity. Since it was important to introduce a gender perspective in local government as well, she would like information on any plans to instruct municipal authorities to introduce measures such as gender budgeting to guarantee gender equality.

13. **Ms. Tavares da Silva** said that information provided to the Committee had indicated that the Citizenship and Entry Law of 2003 had hampered family reunification in the case of Israelis married to Palestinians living in the occupied territories, forcing many women to live in an illegal situation. The Law had apparently been recently extended and had been amended to allow only persons above a certain age to apply for family reunification, a provision that would mean long delays for persons married, as was customary, at younger ages. Since it was a matter of human rights and dignity to live in a secure family setting with all attendant benefits, the Government should reconsider the issue, which ought to be a part of the peace process.

14. **Ms. Coker-Appiah** said that the Citizenship and Entry Law affected particularly Palestinian Arab women citizens with non-Israeli spouses, impinging on the family's economic livelihood and leading to family violence. What was Israel doing to families in such situations? She would like statistics on the Palestinian Israeli women who had lost their social benefits when they had moved to the occupied territories to rejoin

their spouses or who had been unable to obtain residence for their spouses in Israel.

15. **Ms. Maiolo** said that, since quotas were sometimes needed to help advance the participation of women in public life, she would like to know if the Government had given any thought to establishing quotas. Women's participation in legislation was especially important, because only women could make good law for other women.

16. **Ms. Matias** (Israel) said that data specifically on Arab and Palestinian women in Israel would be compiled and submitted later to the Committee.

17. **Ms. Briskman Gomelski** (Israel) observed that a State had the right to control entry into its territory, especially during times of armed conflict. As a security response to scores of murderous suicide bombings costing thousands of Israeli lives, which had been perpetrated with the growing involvement or assistance of Palestinians originally from Judea and Samaria and the Gaza Strip but resident at the time in Israel pursuant to family unification procedures, the Government had in 2002 temporarily stopped granting Palestinians legal status in Israel, even on the grounds of family unification. In 2003, the Citizenship and Entry Law had been enacted as a temporary measure to limit the granting of Israeli citizenship or residence permits to residents of the Palestinian territories, and it had been extended until the end of August 2005. The Law did not affect the status of any person retroactively. It currently allowed entry into Israel for purposes of medical treatment or employment or on other temporary grounds for a total of six months and allowed a minor up to the age of 12 to join a parent lawfully residing in Israel. The Supreme Court was scrutinizing the constitutionality of the Law in several pending cases and was awaiting the adoption of envisioned changes before ruling on it. A planned amendment to the Law would make further exceptions in the case of persons posing a lower security risk: it would allow new requests for family unification from resident men over the age of 35 and women over 25 married to an Israeli spouse, thus reducing those excluded by about 30 per cent, and would allow the granting of temporary permits to their children over 12. The amendment would also lift the six-month limit on permits for employment or medical reasons. If the peace process indeed advanced, the Law might be further liberalized. She knew of no data on women

actually affected by the Law but would send them subsequently if any were available.

18. In her view, although the matter had not been addressed by the courts, the setting of quotas as a temporary special measure did not contradict Israeli law. She was unaware of any bills on the matter.

19. **Ms. Tene** (Israel) said that the main reason that so few Arab women served in the Knesset was that the Arab parties placed them so low on their lists of candidates that it was unrealistic to believe they could be elected. The need to have more women participating in political negotiations, in particular peace negotiations, was a majority view confirmed in a recent Israeli public opinion survey, and to that end a new bill had been introduced with a target of reaching 25 per cent participation by women. She noted that one religious party had reserved a Knesset seat for a woman. Efforts to increase the number of female ambassadors were under way in the Ministry of Foreign Affairs. She noted that nearly half of the candidates in courses to prepare for positions in the Ministry were women and that of the existing posts more than half in the administrative wing were held by women. The position of local adviser on the status of women was a non-elective post that could be held only by a woman.

20. **Ms. Matias** (Israel) said that the idea raised by members of the Committee of using quotas as a tool for eliminating discrimination against women was most interesting and would be reported back to her Government. She noted that a new bill that had just passed its first reading sought to provide considerable extra funding to political parties whose membership included at least 30 per cent women and that managed to elect female representatives to the Knesset. The fact that Arab women were poorly represented in the Knesset was undeniable but the Government could not dictate how parties should rank their candidates on lists or how the voters should vote.

Articles 10 to 14

21. **Ms. Pimentel** noted with regard to article 10 on education that there were undisputed differences in the achievement levels of Jewish and Arab students and that more money was being spent on Jewish students. She requested more information on the educational budget and services for Arabs and on measures taken by the Government to reduce the high dropout rate for

Arab girls, especially among Bedouins. She also asked why so few Arab students passed the university entrance exams, even though they had managed to pass the secondary school completion examinations. Finally, she requested more information on what was being done to eradicate gender stereotypes in school books used by Arabs.

22. **Ms. Khan** noted with regard to article 11 that information submitted to the Committee showed that discrimination in employment based on gender and ethnic origin continued to exist in Israel despite recent laws prohibiting such discrimination. Noting that Israeli women were very active in the labour force she asked whether all job levels, including decision-making, were open to women or only blue-collar and secretarial work. She requested more information on affirmative-action measures to increase the number of women participating in decision-making. Noting that there seemed to be salary gaps in women's disfavour, even in the civil service, she asked whether legal or administrative remedies were available and were being used to combat the problem. Information had reached the Committee concerning discrimination against pregnant women and mothers, some of whom were apparently even fired from their jobs. She requested information on such cases and on what the Ministry of Social Welfare was doing to end such discrimination. She also asked for more information on cases of complaints by non-Jewish women, especially migrant workers, about sexual harassment in the workplace.

23. **Ms. Tan** asked what the current prevalence of ritual genital operations was among rural women. The second periodic report had indicated that there had been a number of such cases and the third report indicated that there was no sign of significant change in that regard. She requested more information on the situation.

24. **Ms. Simms** also asked with regard to rural women what measures the Government was taking to ensure that the laws on compulsory primary education for boys and girls alike were applied to all groups, some of which, especially in rural areas, apparently resisted the education of their children, particularly the education of girls. Culture, and especially religion, was often cited as a way of rationalizing the oppression of women. The State had an obligation to overcome cultural and economic barriers to the education of girls. It had a crucial role to play in eliminating discrimination and it must vigorously assume that role.

The same applied to the prevention of female genital mutilation.

25. **Ms. Gabr** noted that 20 per cent of Israel's population, within the legal frontiers, was Arab and yet the portion of the budget devoted to the provision of government services to Arabs was considerably smaller. She requested additional information on the impact of the 1991 law on migrant workers on Arab migrant workers, especially women. Women needed training and employment in order to benefit from the Israeli social services. There had been cutbacks in employment in the textile sector recently, and those affected needed training so as to be able to find work in other sectors. She also asked what projects had been planned or set up to assist women in poverty, especially Arab women.

26. **Ms. Shin** noted, with regard to article 12 on health, that despite the commendable national health-care system in Israel, which covered all women, there were nevertheless disparities in health indicators between Jews and non-Jews. She asked what was being done to close that gap. Reports had reached the Committee of Palestinian women being unable to reach hospitals in time for healthy delivery of their babies owing to long delays at checkpoints. She asked why checkpoints were not instructed to expedite the passage of ambulances in such cases.

27. **Ms. Dairiam** said that information had reached the Committee about limitations on access to public services faced by minority women, especially Bedouins, whose traditional settlements had been termed "illegal villages". Women played a key role in the local economy, especially in herding and agriculture, and were the most affected by the Government's repressive measures, in particular forced evictions and the destruction of their livelihoods. She asked what had been done to analyse and overcome the obstacles faced by minority women in the region and requested information on social and health indicators regarding them. She urged the Government to reconsider its policy towards the Bedouins, who were citizens and paid taxes.

28. **Ms. Patten** noted, with regard to articles 13 and 14, that States parties had an obligation to ensure equal access for men and women to financial credit. It would appear that Arab and Bedouin women still faced barriers in that regard. She asked what sorts of microcredit and other programmes had been

established to encourage entrepreneurship among minority women. She also requested more information on measures to monitor the implementation of laws on equal opportunity for women in employment in the public and private sectors and to monitor the implementation of regulations on maternity leave. Given the reports reaching the Committee about the precarious economic situation of Bedouin women, recent information about Government efforts to relocate Bedouin communities into larger villages, which apparently served to free land for Jewish settlements, was most disturbing.

29. **Ms. Morvai** said that article 14 of the Convention provided a checklist for monitoring discrimination against rural women. She asked for more information on how the Government sought to involve Bedouin women in decision-making, on specific health measures taken for the benefit of rural women, on the definition of “illegal villages”, on educational and training facilities set up in rural areas close to people’s homes, on self-help groups and cooperatives and marketing facilities for rural women and on transportation services for such groups.

30. **Ms. Arocha Domínguez** said that the Committee needed to be able to compare the evolution over time of the situation of various groups in the country. It would therefore like to receive disaggregated indicators over a number of years broken down by gender, age, rural vs. urban, region, ethnic origin and religion.

31. **Ms. Matias** (Israel) said that members of the Committee should realize that dealing with and providing Government services to groups like the Bedouins, which were so different from the mainstream in culture, language, religion and lifestyle, was a very complex task. The Bedouins lived mainly in the south of the country on land that was not owned by them. That alone made their villages illegal, much as some of the Jewish settlements were illegal. The Government was not shying away from its responsibilities. It sought to negotiate solutions with the Bedouins, including involving them in the design of new Bedouin towns, but unfortunately the Bedouins did not always agree among themselves on what they wanted.

32. **Ms. Vinnik** (Israel) said that in 2001 the Government had launched a sweeping programme, to be implemented in stages through 2005, aimed at ensuring equal educational opportunities for all and

bridging educational gaps through affirmative-action initiatives. The programme involved a change in the budget system to provide schools with resources on a differential basis, which meant that each school would receive a budget amount per student based on a socio-economic breakdown. The effect would be to increase the budget for schools with students from low economic backgrounds. In particular, there were increased appropriations for education for Arabic-speakers, including teacher training and provision for scholastic advisers and other support personnel, who would, among other things, encourage girls to remain in school and choose professional careers. Additional money had also been appropriated to build more school space to accommodate kindergarten classes.

33. The new education programme established a core curriculum, with testing to ensure that students could meet certain basic learning standards, but within that framework schools would be given more self-management capacity to make individual decisions according to their specific needs. A longer school day had been mandated by law, and priority was being given to its implementation in neighbourhoods needing special attention, beginning with the elementary schools. The new programme had already resulted in steady rises in scholastic achievement and lower drop-out levels. Indeed, rates of attendance and achievement of a matriculation certificate were higher among girls than boys overall, and the gap between the rates for Arab and Jewish girls was narrowing.

34. **Ms. Matias** (Israel) said that it was regrettable that lack of time prevented the delegation from presenting all the detailed information it had available to respond to the very important questions asked. Much of the information appeared in Israel’s fourth periodic report, just received by the Committee. The delegation would be happy to respond to any remaining questions in writing.

Articles 15 and 16

35. **Ms. Zou Xiaoqiao** wondered why the third periodic report had only one paragraph relating to article 15 of the Convention, which was concerned with such important matters as equality before the courts, equal rights to conclude contracts and administer property, freedom of movement and choice of domicile.

36. **Ms. Khan** said that she would appreciate a clarification of how the parallel jurisdiction of family courts and religious courts affected the divorce and inheritance rights of Muslim women in Israel. Moreover, the bill introduced in 2004 amending the provisions of the Penal Code concerning polygamy, which provided that a person previously married should continue to be considered married if he/she lived with or near the divorced spouse, appeared to place Muslim and particularly Bedouin women at a double disadvantage: to remain in a polygamous marriage was degrading, but the bill would deny them the legal benefits of their single status if they were obliged by economic or social pressures to continue to live in the family compound.

37. **Ms. Tan** said that the response to the question on underage marriages, namely, that they usually took place in closed communities and did not become public knowledge, gave the impression that nothing could be done, but surely there were practical measures the Government could take to combat the practice and reduce the high number of early marriages. In addition, she wondered if any thought had been given to raising the marriage age from 17 to 18.

38. **Ms. Gnacadja**, noting that the rate of approval of petitions for underage marriages was extremely high, asked whether the 1998 amendment to the marriage-age law had had the effect of broadening or narrowing the grounds for approval of underage marriages. Second, in view of the legislation and government policy preventing the entry of nationals of other Arab countries or Palestinians from the Occupied Territories, even those who were married to Israeli citizens, she would like to know what measures the Government intended to take to make family reunification and a normal marital life possible. Third, given the parallel jurisdictions of family courts and religious courts in most personal status matters, she wondered on what basis it was decided which courts had jurisdiction and whether women were given a choice between secular and religious law. Curiously, although marriage and divorce per se were under the jurisdiction of the religious courts, approvals for underage marriages were handled by the family courts, and she wondered how the two jurisdictions dovetailed.

39. **Ms. Maiolo** said that, although few formal complaints of forced marriage or polygamy were recorded, it could be assumed that women were under strong family or community pressure not to file

complaints in such cases. It seemed that the police should be more active in seeking out instances of forced marriage and investigating reports of polygamy.

40. **Ms. Ziv** (Israel) said that there had been very few reported polygamy cases: only 10 in 2003 and 15 in 2004. The rationale behind the new bill amending the polygamy provisions of the Penal Code was that some men, wishing to have another wife but not to break the law, would divorce their first wife in order to remarry but would continue to cohabit with her or to support her in a nearby establishment. However, on reviewing the bill, the Israeli Police had expressed opposition to its enactment, because it seemed extreme to prosecute a person for attempting to obey the law; the bill would impose a criminal sanction on actions that were not in themselves criminal; it would result in an invasion of privacy; and some of the terms of the bill, such as "living in close proximity" or "common household" were not as clearly defined as a penal provision required. Polygamy was condemned by Israeli society, but it was felt that the problem could best be addressed by education and advancement of the status of Bedouin women.

41. Currently there were no known cases of forced marriage. Although the offence was not defined as such under the Penal Code, an allegation of a forced marriage would be investigated and an offender could be prosecuted under other sections of the law, such as rape, threats or extortion.

42. **Ms. Tene** (Israel) said it was true that underage marriage was still common in certain sectors of the population, such as the Ultra-Orthodox Jews, Georgian Jews, Muslims, Druze and Bedouins. It was estimated that hundreds of female minors married annually in Israel, and petitions for underage marriage were almost always granted. However it was felt that the solution should be through social welfare, education, and empowerment programmes, rather than law enforcement. The Government had a number of specific programmes in place, particular in the northern part of Israel, aimed at educating the population on the implications of underage marriage.

43. **Ms. Briskman Gomelski** (Israel) said that marriage and divorce per se were handled through the religious courts appropriate to the individuals in question. If the spouses were of different religions, the President of the Supreme Court would accord jurisdiction to the family courts. For other related

matters, such as alimony, custody, and inheritance, the religious courts and family courts had parallel jurisdiction. The choice of jurisdiction was made by the person bringing the complaint.

44. **Ms. Matias** (Israel) said that, since Israel was a diverse society comprising many different faiths, the Government was unwilling to impose secular law with regard to marriage and divorce. However, with related issues of a civil nature, such as inheritance and child custody and support, secular legislation existed. In theory the same secular law was to be applied in both the religious and family courts on those issues. In practice, because of different attitudes, the outcome might also be different. A woman anticipating a filing for divorce in a religious court could file first in a family court, which would then have jurisdiction over all the civil issues surrounding the divorce.

45. **The Chairperson** said that she welcomed all the measures taken in implementation of the Convention, in particular the establishment of the Authority for the Advancement of the Status of Women and the amendment of the Women's Equal Rights Law. However, the absence of an explicit guarantee of women's right to equality and freedom in the Basic Law weakened that right and constituted a failure to comply with the State's obligations under article 2, subparagraph (a), of the Convention. She urged the State party to define discrimination in its Basic Laws as it was defined in article 1 of the Convention and to integrate the Convention into domestic laws. Although she welcomed the measures taken against trafficking in women, she urged stronger steps: the Government might consider ratifying the United Nations Convention against Transnational Organized Crime and its first two Protocols. More shelters for minority women victims of trafficking would also be helpful.

46. She welcomed the increase in the numbers of women in the legislature and the cabinet, but recommended that the Government take special measures to bring more minority women into the political arena and consider the adoption of quotas. She would like to draw its attention to the Committee's general recommendation No. 23 on women in political and public life. In the field of education, she welcomed the steps taken to close the gaps between Arab and Jewish schools and to address the higher drop-out rates among Arab and Bedouin young women, although there was clearly more to be done, including replacement of stereotyped educational materials.

47. With respect to equality in marriage and family life, serious problems clearly remained. She would urge the Government to take appropriate measures to address the problems of underage marriage, polygamy, child maintenance and domestic violence. In that regard, she commended to its attention general recommendations No. 19 on violence against women and No. 21 on equality in marriage and family relations, and she urged it to withdraw its reservation to article 16 of the Convention. She regretted that Israel had no intention at present to become a party to the Optional Protocol. In conclusion, while the Committee did not wish to politicize matters, it did expect the State of Israel to fulfil the Convention, and certain political realities formed the background for its implementation. Legal opinion and jurisprudence in human rights law generally upheld the view that the Convention applied in the Occupied Territories, a view evidently shared by many members of the Committee.

48. **Ms. Matias** said that her delegation had taken careful note of all the comments and recommendations. If time had allowed, it could have responded more fully to some of the questions, although it had not come prepared to debate political issues. A look at the fourth report, just submitted, might prove enlightening, by showing that much was already being done in areas of concern to the Committee.

The meeting rose at 5.20 p.m.