



## Economic and Social Council

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### Commission on the Status of Women

#### Fifty-ninth session

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**Follow-up to the Fourth World Conference on Women and  
to the special session of the General Assembly entitled**

**“Women 2000: gender equality, development and peace for  
the twenty-first century”**

### **Statement submitted by Israel Women’s Network, a non-governmental organization in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## **Statement**

Israel Women's Network is the most veteran organization working to advance the rights, status and equality of women in Israel. Fuelled by the belief that women's equality is more than just a "women's issue", Israel Women's Network leads innovative programs aimed at promoting legal, political, economic and social reform, viewing this as an essential tenant of a democratic and just Israel. This statement is submitted to the United Nations Commission on the Status of Women based on continuous work through our policy and advocacy branch, legal services, field and educational work, particularly focusing on three contemporary issues challenging equality for Israeli women that have not yet been addressed on an international level, and are in accordance with the 59th session theme.

### **Commercial surrogacy**

In Israel, commercial surrogacy has been permitted by law since 1996, under the Embryo Carrying Agreements Law, making it the first country in the world legalizing state-supervised surrogacy. Commercial surrogacy is the only exception to the social and moral norm that the body and its organs cannot be a source of income.

Due to the complex nature of surrogacy, Israel has put in place many restrictions on the practice but these restrictions are not always beneficial to the surrogate herself, nor to the child born as a result of the procedure. The practices that have developed over the years unfortunately focus on the business transactions, rather than the protection of the rights of women involved in the process.

The Israeli Ministry of Health has recently proposed a new bill, amending conditions of surrogacy in Israel, and for the first time since 1996, partially regulating surrogacy by Israeli intended parents and surrogates from foreign states. This bill, despite some positive improvements on existing law, has many shortcomings, focused on easing regulation on commercial stakeholders rather than strengthening the protection of human rights. For instance, the bill limits the payments to surrogates, while setting no limits to the amounts paid to the mediating agency, doctors, and lawyers. The bill also alleviates some regulation over the approval process of the surrogacy agreement, allowing more freedom for the agencies, instead of requiring the agencies to be non-profit Non-Governmental Organizations under tight professional supervision. We criticize this new amendment, asking for more protection for the surrogates in Israel and elsewhere, and stricter regulation, inspection and enforcements of the allocation of funds between parties, informed consent, professional guidance and support, and non-partial evaluations of all parties.

The current bill promoted by the Ministry of Health does not adequately protect a surrogate woman's health even though she is the primary party undergoing medical procedures. We believe the law should include an explicit and comprehensive protection of women's rights to autonomy over their bodies, human dignity, physical and mental health, and privacy. We would like to call attention to the fact that in order to reduce and eliminate the violation to surrogates and women's rights in general, it is imperative to promote multilateral international arrangements for inter-country surrogacy; facilitate altruistic surrogacy in Israel and elsewhere; promote alternatives to commercial surrogacy that provide stricter

protection of women's rights; ensure the agencies and organizations involved are licensed and continuously monitored by the state; prohibit abusive clauses in surrogacy agreements; and require enforceable provisions protecting the rights of women and children in said agreements.

The State of Israel should prohibit the commercialization of women's bodies. Commercial surrogacy allows a woman's body to become a purchasable commodity. It is a practice that exploits socio-economic disparities as oftentimes surrogates come from extreme poverty while intended parents usually come from wealthier backgrounds. This is especially true in cases of International surrogacy. However, we are leading an advocacy campaign, in cooperation with many other Non-Governmental Organizations and activists within Israel, to amend the proposed bill in such ways that will ensure the protection of women's rights in Israel and abroad. Altruistic surrogacy should be facilitated and regulated without discrimination on the basis of marital status or sexual orientation. We call on the United Nations to promote international law and regulation on this issue to support our local efforts on this matter.

### **Exclusion of women in the public sphere**

Contrary to Israel's Prohibition of Discrimination in Products, Services and Entry to Public Places Law, the marginalization of women in the public sphere continues to exist and deteriorate. Occurrences reminiscent of racial discrimination commonly violate women's rights in Israel. For instance, the gender separation on certain public bus lines serving mostly Jewish Orthodox passengers persists, and is occasionally accompanied by verbal assaults and threats toward women who disobey that coerced social order. In 2011, the Israel Supreme Court rendered forced gender segregation on public buses illegal. As a result, signs were installed in every bus stating that harassing a person for seating preference is a criminal offense. Despite the court ruling, however, the practice of forced segregation continues.

Public ceremonies are another venue in which women are often marginalized and discriminated against. Instances include the absence of female soldiers onstage during public ceremonies, and the deliberate exclusion of female students from Ben Gurion University's holiday ceremony.

During the summer of 2014, while rocket attacks on Israeli civilian targets intensified and posed immediate danger to the civilian population, one branch of the rabbinical courts designated a separate room for women in case of an alarm. The men were led to the bomb shelter in the building, while women were instructed to gather in an unprotected room above the surface. Although immediately following public outcry regarding this event, the court corrected its actions and eliminated the separation, this instance is exemplary of the degree to which women's exclusion and segregation has infiltrated every aspect of life, including institutions run by official state authorities.

In 2013 Attorney General Yehuda Weinstein instructed the government to immediately condemn and combat the exclusion of women from the public sphere, and the Justice Ministry issued a report that called on the Religious Services Ministry to forbid gender separation at State sponsored ceremonies and public transportation. However, while laws are in place to protect women's freedom, little is being done to implement and enforce them.

We call attention to this unique issue, and recommend that the United Nations support efforts to combat regression to norms of gender segregation under the pretext of religious freedom, while continuing to respect the sensitive aspects of religious and cultural freedom protected under international human rights.

### **Sexual harassment on the Internet**

In 2013, nearly 10,000 young people in Israel were either perpetrators or victims of harassment via the Internet. This demonstrates an increase since 2012, and the number of instances has only been rising.

In an effort to combat this phenomenon, Israeli legislators have set a global legal precedent, enacting what is called the “Sex Tape Bill”, an amendment to Israel’s sexual harassment law. Passed through Knesset in January 2014, the law mandates that the distribution of sexual images without the consent of the parties involved will be considered sexual harassment and is punishable by up to 5 years in prison and up to 120,000 NIS compensation. We support and acknowledge the importance of this amendment.

However, sexual harassment on the Internet is not limited to the exposure of sexual images against the subject’s will. It also includes sexually explicit hate speech on social media sites, unwanted sexual advances, online stalking and many other forms of gender based harassment, degradation, abuse and humiliation, using technological platforms. One severe form of this violence includes people using gender based violence threats toward others over political disagreements or racist slurs. While both lawmakers and the social media sites themselves are making some efforts to combat these violations, technology is advancing more rapidly than the legislative process can progress, and not enough is being done to ensure social media is a safe space for all.

Online sexual violence is not merely an Israeli phenomenon, but being a highly technological society, as well as being entrenched with a violent discourse and atmosphere of conflict, we feel compelled to call attention to this issue, in order to encourage states and civil society in every state to cooperate on finding adequate and effective solutions. Gender based violence and personal security are of the fundamental barriers to just and equal societies. Thus, as the violence continues to find new ways to proliferate, proponents of equality must cooperate to ensure that through legislation, enforcement, education and social activism, this gender-based violence is abolished.

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